

SENATE BILL 871

L6, N1

2lr2393
CF 2lr0726

By: **Senator Washington**

Introduced and read first time: February 7, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Accessory Dwelling Unit Authorization and Promotion Act**

3 FOR the purpose of requiring, on or before a certain date, each legislative body to adopt a
4 local law authorizing the development of accessory dwelling units on land zoned for
5 single-family residential use subject to certain requirements; providing for
6 requirements for approval of a zoning use permit application, the calculation of
7 development impact fees or building excise taxes, and restrictions on the ability of a
8 utility to require a certain connection or charge a certain fee; prohibiting a restriction
9 on use in an instrument affecting the transfer or sale of real property or any other
10 interest in real property from imposing or acting to impose certain limitations on the
11 development or use of accessory dwelling units on property zoned for single-family
12 residential use; and generally relating to the development and use of accessory
13 dwelling units.

14 BY repealing and reenacting, without amendments,
15 Article – Land Use
16 Section 1–401(a) and (c), 1–402, and 10–103(a)
17 Annotated Code of Maryland
18 (2012 Volume and 2021 Supplement)

19 BY adding to
20 Article – Land Use
21 Section 1–401(b)(16); 4–501 through 4–509 to be under the new subtitle “Subtitle 5.
22 Accessory Dwelling Unit Authorization and Promotion Act”; and
23 10–103(b)(15)
24 Annotated Code of Maryland
25 (2012 Volume and 2021 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Land Use
28 Section 1–401(b)(16) through (27) and 10–103(b)(15) through (20)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Volume and 2021 Supplement)

3 BY adding to
4 Article – Real Property
5 Section 2–126
6 Annotated Code of Maryland
7 (2015 Replacement Volume and 2021 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
9 That the Laws of Maryland read as follows:

10 **Article – Land Use**

11 1–401.

12 (a) Except as provided in this section, this division does not apply to charter
13 counties.

14 (b) The following provisions of this division apply to a charter county:

15 **(16) TITLE 4, SUBTITLE 5 (ACCESSORY DWELLING UNIT**
16 **AUTHORIZATION AND PROMOTION ACT);**

17 **[(16)] (17) § 5–102(d)** (Subdivision regulations – Burial sites);

18 **[(17)] (18) § 5–104** (Major subdivision – Review);

19 **[(18)] (19) Title 7, Subtitle 1** (Development Mechanisms);

20 **[(19)] (20) Title 7, Subtitle 2** (Transfer of Development Rights);

21 **[(20)] (21) except in Montgomery County or Prince George’s County, Title**
22 **7, Subtitle 3** (Development Rights and Responsibilities Agreements);

23 **[(21)] (22) Title 7, Subtitle 4** (Inclusionary Zoning);

24 **[(22)] (23) § 8–401** (Conversion of overhead facilities);

25 **[(23)] (24) for Baltimore County only, Title 9, Subtitle 3** (Single–County
26 Provisions – Baltimore County);

27 **[(24)] (25) for Frederick County only, Title 9, Subtitle 10** (Single–County
28 Provisions – Frederick County);

1 [(25)] **(26)** for Howard County only, Title 9, Subtitle 13 (Single-County
2 Provisions – Howard County);

3 [(26)] **(27)** for Talbot County only, Title 9, Subtitle 18 (Single-County
4 Provisions – Talbot County); and

5 [(27)] **(28)** Title 11, Subtitle 2 (Civil Penalty).

6 (c) This section supersedes any inconsistent provision of Division II of this article.
7 1–402.

8 (a) In addition to the powers the county may have had under this division before
9 adopting code home rule, a code county may exercise the powers relating to land use stated
10 in Title 10 of the Local Government Article.

11 (b) A code county that chooses to exercise the powers relating to land use stated
12 in Title 10 of the Local Government Article shall be treated as a charter county for purposes
13 of § 1–401 of this subtitle.

14 **SUBTITLE 5. ACCESSORY DWELLING UNIT AUTHORIZATION AND PROMOTION ACT.**

15 **4–501.**

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (B) “ACCESSORY DWELLING UNIT” MEANS A SECONDARY DWELLING UNIT
19 ON THE SAME LOT, PARCEL, OR TRACT AS A PRIMARY DWELLING UNIT THAT IS
20 CONSTRUCTED:

21 (1) ATTACHED TO, OR THROUGH THE CONVERSION OF, A PORTION OF
22 THE PRIMARY DWELLING UNIT;

23 (2) ATTACHED TO, OR THROUGH THE FULL OR PARTIAL CONVERSION
24 OF, AN ACCESSORY STRUCTURE LOCATED ON THE SAME LOT, PARCEL, OR TRACT AS
25 THE PRIMARY DWELLING UNIT; OR

26 (3) AS A NEW BUILDING, DETACHED FROM THE PRIMARY DWELLING
27 UNIT AND ANY EXISTING ACCESSORY STRUCTURES.

28 (C) (1) “DWELLING UNIT” MEANS A SINGLE UNIT PROVIDING COMPLETE,
29 INDEPENDENT LIVING FACILITIES FOR AT LEAST ONE PERSON, INCLUDING
30 PERMANENT PROVISIONS FOR SANITATION, COOKING, EATING, SLEEPING, AND
31 OTHER ACTIVITIES ROUTINELY ASSOCIATED WITH DAILY LIFE.

1 **(2) “DWELLING UNIT” DOES NOT INCLUDE A UNIT IN A MULTIFAMILY**
2 **RESIDENTIAL BUILDING.**

3 **(D) “UTILITY” MEANS WATER OR SEWER DISPOSAL SERVICES PROVIDED BY:**

4 **(1) A PRIVATE COMPANY REGULATED UNDER DIVISION I OF THE**
5 **PUBLIC UTILITIES ARTICLE;**

6 **(2) THE WASHINGTON SUBURBAN SANITARY COMMISSION**
7 **REGULATED UNDER DIVISION II OF THE PUBLIC UTILITIES ARTICLE;**

8 **(3) A SANITARY COMMISSION REGULATED UNDER TITLE 9, SUBTITLE**
9 **6 OF THE ENVIRONMENT ARTICLE; OR**

10 **(4) A MUNICIPAL AUTHORITY REGULATED UNDER TITLE 9, SUBTITLE**
11 **7 OF THE ENVIRONMENT ARTICLE.**

12 **4-502.**

13 **THIS SUBTITLE APPLIES ONLY TO THE DEVELOPMENT OF ACCESSORY**
14 **DWELLING UNITS ON LAND ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.**

15 **4-503.**

16 **(A) IT IS THE POLICY OF THE STATE TO PROMOTE AND ENCOURAGE THE**
17 **CREATION OF ACCESSORY DWELLING UNITS ON LAND ZONED FOR SINGLE-FAMILY**
18 **RESIDENTIAL USE IN ORDER TO MEET THE HOUSING NEEDS OF THE CITIZENS OF**
19 **MARYLAND.**

20 **(B) (1) EXCEPT AS PROVIDED IN THIS SUBTITLE AND SUBJECT TO**
21 **PARAGRAPH (2) OF THIS SUBSECTION, THIS SUBTITLE DOES NOT ALTER OR**
22 **ABROGATE ANY ZONING POWER OR RELATED AUTHORITY GRANTED TO A LOCAL**
23 **JURISDICTION UNDER THIS TITLE.**

24 **(2) LOCAL JURISDICTIONS SHALL ESTABLISH POLICIES THAT**
25 **FURTHER THE INTENT OF THIS SUBTITLE.**

26 **4-504.**

27 **(A) ON OR BEFORE OCTOBER 1, 2023, EACH LEGISLATIVE BODY SHALL**
28 **ADOPT A LOCAL LAW AUTHORIZING THE DEVELOPMENT OF ACCESSORY DWELLING**

1 UNITS ON LAND ZONED FOR SINGLE-FAMILY RESIDENTIAL USE IN ACCORDANCE
2 WITH THIS SECTION.

3 (B) A LOCAL LAW ADOPTED UNDER THIS SECTION SHALL APPLY TO ALL
4 LAND IN THE LOCAL JURISDICTION ZONED FOR SINGLE-FAMILY RESIDENTIAL USE,
5 PROVIDED THAT:

6 (1) THE PARTY DEVELOPING THE ACCESSORY DWELLING UNIT OWNS
7 AND HAS THE EXCLUSIVE RIGHT TO USE THE LOT, PARCEL, OR TRACT ON WHICH THE
8 ACCESSORY DWELLING UNIT IS TO BE DEVELOPED; AND

9 (2) THE DEVELOPMENT OF NEW DWELLING UNITS ON THE LOT,
10 TRACT, OR PARCEL IS NOT OTHERWISE PROHIBITED DUE TO:

11 (I) LIMITATIONS ON AVAILABLE SAFE DRINKING WATER;

12 (II) THE EXISTENCE OF PUBLIC HEALTH RISKS DUE TO
13 LIMITATIONS ON SEWAGE DISPOSAL; OR

14 (III) RISKS ASSOCIATED WITH FIRES, FLOODS, OR LANDSLIDES.

15 (C) A LOCAL LAW ADOPTED UNDER THIS SECTION SHALL:

16 (1) REQUIRE THAT THE TOTAL SQUARE FOOTAGE OF THE ACCESSORY
17 DWELLING UNIT BE LESS THAN THE TOTAL SQUARE FOOTAGE OF THE PRIMARY
18 DWELLING UNIT;

19 (2) REQUIRE THAT THE FINAL DESIGN FOR THE ACCESSORY
20 DWELLING UNIT SATISFY ALL RELEVANT BUILDING CODE REQUIREMENTS;

21 (3) AUTHORIZE CONSTRUCTION OF AN ACCESSORY DWELLING UNIT
22 BEFORE OR DURING THE CONSTRUCTION OF THE PRIMARY DWELLING UNIT, UNLESS
23 THE CONSTRUCTION OF THE ACCESSORY DWELLING UNIT WOULD RESULT IN THE
24 NEED FOR A VARIANCE FROM THE ZONING LAW OF THE LOCAL JURISDICTION IN
25 ORDER TO CONSTRUCT THE PRIMARY DWELLING UNIT; AND

26 (4) EXCLUDE THE DEVELOPMENT OF AN ACCESSORY DWELLING UNIT
27 FROM THE CALCULATION OF DENSITY AND THE APPLICATION OF ANY MEASURES
28 LIMITING RESIDENTIAL GROWTH THAT PERTAIN TO THE LOT, PARCEL, OR TRACT
29 PROPOSED FOR THE DEVELOPMENT OF THE ACCESSORY DWELLING UNIT.

30 (D) A LOCAL LAW ADOPTED UNDER THIS SECTION MAY NOT:

1 **(1) REQUIRE, AS A CONDITION TO DEVELOPING AN ACCESSORY**
2 **DWELLING UNIT, THAT THAT THE LOT, PARCEL, OR TRACT EXCEED THE MINIMUM**
3 **SIZE REQUIRED FOR A PRIMARY DWELLING UNIT IN THE ZONE OR DISTRICT;**

4 **(2) ESTABLISH SETBACK REQUIREMENTS FROM THE SIDE AND REAR**
5 **LOT LINES FOR AN ACCESSORY DWELLING UNIT THAT IS CONVERTED FROM AN**
6 **EXISTING ACCESSORY STRUCTURE IF:**

7 **(I) THE LOCATION OF THE PROPOSED ACCESSORY DWELLING**
8 **UNIT IS IDENTICAL TO THE EXISTING ACCESSORY STRUCTURE; AND**

9 **(II) THE DIMENSIONS OF THE PROPOSED ACCESSORY**
10 **DWELLING UNIT ARE IDENTICAL TO OR SMALLER THAN THE EXISTING ACCESSORY**
11 **STRUCTURE;**

12 **(3) FOR AN ACCESSORY DWELLING UNIT OTHER THAN A UNIT THAT**
13 **MEETS THE REQUIREMENTS OF ITEM (2) OF THIS SUBSECTION, ESTABLISH SETBACK**
14 **REQUIREMENTS THAT EXCEED 4 FEET FROM THE SIDE AND REAR LOT LINES; OR**

15 **(4) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,**
16 **REQUIRE THE CREATION OF ADDITIONAL OFF-STREET PARKING AS A CONDITION TO**
17 **DEVELOPING AN ACCESSORY DWELLING UNIT.**

18 **(E) A LOCAL LAW ADOPTED UNDER THIS SECTION MAY:**

19 **(1) IMPOSE REASONABLE LIMITATIONS ON THE MAXIMUM SQUARE**
20 **FOOTAGE OF AN ACCESSORY DWELLING UNIT;**

21 **(2) REQUIRE THAT EXISTING OFF-STREET PARKING LOST TO THE**
22 **DEVELOPMENT OF AN ACCESSORY DWELLING UNIT BE REPLACED WITH AN**
23 **EQUIVALENT AMOUNT OF NEW OFF-STREET PARKING ON THE PROPERTY; AND**

24 **(3) ALLOW AN EQUIVALENT AMOUNT OF NEW ON-STREET PARKING**
25 **TO BE SUBSTITUTED FOR THE NEW OFF-STREET PARKING UNDER ITEM (2) OF THIS**
26 **SUBSECTION, IF SUFFICIENT CURB AREA EXISTS ALONG THE FRONT LINE OF THE**
27 **PROPERTY OR MAY BE CREATED BY REMOVING ACCESS TO THE OFF-STREET**
28 **PARKING LOST TO THE DEVELOPMENT OF THE ACCESSORY DWELLING UNIT.**

29 **4-505.**

30 **(A) A LOCAL JURISDICTION SHALL APPROVE OR DENY A COMPLETE**
31 **APPLICATION FOR A ZONING USE PERMIT FOR AN ACCESSORY DWELLING UNIT**

1 WITHIN 90 DAYS AFTER RECEIPT BY THE AGENCY RESPONSIBLE FOR MAKING
2 ZONING DECISIONS.

3 (B) APPROVAL OF A COMPLETE APPLICATION UNDER THIS SECTION SHALL
4 BE PERFORMED IN A MINISTERIAL MANNER.

5 (C) IF AN APPLICANT REQUESTS A DELAY IN THE REVIEW OF AN
6 APPLICATION, THE 90 DAY REVIEW PERIOD REQUIRED UNDER SUBSECTION (A) OF
7 THIS SECTION SHALL BE TOLLED FOR THE DURATION OF THE DELAY.

8 (D) THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE APPELLATE OR
9 JUDICIAL REVIEW PROCESSES FOR A ZONING USE PERMIT APPLICATION FOR AN
10 ACCESSORY DWELLING UNIT.

11 4-506.

12 (A) A LOCAL JURISDICTION MAY NOT CHARGE A DEVELOPMENT IMPACT
13 FEE OR A BUILDING EXCISE TAX ON AN ACCESSORY DWELLING UNIT WITH A TOTAL
14 SQUARE FOOTAGE LESS THAN 750 SQUARE FEET.

15 (B) A DEVELOPMENT IMPACT FEE OR A BUILDING EXCISE TAX CHARGED
16 FOR THE DEVELOPMENT OF AN ACCESSORY DWELLING UNIT THAT IS AT LEAST 750
17 SQUARE FEET SHALL BE ASSESSED PROPORTIONATELY IN RELATION TO THE
18 SQUARE FOOTAGE OF THE PRIMARY DWELLING UNIT.

19 4-507.

20 (A) (1) THIS SUBSECTION DOES NOT APPLY TO AN ACCESSORY DWELLING
21 UNIT THAT IS DEVELOPED IN CONJUNCTION WITH A NEW OR SUBSTANTIALLY
22 RENOVATED PRIMARY DWELLING UNIT.

23 (2) A UTILITY MAY NOT REQUIRE THE USE OF A SEPARATE
24 CONNECTION BETWEEN AN ACCESSORY DWELLING UNIT AND THE WATER OR SEWER
25 MAIN IF THE EXISTING CONNECTION BETWEEN THE PRIMARY DWELLING UNIT AND
26 THE WATER OR SEWER MAIN IS DETERMINED TO BE SUFFICIENT TO SUPPORT THE
27 ADDITION OF THE ACCESSORY DWELLING UNIT.

28 (B) IF AN ACCESSORY DWELLING UNIT IS INTEGRATED INTO THE EXISTING
29 CONNECTION BETWEEN THE PRIMARY DWELLING UNIT AND THE WATER OR SEWER
30 MAIN, A UTILITY MAY NOT CHARGE A CONNECTION FEE ASSOCIATED WITH THE
31 INTEGRATION OF THE ACCESSORY DWELLING UNIT.

1 **(C) A PERSON DEVELOPING AN ACCESSORY DWELLING UNIT MAY ELECT TO**
2 **USE A METER THAT IS SHARED WITH THE PRIMARY DWELLING UNIT TO TRACK THE**
3 **DELIVERY OF WATER FROM A UTILITY.**

4 **4-508.**

5 **(A) ON OR BEFORE SEPTEMBER 30, 2023, AND EACH SEPTEMBER 30**
6 **THEREAFTER, EACH LOCAL JURISDICTION SHALL REPORT THE FOLLOWING**
7 **INFORMATION TO THE DEPARTMENT OF PLANNING FOR THE PREVIOUS FISCAL**
8 **YEAR:**

9 **(1) THE NUMBER OF PRIMARY, SINGLE-FAMILY DWELLING UNITS IN**
10 **THE LOCAL JURISDICTION, WITH THE ZONING DESIGNATION FOR THE DWELLING**
11 **UNITS;**

12 **(2) A LIST OF ALL ZONING DESIGNATIONS IN THE LOCAL**
13 **JURISDICTION IN WHICH ACCESSORY DWELLING UNITS ARE PERMITTED;**

14 **(3) THE NUMBER OF ILLEGAL ACCESSORY DWELLING UNITS KNOWN**
15 **TO BE IN THE LOCAL JURISDICTION;**

16 **(4) THE NUMBER OF APPLICATIONS TO LEGALIZE AN ILLEGAL**
17 **ACCESSORY DWELLING UNIT SUBMITTED TO THE LOCAL JURISDICTION AND THE**
18 **RESULTS OF PROCESSING THE APPLICATIONS;**

19 **(5) THE NUMBER OF LEGAL ACCESSORY DWELLING UNITS IN THE**
20 **LOCAL JURISDICTION;**

21 **(6) THE NUMBER OF APPLICATIONS FOR NEW ACCESSORY DWELLING**
22 **UNITS ACCEPTED FOR PROCESSING;**

23 **(7) THE NUMBER OF ACCESSORY DWELLING UNIT APPLICATIONS**
24 **THAT WERE APPROVED AND THAT RECEIVED ALL REQUIRED PERMITS;**

25 **(8) FOR EACH ACCESSORY DWELLING UNIT APPLICATION IDENTIFIED**
26 **IN ITEM (7) OF THIS SUBSECTION, A STATEMENT ON:**

27 **(I) WHETHER THE ACCESSORY DWELLING UNIT IS:**

28 **1. ATTACHED TO OR CONVERTED FROM A PORTION OF**
29 **THE PRIMARY DWELLING UNIT;**

1 **2. ATTACHED TO OR CONVERTED FROM AN ACCESSORY**
2 **STRUCTURE LOCATED ON THE SAME LOT, PARCEL, OR TRACT AS THE PRIMARY**
3 **DWELLING UNIT; OR**

4 **3. DETACHED FROM THE PRIMARY DWELLING UNIT AND**
5 **ANY OTHER ACCESSORY STRUCTURES LOCATED ON THE LOT, PARCEL, OR TRACT;**

6 **(II) THE SIZE OF THE ACCESSORY DWELLING UNIT;**

7 **(III) THE NUMBER OF BEDROOMS IN THE ACCESSORY DWELLING**
8 **UNIT; AND**

9 **(IV) THE LEVEL OF ACCESSIBILITY OF THE ACCESSORY**
10 **DWELLING UNIT;**

11 **(9) THE NUMBER OF ACCESSORY DWELLING UNIT APPLICATIONS**
12 **THAT WERE DENIED; AND**

13 **(10) FOR EACH ACCESSORY DWELLING UNIT APPLICATION IDENTIFIED**
14 **IN ITEM (9) OF THIS SUBSECTION, THE REASON THAT THE APPLICATION WAS**
15 **DENIED.**

16 **(B) THE DEPARTMENT OF PLANNING SHALL ESTABLISH THE METHODS**
17 **USED BY THE LOCAL JURISDICTIONS TO REPORT THE INFORMATION REQUIRED**
18 **UNDER SUBSECTION (A) OF THIS SECTION.**

19 **(C) (1) ON OR BEFORE DECEMBER 31, 2023, AND EACH DECEMBER 31**
20 **THEREAFTER, THE DEPARTMENT OF PLANNING SHALL REPORT TO THE GOVERNOR**
21 **AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE**
22 **GENERAL ASSEMBLY ON THE DEVELOPMENT OF ACCESSORY DWELLING UNITS**
23 **THROUGHOUT THE STATE.**

24 **(2) THE INFORMATION IN THE REPORT SHALL BE DISAGGREGATED**
25 **BY LOCAL JURISDICTION.**

26 **(3) THE REPORT SHALL CONTAIN RECOMMENDATIONS TO FURTHER**
27 **THE GOALS OF THIS SUBTITLE.**

28 **4-509.**

29 **THIS SUBTITLE MAY BE CITED AS THE ACCESSORY DWELLING UNIT**
30 **AUTHORIZATION AND PROMOTION ACT.**

1 10–103.

2 (a) Except as provided in this section, this division does not apply to Baltimore
3 City.

4 (b) The following provisions of this division apply to Baltimore City:

5 **(15) TITLE 4, SUBTITLE 5 (ACCESSORY DWELLING UNIT**
6 **AUTHORIZATION AND PROMOTION ACT)**

7 **[(15)] (16) § 5–102(d) (Subdivision regulations – Burial sites);**

8 **[(16)] (17) Title 7, Subtitle 1 (Development Mechanisms);**

9 **[(17)] (18) Title 7, Subtitle 2 (Transfer of Development Rights);**

10 **[(18)] (19) Title 7, Subtitle 3 (Development Rights and Responsibilities**
11 **Agreements);**

12 **[(19)] (20) Title 7, Subtitle 4 (Inclusionary Zoning); and**

13 **[(20)] (21) Title 11, Subtitle 2 (Civil Penalty).**

14 **Article – Real Property**

15 **2–126.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
17 **INDICATED.**

18 **(2) “ACCESSORY DWELLING UNIT” HAS THE MEANING STATED IN §**
19 **4–501 OF THE LAND USE ARTICLE.**

20 **(3) “RESTRICTION ON USE” INCLUDES ANY COVENANT,**
21 **RESTRICTION, OR CONDITION CONTAINED IN:**

22 **(I) A DEED;**

23 **(II) A DECLARATION;**

24 **(III) A CONTRACT;**

25 **(IV) THE BYLAWS OR RULES OF A CONDOMINIUM OR**
26 **HOMEOWNERS ASSOCIATION;**

1 (V) A SECURITY INSTRUMENT; OR

2 (VI) ANY OTHER INSTRUMENT AFFECTING:

3 1. THE TRANSFER OR SALE OF REAL PROPERTY; OR

4 2. ANY OTHER INTEREST IN REAL PROPERTY.

5 (B) (1) IF A PROPERTY OWNER HAS THE EXCLUSIVE RIGHT TO USE THE
6 PROPERTY AND ABIDES BY ALL APPLICABLE LAWS AND REGULATIONS, A
7 RESTRICTION ON USE REGARDING LAND USE MAY NOT IMPOSE OR ACT TO IMPOSE
8 AN UNREASONABLE LIMITATION ON THE ABILITY OF THE PROPERTY OWNER TO:

9 (I) DEVELOP AN ACCESSORY DWELLING UNIT ON A PROPERTY
10 ZONED FOR SINGLE-FAMILY RESIDENTIAL USE; OR

11 (II) USE AN ACCESSORY DWELLING UNIT AS A RENTAL UNIT.

12 (2) FOR THE PURPOSE OF PARAGRAPH (1) OF THIS SUBSECTION, AN
13 UNREASONABLE LIMITATION INCLUDES A LIMITATION THAT:

14 (I) SIGNIFICANTLY INCREASES THE COST OF DEVELOPING AN
15 ACCESSORY DWELLING UNIT OR THE COST OF OPERATING THE ACCESSORY
16 DWELLING UNIT AS A RENTAL UNIT; OR

17 (II) PROHIBITS, EITHER EXPLICITLY OR BY EFFECT OF THE
18 RESTRICTIONS, THE DEVELOPMENT OF AN ACCESSORY DWELLING UNIT OR THE USE
19 OF AN ACCESSORY DWELLING UNIT AS A RENTAL UNIT.

20 (C) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A RESTRICTION
21 ON USE FROM INCLUDING REASONABLE DESIGN AND AESTHETIC GUIDELINES FOR
22 ACCESSORY DWELLING UNITS.

23 (D) THIS SECTION DOES NOT APPLY TO A RESTRICTION ON USE ON HISTORIC
24 PROPERTY THAT IS LISTED IN, OR DETERMINED BY THE DIRECTOR OF THE
25 MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN, THE
26 MARYLAND REGISTER OF HISTORIC PROPERTIES.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2022.