

Department of Legislative Services

Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE

Third Reader - Revised

House Bill 1167

(Montgomery County Delegation and Prince George's
County Delegation)

Environment and Transportation

Education, Energy, and the Environment

**Montgomery County - Municipal Authority to Regulate Structures - Alterations
MC/PG 116-25**

This bill modifies provisions that authorize a municipality or governed special taxing district within the portion of the Maryland-Washington Regional District in Montgomery County to impose specified additional or stricter building requirements (than State, regional, or county requirements), as described below under Current Law, on single-family residential houses, buildings, or other structures on land zoned for single-family residential use. The bill modifies the provisions so that an additional or stricter requirement (1) applies to residential buildings with four or fewer dwelling units, including single-unit houses, duplexes, triplexes, quadplexes, cottage clusters, townhouses, and similar buildings, and their accessory structures, without regard to the zoning for the land, and (2) otherwise applies without regard to housing type, subject to a provision that establishes that an additional or stricter requirement may not be more restrictive for residential buildings with two to four dwelling units than for a single-unit house but may be less restrictive.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill is not expected to directly affect local government finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law:

Additional or Stricter Requirements for Single-family Residential Houses

By local law, the legislative body of a municipality or governed special taxing district within the portion of the regional district in Montgomery County may impose an additional or stricter building requirement than is required by a State, regional, or county unit that exercises zoning or planning authority over the municipality or governed district if the authority is exercised in addition to the State, regional, or county zoning or planning authority.

An additional or stricter building requirement:

- must be imposed for (1) the protection of the public health, safety, and welfare or (2) the preservation, improvement, or protection of lands, water, and improvements in the municipality or governed district; and
- may regulate only the construction, repair, or remodeling of single-family residential houses, buildings, or other structures on land zoned for single-family residential use, relating to (1) fences, walls, hedges, and similar barriers; (2) signs; (3) residential parking; (4) residential storage; (5) the location of structures, including setback requirements; (6) the dimensions of structures, including height, bulk, massing, and design; and (7) lot coverage, including impervious surfaces.

Before a local law is adopted, a copy must be transmitted to the county council and a public hearing must be held. A local law also must provide a procedure for a waiver from the strict application of the building requirements.

“Governed special taxing district” means a special taxing district that (1) has an elected local governing body and (2) performs general municipal functions.

Maryland-Washington Regional District

Division II of the Land Use Article (within which the bill’s changes are made) establishes the Maryland-National Capital Park and Planning Commission (M-NCPPC) (made up of the Montgomery and Prince George’s County planning boards) and governs planning and zoning within the Maryland-Washington Regional District (§ [20-101](#) of the Land Use Article), which consists of (1) the entire area of Montgomery County, subject to certain limitations (relating to certain municipalities not subject to the planning and zoning authority of the county, unless by agreement, and other municipalities that have certain, limited planning and zoning authority) and (2) the entire area of Prince George’s County, except for the City of Laurel as it existed on July 1, 2013.

District Councils

The county councils of Montgomery and Prince George's counties are the district councils for that portion of the regional district located within the respective counties. The district councils have the authority to adopt and amend the zoning law and any map for the portion of the regional district within the counties.

Municipalities in the Regional District in Montgomery County

Within the portion of the regional district in Montgomery County, the zoning powers vested by Division I of the Land Use Article in a municipality or the council of a municipality are construed to be vested in the district council of the county with the exception of certain municipalities within which M-NCPPC, the county planning board, and the district council may not exercise planning or zoning power except by specified agreement and with the exception of certain, limited authority of the City of Takoma Park and the Town of Kensington.

Small Business Effect: Small businesses involved in construction, repair, or remodeling of residential buildings with two to four dwelling units within affected municipalities in the regional district in Montgomery County may be meaningfully affected by additional or stricter building requirements imposed on such construction, repair, or remodeling pursuant to the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Montgomery and Prince George's counties; Maryland-National Capital Park and Planning Commission; City of Takoma Park; Maryland Department of Planning; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2025
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