

HOUSE BILL 778

L6, C9

6lr2318

By: **Delegates Allen, Behler, and Stewart**
Introduced and read first time: February 4, 2026
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Middle Housing Options – Requirements**

3 FOR the purpose of establishing that certain local jurisdictions have an affirmative duty to
4 create opportunities for housing by evaluating the suitability of certain commercial
5 or industrial land for housing use; altering the requirements for the housing element
6 of a certain comprehensive plan; requiring local jurisdictions to establish certain
7 policies and adopt certain local laws to promote and encourage building middle
8 housing units on certain land; prohibiting local jurisdictions from imposing certain
9 unreasonable limitations affecting middle housing applications; and generally
10 relating to residential development and middle housing.

11 BY repealing and reenacting, with amendments,
12 Article – Land Use
13 Section 1–401, 1–407.1, 3–114, and 10–103
14 Annotated Code of Maryland
15 (2012 Volume and 2025 Supplement)

16 BY adding to
17 Article – Land Use
18 Section 4–601 through 4–604 to be under the new subtitle “Subtitle 6. Middle
19 Housing”
20 Annotated Code of Maryland
21 (2012 Volume and 2025 Supplement)

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

24 **Article – Land Use**

25 1–401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

4 (1) this subtitle, including Parts II and III (Charter county –
5 Comprehensive plans);

6 (2) § 1-101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,
7 and “Sensitive area”);

8 (3) § 1–201 (Visions);

9 (4) § 1–206 (Required education);

10 (5) § 1–207 (Annual report – In general);

11 (6) § 1–208 (Annual report – Measures and indicators);

12 (7) Title 1, Subtitle 3 (Consistency);

13 (8) Title 1, Subtitle 5 (Growth Tiers);

14 (9) § 4-104(c) (Limitations – Bicycle parking);

15 (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

16 (11) § 4-208 (Exceptions – Maryland Accessibility Code);

17 (12) § 4-210 (Permits and variances – Solar panels);

18 (13) § 4-211 (Change in zoning classification – Energy generating systems);

19 (14) § 4–212 (Agritourism);

20 (15) § 4–213 (Alcohol production);

21 (16) § 4–214 (Agricultural alcohol production);

22 (17) § 4-215 (Pollinator-friendly vegetation management);

23 (18) § 4-216 (Limitations – Family child care homes and large family child
24 care homes);

25 (19) Title 4, Subtitle 5 (Accessory Dwelling Units);

26 (20) TITLE 4, SUBTITLE 6 (MIDDLE HOUSING);

(21) § 5-102(d) (Subdivision regulations – Burial sites);

[(21)] (22) § 5–104 (Major subdivision – Review);

[(22)] (23) Title 7, Subtitle 1 (Development Mechanisms);

[(23)] (24) Title 7, Subtitle 2 (Transfer of Development Rights);

5 [(24)] (25) except in Montgomery County or Prince George's County, Title
6 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

[(25)] (26) Title 7, Subtitle 4 (Inclusionary Zoning);

[(26)] (27) Title 7, Subtitle 5 (Housing Expansion and Affordability);

[(27)] (28) § 8–401 (Conversion of overhead facilities);

10 **[(28)] (29)** for Baltimore County only, Title 9, Subtitle 3 (Single-County
11 Provisions – Baltimore County);

12 **[(29)] (30)** for Frederick County only, Title 9, Subtitle 10 (Single-County
13 Provisions – Frederick County);

16 **[(31)] (32)** for Talbot County only, Title 9, Subtitle 18 (Single-County
17 Provisions – Talbot County); and

[(32)] (33) Title 11, Subtitle 2 (Civil Penalty).

(c) This section supersedes any inconsistent provision of Division II of this article.

20 1-407.1.

(a) (1) In this section the following words have the meanings indicated.

22 (2) "Affirmatively further fair housing" has the meaning stated in § 2-401
23 of the Housing and Community Development Article.

(3) "Area median income" has the meaning stated in § 4-1801 of the
Housing and Community Development Article.

26 (4) "Low-income housing" means housing that is affordable for a household
27 with an aggregate annual income that is below 60% of the area median income.

(5) "Workforce housing" has the meaning stated in § 4-1801 of the Housing and Community Development Article.

5 (c) A housing element shall address the need for affordable housing within the
6 county, including:

7 (1) workforce housing; and

8 (2) low-income housing.

9 (d) (1) A county has a duty to affirmatively further fair housing through the
10 county's housing and urban development programs.

14 (3) On request of a county, the Department of Planning, in consultation
15 with the Department of Housing and Community Development, shall provide technical
16 assistance for the purpose of developing the housing element of the comprehensive plan.

(4) This subsection does not require a county to take, or prohibit a county from taking, a specific action to affirmatively further fair housing.

19 (E) (1) A COUNTY HAS AN AFFIRMATIVE DUTY TO CREATE
20 OPPORTUNITIES FOR HOUSING BY EVALUATING THE SUITABILITY OF VACANT,
21 UNUSED, OR UNDERUTILIZED COMMERCIAL OR INDUSTRIAL LAND FOR HOUSING
22 USE.

25 (I) AN ASSESSMENT OF THE SUITABILITY OF ALL VACANT,
26 UNUSED, OR UNDERUTILIZED COMMERCIAL OR INDUSTRIAL LAND FOR HOUSING
27 USE TO CREATE OPPORTUNITIES FOR MORE HOUSING IN AREAS SERVED BY
28 EXISTING PUBLIC WATER AND SEWER SYSTEMS; AND

(a) (1) In this section the following words have the meanings indicated.

(2) "Affirmatively further fair housing" has the meaning stated in § 2-401 of the Housing and Community Development Article.

(3) "Area median income" has the meaning stated in § 4-1801 of the
Housing and Community Development Article.

(4) "Low-income housing" means housing that is affordable for a household with an aggregate annual income that is below 60% of the area median income.

(5) "Workforce housing" has the meaning stated in § 4–1801 of the Housing and Community Development Article.

10 (b) A housing element may include goals, objectives, policies, plans, and
11 standards.

12 (c) A housing element shall address the need for affordable housing within the
13 local jurisdiction, including:

14 (1) workforce housing; and

15 (2) low-income housing.

16 (d) (1) Local jurisdictions have a duty to affirmatively further fair housing
17 through their housing and urban development programs.

(4) This subsection does not require a local jurisdiction to take, or prohibit a local jurisdiction from taking, a specific action to affirmatively further fair housing.

27 (E) (1) LOCAL JURISDICTIONS HAVE AN AFFIRMATIVE DUTY TO CREATE
28 OPPORTUNITIES FOR HOUSING BY EVALUATING THE SUITABILITY OF VACANT,
29 UNUSED, OR UNDERUTILIZED COMMERCIAL OR INDUSTRIAL LAND FOR HOUSING
30 USE.

SUBTITLE 6. MIDDLE HOUSING.

11 4-601.

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) "COTTAGE CLUSTER" MEANS A GROUPING, INCLUDING A COMMON
15 COURTYARD, OF AT LEAST FOUR DETACHED DWELLING UNITS PER ACRE THAT HAVE
16 A FOOTPRINT OF LESS THAN 900 SQUARE FEET.

17 (C) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE,
18 INDEPENDENT LIVING FACILITIES FOR AT LEAST ONE INDIVIDUAL THAT INCLUDES
19 PERMANENT PROVISIONS FOR SANITATION, COOKING, EATING, AND SLEEPING.

20 (D) "MIDDLE HOUSING" MEANS:

21 (1) A DUPLEX;

22 (2) A TRIPLEX;

23 (3) A QUADPLEX;

(4) A COTTAGE CLUSTER; OR

25 (5) A TOWN HOUSE.

26 (E) "TOWN HOUSE" MEANS A DWELLING UNIT THAT IS PART OF A GROUPING
27 OF AT LEAST THREE DWELLING UNITS CONSTRUCTED IN A ROW, WHERE EACH
28 DWELLING UNIT:

- (1) IS LOCATED ON AN INDIVIDUAL LOT OR PARCEL; AND
- (2) HAS AT LEAST ONE COMMON WALL WITH AN ADJACENT DWELLING

4 (F) (1) "UNREASONABLE LIMITATION" INCLUDES A LIMITATION THAT
5 PROHIBITS, EXPLICITLY OR BY EFFECT, THE DEVELOPMENT OF MIDDLE HOUSING.

8 (G) "ZONING ADMINISTRATOR" MEANS A LOCAL GOVERNMENTAL UNIT
9 THAT IS RESPONSIBLE FOR REVIEWING DEVELOPMENT PLANS AND PERMIT
10 APPLICATIONS FOR CONSISTENCY WITH LOCAL ZONING ORDINANCES.

11 4-602.

12 **THIS SUBTITLE APPLIES ONLY TO THE DEVELOPMENT OF MIDDLE HOUSING**
13 **ON LAND ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.**

14 4-603.

15 (A) IT IS THE POLICY OF THE STATE TO PROMOTE AND ENCOURAGE
16 BUILDING MIDDLE HOUSING UNITS ON LAND ZONED FOR SINGLE-FAMILY
17 RESIDENTIAL USE TO MEET THE HOUSING NEEDS OF THE STATE.

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

22 (2) LOCAL JURISDICTIONS SHALL ESTABLISH POLICIES THAT
23 FURTHER THE INTENT OF THIS SUBTITLE.

24 4-604.

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

4 (1) ANY INDIVIDUAL LOT, EXISTING BEFORE JANUARY 1, 2015, THAT:

5 (I) IS LOCATED IN A ZONING DISTRICT THAT ALLOWS
6 CONSTRUCTION OF SINGLE-FAMILY DETACHED DWELLING UNITS; AND

7 (II) IS VACANT; AND

(2) AT LEAST 25% OF THE LOTS IN ANY NEW RESIDENTIAL
SUBDIVISION WITH AT LEAST 20 LOTS FOR SINGLE-FAMILY DWELLING UNITS.

14 (II) EXEMPT MIDDLE HOUSING FROM MINIMUM LOT SIZE
15 REQUIREMENTS;

18 (IV) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, IF THE
19 ZONING ADMINISTRATOR DETERMINES THAT ADEQUATE ON-STREET PARKING
20 EXISTS FOR THE PROPOSED MIDDLE HOUSING UNITS, REQUIRE NOT MORE THAN
21 ONE OFF-STREET PARKING SPACE FOR EACH MIDDLE HOUSING UNIT;

22 (v) PROVIDE THAT A MIDDLE HOUSING ZONING OR BUILDING
23 APPLICATION IS SUBJECT TO THE SAME REVIEW AND APPROVAL PROCEDURES
24 REQUIRED FOR A COMPARABLE SINGLE-FAMILY DETACHED RESIDENTIAL USE
25 APPLICATION; AND

26 (VI) REQUIRE THAT MIDDLE HOUSING MEET PUBLIC HEALTH,
27 SAFETY, AND WELFARE STANDARDS, INCLUDING RELEVANT BUILDING CODES.

(2) A LOCAL LAW ADOPTED UNDER THIS SECTION MAY REQUIRE MIDDLE HOUSING TO MEET RELEVANT ADEQUATE PUBLIC FACILITIES REQUIREMENTS.

3 (I) HEIGHT

4 (II) SETBACKS;

5 (III) BULK;

6 (IV) PARKING;

7 (v) DIMENSIONS OR AREA; OR

8 (VI) SIMILAR REQUIREMENTS.

14 10-103.

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

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

18 (1) this title;

19 (2) § 1–101(m) (Definitions – “Priority funding area”);

20 (3) § 1–101(o) (Definitions – “Sensitive area”);

21 (4) § 1–201 (Visions);

22 (5) § 1–206 (Required education);

23 (6) § 1–207 (Annual report – In general);

24 (7) § 1–208 (Annual report – Measures and indicators);

25 (8) Title 1, Subtitle 3 (Consistency);

1 (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties –
2 Comprehensive Plans; Implementation);

3 (10) § 4-104(c) (Limitations – Bicycle parking);

4 (11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

5 (12) § 4–205 (Administrative adjustments);

6 (13) § 4-208 (Exceptions – Maryland Accessibility Code);

7 (14) § 4–210 (Permits and variances – Solar panels);

8 (15) § 4-211 (Change in zoning classification – Energy generating systems);

(16) § 4–215 (Pollinator–friendly vegetation management);

10 (17) § 4–216 (Limitations – Family child care homes and large family child
11 care homes);

12 (18) Title 4, Subtitle 5 (Accessory Dwelling Units);

13 (19) TITLE 4, SUBTITLE 6 (MIDDLE HOUSING);

14 (20) § 5-102(d) (Subdivision regulations – Burial sites);

15 [20] (21) Title 7, Subtitle 1 (Development Mechanisms)

17 [(22)] (23) Title 7, Subtitle 3 (Development Rights and Responsibilities
18 Agreements);

²⁰ [(24)] (25) Title 7, Subtitle 5 (Housing Expansion and Affordability); and

21 [25] (26) Title 11 Subtitle 2 (Civil Penalty)

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 January 1, 2027.