

# HOUSE BILL 1236

N1, L6

6lr2115

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By: **Delegates Wivell and Valentine**

Introduced and read first time: February 11, 2026

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Prohibition on Restrictions of Accessory Dwelling Units –**  
3 **Historic District Exemption**

4 FOR the purpose of exempting from a prohibition on restrictions on use for accessory  
5 dwelling units certain property located within a district designated to be of historic  
6 significance; and generally relating to restrictions on use and accessory dwelling  
7 units.

8 BY repealing and reenacting, without amendments,

9 Article – Land Use

10 Section 4–501(b) and 8–105

11 Annotated Code of Maryland

12 (2012 Volume and 2025 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Real Property

15 Section 2–126

16 Annotated Code of Maryland

17 (2023 Replacement Volume and 2025 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Land Use**

21 4–501.

22 (b) (1) “Accessory dwelling unit” means a secondary dwelling unit that is:

23 (i) on the same lot, parcel, or tract as a primary single–family  
24 detached dwelling unit; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) not greater than 75% of the size of and subordinate in use to the  
2 primary single-family detached dwelling unit.

3 (2) "Accessory dwelling unit" includes a structure that is:

4 (i) separate from the primary single-family detached dwelling unit;  
5 or

6 (ii) attached as an addition to the primary single-family detached  
7 dwelling unit.

8 8–105.

9 For the purposes of this title, each local jurisdiction may designate boundaries for  
10 sites, structures, and districts that are considered to be of historic, archaeological, or  
11 architectural significance, by following the procedures of the local jurisdiction for  
12 establishing or changing zoning districts and classifications.

### 13 Article – Real Property

14 2–126.

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

16 (2) "Accessory dwelling unit" has the meaning stated in § 4–501 of the Land  
17 Use Article.

18 (3) "Restriction on use" includes any covenant, restriction, or condition  
19 contained in:

20 (i) A deed;

21 (ii) A declaration;

22 (iii) A contract;

23 (iv) The bylaws or rules of a homeowners association;

24 (v) A security instrument; or

25 (vi) Any other instrument affecting:

26 1. The transfer or sale of real property; or

27 2. Any other interest in real property.

1 (b) (1) Except as provided in paragraph (2)(ii) of this subsection, if a property  
2 owner has the exclusive right to use the property and abides by all applicable laws and  
3 regulations, a restriction on use regarding land use may not impose or act to impose an  
4 unreasonable limitation on the ability of the property owner to develop or offer for rent an  
5 accessory dwelling unit.

6 (2) For the purpose of paragraph (1) of this subsection, an unreasonable  
7 limitation:

8 (i) Includes a limitation that prohibits, either explicitly or by effect  
9 of the restrictions, the development of an accessory dwelling unit; and

10 (ii) Does not include a limitation on the short-term rental of an  
11 accessory dwelling unit.

12 (c) This section does not apply to a restriction on use on [historic]:

13 (1) **HISTORIC** property that is listed in or determined by the Director of  
14 the Maryland Historical Trust to be eligible for inclusion in the Maryland Register of  
15 Historic Properties; **OR**

16 (2) **PROPERTY LOCATED WITHIN A DISTRICT DESIGNATED BY THE**  
17 **APPLICABLE LOCAL JURISDICTION TO BE OF HISTORIC SIGNIFICANCE IN**  
18 **ACCORDANCE WITH § 8–105 OF THE LAND USE ARTICLE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2026.