

# SENATE BILL 325

C9, L6

(6lr1437)

## ENROLLED BILL

— *Education, Energy, and the Environment/Economic Matters* —

Introduced by **Senator Augustine**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Land Use – Permitting – Development Rights**  
3 **(Maryland Housing Certainty Act)**

4 FOR the purpose of requiring the approval of a housing development project application by  
5 a local regulatory authority or the Maryland–National Capital Park and Planning  
6 Commission to be governed only by certain laws and regulations in effect at the time  
7 of submission of a ~~substantially~~ complete application; granting the proponent of an  
8 approved housing development project certain vested rights related to use and  
9 development for a certain time period; prohibiting the collection of certain  
10 development excise taxes and development impact fees before a housing development  
11 project is completed, ~~subject to a certain exception~~ *certain exceptions*; and generally  
12 relating to housing development and land use.

13 BY repealing and reenacting, with amendments,  
14 Article – Land Use

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Section 1–401 and 10–103  
2 Annotated Code of Maryland  
3 (2012 Volume and 2025 Supplement)

4 BY adding to  
5 Article – Land Use  
6 Section 12–101 through 12–301 to be under the new title “Title 12. Maryland  
7 Housing Certainty Act”  
8 Annotated Code of Maryland  
9 (2012 Volume and 2025 Supplement)

10 BY adding to  
11 Article – Local Government  
12 Section 20–128  
13 Annotated Code of Maryland  
14 (2013 Volume and 2025 Supplement)

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

17 **Article – Land Use**

18 1–401.

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

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

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

24 (2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,  
25 and “Sensitive area”);

26 (3) § 1–201 (Visions);

27 (4) § 1–206 (Required education);

28 (5) § 1–207 (Annual report – In general);

29 (6) § 1–208 (Annual report – Measures and indicators);

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

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

- 1 (9) § 4–104(c) (Limitations – Bicycle parking);
- 2 (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- 3 (11) § 4–208 (Exceptions – Maryland Accessibility Code);
- 4 (12) § 4–210 (Permits and variances – Solar panels);
- 5 (13) § 4–211 (Change in zoning classification – Energy generating systems);
- 6 (14) § 4–212 (Agritourism);
- 7 (15) § 4–213 (Alcohol production);
- 8 (16) § 4–214 (Agricultural alcohol production);
- 9 (17) § 4–215 (Pollinator–friendly vegetation management);
- 10 (18) § 4–216 (Limitations – Family child care homes and large family child  
11 care homes);
- 12 (19) Title 4, Subtitle 5 (Accessory Dwelling Units);
- 13 (20) § 5–102(d) (Subdivision regulations – Burial sites);
- 14 (21) § 5–104 (Major subdivision – Review);
- 15 (22) Title 7, Subtitle 1 (Development Mechanisms);
- 16 (23) Title 7, Subtitle 2 (Transfer of Development Rights);
- 17 (24) except in Montgomery County or Prince George’s County, Title 7,  
18 Subtitle 3 (Development Rights and Responsibilities Agreements);
- 19 (25) Title 7, Subtitle 4 (Inclusionary Zoning);
- 20 (26) Title 7, Subtitle 5 (Housing Expansion and Affordability);
- 21 (27) § 8–401 (Conversion of overhead facilities);
- 22 (28) for Baltimore County only, Title 9, Subtitle 3 (Single–County  
23 Provisions – Baltimore County);
- 24 (29) for Frederick County only, Title 9, Subtitle 10 (Single–County  
25 Provisions – Frederick County);

1 (30) for Howard County only, Title 9, Subtitle 13 (Single-County  
2 Provisions – Howard County);

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

5 (32) Title 11, Subtitle 2 (Civil Penalty); AND

6 **(33) TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).**

7 (c) This section supersedes any inconsistent provision of Division II of this article.  
8 10–103.

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

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

12 (1) this title;

13 (2) § 1–101(m) (Definitions – “Priority funding area”);

14 (3) § 1–101(o) (Definitions – “Sensitive area”);

15 (4) § 1–201 (Visions);

16 (5) § 1–206 (Required education);

17 (6) § 1–207 (Annual report – In general);

18 (7) § 1–208 (Annual report – Measures and indicators);

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

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

22 (10) § 4–104(c) (Limitations – Bicycle parking);

23 (11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

24 (12) § 4–205 (Administrative adjustments);

25 (13) § 4–208 (Exceptions – Maryland Accessibility Code);

- 1 (14) § 4–210 (Permits and variances – Solar panels);
- 2 (15) § 4–211 (Change in zoning classification – Energy generating systems);
- 3 (16) § 4–215 (Pollinator–friendly vegetation management);
- 4 (17) § 4–216 (Limitations – Family child care homes and large family child
- 5 care homes);
- 6 (18) Title 4, Subtitle 5 (Accessory Dwelling Units);
- 7 (19) § 5–102(d) (Subdivision regulations – Burial sites);
- 8 (20) Title 7, Subtitle 1 (Development Mechanisms);
- 9 (21) Title 7, Subtitle 2 (Transfer of Development Rights);
- 10 (22) Title 7, Subtitle 3 (Development Rights and Responsibilities
- 11 Agreements);
- 12 (23) Title 7, Subtitle 4 (Inclusionary Zoning);
- 13 (24) Title 7, Subtitle 5 (Housing Expansion and Affordability); [and]
- 14 (25) Title 11, Subtitle 2 (Civil Penalty); AND
- 15 (26) **TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).**

**TITLE 12. MARYLAND HOUSING CERTAINTY ACT.**

**SUBTITLE 1. GENERAL PROVISIONS.**

**12–101.**

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMISSION” MEANS THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

(C) “COMPLETE APPLICATION” MEANS A HOUSING DEVELOPMENT PROJECT APPLICATION THAT INCLUDES ALL MATERIALS AND INFORMATION REQUIRED FOR PROCESSING AND SUBSTANTIVE REVIEW AS DETERMINED BY THE COMMISSION OR THE LOCAL REGULATORY AUTHORITY, BUT MAY CONTAIN

1 NONSUBSTANTIVE ERRORS, OMISSIONS, OR SIMILAR INCONSEQUENTIAL  
2 DEFICIENCIES.

3 **(D)** “HOUSING CONSTRUCTION PERMIT” MEANS A BUILDING PERMIT  
4 REQUIRED BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION TO  
5 COMMENCE OR CONTINUE THE CONSTRUCTION, SUBSTANTIAL RENOVATION, OR  
6 IMPROVEMENT OF RESIDENTIAL REAL ESTATE.

7 ~~(D)~~ **(E)** “HOUSING DEVELOPMENT PROJECT” MEANS THE NEW  
8 CONSTRUCTION OR SUBSTANTIAL RENOVATION OF A RESIDENTIAL REAL ESTATE  
9 PROJECT.

10 ~~(E)~~ **(F)** “HOUSING DEVELOPMENT PROJECT APPLICATION” MEANS AN  
11 APPLICATION FOR A BUILDING PERMIT, CERTIFICATION, AUTHORIZATION, SITE  
12 PLAN APPROVAL, SUBDIVISION APPROVAL, CONCEPTUAL PLAN, OR ANY OTHER  
13 DETERMINATION BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION  
14 RELATING TO A HOUSING DEVELOPMENT PROJECT THAT HAS BEEN SUBMITTED TO  
15 A LOCAL REGULATORY AUTHORITY OR THE COMMISSION IN COMPLIANCE WITH  
16 APPLICABLE REQUIREMENTS.

17 ~~(F)~~ **(G)** “LOCAL REGULATORY AUTHORITY” MEANS:

18 **(1)** THE GOVERNING BODY OF A LOCAL JURISDICTION; OR

19 **(2)** A DEPARTMENT, BOARD, COMMISSION, OR OTHER ENTITY OF A  
20 LOCAL JURISDICTION RESPONSIBLE FOR PROCESSING OR APPROVING AN  
21 APPLICATION FOR A HOUSING CONSTRUCTION PERMIT.

22 **(H)** “PHASE” MEANS A DISCRETE, PLANNED PORTION OF A LARGER  
23 HOUSING DEVELOPMENT PROJECT THAT:

24 **(1)** IS CONSTRUCTED INDEPENDENTLY OF AND SEQUENTIALLY WITH  
25 OTHER PORTIONS OF THE PROJECT;

26 **(2)** INCLUDES 25 OR MORE HOUSING UNITS; AND

27 **(3)** INCLUDES ANY IMPROVEMENTS NECESSARY TO FUNCTION  
28 INDEPENDENTLY FROM THE OTHER PORTIONS OF THE PROJECT.

29 ~~(G)~~ **(I)** “PHASED DEVELOPMENT PLAN” MEANS A SUBDIVISION OR SITE  
30 PLAN IN WHICH THE APPLICANT PROPOSES TO DEVELOP A PROPERTY IN 2 OR MORE  
31 INDIVIDUAL PHASES OVER A PERIOD OF TIME.

1           ~~(H) "SUBSTANTIALLY COMPLETE APPLICATION" MEANS A HOUSING~~  
2 ~~DEVELOPMENT PROJECT APPLICATION THAT SATISFIES A SUBSTANTIAL MAJORITY~~  
3 ~~OF THE APPLICATION REQUIREMENTS, BUT MAY CONTAIN NONSUBSTANTIVE~~  
4 ~~ERRORS, OMISSIONS, OR SIMILAR INCONSEQUENTIAL DEFICIENCIES.~~

5                           **SUBTITLE 2. LOCAL REGULATORY PROCEDURES.**

6   **12-201.**

7           (A) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE  
8 APPROVAL, CONDITIONAL APPROVAL, OR DENIAL OF A HOUSING DEVELOPMENT  
9 PROJECT APPLICATION BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION  
10 SHALL BE GOVERNED ONLY BY THE DULY ADOPTED LAWS AND REGULATIONS IN  
11 EFFECT AT THE TIME OF SUBMISSION OF A ~~SUBSTANTIALLY~~ COMPLETE  
12 APPLICATION.

13           (2) (I) WITHIN ~~15~~ 30 DAYS AFTER RECEIPT OF A HOUSING  
14 DEVELOPMENT PROJECT APPLICATION, A LOCAL REGULATORY AUTHORITY OR THE  
15 COMMISSION SHALL MAKE A DETERMINATION AS TO WHETHER THE APPLICATION IS  
16 A ~~SUBSTANTIALLY~~ COMPLETE APPLICATION.

17                           (II) AFTER MAKING A DETERMINATION UNDER THIS  
18 PARAGRAPH, THE LOCAL REGULATORY AUTHORITY OR THE COMMISSION SHALL:

19                                   1. PROMPTLY NOTIFY THE APPLICANT OF THE  
20 DETERMINATION AND THE DATE OF THE DETERMINATION; AND

21                                   2. IF THE LOCAL REGULATORY AUTHORITY OR THE  
22 COMMISSION HAS DETERMINED THAT THE APPLICATION IS NOT A ~~SUBSTANTIALLY~~  
23 COMPLETE APPLICATION, PROVIDE THE APPLICANT WITH A LIST OF DEFICIENCIES  
24 AND A REASONABLE TIME FRAME FOR CURING THE DEFICIENCIES.

25           (3) IF A LOCAL REGULATORY AUTHORITY OR THE COMMISSION FAILS  
26 TO NOTIFY AN APPLICANT OF ITS DETERMINATION REGARDING THE COMPLETENESS  
27 OF A HOUSING DEVELOPMENT APPLICATION WITHIN ~~20~~ 35 DAYS AFTER RECEIPT OF  
28 THE APPLICATION, THE APPLICATION IS DEEMED TO BE A ~~SUBSTANTIALLY~~  
29 COMPLETE APPLICATION FOR PURPOSES OF THIS SECTION.

30           (4) (I) WHEN A LOCAL REGULATORY AUTHORITY OR THE  
31 COMMISSION ~~PROVIDES FOR THE APPROVAL OF A HOUSING DEVELOPMENT~~  
32 ~~PROJECT IN MULTIPLE STAGES~~ REQUIRES APPROVAL OF MULTIPLE HOUSING  
33 DEVELOPMENT PROJECT APPLICATIONS FOR THE COMPLETION OF A HOUSING  
34 DEVELOPMENT PROJECT, THE DATE OF A ~~COMPLETE OR SUBSTANTIALLY~~

1 COMPLETE APPLICATION SUBMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION  
 2 SHALL BE THE DATE OF THE FIRST ~~COMPLETE OR SUBSTANTIALLY~~ COMPLETE  
 3 APPLICATION SUBMISSION FOR ANY PROCESS THAT MAY CULMINATE IN THE ~~FINAL~~  
 4 ~~APPROVAL OF THE APPLICATION~~ COMPLETION OF A HOUSING DEVELOPMENT  
 5 PROJECT.

6 (II) A ZONING TEXT AMENDMENT, APPLICATION FOR  
 7 REZONING, OR OTHER LOCAL EQUIVALENT MAY NOT BE CONSIDERED AS A PROCESS  
 8 THAT MAY CULMINATE IN THE ~~FINAL APPROVAL OF AN APPLICATION UNDER THIS~~  
 9 ~~PARAGRAPH~~ COMPLETION OF A HOUSING DEVELOPMENT PROJECT.

10 (B) AFTER A HOUSING DEVELOPMENT PROJECT HAS RECEIVED ALL  
 11 REQUIRED APPROVALS, THE PROPONENT OF THE PROJECT SHALL HAVE A VESTED  
 12 RIGHT TO THAT AUTHORIZED USE AND DEVELOPMENT FOR THE LONGER OF:

13 (1) 5 YEARS; OR

14 (2) A PERIOD DETERMINED BY THE LOCAL REGULATORY AUTHORITY  
 15 OR THE COMMISSION.

16 (C) FOR PURPOSES OF THIS SECTION, EACH ~~DISCRETE~~ PHASE OF A  
 17 HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASED DEVELOPMENT PLAN  
 18 SHALL BE CONSIDERED A DISCRETE HOUSING DEVELOPMENT PROJECT.

19 (D) THIS SECTION MAY NOT BE CONSTRUED TO:

20 (1) SUBJECT TO THE VESTING PERIOD IN SUBSECTION (B) OF THIS  
 21 SECTION, PREVENT THE EXPIRATION OF AN APPROVAL OF A HOUSING  
 22 DEVELOPMENT PROJECT APPLICATION IN ACCORDANCE WITH THE LAWS OR  
 23 REGULATIONS GOVERNING A LOCAL REGULATORY AUTHORITY OR THE  
 24 COMMISSION; OR

25 (2) LIMIT THE ABILITY OF A LOCAL REGULATORY AUTHORITY OR THE  
 26 COMMISSION TO:

27 (I) REQUIRE APPROVALS OR PERMITS FOR EACH PHASE OF A  
 28 HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASED DEVELOPMENT PLAN IN  
 29 ACCORDANCE WITH THE LAWS AND REGULATIONS IN EFFECT AT THE TIME OF  
 30 SUBMISSION OF A ~~SUBSTANTIALLY~~ COMPLETE APPLICATION FOR EACH RESPECTIVE  
 31 PHASE;

32 (II) ENFORCE HEALTH AND SAFETY LAWS OR REGULATIONS  
 33 THAT ARE NECESSARY TO ADDRESS IMMEDIATE THREATS TO PUBLIC SAFETY;

1 (III) EXECUTE A DEVELOPMENT RIGHTS AND RESPONSIBILITIES  
2 AGREEMENT UNDER TITLE 7, SUBTITLE 3 OF THIS ARTICLE; OR

3 (IV) APPROVE A ZONING TEXT AMENDMENT, APPLICATION FOR  
4 REZONING, OR OTHER LOCAL EQUIVALENT TO INCREASE THE DENSITY OF A  
5 HOUSING DEVELOPMENT PROJECT BEYOND THE MAXIMUM ALLOWABLE AMOUNT AT  
6 THE TIME OF ~~COMPLETE OR SUBSTANTIALLY~~ COMPLETE APPLICATION SUBMISSION  
7 UNDER SUBSECTION (A) OF THIS SECTION.

8 (E) THE REQUIREMENTS OF THIS SECTION APPLY TO A LOCAL REGULATORY  
9 AUTHORITY AND THE COMMISSION ONLY TO THE EXTENT THAT THE REQUIREMENTS  
10 DO NOT CONFLICT WITH OTHER STATE OR FEDERAL LAWS OR REGULATIONS.

11 SUBTITLE 3. SHORT TITLE.

12 12-301.

13 THIS TITLE MAY BE CITED AS THE MARYLAND HOUSING CERTAINTY ACT.

14 Article – Local Government

15 20-128.

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

18 (2) “DEVELOPMENT EXCISE TAX” MEANS AN EXCISE TAX IMPOSED BY  
19 A COUNTY OR MUNICIPALITY ON THE CONSTRUCTION OR IMPROVEMENT OF A  
20 BUILDING.

21 (3) “DEVELOPMENT IMPACT FEE” MEANS A FEE IMPOSED BY A  
22 COUNTY OR MUNICIPALITY FOR THE PURPOSE OF FINANCING ANY OF THE CAPITAL  
23 COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND  
24 FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.

25 (4) “RESIDENTIAL REAL ESTATE PROJECT” INCLUDES A MIXED-USE  
26 DEVELOPMENT THAT INCLUDES RESIDENTIAL UNITS.

27 (B) THIS SECTION APPLIES ONLY TO:

28 (1) A COUNTY THAT:

1 (I) IS A CHARTER COUNTY THAT IMPOSES, BY LAW,  
2 DEVELOPMENT IMPACT FEES, ~~SURCHARGES~~, SURCHARGES, OR DEVELOPMENT  
3 EXCISE TAXES;

4 (II) IS A CODE COUNTY WITH PUBLIC LOCAL LAWS THAT  
5 REQUIRE THE PAYMENT OF DEVELOPMENT IMPACT FEES, ~~SURCHARGES~~,  
6 SURCHARGES, OR DEVELOPMENT EXCISE TAXES; OR

7 (III) IS A COMMISSION COUNTY THAT:

8 1. HAS BEEN AUTHORIZED TO ENACT DEVELOPMENT  
9 IMPACT FEES, ~~SURCHARGES~~, SURCHARGES, OR DEVELOPMENT EXCISE TAXES; AND

10 2. HAS ENACTED, BY LOCAL LAW, DEVELOPMENT  
11 IMPACT FEES, ~~SURCHARGES~~, SURCHARGES, OR DEVELOPMENT EXCISE TAXES; AND

12 (2) A MUNICIPALITY THAT IMPOSES, BY LOCAL LAW, DEVELOPMENT  
13 IMPACT FEES, ~~SURCHARGES~~, SURCHARGES, OR DEVELOPMENT EXCISE TAXES.

14 (C) (1) ~~ANY EXCEPT AS PROVIDED IN PARAGRAPH~~ PARAGRAPHS (2) AND  
15 (3) OF THIS SUBSECTION, ANY DEVELOPMENT EXCISE TAX OR DEVELOPMENT  
16 IMPACT FEE IMPOSED ON A RESIDENTIAL REAL ESTATE PROJECT UNDER THE  
17 AUTHORITY GRANTED IN THIS ARTICLE MAY NOT BE COLLECTED UNTIL AFTER:

18 ~~(1)~~ (I) CONSTRUCTION OF THE RESIDENTIAL REAL ESTATE  
19 PROJECT IS COMPLETE; AND

20 ~~(2)~~ (II) ALL REQUIREMENTS FOR A CERTIFICATE OF OCCUPANCY,  
21 OCCUPANCY PERMIT, OR OTHER LOCAL EQUIVALENT FOR THE RESIDENTIAL REAL  
22 ESTATE PROJECT HAVE BEEN MET.

23 (2) A DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE  
24 IMPOSED ON A RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY  
25 GRANTED IN THIS ARTICLE MAY BE COLLECTED AS A PRECONDITION TO  
26 CONDUCTING A FINAL INSPECTION, BUT NOT MORE THAN 30 DAYS BEFORE THE  
27 DATE OF THE INSPECTION.

28 (3) THIS SUBSECTION DOES NOT APPLY TO THE COLLECTION OF A  
29 DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE THAT WAS IMPOSED ON A  
30 RESIDENTIAL REAL ESTATE PROJECT TO FINANCE A COUNTY DEBT THAT WAS  
31 INCURRED ON OR BEFORE JANUARY 1, 2026.

1           (D) NOTWITHSTANDING ANY OTHER LAW, A COUNTY OR MUNICIPALITY  
2 THAT IMPOSES A DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE ON A  
3 RESIDENTIAL REAL ESTATE PROJECT ~~UNDER THE AUTHORITY GRANTED IN THIS~~  
4 ~~ARTICLE~~ MAY DENY, WITHHOLD, OR REVOKE A CERTIFICATE OF OCCUPANCY,  
5 OCCUPANCY PERMIT, OR OTHER LOCAL EQUIVALENT IF THE DEVELOPMENT EXCISE  
6 TAX OR DEVELOPMENT IMPACT FEE IS NOT PAID WITHIN A REASONABLE TIME  
7 PERIOD SET BY THE COUNTY OR MUNICIPALITY.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.