

SENATE BILL 325

C9, L6

6lr1437

CF 6lr1544

By: Senator Augustine

Introduced and read first time: January 22, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

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; and generally relating to housing development and land use.

12 BY repealing and reenacting, with amendments,
13 Article – Land Use
14 Section 1–401 and 10–103
15 Annotated Code of Maryland
16 (2012 Volume and 2025 Supplement)

17 BY adding to
18 Article – Land Use
19 Section 12–101 through 12–301 to be under the new title “Title 12. Maryland
20 Housing Certainty Act”
21 Annotated Code of Maryland
22 (2012 Volume and 2025 Supplement)

23 BY adding to
24 Article – Local Government
25 Section 20–128
26 Annotated Code of Maryland
27 (2013 Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Land Use**

4 1–401.

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

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

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

10 (2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,
11 and “Sensitive area”);

12 (3) § 1–201 (Visions);

13 (4) § 1–206 (Required education);

14 (5) § 1–207 (Annual report – In general);

15 (6) § 1–208 (Annual report – Measures and indicators);

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

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

18 (9) § 4–104(c) (Limitations – Bicycle parking);

19 (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

20 (11) § 4–208 (Exceptions – Maryland Accessibility Code);

21 (12) § 4–210 (Permits and variances – Solar panels);

22 (13) § 4–211 (Change in zoning classification – Energy generating systems);

23 (14) § 4–212 (Agritourism);

24 (15) § 4–213 (Alcohol production);

25 (16) § 4–214 (Agricultural alcohol production);

26 (17) § 4–215 (Pollinator–friendly vegetation management);

1 (18) § 4-216 (Limitations – Family child care homes and large family child
2 care homes);

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

4 (20) § 5-102(d) (Subdivision regulations – Burial sites);

5 (21) § 5–104 (Major subdivision – Review);

6 (22) Title 7, Subtitle 1 (Development Mechanisms);

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

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

10 (25) Title 7, Subtitle 4 (Inclusionary Zoning);

11 (26) Title 7, Subtitle 5 (Housing Expansion and Affordability);

12 (27) § 8-401 (Conversion of overhead facilities);

13 (28) for Baltimore County only, Title 9, Subtitle 3 (Single-County
14 Provisions – Baltimore County);

15 (29) for Frederick County only, Title 9, Subtitle 10 (Single-County
16 Provisions – Frederick County);

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

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

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

22 (33) TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).

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

24 10-103.

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

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

- 1 (1) this title;
- 2 (2) § 1–101(m) (Definitions – “Priority funding area”);
- 3 (3) § 1–101(o) (Definitions – “Sensitive area”);
- 4 (4) § 1–201 (Visions);
- 5 (5) § 1–206 (Required education);
- 6 (6) § 1–207 (Annual report – In general);
- 7 (7) § 1–208 (Annual report – Measures and indicators);
- 8 (8) Title 1, Subtitle 3 (Consistency);
- 9 (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties –
- 10 Comprehensive Plans; Implementation);
- 11 (10) § 4–104(c) (Limitations – Bicycle parking);
- 12 (11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- 13 (12) § 4–205 (Administrative adjustments);
- 14 (13) § 4–208 (Exceptions – Maryland Accessibility Code);
- 15 (14) § 4–210 (Permits and variances – Solar panels);
- 16 (15) § 4–211 (Change in zoning classification – Energy generating systems);
- 17 (16) § 4–215 (Pollinator–friendly vegetation management);
- 18 (17) § 4–216 (Limitations – Family child care homes and large family child
- 19 care homes);
- 20 (18) Title 4, Subtitle 5 (Accessory Dwelling Units);
- 21 (19) § 5–102(d) (Subdivision regulations – Burial sites);
- 22 (20) Title 7, Subtitle 1 (Development Mechanisms);
- 23 (21) Title 7, Subtitle 2 (Transfer of Development Rights);
- 24 (22) Title 7, Subtitle 3 (Development Rights and Responsibilities
- 25 Agreements);

- (23) Title 7, Subtitle 4 (Inclusionary Zoning);
- (24) Title 7, Subtitle 5 (Housing Expansion and Affordability); [and]
- (25) Title 11, Subtitle 2 (Civil Penalty); AND
- (26) TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).**

TITLE 12. MARYLAND HOUSING CERTAINTY ACT.

SUBTITLE 1. GENERAL PROVISIONS.

7 12-101.

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

10 (B) "COMMISSION" MEANS THE MARYLAND-NATIONAL CAPITAL PARK AND
11 PLANNING COMMISSION.

12 (C) "HOUSING CONSTRUCTION PERMIT" MEANS A BUILDING PERMIT
13 REQUIRED BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION TO
14 COMMENCE OR CONTINUE THE CONSTRUCTION, SUBSTANTIAL RENOVATION, OR
15 IMPROVEMENT OF RESIDENTIAL REAL ESTATE.

16 (D) "HOUSING DEVELOPMENT PROJECT" MEANS THE NEW CONSTRUCTION
17 OR SUBSTANTIAL RENOVATION OF A RESIDENTIAL REAL ESTATE PROJECT.

18 (E) "HOUSING DEVELOPMENT PROJECT APPLICATION" MEANS AN
19 APPLICATION FOR A BUILDING PERMIT, CERTIFICATION, AUTHORIZATION, SITE
20 PLAN APPROVAL, SUBDIVISION APPROVAL, CONCEPTUAL PLAN, OR ANY OTHER
21 DETERMINATION BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION
22 RELATING TO A HOUSING DEVELOPMENT PROJECT THAT HAS BEEN SUBMITTED TO
23 A LOCAL REGULATORY AUTHORITY OR THE COMMISSION IN COMPLIANCE WITH
24 APPLICABLE REQUIREMENTS.

25 (F) "LOCAL REGULATORY AUTHORITY" MEANS:

(1) THE GOVERNING BODY OF A LOCAL JURISDICTION: OR

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

SUBTITLE 2. LOCAL REGULATORY PROCEDURES.

9 12-201.

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

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

8 (II) A ZONING TEXT AMENDMENT, APPLICATION FOR
9 REZONING, OR OTHER LOCAL EQUIVALENT MAY NOT BE CONSIDERED AS A PROCESS
10 THAT MAY CULMINATE IN THE FINAL APPROVAL OF AN APPLICATION UNDER THIS
11 PARAGRAPH.

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

15 (1) 5 YEARS; OR

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

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

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

22 (1) PREVENT THE EXPIRATION OF AN APPROVAL OF A HOUSING
23 DEVELOPMENT PROJECT APPLICATION IN ACCORDANCE WITH THE LAWS OR
24 REGULATIONS GOVERNING A LOCAL REGULATORY AUTHORITY OR THE
25 COMMISSION; OR

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

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

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

SUBTITLE 3. SHORT TITLE.

14 12-301.

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

Article – Local Government

17 20-128.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

29 (B) THIS SECTION APPLIES ONLY TO:

1 **(1) A COUNTY THAT:**2 **(I) IS A CHARTER COUNTY THAT IMPOSES, BY LAW,**
3 **DEVELOPMENT IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES;**4 **(II) IS A CODE COUNTY WITH PUBLIC LOCAL LAWS THAT**
5 **REQUIRE THE PAYMENT OF DEVELOPMENT IMPACT FEES, SURCHARGES, OR**
6 **DEVELOPMENT EXCISE TAXES; OR**7 **(III) IS A COMMISSION COUNTY THAT:**8 **1. HAS BEEN AUTHORIZED TO ENACT DEVELOPMENT**
9 **IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES; AND**10 **2. HAS ENACTED, BY LOCAL LAW, DEVELOPMENT**
11 **IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES; AND**12 **(2) A MUNICIPALITY THAT IMPOSES, BY LOCAL LAW, DEVELOPMENT**
13 **IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES.**14 **(C) ANY DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE**
15 **IMPOSED ON A RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY**
16 **GRANTED IN THIS ARTICLE MAY NOT BE COLLECTED UNTIL AFTER:**17 **(1) CONSTRUCTION OF THE RESIDENTIAL REAL ESTATE PROJECT IS**
18 **COMPLETE; AND**19 **(2) ALL REQUIREMENTS FOR A CERTIFICATE OF OCCUPANCY,**
20 **OCCUPANCY PERMIT, OR OTHER LOCAL EQUIVALENT FOR THE RESIDENTIAL REAL**
21 **ESTATE PROJECT HAVE BEEN MET.**22 **(D) NOTWITHSTANDING ANY OTHER LAW, A COUNTY OR MUNICIPALITY**
23 **THAT IMPOSES A DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE ON A**
24 **RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY GRANTED IN THIS**
25 **ARTICLE MAY DENY, WITHHOLD, OR REVOKE A CERTIFICATE OF OCCUPANCY,**
26 **OCCUPANCY PERMIT, OR OTHER LOCAL EQUIVALENT IF THE DEVELOPMENT EXCISE**
27 **TAX OR DEVELOPMENT IMPACT FEE IS NOT PAID WITHIN A REASONABLE TIME**
28 **PERIOD SET BY THE COUNTY OR MUNICIPALITY.**29 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
30 **October 1, 2026.**