

SENATE BILL 325

C9, L6

6lr1437
CF HB 548

By: **Senator Augustine**

Introduced and read first time: January 22, 2026

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2026

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; and generally relating to housing
12 development and land use.

13 BY repealing and reenacting, with amendments,
14 Article – Land Use
15 Section 1–401 and 10–103
16 Annotated Code of Maryland
17 (2012 Volume and 2025 Supplement)

18 BY adding to
19 Article – Land Use
20 Section 12–101 through 12–301 to be under the new title “Title 12. Maryland
21 Housing Certainty Act”
22 Annotated Code of Maryland
23 (2012 Volume and 2025 Supplement)

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.



1 BY adding to
2 Article – Local Government
3 Section 20–128
4 Annotated Code of Maryland
5 (2013 Volume and 2025 Supplement)

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

8 **Article – Land Use**

9 1–401.

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

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

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

15 (2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,
16 and “Sensitive area”);

17 (3) § 1–201 (Visions);

18 (4) § 1–206 (Required education);

19 (5) § 1–207 (Annual report – In general);

20 (6) § 1–208 (Annual report – Measures and indicators);

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

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

23 (9) § 4–104(c) (Limitations – Bicycle parking);

24 (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

25 (11) § 4–208 (Exceptions – Maryland Accessibility Code);

26 (12) § 4–210 (Permits and variances – Solar panels);

27 (13) § 4–211 (Change in zoning classification – Energy generating systems);

- 1 (14) § 4–212 (Agritourism);
- 2 (15) § 4–213 (Alcohol production);
- 3 (16) § 4–214 (Agricultural alcohol production);
- 4 (17) § 4–215 (Pollinator–friendly vegetation management);
- 5 (18) § 4–216 (Limitations – Family child care homes and large family child
6 care homes);
- 7 (19) Title 4, Subtitle 5 (Accessory Dwelling Units);
- 8 (20) § 5–102(d) (Subdivision regulations – Burial sites);
- 9 (21) § 5–104 (Major subdivision – Review);
- 10 (22) Title 7, Subtitle 1 (Development Mechanisms);
- 11 (23) Title 7, Subtitle 2 (Transfer of Development Rights);
- 12 (24) except in Montgomery County or Prince George’s County, Title 7,
13 Subtitle 3 (Development Rights and Responsibilities Agreements);
- 14 (25) Title 7, Subtitle 4 (Inclusionary Zoning);
- 15 (26) Title 7, Subtitle 5 (Housing Expansion and Affordability);
- 16 (27) § 8–401 (Conversion of overhead facilities);
- 17 (28) for Baltimore County only, Title 9, Subtitle 3 (Single–County
18 Provisions – Baltimore County);
- 19 (29) for Frederick County only, Title 9, Subtitle 10 (Single–County
20 Provisions – Frederick County);
- 21 (30) for Howard County only, Title 9, Subtitle 13 (Single–County
22 Provisions – Howard County);
- 23 (31) for Talbot County only, Title 9, Subtitle 18 (Single–County
24 Provisions – Talbot County); [and]
- 25 (32) Title 11, Subtitle 2 (Civil Penalty); **AND**
- 26 **(33) TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).**
- 27 (c) This section supersedes any inconsistent provision of Division II of this article.

1 10–103.

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

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

5 (1) this title;

6 (2) § 1–101(m) (Definitions – “Priority funding area”);

7 (3) § 1–101(o) (Definitions – “Sensitive area”);

8 (4) § 1–201 (Visions);

9 (5) § 1–206 (Required education);

10 (6) § 1–207 (Annual report – In general);

11 (7) § 1–208 (Annual report – Measures and indicators);

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

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

15 (10) § 4–104(c) (Limitations – Bicycle parking);

16 (11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

17 (12) § 4–205 (Administrative adjustments);

18 (13) § 4–208 (Exceptions – Maryland Accessibility Code);

19 (14) § 4–210 (Permits and variances – Solar panels);

20 (15) § 4–211 (Change in zoning classification – Energy generating systems);

21 (16) § 4–215 (Pollinator–friendly vegetation management);

22 (17) § 4–216 (Limitations – Family child care homes and large family child
23 care homes);

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

25 (19) § 5–102(d) (Subdivision regulations – Burial sites);

- 1 (20) Title 7, Subtitle 1 (Development Mechanisms);
- 2 (21) Title 7, Subtitle 2 (Transfer of Development Rights);
- 3 (22) Title 7, Subtitle 3 (Development Rights and Responsibilities
4 Agreements);
- 5 (23) Title 7, Subtitle 4 (Inclusionary Zoning);
- 6 (24) Title 7, Subtitle 5 (Housing Expansion and Affordability); [and]
- 7 (25) Title 11, Subtitle 2 (Civil Penalty); AND
- 8 **(26) TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).**

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

10 **SUBTITLE 1. GENERAL PROVISIONS.**

11 **12-101.**

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

14 (B) “COMMISSION” MEANS THE MARYLAND-NATIONAL CAPITAL PARK AND
15 PLANNING COMMISSION.

16 (C) “COMPLETE APPLICATION” MEANS A HOUSING DEVELOPMENT
17 PROJECT APPLICATION THAT INCLUDES ALL MATERIALS AND INFORMATION
18 REQUIRED FOR PROCESSING AND SUBSTANTIVE REVIEW AS DETERMINED BY THE
19 COMMISSION OR THE LOCAL REGULATORY AUTHORITY, BUT MAY CONTAIN
20 NONSUBSTANTIVE ERRORS, OMISSIONS, OR SIMILAR INCONSEQUENTIAL
21 DEFICIENCIES.

22 (D) “HOUSING CONSTRUCTION PERMIT” MEANS A BUILDING PERMIT
23 REQUIRED BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION TO
24 COMMENCE OR CONTINUE THE CONSTRUCTION, SUBSTANTIAL RENOVATION, OR
25 IMPROVEMENT OF RESIDENTIAL REAL ESTATE.

26 ~~(D)~~ (E) “HOUSING DEVELOPMENT PROJECT” MEANS THE NEW
27 CONSTRUCTION OR SUBSTANTIAL RENOVATION OF A RESIDENTIAL REAL ESTATE
28 PROJECT.

1 EFFECT AT THE TIME OF SUBMISSION OF A ~~SUBSTANTIALLY~~ COMPLETE
2 APPLICATION.

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

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

9 1. PROMPTLY NOTIFY THE APPLICANT OF THE
10 DETERMINATION AND THE DATE OF THE DETERMINATION; AND

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

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

20 (4) (I) WHEN A LOCAL REGULATORY AUTHORITY OR THE
21 COMMISSION ~~PROVIDES FOR THE APPROVAL OF A HOUSING DEVELOPMENT~~
22 ~~PROJECT IN MULTIPLE STAGES~~ REQUIRES APPROVAL OF MULTIPLE HOUSING
23 DEVELOPMENT PROJECT APPLICATIONS FOR THE COMPLETION OF A HOUSING
24 DEVELOPMENT PROJECT, THE DATE OF A ~~COMPLETE OR SUBSTANTIALLY~~
25 COMPLETE APPLICATION SUBMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION
26 SHALL BE THE DATE OF THE FIRST ~~COMPLETE OR SUBSTANTIALLY~~ COMPLETE
27 APPLICATION SUBMISSION FOR ANY PROCESS THAT MAY CULMINATE IN THE ~~FINAL~~
28 ~~APPROVAL OF THE APPLICATION~~ COMPLETION OF A HOUSING DEVELOPMENT
29 PROJECT.

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

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

4 **(1) 5 YEARS; OR**

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

7 **(C) FOR PURPOSES OF THIS SECTION, EACH ~~DISCRETE~~ PHASE OF A**
8 **HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASED DEVELOPMENT PLAN**
9 **SHALL BE CONSIDERED A DISCRETE HOUSING DEVELOPMENT PROJECT.**

10 **(D) THIS SECTION MAY NOT BE CONSTRUED TO:**

11 **(1) PREVENT THE EXPIRATION OF AN APPROVAL OF A HOUSING**
12 **DEVELOPMENT PROJECT APPLICATION IN ACCORDANCE WITH THE LAWS OR**
13 **REGULATIONS GOVERNING A LOCAL REGULATORY AUTHORITY OR THE**
14 **COMMISSION; OR**

15 **(2) LIMIT THE ABILITY OF A LOCAL REGULATORY AUTHORITY OR THE**
16 **COMMISSION TO:**

17 **(I) REQUIRE APPROVALS OR PERMITS FOR EACH PHASE OF A**
18 **HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASED DEVELOPMENT PLAN IN**
19 **ACCORDANCE WITH THE LAWS AND REGULATIONS IN EFFECT AT THE TIME OF**
20 **SUBMISSION OF A ~~SUBSTANTIALLY~~ COMPLETE APPLICATION FOR EACH RESPECTIVE**
21 **PHASE;**

22 **(II) ENFORCE HEALTH AND SAFETY LAWS OR REGULATIONS**
23 **THAT ARE NECESSARY TO ADDRESS IMMEDIATE THREATS TO PUBLIC SAFETY;**

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

26 **(IV) APPROVE A ZONING TEXT AMENDMENT, APPLICATION FOR**
27 **REZONING, OR OTHER LOCAL EQUIVALENT TO INCREASE THE DENSITY OF A**
28 **HOUSING DEVELOPMENT PROJECT BEYOND THE MAXIMUM ALLOWABLE AMOUNT AT**
29 **THE TIME OF ~~COMPLETE OR SUBSTANTIALLY~~ COMPLETE APPLICATION SUBMISSION**
30 **UNDER SUBSECTION (A) OF THIS SECTION.**

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

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

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

7 (C) (1) ~~ANY~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
8 SUBSECTION, ANY DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE
9 IMPOSED ON A RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY
10 GRANTED IN THIS ARTICLE MAY NOT BE COLLECTED UNTIL AFTER:

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

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

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

21 (D) NOTWITHSTANDING ANY OTHER LAW, A COUNTY OR MUNICIPALITY
22 THAT IMPOSES A DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE ON A
23 RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY GRANTED IN THIS
24 ARTICLE MAY DENY, WITHHOLD, OR REVOKE A CERTIFICATE OF OCCUPANCY,
25 OCCUPANCY PERMIT, OR OTHER LOCAL EQUIVALENT IF THE DEVELOPMENT EXCISE
26 TAX OR DEVELOPMENT IMPACT FEE IS NOT PAID WITHIN A REASONABLE TIME
27 PERIOD SET BY THE COUNTY OR MUNICIPALITY.

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