

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 754 (Senator M. Washington)
Education, Energy, and the Environment

Land Use - Preservation of Natural Resources

This bill – under Title 7, Subtitle 1 (Development Mechanisms) of the Land Use Article – authorizes and encourages a local jurisdiction to enact local laws providing for or requiring the preservation of natural resources through (1) the transfer of development rights; (2) conservation or preservation easements; (3) open space or agricultural land preservation programs; (4) cluster or conservation subdivision design; (5) riparian buffer, floodplain, or wetland protection requirements; and (6) other land use or zoning mechanisms designed to provide long-term or permanent protection of natural resources. “Natural resource” includes land, water, forests, wetlands, floodplains, habitat areas, sensitive areas, and other areas that provide ecological, hydrological, or conservation value.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: Minimal.

Analysis

Current Law:

Development Mechanisms

Title 7, Subtitle 1 of the Land Use Article authorizes and encourages a local jurisdiction – in order to encourage the preservation of natural resources or the provision of affordable

housing and to facilitate orderly development and growth – to enact local laws providing for or requiring (1) the planning, staging, or provision of adequate public facilities and affordable housing; (2) off-site improvements or the dedication of land for public facilities essential for a development; (3) moderately priced dwelling unit programs; (4) mixed use developments; (5) cluster developments; (6) planned unit developments; (7) alternative subdivision requirements that meet minimum performance standards set by the local jurisdiction and reduce infrastructure costs; (8) floating zones; (9) incentive zoning; and (10) performance zoning;

The authority granted under Title 7, Subtitle 1, is not intended to limit a local jurisdiction’s authority to (1) exercise any planning and zoning powers not expressly authorized or (2) adopt other methods to facilitate orderly development and growth, encourage the preservation of natural resources, or provide affordable housing.

Transfer of Development Rights

Title 7, Subtitle 2 (Transfer of Development Rights) of the Land Use Article authorizes a legislative body to establish a program for the transfer of development rights to (1) encourage the preservation of natural resources and (2) facilitate orderly growth and development in the State in conjunction with programs for preservation of open space and agricultural land and other development management programs and techniques.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, and Garrett counties; City of Laurel; Maryland Department of Agriculture; Maryland Department of the Environment; Department of Natural Resources; Maryland Department of Planning; Department of Legislative Services

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