HB 1236

Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1236 (Delegates Wivell and Valentine)
Economic Matters

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

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This bill exempts property located within a district designated by the applicable local jurisdiction to be of historic significance (in accordance with § 8-105 of the Land Use Article) from a prohibition against a restriction on use that imposes an unreasonable limitation on the ability of the property owner to develop or offer to rent an accessory dwelling unit (ADU).

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Restrictions on Use

Except for historic property listed in or eligible for the Maryland Register of Historic Properties, statute establishes that if a property owner has the exclusive right to use the property and abides by all applicable laws and regulations, a restriction on use (*e.g.*, a covenant, restriction, or condition in a deed, a contract, a security instrument, or

homeowners association bylaws or rules) regarding land use may not impose or act to impose an unreasonable limitation on the ability of the property owner to develop or offer for rent an ADU. An unreasonable limitation (1) includes a limitation that prohibits, either explicitly or by effect of the restrictions, the development of an ADU and (2) does not include a limitation on the short-term rental of an ADU.

"Accessory dwelling unit" means a secondary dwelling unit that is (1) on the same lot, parcel, or tract as a primary single-family detached dwelling unit and (2) not greater than 75% of the size of and subordinate in use to the primary single-family detached dwelling unit. An ADU includes a structure that is separate from, or attached as an addition to, the primary single-family detached dwelling unit.

Sites, Structures, and Districts of Historic Significance

Under the Land Use Article, each local jurisdiction may designate boundaries for sites, structures, and districts that are considered to be of historic, archeological, or architectural significance, by following the procedures of the local jurisdiction for establishing or changing zoning districts and classifications.

Additional Information

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

Designated Cross File: None.

Information Source(s): Baltimore City; Calvert and Prince George's counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Maryland Department of Planning; Department of Legislative Services

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jg/jkb

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