



House Bill 1449

Zoning – Board of Appeals Decisions or Zoning Actions – Judicial Review

MACo Position: **OPPOSE**

To: Environment & Transportation Committee

Date: March 5, 2024

From: Dominic J. Butchko and Michael Sanderson

The Maryland Association of Counties (MACo) **OPPOSES** HB 1449. This bill broadly expands the universe of certain individuals who may seek judicial review of zoning actions, including comprehensive planning or rezoning actions. Granting overbroad standing into land use decisions invites litigation and delay, and frustrates the most essential efforts underway to boost housing stock.

The 2024 legislative session is being touted as “The Session of Housing.” The Governor has a three-part legislative package aimed at promoting density, renters’ rights, and securing additional federal financing for development. MACo has its own complementary housing package focused on reducing vacancies, tackling the proliferation of short-term rentals, and ensuring corporations owning residential property keep accurate contact information with the State. These are in addition to the slew of pro-housing bills that were introduced by members of both chambers. Unfortunately, HB 1449 is the antithesis of this positive momentum and will move Maryland in an anti-affordable housing direction.

If enacted, HB 1449 would dramatically expand the universe of people who can call for a judicial review of zoning actions. Ultimately, this would mean tying up development projects – including those for affordable and market-rate housing – in unnecessary and costly litigation, simply because someone in the community may have, among other things, an issue with the aesthetics. In an environment where leaders at all levels of government are taking bold action to create more affordable housing, opening the door to potentially frivolous lawsuits and unhelpful roadblocks is counterproductive.

Additionally, while HB 1449 seemingly attempts to carve out affordable housing projects from the scope of this legislation, it must be noted that 1-1308 of the Local Government Article is not inclusive of all affordable housing projects. This would mean that someone could newly challenge other affordable and market-rate housing projects, while Maryland still grapples with this historic affordable housing crisis.

Counties remain committed stakeholders in paving the way for all Marylanders to find an affordable place to call home. HB 1449 would ultimately slow some of the efforts underway to target these problems, and for this reason, MACo urges the Committee to issue HB 1449 an **UNFAVORABLE** report.