

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Economic Matters Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1301
Land Use – Historic Preservation Commission – Right of Appeal
DATE: February 18, 2026
(3/6)
POSITION: Oppose

The Maryland Judiciary opposes the appeal provision provided in House Bill 1301.

This bill provides that a local jurisdiction may authorize any person aggrieved by a decision of a Commission to appeal the decision to the board of appeals, **the appropriate circuit court, or both**. It is unclear how these appeals would proceed in a circuit court or what standard of review would apply.

Typically, a circuit court conducts “judicial review” of an administrative agency’s decision pursuant to either the Administrative Procedures Act (APA) or case law. In other words, a circuit court reviews an agency’s decision based on the record of the proceedings before the local agency. The amended bill would have a circuit court hearing an appeal in the manner set by the local jurisdiction, and allows that an aggrieved party may pursue an appeal before a board of appeals and a circuit court at the same time. It is not clear from the bill how such simultaneous appeals would work nor is there any jurisprudence governing such an unusual provision. This simultaneous and contradictory appeal provision is confusing and also runs contrary to the APA and case law.

cc. Hon. Susan McComas

Judicial Council
Legislative Committee
Kelley O'Connor