



FREDERICK COUNTY GOVERNMENT

Jessica Fitzwater
County Executive

DIVISION OF PLANNING and PERMITTING *Deborah A. Carpenter, AICP, Division Director*
Department of Development Review and Planning *Michael L. Wilkins, Department Head*

SB 325 – Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

DATE: February 17, 2026
COMMITTEE: Senate Education, Energy, and the Environment Committee
POSITION: Favorable with Amendments
FROM: Frederick County Division of Planning and Permitting

As the Department Head of the Frederick County Department of Development Review and Planning, Division of Planning and Permitting, I urge the committee to pass **SB 325 – Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)** with MACO’s proposed amendments.

As currently drafted, this bill would establish application completeness review timelines, require early vesting of housing projects, and prohibit the collection of impact fees until occupancy. Frederick County’s Division of Planning and Permitting has multiple concerns with the bill that would be resolved by MACo amendments.

The completeness review portion of this bill requires a review and determination of a “substantially complete application” within 15 days of the application. This is concerning to our Division as the definition of “substantially complete” is not clear, and the review of an application may take longer than 15 days if there are errors. Further, these 15 days are reduced by weekends and holidays. The legislation also requires local regulatory authorities to provide the applicant with a list of deficiencies, which may take longer than 15 days for the regulatory authority to create. MACo is proposing amendments to clarify what qualifies as a “complete application” and to extend the review period for local regulatory authorities from 15 days to 30 days. This change would provide local bodies with sufficient time to determine completeness and offer meaningful feedback.

This legislation implements early vesting of projects for five years from the date of the first application of a project. However, the bill does not address the situation of vesting a preliminary plan or site plan for a period longer than APFO approval. Under this legislation as written, a developer could seek a two-year APFO approval, yet have a project vested for five years. MACo is proposing amendments to ensure that this vesting may not exceed the APFO approval, easing county concerns around school constructions, transportation sustainability, and other public facility capacities.

As drafted, the legislation also prohibits the collection of impact fees until the construction of the residential real estate project is complete, and requirements for a certificate of occupancy have been met. This would put counties in the position of not being able to mitigate the impacts of a new development directly before or after occupancy. MACo is proposing a compromise

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amendment to allow counties and municipalities to require up to 50% of the full payment of a development impact fee as a precondition for the issuance of a building permit and require any remaining fee to be paid prior to home occupancy. This proposed amendment would also mean that we would not have to resort to the collection efforts listed on page 9, lines 22-28 of the current bill, which includes revoking a certificate of occupancy after a homeowner has settled into their new home.

Thank you for your consideration of SB 325. I urge you to advance this bill with a favorable with amendments report.