

NAIOP

MARYLAND CHAPTERS



THE ASSOCIATION FOR
COMMERCIAL REAL ESTATE

February 13, 2026

The Honorable Brian J. Feldman, Chair
Senate Education, Energy, and the Environment Committee
2 West Senate Office Building
Annapolis, Maryland 21401

Favorable: SB 325 – Land Use Permitting – Development Rights

Dear Chair, Feldman, and Committee Members:

The NAIOP Maryland Chapters represent approximately 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing to recommend your favorable report on SB 325.

➤ **SB 325 contains two important policy changes:**

- The first requires that review of housing development applications is based on the laws and regulations that were in effect at the time a complete development application is submitted.
- The second shields a housing development from retroactive regulatory changes for five years after receiving all final permits and approvals.

➤ **Why these policy changes are essential improvements to Maryland's housing development process:**

- Maryland case law allows development projects to be materially altered or blocked even after receiving all final permits and approvals. This late vesting is out of step with today's complex, front loaded development review process. Late vesting increases regulatory risk, stifles creative development proposals and invites tactical litigation from opponents that are not necessarily negatively impacted.
- Requiring consistency and stability in the standard of review applied to housing developments ensures that projects are not exposed to shifting requirements. Moving the goalposts after project applications have been submitted makes it difficult to predict what can be approved and increases costs.
- A five-year vesting period provides more certainty in the ability to build-out a project as it was approved.

Enacting SB 325 will align housing development policies with Maryland's stated goals as well as best practices seen in other states. It is our hope and expectation that after successful implementation of these changes, the General Assembly will consider applying the same procedural protections to commercial development applications.

For these reasons, NAIOP respectfully recommends your favorable report on SB 325.

Sincerely,

Tom Ballentine, Vice President for Policy
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Education, Energy, and the Environment Committee Members
Nick Manis – Manis, Canning Assoc.