



TESTIMONY

COMMITTEE: Senate Education, Energy, and the Environment

DATE: March 10, 2026

POSITION: Unfavorable

BILL: Senate Bill 733

The Maryland Municipal League (MML) respectfully opposes Senate Bill 733. Maryland’s municipalities support transparency, fairness, and clear procedures in land use decision-making. Boards of appeals already function as quasi-judicial bodies that review zoning decisions, variances, and administrative determinations under well-established local procedures and State enabling law. SB 733 would impose a sweeping statewide restructuring of how these boards are defined, established, and operated, replacing locally tailored systems with rigid statutory requirements.

The bill adds several new definitions and significantly revises existing ones, including “development” and “development rights.” While presented as clarifications, these changes substantially broaden foundational land use concepts and could create unintended legal consequences for municipalities administering zoning and development review.

For example, the revised definition of “development” expands the concept beyond activities affecting the condition or use of land to include activities that materially affect land, water, or air. This shift could bring additional activities into the land use regulatory process that historically may not have been treated as development, creating uncertainty about when zoning review or permits are required and increasing the potential for disputes over the scope of local regulatory authority.

Similarly, the bill introduces a broad definition of “development rights” that includes the rights to use, control, preserve, or develop land, whether those rights are exercised or not. This expands the concept beyond the traditional understanding tied to the ability to build or improve property. By framing development rights this broadly, the bill could create ambiguity about what rights are considered vested, transferable, or subject to restriction under local zoning laws. While the language may be intended to support planning tools such as transfer of development rights or conservation programs, it may also invite new legal challenges regarding the scope of local regulatory authority and the extent of property rights recognized under State law.

SB 733 also mandates that every jurisdiction establish a board of appeals and prescribes how members must be appointed and who may serve. Many municipalities already have effective appeal structures that reflect the size, staffing, and governance structure of their communities. Imposing a uniform statewide structure would unnecessarily disrupt these systems and limit the flexibility local governments rely on to administer land use decisions efficiently.

MML represents 161 local governments and about 2 million Maryland residents.

The bill also restructures the powers and procedures of boards of appeals and modifies how certain authorities are exercised. In doing so, it risks creating tension with Maryland's established framework for administrative appeals and judicial review. Under current law, decisions of local boards of appeals are typically subject to judicial review in circuit court, where the court evaluates the administrative record developed by the local body. This structure provides clear procedural rules and ensures that land use disputes move from local decision-makers to the judiciary in a predictable and orderly manner.

Several provisions in SB 733 appear to overlap with or alter this framework by redefining the matters boards must hear and by restructuring how appeals are initiated and processed. These changes could create uncertainty about how certain appeals should proceed and how they interact with existing judicial review procedures. In an area of law that depends heavily on procedural clarity and a well-developed administrative record, introducing overlapping or inconsistent procedures could increase litigation and delay the resolution of land use disputes.

The bill also introduces additional procedural requirements, including new documentation and recording obligations, that largely duplicate existing practices while creating ambiguity about compliance. Collectively, these provisions reduce local flexibility, increase administrative burdens, and risk disrupting a land use system that already functions effectively across Maryland's diverse communities.

While the bill is framed as a modernization of Maryland's land use law, it instead makes sweeping changes to core definitions, mandates a uniform structure for boards of appeals, and alters long-standing administrative appeal procedures. These changes would introduce uncertainty into established land use frameworks, limit local flexibility, and increase administrative and legal burdens for municipalities administering zoning and development regulations. For these reasons, the Maryland Municipal League respectfully requests an unfavorable report on Senate Bill 733.

For more information relating to this piece of testimony, please contact:
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