



February 9, 2026

Bill: Maryland Housing Certainty Act

Position: Support w/ Amendments

Dear Chair, Vice Chair, and Members of the Committee:

On behalf of the City of Gaithersburg, we respectfully submit this letter in support this bill with amendments. The City supports the overarching intent of SB 325 to promote housing production by providing greater certainty and predictability in the land use approval process. However, several provisions of the bill raise implementation and public-safety concerns that we believe can be addressed through targeted amendments.

This bill requires a local authority to determine whether an application is substantially complete within 15 days and deems an application complete if no response is provided within 20 days. The bill does not specify whether these timelines refer to calendar days or business days and the timelines appear arbitrary and may not reflect the complexity of certain development applications. The bill also requires jurisdictions to provide a list of deficiencies and a “reasonable timeline” for applicants to address them. Determining what constitutes a “reasonable timeline” is highly subjective and dependent on a developer’s internal resources and schedule, which are outside the City’s control.

Recommended Amendments:

- Clarify whether the timelines are calendar days or business days.
- Remove the requirement that jurisdictions establish a “reasonable timeline” for applicants to cure deficiencies.

As drafted, SB 325 applies broadly to all planning approvals, including sketch plans, site plans, subdivision plans, permits, and use and occupancy permits. Applying regulatory lock-in across all approvals, including building permits and use and occupancy permits, is overly broad. Locking in all codes, particularly building codes, for long-term, large-scale projects (such as Crown or Lakeforest) that span decades would prevent the City from applying updated building safety standards over time.

Recommended Amendments:

- Limit the bill’s applicability to zoning code approvals only and further limit the scope to final site plan approvals.
- Clarify that future amendments to a final site plan are reviewed under the zoning code in effect at the time the amendment is submitted.
- Exclude building codes from regulatory lock-in provisions, as building codes address health and safety rather than land use.

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The bill locks in laws and regulations governing the entire approval process based on the date of the first substantially complete application submitted for any phase of a project. This approach could unintentionally freeze regulatory standards across multi-phase developments even when later phases are submitted years or decades later.

Recommended Amendments:

- Limit regulatory lock-in to zoning codes approved through a final site plan.
- Specify that building codes are reviewed under the codes in effect at the time of permit submission.
- Restrict this provision to phased projects submitted as a single final site plan application.
- Clarify that amendments to site plan approvals are reviewed under the zoning laws in effect at the time of amendment submission, not the original application date.

SB 325 establishes a five-year vesting period for residential projects. The City's current code allows final site plans to remain valid for two years, with a one-year extension option. Aligning with the bill would require local code amendments. Building codes are typically updated every three years. Locking in outdated building codes for a five-year vesting period could adversely impact public safety.

Recommended Amendments:

- Exclude building codes from the vesting provision.
- Require building codes for residential projects to be reviewed under the codes in effect at the time of permit submission.

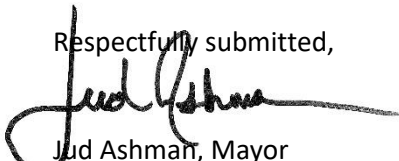
The bill delays collection of development impact fees and excise taxes until construction is complete and a certificate of occupancy is issued.

- The City currently collects its UPP fee at building permit issuance, and this bill would require a shift in timing. The City will be evaluating whether to align any local code amendments with the final outcome of this legislation to avoid multiple revisions.

The City of Gaithersburg appreciates the General Assembly's leadership in advancing policies that encourage housing development while balancing local implementation realities. With the amendments outlined above, SB 325 can better achieve its intended goals while preserving local authority to protect public health, safety, and welfare.

For these reasons, the City respectfully urges the Committee to report Senate Bill 325 favorably with amendments. Thank you for your consideration.

Respectfully submitted,



Jud Ashman, Mayor
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