



March 6, 2026

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

Unfavorable: SB 733 – Land Use Definitions and Board of Appeals

Dear, Chair Feldman and Committee Members:

On behalf of the NAIOP Maryland Chapters representing seven hundred companies involved in all aspects of commercial, light-industrial, and mixed-use real estate, I am writing to recommend your unfavorable report on SB 733

Overview of SB 733

Senate Bill 733 proposes significant changes to Maryland’s Land Use Article and how Boards of Appeals operate in both charter and non-charter counties. The bill: **(1)** broadens the universe of those who have standing to appeal land use decisions, **(2)** expands the scope of local decisions that can be appealed to the board, **(3)** removes the authority of the board to modify an approval decision, and **(4)** automatically stays all further proceedings when an appeal is filed.

Rationale for NAIOP’s Position

- SB 733 will increase the frequency of land use appeals because it broadens standing to appeal to include any resident living in a zoning district, jurisdiction or the State: Standing (the right) to appeal land use decisions has been based on the aggrievement standard. To be aggrieved a challenger must be able to show their interests are specially harmed in a way that is different than the general public. The bill does not require an appellant to show harm and would allow anyone, regardless of their proximity, to appeal a development decision.
- The bill expands the scope of decisions and matters that the Board of Appeals can review on appeal beyond planning zoning and development regulations to include codes, regulations and administrative procedures related to modifications to land, water, utilities, or natural features. The types of decisions that can be appealed are broadened to include variances, special exceptions, any order, zoning interpretation or implementation mechanism. Appeals can be taken to challenge development rights whether they have been exercised or not.
- Appeals under the bill will lead to longer delays because the bill automatically stays the underlying approval without exception.

Conclusion and Recommendation

SB 733 creates more opportunities to appeal land use decisions by expanding who can file them broadening the subject matter and types of local decisions that can be appealed. More litigation will create uncertainty, increase costs and delay the development process. The litigation risk also leads to less creative project design and reduced ambitious development proposals.

For these reasons, NAIOP respectfully recommends your unfavorable report on SB 733.

Sincerely,

A handwritten signature in blue ink that reads "Tom Ballentine".

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.