



February 27, 2026

Education, Energy, and the Environment Committee

**Bill:** SB733 – Land Use and Boards of Appeals

**Position:** Unfavorable

Dear Chair, Vice Chair, and Members of the Education, Energy, and the Environment Committee,

On behalf of the City of Gaithersburg, we respectfully submit this testimony in opposition to SB 733 due to its unclear drafting, unnecessary duplication of existing law, and harmful restrictions on the Board of Appeals.

SB 733 contradicts existing Maryland law governing administrative appeals, which would be directed to the Circuit Court based on the Maryland Rules for administrative appeals under Section 7-200. The bill unnecessarily redefines terms and procedures already addressed in state law, creating confusion without improving outcomes. It also introduces procedural requirements that are already standard practice, adding no functional value while increasing administrative burden.

Most concerning, the bill restricts the Board of Appeals by limiting its scope to zoning and permitting issues only, removing a municipality's ability to assign additional appeal matters. It would effectively eliminate the conciliation process, reducing opportunities for resolution and weakening the record-building essential for appellate review. SB 733 also arguably eliminates the conciliation ability for a simple permit decision, as was included with the City of Gaithersburg's recent Zoning Code update to ensure that the Board serves as an appellate body making decisions on the record, rather than a trial board hearing a permit complaint for the first time. The conciliation process not only allows the opportunity for resolution, but also the creation of a record- more than the permit itself. Both restrictions would reduce the value and purpose of the Board of Appeals.

For these reasons, the City of Gaithersburg respectfully urges an unfavorable report for SB 733.

Respectfully submitted,

Jud Ashman, Mayor  
City of Gaithersburg

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