

LeadingAge Maryland - 2026 - SB 325 - Housing Cert

Uploaded by: Aaron Greenfield

Position: FAV



PO Box 34
Sykesville, MD 21784

TO: Senate Education, Energy, and the Environment Committee
FROM: LeadingAge Maryland
SUBJECT: Senate Bill 325, Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)
DATE: February 17, 2026
POSITION: Favorable

LeadingAge Maryland supports Senate Bill 325, Land Use - Permitting - Development Rights (Maryland Housing Certainty Act).

LeadingAge Maryland is a community of more than 150 not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. Members of LeadingAge Maryland provide health care, housing, and services to more than 20,000 older persons each year. Our mission is to be the trusted voice for aging in Maryland, and our vision is that Maryland is a state where older adults have access to the services they need, when they need them, in the place they call home.

Senate Bill 325 would establish a more stable and predictable framework for housing development in Maryland by providing certainty once a project has been approved. By granting vested rights for a minimum of five years, the bill protects housing developments from shifting regulatory requirements after approval, allowing developers, investors, and lenders to proceed with greater confidence. This regulatory stability reduces the likelihood that projects will be delayed, redesigned, or abandoned after significant time and resources have already been invested.

Maryland's housing shortage—estimated at approximately 96,000 units—continues to drive up costs for renters and homebuyers and undermines the state's economic competitiveness. Senate Bill 325 responds directly to this challenge by removing barriers that slow or discourage housing production. The bill supports large-scale and phased developments by treating each phase as its own discrete project, enabling complex developments to move forward efficiently over multiple years without reopening approvals for completed phases.

The legislation also improves project feasibility and affordability by deferring development excise taxes and impact fees until construction is complete and a certificate of occupancy is issued. This approach reduces upfront financial burdens, improves cash flow, and lowers financing costs—factors that are especially important in today’s high-interest-rate and high-construction-cost environment. These efficiencies can ultimately translate into more attainable housing prices and rents for Maryland residents.

In addition, Senate Bill 325 promotes a more efficient and transparent local review process by requiring prompt determinations on application completeness. Clear timelines reduce unnecessary delays, increase accountability, and allow applicants to address deficiencies early, helping projects move more quickly from approval to construction.

Taken together, these reforms strike an appropriate balance between maintaining local oversight and ensuring that approved housing projects can proceed without undue disruption. Senate Bill 325 represents a practical and necessary step toward increasing housing supply, improving affordability, and sustaining housing production during periods of economic uncertainty.

For these reasons, we respectfully urge the committee to issue a favorable report on Senate Bill 325, the Maryland Housing Certainty Act.

2026_0213 SB0325 Testimony Land Use Maryland Housi

Uploaded by: Allison Pickard

Position: FAV



COUNTY COUNCIL OF ANNE ARUNDEL COUNTY

ALLISON M. PICKARD
Second District

February 17, 2026

The Honorable Brian Feldman
Chair, Senate Education, Energy and the Environment Committee
2 West Miller Senate Office Building
Annapolis MD 21401

RE: Letter of Support – Senate Bill 325 – Land Use – Permitting – Development Rights (Maryland Housing Certainty Act)

Dear Chair Feldman and Committee Members:

I am writing to express my strong support for **Senate Bill 325 (2026 Regular Session), the Maryland Housing Certainty Act**, sponsored by Senator Malcolm Augustine, which is scheduled for a hearing on February 17, 2026.

Maryland continues to face a critical housing shortage that drives up costs for families, workers, and seniors across the state. Senate Bill 325 takes a meaningful and pragmatic step toward addressing this challenge by creating a quicker, clearer, and more predictable development approval process that will help accelerate housing production and reduce unnecessary delays.

By requiring local governments to evaluate housing applications based on the regulations in effect at the time a substantially complete application is submitted, SB 325 provides much-needed certainty for housing developers and investors. Establishing vested rights for approved projects ensures that housing proposals are not derailed by shifting rules after significant time and resources have already been committed. This predictability is essential for encouraging responsible development and increasing the supply of housing statewide.

Additionally, the bill's provisions delaying the collection of certain development excise taxes and impact fees until project completion help reduce upfront financial barriers that



COUNTY COUNCIL OF ANNE ARUNDEL COUNTY

ALLISON M. PICKARD
Second District

can stall or prevent projects from moving forward. These reforms strike a reasonable balance by supporting housing production while preserving local authority and fiscal responsibility.

Senate Bill 325 reflects a thoughtful, evidence-based approach to improving housing affordability and availability in Maryland. I respectfully urge the committee to issue a favorable report and advance this important legislation.

Thank you for your time, consideration, and continued commitment to addressing Maryland's housing needs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Allison M. Pickard".

Allison M. Pickard

SB0325-EEEC-FAV.pdf

Uploaded by: ARLISA ANDERSON

Position: FAV

Robin Truiett-Theodorsen
Chairperson | Board of Commissioners

Janet Abrahams
President | Chief Executive Officer



February 17, 2026

TO: Members of the Judicial Proceedings
FROM: Janet Abrahams, HABC President & CEO *JA*
RE: SB 325 – Land Use – Permitting – Development Rights
(Maryland Housing Certainty Act)

POSITION: Letter of Support

Chair Feldman, Vice Chair Kagan and Members of the Education, Energy, and the Environment Committee, please be advised that the Housing Authority of Baltimore City wishes to submit testimony on SB 325 – Land Use – Permitting – Development Rights (Maryland Housing Certainty Act).

The Housing Authority of Baltimore City (HABC) is one of the largest public housing authorities (PHAs) in the country and Baltimore City’s largest provider of affordable housing opportunities. HABC serves over 46,000 individuals in Baltimore City through its Public Housing and Housing Choice Voucher (HCVP) programs, which help to house low- to extremely low-income families and individuals that consist of some of the city’s most vulnerable populations, including those at risk of homelessness, the elderly, people with disabilities, veterans, and families with children. Our HCVP program provides subsidies to households to rent quality affordable housing in the private market. HABC currently assists nearly 22,000 households through HCVP with over 2,800 landlords participating in the program.

SB 325 – proposes requiring the approval of a housing development project application by a local regulatory authority or the Maryland-National Capital Park and Planning Commission to be governed only by certain laws and regulations in effect at the time of submission of a substantially complete application; granting the proponent of an approved housing development project certain vested rights related to use and development for a certain time period.

HABC supports the efforts to make housing development more efficient and expeditious for redevelopment efforts throughout our great state. The housing shortage in our state needs forward thinking legislation such as the Maryland Housing Certainty Act to help development partners create housing in a timely manner to meet the housing needs of our citizens. The need for affordable housing is great and this legislation will help us build more affordable housing.

We request a favorable report on SB 325.

Housing Authority of Baltimore City | 417 East Fayette Street, Baltimore, MD 21202

410.396.3232 www.HABC.org @BmoreHabc



CSG Support for SB 325 Maryland Housing Certainty

Uploaded by: Carrie Kisicki

Position: FAV

Testimony on SB 325: Maryland Housing Certainty Act
Senate Education, Energy, and the Environment Committee

Date: February 17, 2026

Position: **FAVORABLE**

The Coalition for Smarter Growth supports SB 325. CSG advocates for walkable, bikeable, inclusive, and transit-oriented communities as the most sustainable and equitable way for the Washington, DC region to grow and provide opportunities for all.

Maryland has a housing shortage. Residents face high housing costs that are pushing college graduates and young families out of the state. This housing shortage has many causes, and alleviating it will require many solutions—one of which can be fixing rules that raise the cost and uncertainty of building needed homes.

Land use development proposals take time and money to prepare. The longer a development approval process takes and the more complex it becomes, the more it costs. The more it costs, the more the final product—i.e., the home that someone will rent or buy—costs. This problem is amplified if a planned development is ultimately never built at all, elevating the risk of taking on a proposal and discouraging future investment.

The Maryland Housing Certainty Act will help reduce the uncertainty around changing land use regulations. While revising and updating land use regulations is an ongoing process, a proposal should have certainty that upon completing an application, the rules will not change.

We need to make it easier and the rules clearer so that we can encourage quality housing and mixed use development to meet our housing needs. This bill helps the state address the problem of shifting regulations that make preparing a development application too risky, or excessively costly.

The bill also addresses the burden of upfront payment of impact fees by requiring the payment at the end of the process rather than the beginning.

We ask for a **favorable report for SB 325** by the committee. Thank you.

Sincerely,



Carrie Kisicki

Maryland Housing Advocacy Manager

2026.02.17 LOS Housing Certainty Act SB325 Favorab

Uploaded by: Christiana Rigby

Position: FAV



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

Christiana Rigby
Councilmember

District 3

TESTIMONY IN SUPPORT OF SB325

Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

February 17, 2026

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

Thank you for the opportunity to provide testimony today. I write in strong support of SB325, legislation that would reduce regulatory uncertainty and unnecessary costs that hinder the development of housing in Maryland. Addressing our state's housing shortage requires thoughtful, balanced reforms that encourage housing production while maintaining appropriate local planning authority, and this bill represents an important step toward that goal.

In my two terms on the Howard County Council, I have consistently heard from housing creators about the challenges created by our current regulatory framework. As a "late vesting" state, Maryland allows land use regulations to change even after a development application has been submitted or approvals have been granted. This creates significant uncertainty, increases financial risk, and discourages investment in new housing. These conditions can result in delayed or abandoned projects, or increased housing costs when projects do move forward. The Housing Certainty Act's proposal to vest land use rights at the time a complete application is submitted would provide much-needed predictability.

This legislation also addresses the burden of upfront impact fees and development excise taxes. In Howard County, due to our Adequate Public Facilities Ordinance, many projects must wait several years before construction can begin, yet developers are required to pay all fees upon approval. This significantly increases financing costs and can render otherwise viable projects infeasible.

While locally, we have made vital progress in Howard County by instituting the state's strictest forest conservation and energy efficiency standards, layering these regulations on projects already in the pipeline creates a moving target that ultimately drives up costs for homebuyers. This is why early vesting rights and the Maryland Housing Certainty Act (SB325) are so essential; they provide the regulatory predictability needed to ensure that well-planned projects can move forward without being stalled by mid-stream legislative changes. By balancing high standards with common-sense certainty, we protect both our environmental goals and our commitment to housing affordability.

Eighteen states currently have early vesting statutes, and evidence from these jurisdictions indicates that such policies can stimulate housing production and help stabilize or reduce housing costs. Maryland's housing shortage is well documented, and meaningful action is necessary to increase supply if we are to remain a competitive and affordable place to live and work.

For these reasons, I strongly support the Housing Certainty Act and urge the Committee to advance SB325. Providing greater certainty and reducing unnecessary barriers to development will help Maryland build the homes our residents need, strengthen our economy, and ensure that families across the state have access to safe and affordable housing.

Thank you for your consideration. I respectfully request a favorable report.

Sincerely,

A handwritten signature in black ink that reads "Christiana Rigby". The signature is written in a cursive, flowing style.

Christiana Rigby
Howard County Councilmember, District 3

CDN SB 325 FAVORABLE.pdf

Uploaded by: Claudia Wilson Randall

Position: FAV



TESTIMONY
SENATE BILL 325
Education, Energy & the Environment Committee
February 17, 2026
Position: FAVORABLE

Chair Korman and Members of Senate Education, Energy & the Environment Committee:

The Community Development Network of Maryland (CDN) is the voice for Maryland’s community development sector and serves nearly 200 member organizations. CDN—focuses on small affordable housing developers, housing counseling agencies and community-based non-profits across the state of Maryland. The mission of CDN is to promote, strengthen and advocate for the community development sector throughout Maryland’s urban, suburban and rural communities. CDN envisions a state in which all communities are thriving and where people of all incomes have abundant opportunities for themselves and their families. Our network is a state partner of the National Low Income Housing Coalition.

HB 325 - The Transit & Housing Opportunity Act of 2026 will address central barriers to creating more transit-oriented development. The bill unlocks the value of unproductive land around transit. The legislation applies only to frequent service rail stations that in the Baltimore area along the commuter rail service (between Washington and Baltimore,) Purple Line Rail, and WMATA Metrorail in Montgomery and Prince George’s Counties.

This legislation advances transit-oriented development (TOD) near high-capacity transit in the State and in particular on MDOT-owned land. Over the past twelve months, Maryland has seen major TOD projects advance at Bowie State, Capitol Heights, North Bethesda, Reisterstown Plaza and Odenton. Working in partnership with local jurisdictions, this Act will support TOD statewide and help Maryland convert underutilized land sitting on the State’s balance sheet into dynamic places for work, wages, and wealth.

Transit oriented development is critical investment in economic development growth in the state of Maryland. These investments are vital to the high price tag items in the state including education, energy and the environment.

We urge your favorable report for HB 325.

Submitted by Claudia Wilson Randall, Executive Director, Community Development Network of MD

COMSB325vf.pdf

Uploaded by: Comptroller Brooke Lierman

Position: FAV



Letter of Support
Senate Bill 325 — Maryland Housing Certainty Act
Senate Education, Energy, and the Environment Committee
February 17, 2026

Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee:

Thank you for the opportunity to submit this letter in support of Senate Bill 325, the Maryland Housing Certainty Act.

What this bill does

SB 325 establishes a clear, predictable framework for housing development project approval by requiring that applications be governed only by the laws and regulations in effect at the time a substantially complete application is submitted. It creates statutory vested rights for approved housing development projects, ensuring that developers can proceed with confidence for a defined period without facing retroactive regulation. The bill also prohibits collection of development excise taxes and development impact fees until after construction is complete and requisite occupancy certifications have been issued.

Why this is important

This legislation aligns with the Office of the Comptroller's findings in *Housing & the Economy in Maryland*, which demonstrated that legal and administrative uncertainty in land-use and zoning processes suppresses effective housing supply even when demand and land capacity suggest growth should occur. When local regulatory environments are unpredictable — with shifting rules, lengthy review periods, and retroactive changes — developers face elevated risk, financing costs increase, and projects are delayed or canceled.

By requiring that approvals be governed by the rules in place at the time of a substantially complete application, SB 325 reduces regulatory risk and improves certainty, thereby lowering barriers to housing production in constrained markets. This approach complements targeted reform efforts like transit-oriented development incentives by ensuring that when capacity exists, developers can act on it rather than being deterred by regulatory ambiguity.

Predictability and vested rights established by this legislation are tools that enhance rational land-use outcomes without supplanting core local planning authority. They provide a clearer corridor for investment where vacancy is low and affordable supply is most needed, especially near employment centers and transit infrastructure.

From a budget perspective, increasing housing supply through reduced regulatory friction supports long-term revenue growth. More housing in high-demand markets broadens the tax base, fosters local economic activity, and lessens pressures on services that result from artificially constrained growth. Additionally, SB 325 advances equity by lowering barriers that disproportionately affect small builders and affordably priced housing. Predictable permitting frameworks help reduce cost escalation, enabling a broader range of housing types to be delivered in markets where vacancy suppression drives cost spikes.

For these reasons, I respectfully urge a favorable report on Senate Bill 325.



If you have any questions, please do not hesitate to contact Stephen Harrington at sharrington@marylandtaxes.gov.

My best,

Brooke E. Lierman
Comptroller of Maryland

SB325 Housing Certainty Act of 2026.pdf

Uploaded by: Dan Ellis

Position: FAV



Neighborhood Housing Services of Baltimore, Inc.

February 13, 2026

Senator Brian Feldman, Chair
Miller Senate Office Building
2 West
Annapolis, Maryland 21401

RE: Senate Bill 325

Honorable Chair Feldman and Members of the Committee:

I am the Chief Executive Officer of Neighborhood Housing Services of Baltimore (NHS), and a resident of Baltimore City. Our organization believes that economic and social justice are a right for all residents and communities. We promote this belief by removing barriers of access to homeownership, helping resident access resources to maintain their homes, and supporting communities historically impacted by systemic disinvestment.

Maryland currently has a significant housing affordability issue. According to reports from the Maryland Department of Community Development, the state needs an additional 96,000 housing units to meet the current level of demand. Additionally, there is an acute shortage of affordable housing in our community. SB325 is an important piece of a comprehensive strategy to address this need. The bill does two primary things. First the bill eliminates the moving target of zoning and permitting rules that can delay or prevent projects from being built. Delays also increase costs for projects which are ultimately passed on to the end homeowner or renter. SB325 establishes that the permitting and zoning rules in place at the time of project application apply to the project throughout the entire process. This removes the moving target and increased fees associated with the uncertainty. This provision does not remove any local authority over zoning or permitting. Rather, this provision affirms the importance of the approval process based on a non-changing set of criteria. Second, the bill changes the timing on when impact fees are paid. Impact fees can be a significant cost for projects and provide critical resources to local governments to support necessary infrastructure. SB325 moves the timing of these payments from the time of application to when construction is complete. This lowers the amount of financing required during the predevelopment stage. Financing is most expensive and hardest to secure during early project stages. Moving the payments will reduce costs of financing and ultimately reduce the costs that are passed on to the homeowner or renter.



25 E. 20th Street, Suite 170 Baltimore, Maryland 21218
Office: 410-327-1200
Fax: 410-675-1855
www.nhsbaltimore.org



Neighborhood Housing Services of Baltimore, Inc.

SB325 provides reasonable changes to housing policy that will result in additional housing development. It is important for the state to provide leadership in this work. We applaud the Moore administration for proposing common sense solutions designed to bring real solutions to Maryland. We ask that the Committee issue a *favorable* report on SB325.

Sincerely,

A handwritten signature in black ink, appearing to read "D. T. Ellis".

Daniel T. Ellis
Chief Executive Officer



25 E. 20th Street, Suite 170 Baltimore, Maryland 21218
Office: 410-327-1200
Fax: 410-675-1855

www.nhsbaltimore.org

GGWash Comments on SB 325, Housing Certainty Act.p

Uploaded by: Dan Reed

Position: FAV



Chair Brian Feldman
and Members, Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

February 17, 2026

Senate Bill 325 – Housing Certainty Act – Favorable

Dear Chair Feldman and Members of the Education, Energy, and the Environment Committee:

My name is Dan Reed and I serve as the Maryland Policy Director for Greater Greater Washington, a nonprofit that supports better housing, land use, and transportation policies throughout Greater Washington and beyond. **GGWash strongly supports SB 325, the Housing Certainty Act.**

As written, this bill says that if local governments approve a housing development, that approval must stand for five years and the rules cannot change after the fact. It also requires that local governments only collect impact taxes from a development after construction is complete, instead of before. This is similar to a bill that Montgomery County passed last year. The county charges up to \$50,000 per house in impact fees, which help pay for schools and roads. Builders rely on construction loans to finance their projects, meaning that if they have to pay impact fees up front, they also incur significant interest. Those costs will get passed onto future residents.

Together, these provisions give builders more certainty and reduce development costs while collecting needed revenue to support the public services we all use. At a time when Maryland has a shortage of 100,000 homes, we need all the help we can get. A [poll we commissioned last month](#) found that 62% of likely voters in Maryland support requiring governments to use a quick and clear permitting process. They're ready for a solution to our housing crisis, and this bill is a big part of it. We ask the Education, Energy, and the Environment Committee for a favorable report.

Sincerely,

A handwritten signature in black ink that reads 'Dan Reed'.

Dan Reed
Maryland Policy Director

The Washington, DC region is great and it can be greater.

Housing Certainty Act testimony February 2026.pdf

Uploaded by: Dana Johnson

Position: FAV



**Testimony on SB 325
Maryland Housing Certainty Act
Education, Energy and the Environment Committee**

Homes for America **strongly supports SB 325**, the Maryland Housing Certainty Act.

Maryland faces a severe housing shortage. We are tens of thousands of units short of what is needed to meet demand. That shortage is especially acute for low- and moderate-income households, seniors on fixed incomes, and working families. When housing production stalls, rents rise, families are displaced, and economic opportunity suffers.

One of the most significant barriers to building affordable housing is unpredictability during the entitlement and approval process. Affordable housing projects often take years to assemble financing, secure tax credits, and move through local review. During that time, local governments sometimes change zoning standards, development regulations, impact fee structures, or procedural requirements midstream.

In some cases, those changes effectively “move the goalposts” and make it impossible for a project to proceed — even after substantial time and resources have been invested. For affordable housing developments operating on thin margins and dependent on competitive financing like Low-Income Housing Tax Credits, even modest regulatory changes can kill a project outright.

SB 325 addresses this problem in a balanced and reasonable way. By clarifying that development applications are governed by the laws in effect at the time of submission, and by providing appropriate vesting protections, this bill brings certainty and fairness to the process. Developers, lenders, and investors need predictability. Without it, projects simply do not get financed.

The bill does not eliminate local oversight or weaken health and safety standards. It simply ensures that affordable housing proposals are evaluated under a stable set of rules — not shifting regulations that can derail desperately needed homes.

At a time when Maryland must increase housing production, we cannot afford to lose viable projects because the regulatory landscape changes mid-process. For these reasons, Homes for America respectfully urges a favorable report on SB 325. Thank you for your consideration.

SB 325_Baltimore Regional Housing Partnership_FAV.

Uploaded by: Emily Hovermale

Position: FAV



100 North Charles Street, 2nd floor
Baltimore, Maryland 21201

410-223-2222
www.brhp.org

February 17, 2026

Education, Energy, and the Environment Committee

Maryland Senate

2 West Miller Senate Office Building

Annapolis, Maryland 21401

Re: Baltimore Regional Housing Partnership SUPPORT for SB 325 – Land Use – Permitting – Development Rights (Maryland Housing Certainty Act)

Dear Chair Feldman Vice Chair Kagan, and Honorable Members of the Committee:

On behalf of the Baltimore Regional Housing Partnership (BRHP), thank you for the opportunity to submit testimony in strong support of SB 325, the Housing Certainty Act.

BRHP is a nonprofit organization that operates the Baltimore Housing Mobility Program and works to expand housing choice for families historically excluded from well-resourced neighborhoods. We serve more than 4,300 families each year, helping them move from areas of concentrated poverty to communities that offer better schools, safer environments, and greater economic opportunity throughout the Baltimore region.

Expanding the supply of homes in well-resourced neighborhoods where families have the greatest opportunities to thrive is essential to our mission and to the state's economic prosperity. Maryland continues to face a deepening shortage of affordable housing. The [2025 Maryland State Housing Needs Assessment Update](#) finds that the state has a 132,000-home deficit for extremely low-income households, with cost burdens rising across every region. Today, 46% of Maryland renters are cost-burdened, paying more than 30% of their income on housing costs, up from 33% in 2000.

SB 325 addresses a critical driver of Maryland's housing shortage and affordability crisis: the high level of regulatory uncertainty and the up-front financial burdens placed on housing development.

Maryland is a "late vesting" state, meaning local jurisdictions can change development rules even after a project has secured permits and approvals, creating regulatory uncertainty for housing developers that suppresses housing production.

"Locking in" local regulations at the time a housing development project application is submitted and preventing local regulating authorities from changing the rules on a development after submission increases certainty and encourages desperately needed home building.

Regulatory uncertainty and development fees contribute to the high cost and low availability of housing in Maryland, in turn placing higher financial burdens on Maryland residents and [driving outmigration, which costs the state billions of dollars in economic activity and tax revenue.](#)

For these reasons, we respectfully urge a Favorable Report on SB 325.

Sincerely,

Adria Crutchfield
Executive Director

MDCC_SB 325_Favorable.pdf

Uploaded by: Grason Wiggins

Position: FAV



Senate Bill 325

Position: Favorable

Committee: Education, Energy, and the Environment

Date: February 17, 2026

Founded in 1968, the Maryland Chamber of Commerce (“Maryland Chamber”) is a statewide coalition of more than 7,000 members working to develop and promote strong public policy that ensures sustained economic growth and opportunity for all Marylanders.

The Maryland Chamber has consistently maintained that regulatory predictability and certainty are essential to investment and economic growth. To that end, Senate Bill 325, provides a clear and balanced framework by ensuring that once a substantially complete housing development application is submitted, it is reviewed under the zoning and land use laws in effect at that time. This approach establishes reasonable “vested rights” and protects applicants from unexpected regulatory changes mid-process.

Housing development projects require significant upfront capital, engineering, legal review, and financing commitments. When local requirements change after an application has been filed, projects can be delayed, redesigned, or abandoned altogether—raising costs and limiting housing supply. SB 325 reduces this uncertainty and sends a strong signal that Maryland is committed to fair and transparent permitting practices.

Greater certainty in the development process will help attract private investment, expand housing opportunities, and support job creation in construction and related industries. In a time when Maryland faces ongoing housing supply challenges, ensuring a stable regulatory environment is a practical and necessary step. **For these reasons, the Maryland Chamber respectfully requests a favorable report on Senate Bill 325.**

2026 - Testimony for SB 0325.pdf

Uploaded by: Heather East

Position: FAV



TESTIMONY IN SUPPORT OF SB0325

Land Use – Permitting – Development Rights (Maryland Housing Certainty Act) Education, Energy and the Environment Committee FAVORABLE

TO: Chair, Education, Energy and the Environment Committee

FROM: Heather East, Chase Home, Inc. and Maryland Episcopal Public Policy Network

DATE: February 12, 2026

The Chase Home, Inc. and Episcopal Church supports Senate Bill 0325 to benefit housing development project applications by limiting the governance of local regulatory authorities to only certain laws and regulations at the time of an applicant's submission and giving the applicant certain rights for use and development of the project in the State of Maryland to encourage affordable housing projects, allow more certainty in a project's time frame and reduce the impact of upfront expenses incurred on the developers.

We urge the Committee to issue a favorable report on SB 0325 to benefit affordable housing developers and encourage more housing development.

The Chase Home, Inc. is pleased to offer a favorable testimony in strong support of the SB0325. As a member of the Maryland Affordable Housing Coalition and Anne Arundel Affordable Housing Coalition and host to the annual Anne Arundel County Affordable Housing Symposium where stakeholders in housing and community development gathered to better understand affordable housing issues, the Chase Home advocates for better affordable housing legislation and programs that fund innovative affordable housing projects. One of our guest symposium speakers, annually, is Department of Housing and Community Development Jake Day, who spoke on the challenges of developing and funding housing projects throughout the State of Maryland and in Anne Arundel County. For this reason, we are in support of the Governor's priority Housing Bill. This bill would expedite the development of affordable housing throughout the State of Maryland where we have an undersupply of affordable housing and local laws and regulations that effectively slow housing production.

For the reasons noted above, we urge a FAVORABLE report on SB 0325.

SB0325_DHCD_SUPPORT.pdf

Uploaded by: Jake Day

Position: FAV

DATE: February 17, 2026

BILL NO: Senate Bill 325

TITLE: Land Use - Permitting - Development Rights (Housing Certainty Act of 2026)

COMMITTEE: Senate Education, Energy, and the Environment Committee

Letter of Support

Description of Bill:

Senate Bill 325 requires local jurisdictions to determine the approval, conditional approval, or denial of an application for a housing development project based only on the duly adopted laws and regulations in effect at the time a substantially complete application is submitted. Further, the bill requires that, once all required approvals for a project have been granted, the proponent of the project has a vested right to the authorized use and development for a period of five years (or longer, if allowed by the local jurisdiction). The bill does not limit the ability of a local jurisdiction to treat each phase of a phased development plan as a separate project for the purposes of vesting, nor does it limit the ability to enforce health and safety laws and regulations necessary to address immediate threats to public safety.

The bill also requires local jurisdictions to defer the collection of development excise taxes and impact fees for residential real estate projects until after construction is complete and all other requirements for a certificate of occupancy, occupancy permit, or other local equivalent have been met.

Background and Analysis:

Regulatory uncertainty, impact fees, and high interest rates add significantly to the cost of building housing in Maryland, contributing to the state's housing shortage and affordability crisis. The Housing Certainty Act addresses these issues without affecting local control over zoning codes or negatively impacting a local jurisdiction's ability to fund the infrastructure improvements necessary to support growth.

Under current Maryland law – not enacted by the General Assembly, but decided by an appellate court over three decades ago¹ – local jurisdictions have the ability to “change the rules” under which housing construction is approved up until “visible construction” has commenced. In practice, this means that even *after* approvals have been granted and building permits issued, and the builder has invested substantial time and money into site design, planning, securing financing, and preliminary site preparation, a local jurisdiction can effectively “kill” a housing development project by changing regulations such as parking requirements, allowed density, or height limitations. Several projects in Maryland totaling hundreds of much needed residential units have been required to make significant alterations or cancel construction altogether as a result of this practice. Furthermore, this uncertainty makes investors less likely to support residential construction in the state, and to demand higher rates of return on projects that are ultimately built, both of which ultimately contribute to reduced housing construction and higher housing costs for Maryland families.

¹ *Prince George's County v. Sunrise Development Ltd. Partnership*, 330 Md. 297, 314 (1993).

At least 18 states across the country have prohibited this practice through either “early vesting” statutes or court rulings. Of those states, which include neighboring states with lower housing costs like Virginia and Pennsylvania, 7 ranked in the top 10 nationally in housing production in 2023. To be clear, joining these “early vesting” states does not preclude local jurisdictions from duly adopting changes to their zoning codes or regulations; it simply requires that project applications be judged based on the regulations in effect at the time they were submitted, and that housing development projects be allowed to proceed to completion under those same regulations.

By requiring local jurisdictions to use the regulations in effect at the time an application for a housing development project is submitted, and by vesting development rights for five years after approvals are granted, the Housing Certainty Act will encourage more investment in housing production in Maryland and lower the costs associated with housing construction, ultimately putting money back in the pockets of Maryland’s residents.

Development impact fees and excise taxes are collected by a number of jurisdictions across Maryland for the purposes of funding infrastructure improvements and expansions that are needed to accompany new development. Nearly all jurisdictions require that these fees be paid “up front,” i.e., at the time of application or approval of a project. This practice forces builders to finance the impact fee payments – which can range into the millions of dollars for large multifamily projects – for the period of development and construction, which can last for several years. The interest payments associated with this financing, before a project is generating income through rent or sales, can increase the building cost of each unit by thousands of dollars, ultimately resulting in more costs being passed on to Maryland renters and homeowners. Those costs have increased significantly in recent years along with interest rates. The Housing Certainty Act lowers housing costs for Marylanders by requiring jurisdictions to defer the collection of impact fees and excise taxes until after construction is complete, while protecting local jurisdictions’ ability to collect those fees and taxes by allowing an occupancy permit to be denied or withheld until the full amount is paid.

DHCD Position

The Maryland Department of Housing and Community Development respectfully requests a **favorable** report on SB 325.



MDE SB 325 SUP.pdf

Uploaded by: Jeremy D Baker

Position: FAV



**The Maryland Department of the Environment
Secretary Serena McIlwain**

Senate Bill 325

Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

Position: Support
Committee: Education, Energy, and the Environment
Date: February 17, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** SB 325.

Bill Summary

Senate Bill 325 will reduce housing costs by providing regulatory stability and preventing mid-process rule changes that can derail development. The bill establishes vested rights for housing projects, ensuring that once an application is submitted, the rules cannot be changed by local authorities. By establishing vested rights once a project is substantially complete, SB 325 prevents mid-stream zoning changes from derailing high-density housing projects. These projects are essential for meeting our climate goals by reducing vehicle miles traveled and preserving "greenfield" land.

Position Rationale

Maryland is working to meet ambitious greenhouse gas reduction targets by 2031. Reaching these targets requires a massive increase in housing near transit hubs, developments that often take years to plan. Senate Bill 325 ensures that the five-year vested right remains consistent, allowing developers to invest in the energy-efficient, transit-oriented infrastructure that Maryland's environment demands without the fear of sudden regulatory shifts. Projects that have already met MDE's rigorous water and sewer standards should not be delayed by shifting local procedural rules. By locking in the laws and regulations in effect at the time of application, we ensure that environmentally sound projects can move forward without costly, resource-intensive redesigns.

Senate Bill 325 does not grant a pass to ignore environmental protections. MDE retains its full authority to enforce state-level environmental regulations, and local authorities still have the power to require compliance with established building and health codes. The bill simply prevents the use of zoning and regulatory changes as a tool to block projects that have already demonstrated their adherence to Maryland's environmental and safety standards. By providing housing certainty, SB 325 ensures that the state's vision for a greener, more affordable Maryland can be realized with the speed and scale required.

Accordingly, MDE asks for a **FAVORABLE** report for SB 325.

Contact: Alex Butler, Deputy Director of Government Relations
Phone: 443-695-7478, Email: alex.butler@maryland.gov

SB 325 - Housing Certainty - FAV - REALTORS.pdf

Uploaded by: Lisa May

Position: FAV



Senate Bill 325 - Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

Position: Support

Maryland REALTORS® supports SB 325 for addressing two key drivers of Maryland's housing shortage: regulatory uncertainty and excessive upfront development costs. At a time when housing affordability continues to worsen, Maryland must remove barriers that delay or discourage housing construction.

Local regulatory changes, prolonged approval timelines, and front-loaded impact fees increase the cost of building homes and reduce overall housing supply. Those added costs are ultimately passed on to Maryland homebuyers and renters. SB 325 takes practical steps to restore predictability and reduce risk in the housing development process.

The bill's early vesting provision is especially important. The right to use and develop property is among the most valuable rights associated with land ownership. Developers must make significant investments early in the process for engineering, site design, and permitting. When zoning or regulatory standards can change after an application is submitted, projects are often delayed, scaled back, or abandoned entirely. By locking in applicable regulations at the time of application, SB 325 strikes a fair balance: it preserves local authority to update zoning prospectively, while preventing bad-faith or reactionary changes that undermine pending projects.

SB 325 also improves affordability by deferring development impact fees until after construction is complete. While impact fees serve an important purpose, collecting them before construction increases financing costs and creates barriers to housing production. Deferral improves project feasibility and helps lower the final cost of homes.

For REALTORS®, housing affordability starts with housing supply. SB 325 provides certainty, encourages responsible development, and helps deliver more attainable housing options for Marylanders. We respectfully urge a favorable report.

**For more information contact
lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org**

MBIA Letter of Support SB 325.pdf

Uploaded by: Lori Graf

Position: FAV

February 13th, 2026

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

RE: MBIA Letter of Support SB 325 Land Use – Permitting – Development Rights (Maryland Housing Certainty Act)

Dear Chair Feldman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **SB 325 Land Use – Permitting – Development Rights (Maryland Housing Certainty Act)**.

This bill locks in vesting rights at the time of submission of a substantially complete application and grants the proponent of an approved housing development project vested rights related to use and development for 5 years. MBIA is in full support of this concept, as Maryland is currently considered “a late-vesting state.” This allows local jurisdictions to change zoning rules even after a project has received permits or approvals. Developers who fully comply with existing laws could still face new requirements even after they have already received their approvals. This practice creates tremendous uncertainty and gives local jurisdictions the authority to kill any housing project they want to. Neighboring states like Pennsylvania and Virginia are not subject to late-vesting, which it makes it more attractive for builders to build houses there rather than in Maryland. This significantly reduces our economic competitiveness in the region. SB 325 is an important step toward correcting this imbalance by increasing predictability and reducing unnecessary up-front costs, while preserving local authority to set land use policy prospectively, rather than retroactively.

The bill also requires impact fee collections to take place after construction is complete and all requirements for a certificate of occupancy, occupancy permit, or other local equivalent for the project have been met. The beginning of the construction process is a time where cash flow has the biggest strain on builders. Builders pay for land acquisition, engineering, permitting, and financing before any homes are sold. Requiring impact fees to be collected early in the development process can make a project become unviable. Increased upfront fees add to carrying costs and put even more financial pressure on builders. Allowing impact fee payment after construction shifts costs to a completed project that is generating income.

Ideally, vesting should start once a concept plan or preliminary plan application is complete, so that the rules cannot change in the middle of the approval process. In practice, the entitlement process often takes five years or more to complete (see chart below), and a vesting period of less than five years does not provide meaningful protection if a project has not yet reached construction. Our understanding is that once a foundation has been poured, a project is vested indefinitely, and this protection should be preserved in this bill.

Lastly, we would like to clarify that the bill's list of regulations that are included or excluded from vesting spans all regulations that should be included. The bill should clarify that areas that change frequently such as forest conservation stormwater management, and APFO provisions are captured in this bill. This should apply to both local and state regulations. This bill is about certainty and fairness. In order to be effective and attract needed investment this should span all regulations.

Investors need predictability to commit capital. Housing development requires large upfront expenditures long before a single home is purchased. These costs include land acquisition, engineering, design, environmental studies, legal work and financing costs. If zoning or regulatory rules can change mid-process, investors face risk. Regulatory certainty gives lenders and equity partners the certainty they need to fund a project.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Energy, and the Environment Committee

Generalized Existing Late Vesting Framework



Conceptual Early Vesting Framework



Locally adopted policies & regulations

Complete application acceptance

Subsequent plans are subject to changes in regulations at any time in the development plan chain up to construction

Subsequent plans continue under regulations in effect at time of complete application acceptance

Stakeholder Certainty

- Government review & approval
- Public participation
- Speculator/developer/builder

Early vesting in Maryland offers an opportunity to comprehensively address fairness, reliability, proportionality and faithfulness in the administration of local laws while preserving local jurisdictional land use authority.

*Type of plan & timing varies by jurisdiction & by project complexity

MMHA - 2026 - SB 325 - Housing Certainty Act.pdf

Uploaded by: Matthew Pipkin

Position: FAV



Bill Title: Senate Bill 325, Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

Committee: Senate Education, Energy and Environment

Date: February 17, 2026

Position: **Favorable**

This testimony is offered on behalf of the Maryland Multi-Housing Association (MMHA). MMHA is a professional trade association established in 1996, whose members consist of owners and managers of more than 214,000 rental housing homes in over 1015 apartment communities. Our members house over 571,000 residents of the State of Maryland. MMHA also represents over 270 associate member companies who supply goods and services to the multi-housing industry.

Senate Bill 325 provides much-needed certainty and predictability for housing developers. By granting vested rights for at least five years, approved projects are protected from shifting regulations, allowing developers and lenders to move forward with confidence. This reduces the risk that projects stall or are abandoned midstream, which can be costly and wasteful. With a stable regulatory environment, developers can focus on delivering high-quality housing that meets the needs of our communities.

As we all know, Maryland is facing a severe housing shortage, with a staggering 96,000-unit deficit. This shortage has far-reaching consequences, including increased housing costs, reduced affordability, and a significant impact on our state's economic competitiveness. Senate Bill 325 offers a comprehensive solution to this problem by providing certainty and predictability for housing developers, encouraging phased and large-scale housing development, improving housing affordability, promoting faster and more transparent local review, and supporting housing production during periods of economic uncertainty.

Granting vested rights for at least five years protects approved projects from shifting regulations, allowing developers and lenders to move forward with confidence and reducing the risk that projects stall or are abandoned midstream. This provision will help ensure that housing projects are completed in a timely manner, increasing the overall supply of housing units in the state.

Treating each phase of a phased development as a discrete project allows complex, multi-year developments to proceed logically and efficiently, supporting the delivery of housing over time without reopening approvals for completed phases. This approach will encourage developers to undertake larger, more ambitious projects, which will help address the state's housing shortage.



By delaying excise taxes and impact fees until construction is complete, the legislation eases early-stage financial pressure, improves project cash flow, and lowers financing costs. These savings can be passed on to consumers, helping to keep home prices and rents more affordable. This is especially important in a state like Maryland, where housing costs are already high.

Requiring timely determinations on application completeness reduces unnecessary delays, increases accountability, and helps developers address deficiencies quickly, speeding up the overall housing production timeline. This provision will help ensure that local review processes are efficient and transparent, allowing developers to get projects underway more quickly.

Finally, by stabilizing regulatory expectations and lowering early financial barriers, the policy makes it more feasible to move housing projects forward even when interest rates, construction costs, or market conditions are volatile. This will help ensure that housing production continues to move forward, even in uncertain economic times.

In conclusion, the Maryland Multi-Housing Association strongly supports Senate Bill 325, the Maryland Housing Certainty Act. This legislation addresses critical issues affecting the development and delivery of housing in our state, and we believe it will play a significant role in addressing the pressing need for more housing units in Maryland.

For these reasons, the Maryland Multi-Housing Association respectfully requests a favorable report on Senate Bill 325.

Please contact Aaron J. Greenfield at 410.446.1992 if you have any questions.

MAHC Testimony_SB 325_Housing Certainty Act_FAV.pd

Uploaded by: Miranda Willems

Position: FAV



Testimony to the Education, Energy & the Environment Committee
SB 325 – Housing Certainty Act
Position: Favorable (FAV)

Maryland faces a severe housing shortage. We are tens of thousands of units short of what is needed to meet demand. That shortage is especially acute for low- and moderate-income households, seniors on fixed incomes, and working families. When housing production stalls, rents rise, families are displaced, and economic opportunity suffers.

One of the most significant barriers to building affordable housing is unpredictability during the entitlement and approval process. Affordable housing projects often take years to assemble financing, secure tax credits, and move through local review. During that time, local governments sometimes change zoning standards, development regulations, impact fee structures, or procedural requirements midstream. In some cases, those changes effectively “move the goalposts” and make it impossible for a project to proceed — even after substantial time and resources have been invested. For affordable housing developments operating on thin margins and dependent on competitive financing like Low-Income Housing Tax Credits, even modest regulatory changes can kill a project outright.

SB 325 addresses this problem in a balanced and reasonable way. By clarifying that development applications are governed by the laws in effect at the time of submission, and by providing appropriate vesting protections, this bill brings certainty and fairness to the process. Developers, lenders, and investors need predictability. Without it, projects simply do not get financed.

The bill does not eliminate local oversight or weaken health and safety standards. It simply ensures that affordable housing proposals are evaluated under a stable set of rules — not shifting regulations that can derail desperately needed homes. At a time when Maryland must increase housing production, we cannot afford to lose viable projects because the regulatory landscape changes mid-process.

MAHC is the leading organization for the affordable rental housing industry in Maryland and represents over 185 member organizations, including nonprofit and for-profit developers, community action groups, State and local housing authorities, property management companies, financial institutions, community development organizations, contractors, investors, consultants and individuals. This new tax exemption will provide an additional resource for our nonprofit members to use for the development and preservation of affordable housing across Maryland. **We urge your support of SB 325.**

Respectfully submitted on February 13, 2026 by Miranda Darden-Willems, Executive Director, on behalf of the MAHC Board of Directors.



MAHC Board of Directors

Tom Ayd, Green Street Housing, President

Dana Johnson, Homes for America, Vice President

Mary Claire Davis, Affordable Homes and Communities, Secretary

Mike Font, New Harbor Development, Treasurer

Mansur Abdul-Malik, NHP Foundation

Mike Cumming, CohnReznick, Chief Financial Officer

Rick Kottke, Harkins Builders

Christine Madigan, Enterprise Community Development (retired), Ex-Officio

Dan McCarthy, Episcopal Housing

Willy Moore, Southway Builders, Advisor Emeritus

Brandon Moss, CSI Support & Development

Jeff Paxson, Pax Edwards Development

Allison Roddy, Corporation for Supportive Housing

Grant Searfoss, Severn Development

Mo Smith, Vorys, Of Counsel

Patrick Stewart, Pennrose Properties

Milana Vayner, Baltimore County DHCD

Jessica D. Zuniga, Benton Communities/Foundation Development Group

Housing Certainty Act testimony .2.13.26.pdf

Uploaded by: Ms. JohnDre Jennings

Position: FAV



DRUID HEIGHTS
Community Development Corporation

Druid Heights Community Development Corporation

2140 McCulloh Street Baltimore, Maryland 21217

Testimony
Department of Housing and Community Development
SB0325
Housing Certainty Act
Position: Support
FEBRUARY 18, 2026

Members of Education, Energy and the Environment Committee

Druid Heights Community Development Corporation urges your support of the Housing Certainty Act.

Druid Heights Community Development Corporation (DHCDC) is a community-based, 501 (c)(3) non-profit community development corporation. DHCDC is located in zip code 21217 in Baltimore City, within Census Tract 1403 a designated Urban Renewal Area. Our mission is to cause, encourage and promote community self-empowerment, through the development of economic, educational, employment, and affordable housing opportunities.

We were so grateful to see a historic increase in funding for rental housing programs, community revitalization and strategic demolition. We have received funding from Maryland DHCD towards our Bakers View Homeownership project, stabilization of the 2200 block of Druid Hill and assisted with green space projects such as our Gold Street project. In addition to the creation of over sixty (60) homes in West Baltimore, these homes provide generational wealth and assist in sustaining the commercial corridor of Pennsylvania and North Ave.

The Housing Certainty Act would:

Reduce uncertainty for builders, so projects aren't derailed by changing local rules during the permitting process.

Lower costs for new housing, by smoothing the timeline and financial risks of development.

Encourage more housing supply, because developers can plan with confidence and move projects forward more quickly.

Please approve this smart community development investment by supporting the Housing Certainty Act.

JohnDre Jennings, Executive Director

SB0325 - LOS - TSO - Housing Certainty Act.pdf

Uploaded by: Patricia Westervelt

Position: FAV

February 17, 2026

The Honorable Senator Brian J. Feldman
Chair, Education, Energy and the Environment Committee
2 East Miller Senate Office Building
Annapolis MD 21401

Re: Letter of Support – Senate Bill 325 – Land Use – Permitting – Development Rights

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following letter of support for the Committee’s consideration on Senate Bill 325.

Local regulatory uncertainty, delays, and impact fees increase the cost of building housing, resulting in less housing and higher costs for Marylanders. Senate Bill 325, cross filed with House Bill 548, proposes two actions to increase certainty and to assist in freeing up needed capital early in the development process: early vesting of local regulations for housing development projects, and deferral of development impact fee collection until after construction is complete.

SB 325 advances State goals and supports projects programmed in the Consolidated Transportation Program (CTP) related to transit-oriented development (TOD) and the development of State-owned land for TOD. In the FY2026-FY2031 CTP, MDOT has dedicated funds for TOD planning, programming, and related policy and transactional support. MDOT’s site specific TOD efforts, including Reisterstown Plaza Metro, Bowie State MARC, and Odenton MARC Station all include the development of a substantial mix of housing types. MDOT’s development partners will benefit from the greater certainty and lower carrying cost that this bill provides, enabling the State and its partners to deliver more transit-oriented housing for Marylanders.

The Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 325 a favorable report.

Respectfully submitted,

David Zaidain
Chief, Real Estate and Transit-Oriented Development
Maryland Department of Transportation
410-865-1050

2.17.26.SB325MDHousingCertaintyAct.Fellosigned.pdf

Uploaded by: Rylie Shewbridge

Position: FAV

February 17, 2026

Chair Brian J. Feldman
Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

RE: SB325/HB548 – Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

Dear Chair Feldman and Members of the Committee,

On behalf of Fello, we write in support of ***SB325/HB548 – Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)***.

Across Maryland, Fello is building communities where people belong. With a team of more than 650 employees, Fello supports over 5,000 people with disabilities each year – creating opportunities that empower people to live the lives they choose. From advancing equity and respect to expanding access and connection, inclusion is at the heart of everything we do. One powerful way this comes to life is through Fello Communities: beautiful, safe, and accessible rental housing that offers choice and stability for residents across income levels, from affordable to market-rate homes.

SB325/HB548 provides much-needed predictability and fairness in Maryland’s housing development process. By ensuring that a housing development application is reviewed under the laws and regulations in effect at the time of submission, the bill protects applicants from shifting requirements that can cause costly delays, added expenses, and uncertainty. Granting vested rights for an approved project for a defined period further strengthens stability, allowing developers and local partners to move forward with confidence once approvals are secured.

This clarity encourages responsible investment and supports the timely delivery of much-needed housing across the state. By creating a more stable and reliable regulatory environment, SB325/HB548 advances Maryland’s broader housing goals and helps expand accessibility and affordability for residents by providing certainty to developers working to deliver new housing opportunities.

For these reasons, we respectfully urge a favorable report on SB325/HB548.

Sincerely,


Jonathon Rondeau
President & CEO

fello.

fello.org

410.269.1883



SB 325 – Maryland Housing Certainty Act - FAV - AA

Uploaded by: Sara Westrick

Position: FAV



One Park Place | Suite 475 | Annapolis, MD 21401-3475
1-866-542-8163 | Fax: 410-837-0269
aarp.org/md | md@aarp.org | @aarpm
facebook.com/aarpm

SB 325 – Maryland Housing Certainty Act
Senate Education, Energy, and the Environment
February 17, 2026
FAVORABLE

Good afternoon, Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee. My name is Sara Westrick, Advocacy Director for AARP Maryland.

AARP Maryland is one of the largest membership-based organizations in the state, with approximately 850,000 members. We represent the interests of Maryland's over 50 population. Key priorities of our organization include helping all Marylanders achieve financial and health security and supporting livable communities.

We would like to express our support for SB 325, known as the Maryland Housing Certainty Act. We thank Senator Augustine for sponsoring this legislation.

Maryland faces a significant and growing housing shortage. Delays, uncertainty, and shifting requirements in local permitting processes add time and cost to new housing development. SB 325 addresses these barriers by providing a more predictable and timelier regulatory environment for housing construction while preserving appropriate local oversight.

The requirement that approvals rely only on laws in effect at the time of application reduces uncertainty and prevents midstream rule changes that can stall or derail housing development. In addition, the 15-day completeness review and 20-day "deemed complete" guarantee that applicants and the community know in a timely fashion whether an application can proceed.

The bill also provides a time-limited vested right of five years or more as determined locally, so projects can secure financing and follow through on approvals. Importantly, SB 325 does not limit local governments' ability to enforce immediate health and safety protections. This is a key safeguard for residents.

In sum, we feel that the provisions in SB 325 have the potential to help ease the uncertainty and delays in local permitting for housing projects, where changing rules mid-process can stall or derail development. We respectfully urge the Committee to issue a favorable report on SB 325.

If you have any questions, please contact Sara Westrick at swestrick@aarp.org or by calling 410-310-0374.



SB 325 - Vesting Bill - NAIOP Testimony Letter - F

Uploaded by: Tom Ballentine

Position: FAV

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.

Testimony--SB325-HousingCertainty(021326) _2 (ZAM

Uploaded by: Zachary Marks

Position: FAV

**Testimony before the Maryland Senate
Education, Energy, and the Environment Committee**

Regarding
SB 325: The Maryland Housing Certainty Act

By
Zachary Marks
Enterprise Community Development

Presented at hearing

February 17, 2026

Good afternoon, Chairman Feldman and Members of the Committee.

Thank you for providing the opportunity to participate in today's hearing.

My name is Zachary Marks, Executive Vice President of Real Estate Development for Enterprise Community Development. I am speaking today on behalf of ECD. We strongly support the Maryland Housing Certainty Act bill and urge its favorable report.

If adopted, SB 325 will provide a substantial increase in certainty for developers and make Maryland a more attractive place to take on the investment and risk associated with creating the new housing it so critically needs.

As the affordable housing developer and management arm of Enterprise Community Partners, ECD owns and operates 81 properties in Maryland, providing housing for almost 14,000 residents. Enterprise is a national nonprofit organization that supports community development and advances housing policy at every level. Since 1982 Enterprise has provided \$3.9 Billion in debt, equity, and grants in Maryland, supporting the creation of over 46,000 homes.

The bill does two critical things: it freezes rules and regulations that were in place when a developer begins entitlement, and it defers the timing of impact fees to the day a building can begin to accept residents. These changes will lower the cost of housing production and accelerate the delivery of housing to Maryland's residents.

Today, changing design regulations at any point in the entitlement process may require new project design. That design takes time and pauses a project from moving forward until the new law or regulation is addressed, new plans are resubmitted, and those plans approved. This can cost a significant amount of time and money and potentially impacting the number of housing units that are built.

Deferring impact fee payment until the time the building is ready for occupancy allows for fees to be funded directly by the project's construction financing, rather than by the developer out of pocket.

We recognize the importance of embedding advancements in design best practices into law and policy. For example, Enterprise is a national leader in green building with 2026 Enterprise Green Communities Criteria recognized as a widely adopted standard for excellence in energy efficiency and resilience. Local governments are wisely seeing the need to increasingly integrate green building practices and standards into their building codes as part of comprehensive climate action plans.

However, technology in solar and energy efficiency measures are moving swiftly, and available tools and products may change dramatically between a development project's first approval and its final one. Cost effectively achieving the highest green building standards such as Passive House and Zero Net Energy Ready require committing to architectural and engineering decisions very early in the design process. Once in the drawings, these decisions become part of the DNA of the community. Sudden, substantive changes to building dimensions force expensive changes that often decrease the efficiency of the building's design and function.

As one of Maryland's leading affordable housing developers, we know pedestrian safety, bus access, protected biking, and proximity of transit is important to all Marylanders but means even more to many of our residents of more limited means. They lead multimodal lives. A high quality of transit access can mean hours greater per day to continue to build their lives and make memories with their loved ones. They are more likely to walk to destinations and, as such, are more susceptible to pedestrian injury and death.

However, the late addition of new transportation design guidelines and policies can completely undo years of design work and render partially entitled developments infeasible. In just one county in Maryland, I have seen hundreds of potential units have to be removed from prospective developments, tens of millions of dollars in costs added to development budgets, and years of delay incurred. Our communities – and those of our fellow non-profit, affordable housing developers – deliver on immense public good. They cannot serve, however, until they are built.

SB 325 recognizes that perfect can be the enemy of the public good. While there is value in improving design guidelines over time, it is important to ensure those guidelines only apply prospectively, so that existing projects are able to move forward to implementation without unforeseen added costs and delays. SB325 also supports the Governor's priority to ensure more housing is produced to meet the needs of Maryland residents without moving the goalposts on approved development projects. SB 325 further supports housing production by moving the payment of impact fees to the point of receipt of building certificates of occupancy. Payment of impact fees prior to construction financing closing is a cash burden that falls hard on all developers but especially small and medium sized developers.

We can balance progress in design and construction requirements with certainty in bringing approved housing development projects to fruition to benefit Maryland residents. Certainty in the development process is among the most impactful ways to reduce project costs and often one of the cheapest to implement!

On behalf of everyone at Enterprise Community Development, thank you for the opportunity to present our views. I am happy to answer any questions.

SB0325 - Maryland Legal Aid - FAV.pdf

Uploaded by: Zafar Shah

Position: FAV



Senate Bill 325

Land Use – Permitting – Development Rights (Maryland Housing Certainty Act)

Hearing before the Senate Education, Energy, and the Environment Committee

On February 17, 2026

Position: Favorable

Maryland Legal Aid submits its written testimony on SB 325 at the request of bill sponsor Senator Malcolm Augustine.

Maryland Legal Aid is a non-profit law firm that provides free legal services to the State’s low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland’s 24 jurisdictions and manage a range of civil legal matters, including housing. The state is strapped by a shortage of 275,000 homes for Marylanders earning 80% AMI.¹ Notably, nearly half the shortage (128,675 units) impacts renters earning 30% AMI.² As the costs of housing continue to outpace wage growth in Maryland, our clients struggle to make ends meet, facing impossible budgeting choices, and often having to accepting substandard conditions and predatory landlord practices to maintain their housing. Many others end up in Maryland’s vast eviction system wherein 42 cases were filed per 100 renter households in 2025.³

Amid this unaffordable housing crisis, renters need a “both/and” policymaking strategy – in which policymakers steer the state toward housing justice through (1) policies that promote affordable housing development and (2) policies that protect tenants from displacement. Maryland Legal Aid therefore urges the Committee to report favorably on SB 325, the Housing Certainty Act, which aims to spur production of housing by promoting regulatory certainty in the development process.

SB 325 focuses on two areas of reform that developers have identified as substantial obstacles to building housing in Maryland: late vesting and impact fees. Currently, Maryland

¹ National Center for Smart Growth, *Maryland Housing Needs Assessment Update: Housing Gap Analysis 2* (Summer 2025), <https://dhcd.maryland.gov/Documents/Research/Housing-Needs-Assessment/Report-2-v0627-SHNA-2025.pdf>.

² *Id.* at 7.

³ There were 328,188 actions filed in 2025 for Failure to Pay Rent, Tenant Holding Over, or Breach of Lease eviction types. Maryland Judiciary, *About District Court: Statistics* (link to Calendar Year 2025). There were 773,227 renter households in 2024. U.S. Census Bureau. "Tenure." *American Community Survey, ACS 1-Year Estimates Detailed Tables, Table B25003*, [https://data.census.gov/table/ACSDT1Y2024.B25003?t=Owner/Renter+\(Tenure\)](https://data.census.gov/table/ACSDT1Y2024.B25003?t=Owner/Renter+(Tenure)). Accessed on 13 Feb. 2026.

allows late vesting, whereby localities can alter land use rules and requirements for housing development projects up until “visible construction” commences.”⁴ Developers are then subjected to moving targets, delays, and unforeseen costs. SB 325 requires “early vesting” through a 5-year vesting period triggered when the locality approves a housing development project. From that point, a locality may not withdraw approval based on an intervening zoning or other rules changes.

SB 325 also shifts collection of impact fees from the development planning stage to the post-construction stage. This change reduces substantial up-front expenses of the developer while still generating revenue for localities after the development has entered the income-generating phase.

The Housing Certainty Act answers key concerns of developers. It provides sensible supply-side reforms that, notably, do not weaken tenants’ rights. As Maryland awaits future housing development and affordability, the General Assembly must continue to advance policies that keep renters rooted in their communities, protect them from unsafe housing, and assure them due process.

Maryland Legal Aid urges the Committee’s **favorable** report on SB 325.

If you have any questions, please contact:

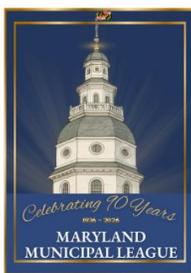
Zafar Shah
Advocacy Director for Human Right to Housing
zshah@mdlabor.org | (410) 951-7672

⁴ *Prince George’s County v. Sunrise Development Ltd. Partnership*, 330 Md. 297, 314 (1993).

SB 325 - FWA - MML.pdf

Uploaded by: Angelica Bailey Thupari

Position: FWA



TESTIMONY

COMMITTEE: Senate Education, Energy, and the Environment

DATE: February 17, 2026

POSITION: Favorable with Amendments

BILL: SB 325

The Maryland Municipal League (MML) shares the Administration’s goal of promoting predictability in the housing development process. Municipalities across Maryland want projects to move forward efficiently, under clear and transparent rules. Regulatory certainty, when properly structured, benefits applicants, communities, and the State alike.

Senate Bill 325 would require that housing development project applications be reviewed and decided under the laws and regulations in effect at the time a “substantially complete application” is submitted. The bill establishes a 15-day deadline for determining application completeness, after which an application may be deemed complete if no action is taken within 20 days. Once approved, a residential project would receive a vested right for a minimum of five years. The bill also prohibits local governments from collecting development excise taxes or development impact fees on residential projects until after construction is complete and occupancy requirements are met.

MML is prepared to continue good-faith discussions regarding vesting and regulatory certainty. However, as drafted, several provisions raise significant administrative, fiscal, and public safety concerns.

Application Completeness & Timelines

The bill requires local regulatory authorities to determine whether an application is “substantially complete” within 15 days, or it is deemed complete after 20 days. The bill does not clarify whether those are calendar or business days. More importantly, the timeline does not account for the complexity of many site plans, subdivision applications, or multi-agency technical reviews.

Local planning departments must coordinate with public works, fire, environmental, and engineering professionals to ensure compliance with state and local law. Deeming an application complete based solely on a statutory deadline, rather than a technical determination, creates legal exposure and undermines sound review practices.

We support amendments clarifying:

- That timelines are based on business days; and
- That “complete application” is defined as an application containing all materials required for substantive review, as determined by the local jurisdiction.

Certainty should not come at the expense of professional due diligence.

Scope of Regulatory Lock-In

The bill’s definition of “housing development project application” is extremely broad, encompassing building permits, certifications, site plans, subdivision approvals, conceptual plans, and “any other determination” by a local authority. Because the vesting clock begins upon submission of a substantially complete application for any part of the approval

Property Tax comprises 50% of the General Fund Budget of the Average Municipality in Maryland

process, this structure risks locking in not only zoning standards, but also development and construction standards for large-scale projects that may span decades.

Municipalities agree that zoning and land use standards should not shift midstream. However, building codes are fundamentally different. They are updated regularly, often every three years, to reflect advances in safety, fire protection, accessibility, and structural standards. Locking in outdated building codes for five years could directly affect public health and safety.

We support amendments to:

- Limit vesting to zoning and land use standards, not building codes;
- Clarify that building permits are reviewed under the building code in effect at the time of permit submission; and,
- Ensure that amendments to previously approved site plans are reviewed under the zoning laws in effect at the time of the amendment submission.

These adjustments preserve development certainty while maintaining core health and safety protections.

Vesting Period

The bill establishes a five-year minimum vesting period. MML worked constructively on similar vesting concepts last year and recognizes the importance of predictability in the development process. While some jurisdictions would prefer a shorter default period, particularly given that building codes are often updated every three years, our primary concern is not the duration itself, but ensuring that vesting applies appropriately to land use approvals without unintentionally freezing unrelated regulatory frameworks. With appropriate amendments addressing scope and applicability, municipalities can continue to work productively on the vesting framework.

Impact Fees & Excise Taxes

The most significant concern in the bill is the prohibition on collecting development excise taxes or development impact fees until after construction is complete and occupancy requirements are met. Development impact fees are designed to finance the capital costs of additional or expanded public works and facilities required to serve new development. Infrastructure impacts begin the moment development activity starts, not after occupancy. Under current practice, many municipalities collect fees at building permit issuance so that roads, water and sewer improvements, stormwater infrastructure, and public safety capacity can be constructed in parallel with development.

Requiring collection only after construction completion:

- Shifts 100% of financing risk to local governments;
- Delays infrastructure funding needed to support new residents;
- Creates cash-flow and bonding challenges; and
- Generates administrative complications, particularly in phased developments or jurisdictions that share fee structures with counties.

While the bill allows a local government to withhold occupancy permits if fees are unpaid, tying payment to certificates of occupancy creates logistical and political challenges. In practice, it risks placing homebuyers in the middle of disputes between jurisdictions and developers through no fault of their own.

MML supports the compromise framework advanced by local governments that would:

- Allow collection of up to 50% of development excise taxes or impact fees prior to issuance of a building permit;
- Allow collection of the remaining balance prior to issuance of a certificate of occupancy; and
- Clarify that impact fees may continue to be imposed to finance public works and facilities required to accommodate new construction.

This balanced approach preserves development certainty while ensuring that infrastructure funding aligns with infrastructure demand.

MML appreciates the Administration's commitment to promoting housing development and regulatory certainty. Municipalities are partners in that effort and are actively advancing housing production across the State. We remain committed to working in good faith with the bill sponsors, the Department, and our county partners to reach a workable compromise that promotes housing while preserving fiscal responsibility, administrative practicality, and public safety.

For these reasons, the Maryland Municipal League would request a favorable report contingent upon the adoption of amendments addressing these concerns.

For more information relating to this piece of testimony, please contact:
Angelica Bailey Thupari: Director, Advocacy and Public Policy, angelicab@mdmunicipal.org

FINAL SB 325_ HB 538 Land Use - Permitting Develop

Uploaded by: Jordan Baucum Colbert

Position: FWA



POSITION STATEMENT

Bill: [SB 325](#)/ HB 538 Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

Position: Support with Amendments

Date: February 17, 2026

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Senior Government Affairs Analyst

Dear Chair Brian Feldman,

The Maryland-National Capital Park and Planning Commission (“M-NCPPC” or the “Commission”) has voted to support this bill with amendments. For these reasons, M-NCPPC offers conditional support for SB 325.

What this Bill Does. This bill requires approval of a housing development project application by a local regulatory authority or the Maryland–National Capital Park and Planning Commission to be governed only by certain laws and regulations in effect at the time of submission of a substantially complete application. This bill also grants the proponent of an approved housing development project certain vested rights related to use and development for a certain time period. It also prohibits the collection of certain development excise taxes and development impact fees before a housing development project is completed.

M-NCPPC General Comments. M-NCPPC appreciates Governor Moore’s continued focus on addressing Maryland’s housing crisis. SB 325 / HB 538 reflects a growing recognition that the State must expand opportunities for affordable housing and reduce regulatory barriers that limit supply. M-NCPPC strongly supports efforts that meaningfully improve the development review

process to ultimately increase housing supply, availability and affordability for Maryland residents. For these reasons, M-NCPPC offers conditional support for SB 325 / HB 538. We recommend amendments that:

- Consider 20 days for initial application determination of completeness and 30 days before it is deemed complete.
- Provide flexibility so that local timelines, deadlines, and review windows which are more stringent or meet minimum requirements are allowed to continue and remain intact.
- Eliminate the use of the term “vesting” to avoid constitutional and other legal issues. Other terms can be used to arrive at an equivalent outcome.
- Extend the effective date to July 1, 2027, due to the need to update zoning ordinances and development review processes. The pending election year moratorium on zoning text amendments would suggest the need for additional time for statewide implementation.

M-NCPPC stands ready to work with the bill sponsors, the General Assembly, and partner jurisdictions to refine this legislation so that it advances Maryland’s housing goals while maintaining the planning tools necessary to support complete, connected, and resilient communities.

Bill Amendments to Consider

Generally, we can support this Bill with amendments that would help clarify and protect the process and the rights of local governments and applicants alike.

1. The definition of “Substantially Complete Application” could lead to much uncertainty and confusion for staff, applicants, and members of the community, particularly since a substantially complete application may not be sufficiently complete to begin the regulatory review process. To avoid this confusion, we recommend aligning the bill with acceptance of an application as complete.

Local jurisdictions, including Montgomery and Prince George’s Counties, have extensive application checklists that set forth the requirements an application must satisfy before it can be accepted for processing, and acceptance is the trigger for regulatory review processes. A complete application that meets the acceptance criteria is the only method for a jurisdiction to effectively and efficiently process regulatory applications. Even the lack of seemingly “nonsubstantive” materials, could make it impossible to review an application and slow down the process later.

- **Recommended Amendments:**
 - Define “Complete Application” as a “development project application with all materials and information required for processing and substantive review or acceptance as determined by the local regulatory authority or the Commission.”
 - Thereafter, throughout the bill, replace “Substantially Complete Application” with “Complete Application.”
2. The local regulatory authority or the Commission should have at least 20 days, as opposed to 15 days, to make the first determination of completeness. Thereafter, if the local regulatory authority or the Commission is not able to make a determination of completeness within 30 days, as opposed to 20 days, the bill would automatically give the application the full protections of the bill (page 6, lines 28-32).

Although these deadlines are normally achieved, because the consequence is so significant, the time should be extended to allow for unforeseen circumstances. Some localities have shorter periods of their own, but without such consequences. In addition, a failure to meet the deadline should not abrogate the applicant’s responsibility to provide the local regulatory authority or the Commission with all the materials necessary to process the application.

Recommended Amendments:

- Amend **Page** **6,** **Lines** **16-17:**
“Within ~~2015~~ days after receipt of a housing development project application, a local regulatory authority or the . . .”
- Amend **Page** **6,** **Lines** **28-32:**
“If a local regulatory authority or the Commission fails to notify an applicant of its initial determination regarding the completeness of a housing development application within ~~3020~~ days after receipt of the application, the application is deemed to be a complete application for purposes of this section **only and the applicant is still required to provide all information required by the local regulatory authority or the Commission prior to processing of the application.**”

3. The language regarding multiple stages of a project should be clarified to eliminate confusions with phases of a singular development plan. Apparently, the intent of paragraph (A)(4) is that if a project needs a subdivision plan and a site plan, if the subdivision plan is filed first and accepted as complete, the subsequent site plan would be protected. In

addition, we do not want to confuse this section with paragraph (C) which talks about phases of development projects.

Recommended Amendment:

- Amend **Page 7, Lines 1-7:**

“(4) (I) When a local regulatory authority or the Commission **requires** ~~provides for the approval of~~ **more than one type of housing development project application in order to construct** a housing development project ~~in multiple stages,~~ the date of **the first complete application submission** ~~a complete or substantially complete~~ under paragraph (1) of this subsection **shall be the date used to determine the applicable development and zoning standards as required by subsection (B) of this section.** ~~of the first complete or substantially complete application submission for any process that may culminate in the final approval of the application.~~

4. The vesting paragraphs on page 7 could be confusing with regard to what it means to have “all required approvals” (is this referring to all discretionary approvals, or does this include ministerial approvals like plats and building permits, etc.?), and what it means to be vested in a “development.” Also, such language could unintentionally extend the life of an approval that may have expired pursuant to local regulations. Use of the term “vested” invokes property rights as determined by decades of Maryland caselaw that could lead to claims of regulatory takings and potential damages. If the intent is to allow use of the rules and regulations at the time of filing, then the bill should say that. We should also make clear that stormwater management, fire safety, building code, etc. requirements can be imposed to protect public health, safety and welfare, not just immediate threats to public safety.

Recommended Amendment:

- Amend **Page 7, Lines 12-17:**

“(B) After a housing development project has received all required **final** approvals **necessary to obtain a building permit,** the **local regulatory authority, the Commission or the State may not, for a period of 5 years, impose new development or zoning standards on the housing development project.** ~~proponent of the project shall have a vested right to that authorized use and development for the longer of:~~

(1) 5 years; or

(2) a period determined by the local regulatory authority or the Commission.”

- Amend **Page 7, Lines 21-32**, and **Page 8, Lines 1-2**:

“(D) This section may not be construed to:

- (1) prevent the expiration of an approval of a housing development project application in accordance with the laws or regulations governing a local regulatory authority or the Commission; or
- (2) limit the ability of a local regulatory authority or the Commission to: (i) require approvals or permits for each phase . . . ;
(ii) enforce ~~health and safety~~ laws or regulations that are necessary to address **public health, safety and welfare** ~~immediate threats to public safety;”~~

5. The effective date should be extended to account for the election-year zoning moratorium that takes effect October 31, 2026 due to the statewide local election cycle. If zoning text amendments are needed, they could not be acted upon until January of 2027, so more time would likely be needed by most jurisdictions.

Recommended Amendment:

- Amend **Page 9, Lines 29-30**:
“Section 2. And be it further enacted that this Act shall take effect **July 1, 2027** ~~October 1, 2026.~~”

A Sample Application Checklist is provided below for illustrative purposes.



SITE PLAN INTAKE CHECKLIST FOR APPLICANTS



What is proposed?

Plan Name: Dwelling Units: Commercial SF:
Plan Number: Use: Size:

APPLICATION

- Upload all files with the naming conventions found in [this document](#)
- Applicant must fill out and sign [Application Form](#)
- If Applicant is not property owner, provide signed owner authorization

SIGN TEMPLATE AND LOCATION PLAN

- Fill out and provide sign template linked [here](#)
- Include a project description including use, square footage, and proposed activity
- Include [Sign Location Plan](#) showing at least one sign location for every 500 feet of property frontage
- Do not post sign until instructed by Intake Staff

PRE-SUBMISSION MEETING INFO

- Applicants must hold a pre-submission community meeting within 90 days of application submission
- Provide a signed [affidavit](#) attesting to the time, date, and location of the pre-submission community meeting
- Include a copy of the [invitation letter](#) and [typed list of invitees](#)
- Include a typed list of meeting attendees and a

STATEMENT OF JUSTIFICATION

- Include a thorough description of the proposal
- Include [written description of how project complies with the findings](#) required in section 59-7.3.4.E.2 of the new code or section 59-D-3.4.c of the old code

CERTIFICATE OF COMPLIANCE

- Fill out and sign [certificate of compliance](#)

NOTICE LIST

- [Generate notice list](#) of HOAs and Civic Associations within one mile of subject property
- Add to the notice list all confronting and adjoining property contact information
- Add to the notice list any and all parties of interest from pre-submission community meeting
- Provide notice list in the form of an Excel sheet

NOTICE LETTER

- Fill out [notice letter template](#) with correct plan number and plan name
- Include project description (same as on sign)

FOREST CONSERVATION DOCUMENTS

- Provide an approved [NRI/FSD](#) or [Forest Conservation Exemption Plan](#)

copy of the sign-in sheet, including addresses of anyone wishing to be a party of record

- Upload [Forest Conservation Plan Exemption Letter](#)
- Include a copy of the [meeting minutes](#) with the name and contact info of the preparer
- Add all parties of record and requesting notice to the Notice List

PREVIOUS APPROVALS

- Provide and upload any and all previous approvals, including Record Plats, Preliminary Plans, Sketch Plans, and/or Concept Plans. Also include any and all previously approved amendments.

AMENDMENTS

- All amendments must receive an Amendment Checklist provided and signed by Montgomery Planning. Amendment Checklists must not be more than 90 days old at time of Application submission
- Major Amendments must abide by the same standards as a new site plan and provide all items in this Checklist
- If not a Major Amendment, provide all documents as requested in the Amendment Checklist

1

APPLICATION DRAWINGS

■ Provide the following standard drawing components on ALL plan sheets:

- [Graphic scale](#)
- [North arrow](#)
- [Name of plan and plan number](#)
- [Revision block](#)
- [Plan preparer contact info](#)
- Applicant's name
- [Vicinity map](#)
- [Legend](#)
- [Approval stamp placeholder](#) (4"x3")
- [Engineer certificate](#)
- [Developer's Certificate](#)
- [Building footprints](#)
- [Ground-floor layouts, including entrances](#)
- [Grading/topography w/ labels](#)
- [Property lines](#)
- [Limits of disturbance](#)

SITE PLAN

- Provide a [cover sheet](#) with [sheet index](#) including all plan sheets and development program
- Provide a [blank second page for future approvals](#)
- Provide a [DPS pre-construction note](#) on all pages

Site Plan drawings should show the following details:

- [Uses in square feet/units](#)
- [Building heights](#)
- [Open spaces](#)
- [Stormwater management facilities](#)
- [Layout and dimensions of:](#)
 - Roads/points of access
 - N/A ■ Bike facilities/parking/storage
 - Sidewalks/trails/paths
 - Parking
 - N/A ■ Loading

Provide the following information for [adjacent properties](#) within 100 feet:

- Zoning
- Building outline
- Height
- Use
- Topography

Fill out and provide the following data tables:

- [Project data table](#) including all zoning information
- [Parking table](#)
- N/A ■ [Recreational Facilities Table](#)
- N/A ■ [MPDU, TDR, BLT, or Workforce](#), if applicable

A ■ If split-zoned, clearly [delineate zoning boundary](#).

A ■ If multiple phases, include [phasing plan](#).

Rectangular

LANDSCAPING PLAN

■ [Landscaping Plan](#) drawings should show all proposed plantings and hardscaping

- Provide a [planting list/table](#)
- Provide [planting details/specifications](#)

LIGHTING PLAN

■ [Lighting Plan](#) drawings should show all proposed lighting fixtures/details

- Provide a [list/table of lighting fixtures/elements](#)
- Provide [lighting details/specifications](#)
- Provide a [photometric plan](#)
- Provide streetlighting analysis in accordance with the [Streetlighting and Illuminance Information document](#) for all public and private rights-of-way

ARCHITECTURAL PLAN

- Provide detailed [architectural elevations](#) of the proposed buildings
- Provide [detailed floorplans](#) of all proposed buildings

FOREST CONSERVATION PLAN

■ Separately submit a Forest Conservation Plan, or upload an approved Forest Conservation Plan Exemption

OTHER AGENCIES

Dept. of Permitting Services - Stormwater Management

- Pay and upload [receipt for DPS-SWM review](#)
- Provide [Stormwater Management Plan](#)
- Provide [Stormwater Management Approval letter](#)

Dept. of Permitting Services - Fire Department Access

- Provide [Fire Department Access plan](#)

Washington Suburban Sanitary Commission (WSSC)

- Pay and upload [receipt for WSSC review](#)

APPLICANT STATEMENT OF COMPLETION

I, , the Applicant, attest to the fact that all items outlined in this document have been provided and constitute a complete and accurate Application. I have also uploaded this checklist as part of my submission.

Signature: _____

Therefore, we urge this committee to vote favorably with amendments on this bill.

SB 325 - MoCo_Elrich_FWA (GA 26).pdf

Uploaded by: Marc Elrich

Position: FWA



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

February 17, 2026

TO: The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee

FROM: Marc Elrich
County Executive

RE: Senate Bill 325, *Land Use – Permitting – Development Rights (Maryland Housing Certainty Act)*
Support with Amendments

I am writing to express my support for Senate Bill 325, *Land Use – Permitting – Development Rights (Maryland Housing Certainty Act)*, with an amendment that preserves the legal validity of Montgomery County's current local law governing collection of impact taxes/fees, as well as other important amendments outlined below. These amendments are needed to fairly balance the desire of real estate developers for regulatory certainty and desire of local governments to retain appropriate oversight of key components of the development review process in order to protect the public interest reflected in a variety of State and local laws governing land use development.

The bill includes a provision relating to the stage in the development review process when impact taxes on residential real estate projects may be collected by a local government that is similar, but not identical, to current local law in Montgomery County. Under County law, impact taxes/fees must be paid before a final inspection can be carried out by the Department of Permitting Services, effectively placing the payment deadline at the end of the construction project rather than near the beginning. Senate Bill 325 prohibits a local government from collecting impact taxes/fees until after construction is complete and requirements of a certificate of occupancy have been met.

It is important for the County to retain authority to set the date of final inspection as the deadline for payment of impact taxes/fees. Collecting taxes/fees at this stage ensures a standardized, one-time point in the process when the building is truly complete and ready for occupancy. Some projects involve multiple use and occupancy stages that can occur piecemeal and vary by zone or use. In contrast, the final inspection date for a project is an unequivocally discrete stage in the process and universally required before a certificate of occupancy is issued. This approach removes confusion and administrative burden because there is no ambiguity about which use and occupancy triggered the payment deadline; and avoids the need for oversight of payments or addressing missed payments after the final inspection stage. Final inspection is the most logical and effective trigger

for collecting impact taxes/fees because it confirms full compliance with all building regulations. Tying collection to final inspection ensures fairness, transparency, and timely revenue for local infrastructure and community needs.

The following amendments requested by the Maryland Association of Counties in its position statement (attached hereto) are also very important:

- Amendment 1** – striking the term “substantially complete application” and substituting the term “complete application”;
- Amendment 3** – adding language to provide that the regulatory certainty for a “complete application” lasts for three years rather than indefinitely;
- Amendment 4** – extending the time for counties to certify an application as complete from 15 days to 30 days;
- Amendment 5** – clarifying that an applicant must respond within a reasonable time to a request for additional information;
- Amendment 6** – striking inconsistent language regarding large phased-projects to retain only the language that provides that each discrete phase of a project subject to a phased development plan must be considered a discrete project for the purpose of triggering the three-year regulatory certainty;
- Amendment 7** – striking language that creates a five-year vesting period for use and development after receiving project approval and substituting language that establishes a vested right to use and development for the validity of a permit, as established by a local jurisdiction;
- Amendment 8** – adding language to prevent the bill from overriding adequate public facility ordinances and local laws governing duration of a valid permits, execution of development rights and responsibilities agreements, and increased density after the date of a complete application.

I respectfully request that the Senate Education, Energy, and the Environment Committee vote favorably on Senate Bill 325 with the amendments outlined above.

ME/KB

Attachment

cc: Members of the Education, Energy, and the Environment Committee



Senate Bill 325

Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Energy and the Environment
Committee

Date: February 17, 2026

From: Dominic Butchko & Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS SB 325 WITH AMENDMENTS**. This bill would overturn existing Maryland case law to establish an earlier vesting standard for residential projects and would adjust impact fee and excise tax payment timing to the issuance of a use and occupancy permit. Counties offer amendments to resolve issues of timing and application, and do so in the pursuit of a bill that creates wise, and clearly defined, measures to spur needed housing growth.

During the closing days of the 2025 legislative session, a central unresolved issue was legislation that moved Maryland from a “late vesting” framework to an “early vesting” framework — shifting when new regulations may be applied to projects. That policy direction mirrors the intent of SB 325. However, the debate in 2025 also reflected a practical challenge: counties and legislators had limited time to fully evaluate how such a significant change would affect regulatory administration and the future development landscape.

Since then, counties have worked extensively over the interim to develop pro-housing, implementation-focused reforms for the 2026 session through SB 267, the Building Affordably in My Back Yard (BAMBY) Act. Like SB 325, BAMBY includes major provisions on regulatory and construction certainty (i.e. vesting) and smarter timing for impact fees. MACo has been working with bill sponsors, the Maryland Building Industry Association, and the Administration to build a foundation of agreement around a core principle: the rules in effect when an application is deemed complete should generally be the rules that govern project review and approval.

That said, important gaps remain between stakeholders on how to best implement this transition in a clear, workable way. MACo’s amendments (outlined below) are intended to close those gaps and ensure Maryland can unveil an early vesting standard consistently and responsibly. These amendments would make a bill’s passage smoother by reducing ambiguities and overlaps in existing bill language. MACo remains active in daily conversations to help create such a path forward.

As the frontline actor in land use – and housing policy – counties remain committed to working with the Administration in advancing comprehensive housing solutions. The amendments included on the following pages are critical in nature, without which SB 325 will likely have severe operational and fiscal consequences for Maryland’s counties and communities. For this reason, MACo urges the Committee to amend SB 325 to remedy these concerns, and issue a **FAVORABLE WITH AMENDMENTS** report.

MACo Amendments for SB 325

Amendment #1 - Clarifies that the bill applies only to complete applications. The concept of a “substantially complete” application introduces significant administrative complexity and is not realistically implementable as drafted. This also runs counter to the overall intent of providing additional certainty.

On page 6, in line 4 after “(H)”, strike through line 7 and substitute,

“COMPLETE APPLICATION” MEANS THE INITIAL SUBMITTAL OF AN APPLICATION WITH ALL MATERIALS AND INFORMATION REQUIRED FOR PROCESSING AND SUBSTANTIVE REVIEW AS DEFINED AND DETERMINED BY THE LOCAL JURISDICTION OR THE COMMISSION.”.

On page 6, in lines 14, 19, 25, 31; page 7, lines 3, 5, 31; and page 8, line 8, strike “SUBSTANTIALLY”.

Amendment #2 - The affordable housing challenges in rural Maryland are fundamentally different from those in the urban core. Without significant infrastructure investment, urban-centric mandates can exacerbate strains that many counties are already struggling to manage. This amendment refocuses the legislation on areas with sufficient capacity to accommodate additional growth.

On page 6, after line 8, insert,

“12-201.

THIS SUBTITLE APPLIES ONLY TO:

(1) A COUNTY WITH A POPULATION OF AT LEAST 150,000 RESIDENTS, NOT INCLUDING ANY RESIDENTS OF A MUNICIPAL CORPORATION LOCATED WITHIN THE COUNTY; AND

(2) A MUNICIPAL CORPORATION.”;

On page 6, in line 9, strike “12-201” and substitute “**12-202**”

Amendment #3 – Clarifies that regulatory certainty for a “complete application” lasts three years, unless an extension is granted. Without a clear time limit, applications could remain open indefinitely (“zombie applications”), preventing new requirements from applying and creating significant administrative burdens for counties.

On page 6, in line 10 after “SUBSECTION” insert,

“AND FOR A PERIOD OF 3 YEARS UNLESS EXTENDED BY THE LOCAL JURISDICTION OR THE COMMISSION.”.

(amendments continue on next page)

Amendment #4 – Extends the timeframe for counties to certify whether an application is complete from 15 days to 30 days. Even the best-resourced jurisdictions cannot reliably ensure that every application – regardless of size or complexity – can be fully reviewed for completeness within a 15-day window.

On page 6, in line 16, strike “15” and substitute “30”.

Amendment #5 - Clarifies that applicants must respond to county requests for additional, revised, or updated information within a reasonable timeframe to keep the application moving. If an applicant does not respond, the application would lose the bill’s regulatory certainty protections – preventing projects from “parking” an incomplete file indefinitely while still claiming vesting and fixed-review standards.

On page 6, in line 28 after (3) strike through line 32 and substitute

“(I) IF DURING THE APPLICATION REVIEW PROCESS AN APPLICANT FAILS TO RESPOND TO A REQUEST FROM A LOCAL JURISDICTION OR THE COMMISSION FOR ADDITIONAL INFORMATION OR APPLICATION AMENDMENTS, THE PROVISIONS OF SUBSECTIONS (A)(1) OF THIS SECTION DO NOT APPLY TO THE APPLICATION.

“(II) A LOCAL JURISDICTION OR THE COMMISSION SHALL ESTABLISH THE TIME FRAME FOR RESPONSES REQUIRED UNDER THIS PARAGRAPH BEFORE THE SUBMISSION OF THE APPLICATION.”.

Amendment #6 - Page 7, lines 1–7 and lines 18–20 directly conflict and treating multi-stage projects as a single unit for these “freezing” provisions would be impossible for counties to implement as written. Striking lines 1–7 and retaining lines 18–20 provides greater clarity and workability – treat massive multi-stage projects as separable units in sequence.

On page 7, strike lines 1-7.

Amendment #7 – Clarifies that once a project has received its approvals and has been awarded permits, the project is vested for the period of the validly issued permits.

On Page 7, strike lines 12-17, and substitute

“(B) AFTER A HOUSING DEVELOPMENT PROJECT HAS RECEIVED ALL REQUIRED PERMITS, THE PROJECT SHALL HAVE A VESTED RIGHT TO THAT AUTHORIZED USE AND DEVELOPMENT FOR THE VALIDITY OF THE PERMIT, AS DETERMINED BY THE LOCAL REGULATORY AUTHORITY OR THE COMMISSION.”.

(amendments continue on next page)

Amendment #8 - Clarifies key implementation guardrails, including how the bill interacts with county APFO requirements, existing permit expiration timelines, and related administrative procedures. This ensures projects remain subject to core public facility capacity standards and prevents unintended conflicts with established local permitting rules.

On page 7 through 8, strike beginning with line 22 on page 7 down through line 9 on page 8, and substitute

“(1) PREVENT THE APPLICATION OF REGULATIONS THAT ARE ADOPTED IN ACCORDANCE WITH APPLICABLE LAW AND NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY;

(2) EXTEND ANY ADEQUATE PUBLIC FACILITY APPROVAL REQUIREMENTS BEYOND THE TIME FRAME APPROVED BY THE LOCAL JURISDICTION OR THE COMMISSION;

(3) ALLOW A RESIDENTIAL OR MIXED-USE DEVELOPMENT PROJECT TO BEGIN OR CONTINUE CONSTRUCTION IF THE ADEQUATE PUBLIC FACILITY APPROVAL HAS EXPIRED;

(4) PREVENT THE EXPIRATION OF A HOUSING DEVELOPMENT PROJECT APPLICATION OR PERMIT IN ACCORDANCE WITH THE LAWS OR REGULATIONS OF THE STATE, A LOCAL JURISDICTION, OR THE COMMISSION; OR

(5) LIMIT THE ABILITY OF A LOCAL JURISDICTION OR THE COMMISSION TO:

(I) EXTEND THE DURATION OF A VALID PERMIT FOR A RESIDENTIAL OR MIXED-USE DEVELOPMENT PROJECT;

(II) EXECUTE A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT UNDER TITLE 7, SUBTITLE 3 AND TITLE 25, SUBTITLE 5 OF THIS ARTICLE;

(III) APPROVE A ZONING TEXT AMENDMENT, APPLICATION FOR REZONING, OR OTHER LOCAL EQUIVALENT TO INCREASE THE DENSITY OF A RESIDENTIAL OR MIXED-USE DEVELOPMENT PROJECT BEYOND THE MAXIMUM ALLOWABLE AMOUNT AT THE TIME A COMPLETE APPLICATION IS VERIFIED; OR

(IV) REQUIRE APPROVALS OR PERMITS FOR EACH PHASE OF A HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASE DEVELOPMENT PLAN IN ACCORDANCE WITH THE LAWS AND REGULATIONS IN EFFECT AT THE TIME OF SUBMISSION OF A COMPLETE APPLICATION FOR EACH RESPECTIVE PHASE.”.

(amendments continue on next page)

Amendment #9 - The affordable housing challenges in rural Maryland are fundamentally different from those in the urban core. Without significant infrastructure investment, urban-centric mandates can exacerbate strains that many counties are already struggling to manage. This amendment refocuses the legislation on areas with sufficient capacity to accommodate additional growth.

On page 9, strike lines 1-13 and substitute

“THIS SECTION APPLIES ONLY TO:

(1) BALTIMORE CITY;

(2) A COUNTY WITH A POPULATION OF AT LEAST 150,000 RESIDENTS MINUS ANY RESIDENTS OF A MUNICIPALITY WITHIN THE COUNTY; AND

(3) A MUNICIPALITY.”.

Amendment #10 - Establishes a bifurcated impact fee payment schedule, allowing counties to collect up to 50% at building permit issuance, with the remaining balance due as a condition of issuing a use and occupancy permit. This approach helps reduce upfront cost barriers while still ensuring counties receive the revenue needed to fund growth-related infrastructure before units are occupied and demands on public services increase.

On page 9, in line 14, after (C), strike through line 28 and substitute

“(C) (1) A COUNTY OR MUNICIPALITY MAY REQUIRE UP TO 50% OF THE FULL PAYMENT OF A DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE IMPOSED ON A RESIDENTIAL UNIT, INCLUDING A MIXED-USE PROJECT THAT INCLUDES RESIDENTIAL UNITS, AS A PRECONDITION FOR THE ISSUANCE OF A BUILDING PERMIT.

(2) A COUNTY OR MUNICIPALITY MAY REQUIRE THE REMAINING OR FULL PAYMENT OF A DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE IMPOSED ON A RESIDENTIAL UNIT, INCLUDING A MIXED-USE PROJECT THAT INCLUDES RESIDENTIAL UNITS, AS A PRECONDITION BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, OCCUPANCY PERMIT, OR OTHER LOCAL EQUIVALENT APPLICABLE TO THE RESIDENTIAL UNIT.”.

SB0325_AHCMC_McKenna.FWA.pdf

Uploaded by: Melissa McKenna

Position: FWA

HONORARY CHAIRS

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The Honorable Chris Van Hollen
The Honorable Angela Alsobrooks
The Honorable Jamie Raskin
The Honorable David Trone
The Honorable Glenn Ivey
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ACCOUNTING COUNSEL

Sheldon Kronzek, CPA



Testimony
SB0325 Maryland Housing Certainty Act
Education, Energy, and the Environment Committee
February 17, 2026
Position: FAVORABLE WITH AMENDMENTS

Dear Chairman Feldman and members of the EEE Committee,

The Affordable Housing Conference of Montgomery County (AHCMC) urges this committee to vote a report of favorable with amendments for SB0325 – Maryland Housing Certainty Act.

As a Charter County with the authority to enact local laws in the best interests of its residents, Montgomery County has long been committed to carrying out thoughtful, balanced policymaking and addressing the varying needs of its diverse communities throughout the County. We believe this bill in combination with the **Maryland Transit and Housing Opportunity Act** (SB0389) and the **Starter and Silver Homes Act of 2026** (SB0036) will help advance the proposed housing goals collectively as they address critical housing needs not only for Montgomery County, but for jurisdictions across the State of Maryland. We applaud these efforts to keep housing affordability a priority and "front and center" in the legislative agenda.

Our concerns include:

- Methods to recognize and strengthen affordable housing efforts; and
- Possible unfunded adequate public facilities mandates.

We look forward to monitoring these bills as they progress through the legislative process in the General Assembly.

Please vote a favorable report with amendments.

Sincerely,
Melissa McKenna
Executive Director

SB0325-EEE_MACo_SWA.pdf

Uploaded by: Michael Sanderson

Position: FWA



Senate Bill 325

Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Energy and the Environment
Committee

Date: February 17, 2026

From: Dominic Butchko & Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS SB 325 WITH AMENDMENTS**. This bill would overturn existing Maryland case law to establish an earlier vesting standard for residential projects and would adjust impact fee and excise tax payment timing to the issuance of a use and occupancy permit. Counties offer amendments to resolve issues of timing and application, and do so in the pursuit of a bill that creates wise, and clearly defined, measures to spur needed housing growth.

During the closing days of the 2025 legislative session, a central unresolved issue was legislation that moved Maryland from a “late vesting” framework to an “early vesting” framework — shifting when new regulations may be applied to projects. That policy direction mirrors the intent of SB 325. However, the debate in 2025 also reflected a practical challenge: counties and legislators had limited time to fully evaluate how such a significant change would affect regulatory administration and the future development landscape.

Since then, counties have worked extensively over the interim to develop pro-housing, implementation-focused reforms for the 2026 session through SB 267, the Building Affordably in My Back Yard (BAMBY) Act. Like SB 325, BAMBY includes major provisions on regulatory and construction certainty (i.e. vesting) and smarter timing for impact fees. MACo has been working with bill sponsors, the Maryland Building Industry Association, and the Administration to build a foundation of agreement around a core principle: the rules in effect when an application is deemed complete should generally be the rules that govern project review and approval.

That said, important gaps remain between stakeholders on how to best implement this transition in a clear, workable way. MACo’s amendments (outlined below) are intended to close those gaps and ensure Maryland can unveil an early vesting standard consistently and responsibly. These amendments would make a bill’s passage smoother by reducing ambiguities and overlaps in existing bill language. MACo remains active in daily conversations to help create such a path forward.

As the frontline actor in land use – and housing policy – counties remain committed to working with the Administration in advancing comprehensive housing solutions. The amendments included on the following pages are critical in nature, without which SB 325 will likely have severe operational and fiscal consequences for Maryland’s counties and communities. For this reason, MACo urges the Committee to amend SB 325 to remedy these concerns, and issue a **FAVORABLE WITH AMENDMENTS** report.

MACo Amendments for SB 325

Amendment #1 - Clarifies that the bill applies only to complete applications. The concept of a “substantially complete” application introduces significant administrative complexity and is not realistically implementable as drafted. This also runs counter to the overall intent of providing additional certainty.

On page 6, in line 4 after “(H)”, strike through line 7 and substitute,

“COMPLETE APPLICATION” MEANS THE INITIAL SUBMITTAL OF AN APPLICATION WITH ALL MATERIALS AND INFORMATION REQUIRED FOR PROCESSING AND SUBSTANTIVE REVIEW AS DEFINED AND DETERMINED BY THE LOCAL JURISDICTION OR THE COMMISSION.”.

On page 6, in lines 14, 19, 25, 31; page 7, lines 3, 5, 31; and page 8, line 8, strike “SUBSTANTIALLY”.

Amendment #2 - The affordable housing challenges in rural Maryland are fundamentally different from those in the urban core. Without significant infrastructure investment, urban-centric mandates can exacerbate strains that many counties are already struggling to manage. This amendment refocuses the legislation on areas with sufficient capacity to accommodate additional growth.

On page 6, after line 8, insert,

“12-201.

THIS SUBTITLE APPLIES ONLY TO:

(1) A COUNTY WITH A POPULATION OF AT LEAST 150,000 RESIDENTS, NOT INCLUDING ANY RESIDENTS OF A MUNICIPAL CORPORATION LOCATED WITHIN THE COUNTY; AND

(2) A MUNICIPAL CORPORATION.”;

On page 6, in line 9, strike “12-201” and substitute “**12-202**”

Amendment #3 – Clarifies that regulatory certainty for a “complete application” lasts three years, unless an extension is granted. Without a clear time limit, applications could remain open indefinitely (“zombie applications”), preventing new requirements from applying and creating significant administrative burdens for counties.

On page 6, in line 10 after “SUBSECTION” insert,

“AND FOR A PERIOD OF 3 YEARS UNLESS EXTENDED BY THE LOCAL JURISDICTION OR THE COMMISSION.”.

(amendments continue on next page)

Amendment #4 – Extends the timeframe for counties to certify whether an application is complete from 15 days to 30 days. Even the best-resourced jurisdictions cannot reliably ensure that every application – regardless of size or complexity – can be fully reviewed for completeness within a 15-day window.

On page 6, in line 16, strike “15” and substitute “30”.

Amendment #5 - Clarifies that applicants must respond to county requests for additional, revised, or updated information within a reasonable timeframe to keep the application moving. If an applicant does not respond, the application would lose the bill’s regulatory certainty protections – preventing projects from “parking” an incomplete file indefinitely while still claiming vesting and fixed-review standards.

On page 6, in line 28 after (3) strike through line 32 and substitute

“(I) IF DURING THE APPLICATION REVIEW PROCESS AN APPLICANT FAILS TO RESPOND TO A REQUEST FROM A LOCAL JURISDICTION OR THE COMMISSION FOR ADDITIONAL INFORMATION OR APPLICATION AMENDMENTS, THE PROVISIONS OF SUBSECTIONS (A)(1) OF THIS SECTION DO NOT APPLY TO THE APPLICATION.

“(II) A LOCAL JURISDICTION OR THE COMMISSION SHALL ESTABLISH THE TIME FRAME FOR RESPONSES REQUIRED UNDER THIS PARAGRAPH BEFORE THE SUBMISSION OF THE APPLICATION.”.

Amendment #6 - Page 7, lines 1–7 and lines 18–20 directly conflict and treating multi-stage projects as a single unit for these “freezing” provisions would be impossible for counties to implement as written. Striking lines 1–7 and retaining lines 18–20 provides greater clarity and workability – treat massive multi-stage projects as separable units in sequence.

On page 7, strike lines 1-7.

Amendment #7 – Clarifies that once a project has received its approvals and has been awarded permits, the project is vested for the period of the validly issued permits.

On Page 7, strike lines 12-17, and substitute

“(B) AFTER A HOUSING DEVELOPMENT PROJECT HAS RECEIVED ALL REQUIRED PERMITS, THE PROJECT SHALL HAVE A VESTED RIGHT TO THAT AUTHORIZED USE AND DEVELOPMENT FOR THE VALIDITY OF THE PERMIT, AS DETERMINED BY THE LOCAL REGULATORY AUTHORITY OR THE COMMISSION.”.

(amendments continue on next page)

Amendment #8 - Clarifies key implementation guardrails, including how the bill interacts with county APFO requirements, existing permit expiration timelines, and related administrative procedures. This ensures projects remain subject to core public facility capacity standards and prevents unintended conflicts with established local permitting rules.

On page 7 through 8, strike beginning with line 22 on page 7 down through line 9 on page 8, and substitute

“(1) PREVENT THE APPLICATION OF REGULATIONS THAT ARE ADOPTED IN ACCORDANCE WITH APPLICABLE LAW AND NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY;

(2) EXTEND ANY ADEQUATE PUBLIC FACILITY APPROVAL REQUIREMENTS BEYOND THE TIME FRAME APPROVED BY THE LOCAL JURISDICTION OR THE COMMISSION;

(3) ALLOW A RESIDENTIAL OR MIXED-USE DEVELOPMENT PROJECT TO BEGIN OR CONTINUE CONSTRUCTION IF THE ADEQUATE PUBLIC FACILITY APPROVAL HAS EXPIRED;

(4) PREVENT THE EXPIRATION OF A HOUSING DEVELOPMENT PROJECT APPLICATION OR PERMIT IN ACCORDANCE WITH THE LAWS OR REGULATIONS OF THE STATE, A LOCAL JURISDICTION, OR THE COMMISSION; OR

(5) LIMIT THE ABILITY OF A LOCAL JURISDICTION OR THE COMMISSION TO:

(I) EXTEND THE DURATION OF A VALID PERMIT FOR A RESIDENTIAL OR MIXED-USE DEVELOPMENT PROJECT;

(II) EXECUTE A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT UNDER TITLE 7, SUBTITLE 3 AND TITLE 25, SUBTITLE 5 OF THIS ARTICLE;

(III) APPROVE A ZONING TEXT AMENDMENT, APPLICATION FOR REZONING, OR OTHER LOCAL EQUIVALENT TO INCREASE THE DENSITY OF A RESIDENTIAL OR MIXED-USE DEVELOPMENT PROJECT BEYOND THE MAXIMUM ALLOWABLE AMOUNT AT THE TIME A COMPLETE APPLICATION IS VERIFIED; OR

(IV) REQUIRE APPROVALS OR PERMITS FOR EACH PHASE OF A HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASE DEVELOPMENT PLAN IN ACCORDANCE WITH THE LAWS AND REGULATIONS IN EFFECT AT THE TIME OF SUBMISSION OF A COMPLETE APPLICATION FOR EACH RESPECTIVE PHASE.”.

(amendments continue on next page)

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(3) A MUNICIPALITY.”.

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SB 325 FWA FCG DPP LS26.pdf

Uploaded by: Michael Wilkins

Position: FWA



FREDERICK COUNTY GOVERNMENT

Jessica Fitzwater
County Executive

DIVISION OF PLANNING and PERMITTING *Deborah A. Carpenter, AICP, Division Director*
Department of Development Review and Planning *Michael L. Wilkins, Department Head*

SB 325 – Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

DATE: February 17, 2026
COMMITTEE: Senate Education, Energy, and the Environment Committee
POSITION: Favorable with Amendments
FROM: Frederick County Division of Planning and Permitting

As the Department Head of the Frederick County Department of Development Review and Planning, Division of Planning and Permitting, I urge the committee to pass **SB 325 – Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)** with MACO’s proposed amendments.

As currently drafted, this bill would establish application completeness review timelines, require early vesting of housing projects, and prohibit the collection of impact fees until occupancy. Frederick County’s Division of Planning and Permitting has multiple concerns with the bill that would be resolved by MACo amendments.

The completeness review portion of this bill requires a review and determination of a “substantially complete application” within 15 days of the application. This is concerning to our Division as the definition of “substantially complete” is not clear, and the review of an application may take longer than 15 days if there are errors. Further, these 15 days are reduced by weekends and holidays. The legislation also requires local regulatory authorities to provide the applicant with a list of deficiencies, which may take longer than 15 days for the regulatory authority to create. MACo is proposing amendments to clarify what qualifies as a “complete application” and to extend the review period for local regulatory authorities from 15 days to 30 days. This change would provide local bodies with sufficient time to determine completeness and offer meaningful feedback.

This legislation implements early vesting of projects for five years from the date of the first application of a project. However, the bill does not address the situation of vesting a preliminary plan or site plan for a period longer than APFO approval. Under this legislation as written, a developer could seek a two-year APFO approval, yet have a project vested for five years. MACo is proposing amendments to ensure that this vesting may not exceed the APFO approval, easing county concerns around school constructions, transportation sustainability, and other public facility capacities.

As drafted, the legislation also prohibits the collection of impact fees until the construction of the residential real estate project is complete, and requirements for a certificate of occupancy have been met. This would put counties in the position of not being able to mitigate the impacts of a new development directly before or after occupancy. MACo is proposing a compromise

[NAME]

RE:

February 12, 2026

Page 2

amendment to allow counties and municipalities to require up to 50% of the full payment of a development impact fee as a precondition for the issuance of a building permit and require any remaining fee to be paid prior to home occupancy. This proposed amendment would also mean that we would not have to resort to the collection efforts listed on page 9, lines 22-28 of the current bill, which includes revoking a certificate of occupancy after a homeowner has settled into their new home.

Thank you for your consideration of SB 325. I urge you to advance this bill with a favorable with amendments report.

SB325_City of Gaithersburg_SWA.pdf

Uploaded by: Therese Hessler

Position: FWA



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.

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038
301-258-6300 • FAX 301-948-6149 • cityhall@gaitthersburgmd.gov • gaitthersburgmd.gov

MAYOR
Jud Ashman

COUNCIL MEMBERS
Neil Harris
Lisa Henderson
Yamil Hernández
Jim McNulty
Robert Wu

CITY MANAGER
Tanisha R. Briley

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.

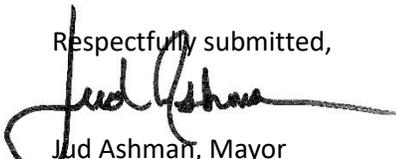
The bill delays collection of development impact fees and excise taxes until construction is complete and a certificate of occupancy is issued.

- 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
City of Gaithersburg

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038
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Oppose_SB325_Maryland Housing Certainty Act.pdf

Uploaded by: Adam Rybczynski

Position: UNF

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2026-03

Introduced by _____ Council President Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTIONS 33 AND 34 OF THE CITY CHARTER TO EXPRESS FORMAL OPPOSITION TO SENATE BILL 325 AND HOUSE BILL 548 (THE MARYLAND HOUSING CERTAINTY ACT)

WHEREAS, the State of Maryland has long recognized its delegation of local control over land use and zoning matters and the policy that such land use decisions are best handled at the local level, where elected officials are most accountable to the residents who live within the community; and

WHEREAS, the Mayor and City Council of Havre de Grace, (“City of Havre de Grace”) is a Maryland municipality which has adopted a zoning code and comprehensive plan as provided under the Land Use Article of the Maryland Code; and

WHEREAS, Senate Bill 325 and its cross file House Bill 548 (The Maryland Housing Certainty Act) seeks to diminish local authority by mandating that development applications be governed strictly by laws in effect at the time of a "substantially complete application," rather than at the time of permit issuance, thereby stripping the City of its ability to apply updated safety, environmental, or zoning standards to pending projects before permits are issued; and

WHEREAS, the Bill establishes a "deemed complete" status if a local authority fails to notify an applicant within 20 days, creating an unreasonably burdensome timeline that compromises the thoroughness of the City’s professional staff review and would, by default, allow incomplete applications to proceed; and

WHEREAS, the Bill grants developers a "vested right" to projects for a minimum of five years regardless of changes in community needs or infrastructure capacity which would be detrimental to the public health, safety, and welfare, particularly as it relates to water, sewer and school capacity; and

WHEREAS, Section 20-128 of the Bill proposes to prohibit the collection of development excise taxes and impact fees until *after* construction is complete and a certificate of occupancy is issued, creating a significant "funding gap" for the City; and

WHEREAS, this delay in access to funds will prevent the City of Havre de Grace from proactively financing the expanded public works, roads, and emergency services required to accommodate the very residents moving into these new developments creating undue strain on infrastructure, public services, and the City budget; and

WHEREAS, the Mayor and City Council of Havre de Grace finds that SB 325 and HB 548 prioritizes developer expediency and vested rights over the City’s long-term fiscal health, and the public health, safety, and welfare which is inconsistent with the smart growth policies contained in the City’s Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE:

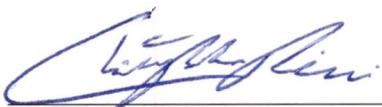
1. The Mayor and City Council of Havre de Grace hereby formally opposes Senate Bill 325 and House Bill 548; and
2. The Mayor and City Council of Havre de Grace hereby strongly urges the Senate Education, Energy, and the Environment Committee to give SB 325 an UNFAVORABLE REPORT; and
3. The Mayor and City Council of Havre de Grace hereby strongly urges the House Economic Matters Committee to give HB 548 an UNFAVORABLE REPORT; and
4. The Mayor is authorized to transmit this resolution and any adjoining testimony to the Senate Education, Energy, and the Environment Committee, and the House Economic Matters Committee.

ADOPTED by the City Council of Havre de Grace, Maryland this 2nd day of February, 2026.

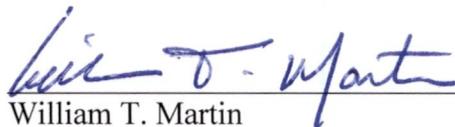
SIGNED by the Mayor and attested by the Director of Administration this 3rd day of February, 2026.

ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE



 Christopher Ricci
 Director of Administration



 William T. Martin
 Mayor

Introduced: 2/2/2026
 Passed/Adopted: 2/2/2026
 Effective Date: 2/3/2026

SB 325 - MD Housing Certainty Act.pdf

Uploaded by: Robert Cassilly

Position: UNF

ROBERT G. CASSILLY
Harford County Executive



ROBERT S. McCORD
Director of Administration

February 12, 2026

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

RE: Letter in Opposition of SB 325 – “Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)”

Dear Chairman and Committee Members,

I am writing on behalf of Harford County to respectfully oppose Senate Bill 325, the Maryland Housing Certainty Act.

Harford County supports efforts to reduce unnecessary barriers to housing development and increase certainty in the permitting process. However, SB 325 would significantly restrict local land use and development authority by locking in regulatory standards at the time a housing application is deemed substantially complete, regardless of evolving local planning goals, updated ordinances, or changes in infrastructure capacity.

Local governments are charged with balancing housing supply with infrastructure readiness, environmental protection, public safety, and community character. Comprehensive plans and development regulations are updated through deliberate, public processes to reflect the needs and priorities of residents and stakeholders. SB 325’s approach would prevent county and municipal governments from applying updated regulations to pending projects, even when those updates address critical issues such as traffic capacity, stormwater management, environmental protection, or community compatibility.

Further, the bill’s vesting provisions could undermine local planning objectives and long-range coordination. Allowing projects to proceed indefinitely under outdated standards weakens the ability of counties to manage growth responsibly, adapt to changing conditions, and ensure that development investments align with current infrastructure and service capacity.

Harford County Celebrates 250 Years ~ 1773-2023

410.638.3350 | 410.879.2000 | 220 South Main Street, Bel Air, Maryland 21014 | www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST

The Honorable Brian Feldman

February 12, 2026

Page 2

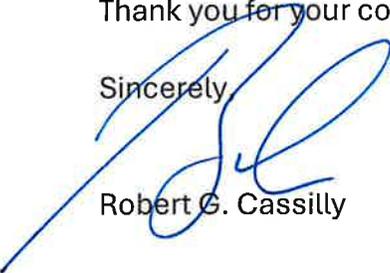
The bill is also designated as imposing a mandate on local governments, yet does not provide corresponding resources to support the administrative, legal, or operational impacts associated with administering vesting protections for significant numbers of projects over extended periods. This shift of responsibility without adequate support creates unfunded costs for counties at a time when local governments are already managing constrained budgets and competing priorities.

Counties are committed to improving predictability in permitting and to reducing unnecessary delays in housing development. We have pursued local reforms, streamlined review processes, and enhanced coordination with stakeholders to achieve these goals while preserving local planning authority and accountability.

For these reasons, Harford County respectfully urges the Committee to oppose SB 325 in its current form. We encourage the development of housing policy that supports both certainty for applicants and the ability of local governments to adapt regulations in response to evolving community needs and priorities.

Thank you for your consideration.

Sincerely,



Robert G. Cassilly

LIO_BOCC SB0325 - signed.pdf

Uploaded by: Samantha Jones

Position: UNF



CALVERT COUNTY BOARD OF COUNTY COMMISSIONERS

150 Main Street
Prince Frederick, Maryland 20678
410-535-1600
www.calvertcountymd.gov

Board of Commissioners
Mark C. Cox Sr.
Catherine M. Grasso
Earl F. Hance
Mike Hart
Todd Ireland

February 13, 2026

Via Electronic Mail

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

RE: SB0325 – Maryland Housing Certainty Act

Dear Chair Feldman, Vice Chair Kagen and Committee Members:

The Calvert County Board of County Commissioners (BOCC) writes in **opposition** to **Senate Bill 325**.

The BOCC recognizes Maryland's need to expand housing options and improve predictability in the development process, SB 325 shifts significant operational, fiscal and enforcement burdens onto local governments without addressing the practical realities of reviewing and servicing new residential growth.

1) Extending vesting to five years reduces local flexibility and increases risks

SB 325 extends project vesting from three to five years, effectively "freezing" applicable standards for an extended period. A five-year vesting window:

- Locks in outdated standards even when local jurisdictions update requirements to address changing conditions (public safety, stormwater, flooding, environmental protections, transportation safety, school capacity, etc.).
- Undermines comprehensive planning by limiting the ability of elected officials to respond to infrastructure constraints or evolving community needs.
- Creates inequity among applicants, as projects submitted earlier would avoid updated rules that newer applicants must follow.

2) Shortened review timelines create an unfunded mandate and threatens quality review

SB 325 cuts residential review timelines by approximately half. While timely decisions are important, residential development review requires coordination across multiple disciplines and agencies, including planning, engineering, traffic, stormwater, utilities, environmental review, fire and life safety, legal and often school and parks impact analysis. Halving timelines will:

- Require additional staffing, overtime or reallocation of limited resources, creating ongoing costs to local governments.
- Increase the risk of incomplete or rushed reviews, which can lead to avoidable design errors, safety issues and downstream disputes.
- Increase the likelihood of appeals and litigation by reducing opportunities to resolve technical issues collaboratively before a decision is issued.

If the General Assembly wishes to impose substantially shorter statutory review periods, it should also provide State funding and/or allow reasonable flexibility for application completeness, interagency review and

resubmittals. Otherwise, the burden shifts directly to local taxpayers.

3) Delaying impact fee collection creates enforcement and planning problems and shifts costs to residents

SB 325 would delay the collection of certain development impact fees (and similar charges) until final approval or completion. This raises serious concerns:

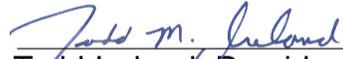
- **Enforcement risk:** delayed collection increases the likelihood of non-payment, project transfers, corporate dissolutions or disputes late in the process.
- **Cash-flow and capital planning impacts:** impact fees help fund infrastructure needed to serve growth (roads, schools, water/sewer capacity, stormwater facilities, parks, etc.). Delaying collection means new residents may occupy homes before adequate infrastructure can be funded or constructed.
- **Cost shifting:** when fees are delayed or harder to collect, local governments must bridge funding gaps, often through general fund dollars or debt, effectively shifting growth-related costs to existing residents.

If the intent is to reduce upfront costs to developers, more workable approaches exist (e.g., structured installment schedules with enforceable security such as bonding or escrow) that preserve the jurisdiction's ability to ensure collection and plan infrastructure responsibly.

For these reasons, the BOCC respectfully urges the committee to consider the impacts of this legislation and request an unfavorable report.

Thank you for the opportunity to share our perspective. Should you have any questions or wish to discuss these concerns further, please contact Planning & Zoning Director Jason Brinkley at 410-535-1600, ext. 2334.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
CALVERT COUNTY, MARYLAND



Todd Ireland, President



Mark C. Cox Sr., Vice President



Catherine M. Grasso



Earl F. Hance



Mike Hart

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CHARLES COUNTY COMMISSIONERS

Reuben B. Collins, II, Esq., *President*
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Gilbert O. Bowling, III
Thomasina O. Coates, M.S.
Amanda M. Stewart, Ed.D.

Deborah E. Hall, CPA
Acting County Administrator

February 17, 2026

RE: Letter of Information: SENATE BILL 325 - Land Use - Permitting - Development Rights (Maryland Housing Certainty Act)

Dear Members of the Senate Education, Energy, and the Environment Committee:

On behalf of the Charles County Board of County Commissioners, I write to provide information to the Education, Energy, and the Environment Committee concerning Senate Bill 325 entitled Land Use - Permitting - Development Rights (Maryland Housing Certainty Act), which proposes to alter existing local authority over certain land use and zoning matters. Local control of land use and zoning in Maryland has deep roots in the State's commitment to home-rule and community self-determination. While the State authorizes zoning through enabling legislation, Maryland has long placed primary responsibility for land-use decisions in the hands of counties and municipalities. This framework reflects the understanding that land-use issues are inherently local, shaped by distinct histories, geographies, economies, and civic priorities. Over time, local zoning authority has become a central tool for managing growth, protecting environmental and historic resources, coordinating infrastructure, and balancing private property rights with the public interest. The importance of local control in Maryland lies in its flexibility and responsiveness, allowing communities to adapt state policy goals to local conditions while giving residents a direct voice in shaping the places where they live and work.

The proposed Maryland Housing Certainty Act of 2026 (HB 548/SB 325) significantly reduces local control over land-use decisions by granting early vesting rights to development projects. Locking in zoning and regulatory standards at the time of application limits the County's ability to respond to changing community needs, updated comprehensive plans, or emerging infrastructure constraints. Additionally, delaying or restricting the collection of development impact fees and excise taxes would strain local budgets and hinder the timely provision of schools, public safety, roads, utilities, and other public services and infrastructure needed to support new development. While the County recognizes the goal of increasing housing production, eliminating the ability to respond to local concerns and challenges as well as limiting the timely collection of fees and taxes which offset the impact of development will significantly hamper the ability of Charles County to effectively keep up with growth.

Charles County is a growing jurisdiction, and ranks as the third fastest growing county in the State of Maryland. This is a point of great pride in our community in that it reflects our jurisdiction as welcoming and attractive to prospective residents. What it also means is that we must evolve to meet the needs of our growing community. This may include reassessment of public safety standards, infrastructure capacity,

and environmental conditions to ensure the health, safety and welfare of our citizens and visitors. This bill would restrict local regulatory authority by requiring development applications remain governed by the regulations in effect at the time the application was submitted, and would grant developers expanded vested rights for extended periods, failing to account for the changing dynamics within the County. We fully appreciate the housing shortage and affordability challenges faced by residents of the State, but we in Charles County have continuously demonstrated an ability to allow for smart growth while ensuring adherence to our regulations. The consequences of allowing early vesting will place development out of step with the changing community and potentially demotivate developers from pursuing projects in a timely manner, which is the exact opposite outcome intended by this legislation.

It is also important to mention that the Maryland Department of Housing and Community Development has published a 2030 Housing Production Target for Charles County which is 5,516 units. With a 10-year average of 822 new residential units per year (including 1,178 in 2025) and an additional 200-300 units per year within our municipalities, Charles County is on target to meet the published DHCD target without state intervention in applicable regulations. Charles County is managing growth responsibly and effectively, while also meeting state targets. It is important that the legislature preserves local land use and zoning authority for individual jurisdictions to adequately manage infrastructure, keep up with growth, respond to community concerns and vision, and maintain a fiscally constrained budget. *Should this bill be found favorable, we urge the Senate to exempt counties already meeting the DHCD housing targets, as they are meeting their prescribed contribution of new housing units without undue fiscal impact.*

This committee may be unaware that, in our experience, the greatest lag in local regulatory approvals is in meeting the State's stormwater regulations that are mandated to be administered by the counties. We believe that enhanced cooperation between the State and local regulatory agencies, and more flexibility in reaching the State performance goals, would spur a greater impact than the rigid processes currently in place. We encourage the State to consider ways in which its regulations may be improved upon to expedite increased housing.

Charles County respectfully urges the General Assembly to carefully consider the impact of this proposal on local governments that are already planning for, and accommodating, growth in a responsible and transparent manner. Preserving local land-use and zoning authority is essential to ensuring that development aligns with community vision, infrastructure capacity, fiscal sustainability, and meaningful public participation. We remain committed to meeting Maryland's housing goals and supporting affordability, but firmly believe these objectives are best achieved through collaboration and partnership, not state preemption. We ask the Legislature to continue to respect and uphold the long-standing principle of local control in land-use decision-making.

**COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND**



Reuben B. Collins, II, Esq., President



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Vice President



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Thomasina O. Coates, M.S.



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cc: Charles County Delegation