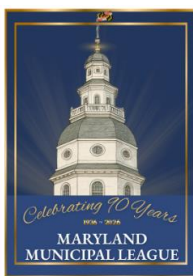


SB 733 - UNF - MML.pdf

Uploaded by: Angelica Bailey Thupari

Position: UNF



TESTIMONY

COMMITTEE: Senate Education, Energy, and the Environment

DATE: March 10, 2026

POSITION: Unfavorable

BILL: Senate Bill 733

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

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

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

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

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

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

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

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

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

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

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

SB0733-EEE_MACo_OPP.pdf

Uploaded by: Dominic Butchko

Position: UNF



Senate Bill 733

Land Use - Definitions and Boards of Appeals

MACo Position: **OPPOSE**

To: Education, Energy, and the Environment
Committee

Date: March 10, 2026

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** SB 733. As drafted, the bill would totally upend the current residential development process by dramatically expanding the universe of veto points for development projects. Under this proposed framework, housing production in Maryland would likely grind to a complete stop.

For the past three years, Maryland's counties and the General Assembly have shared a clear priority: expanding the supply of affordable housing. That commitment is reflected in major recent actions, including the Housing Expansion and Affordability Act of 2024 (HB 538/SB 484) and legislation authorizing Accessory Dwelling Units (ADUs) statewide in 2025 (HB 1466/SB 891). MACo played a pivotal role in advancing these—and many other—housing measures during this period. That work culminated in MACo's 2026 legislative initiative bill, the Building Affordably in My Back Yard (BAMBY) Act, a county-backed comprehensive and pragmatic path forward to meet the current moment. Counties welcome tools to help advance housing at all levels, where it fits within their infrastructure capacity.

A central focus for the Administration, local governments, and the public has been assessing how current systems function and where processes can be improved. SB 733 is directly contrary to that end and would create significant challenges for all future development.

Key county concerns include:

- **Overly broad scope** – Greatly expands what boards of appeals can hear. Instead of staying focused on zoning errors, variances, and special exceptions, the bill pulls in appeals of almost any administrative zoning-related action (orders, requirements, implementation tools, decisions, or determinations). It also broadens definitions like “development” and “zoning law” in ways that could sweep routine planning, permitting, and administrative steps into the appeals process.
- **One-size-fits-all mandate** – Requires every jurisdiction to revise how members are appointed/confirmed. Counties use different governance structures and already have different

quasi-judicial systems. A uniform statewide structure risks clashing with existing local practice and adds new administrative workload.

- **Unclear who can appeal** – Lets a “person or resident” file an appeal, then adds a new and broad definition of “resident.” That definition could be interpreted inconsistently and create confusion over who has standing to file.
- **Automatic project freezes** – Filing an appeal automatically stops the project or action from moving forward. SB 733 also removes the limited current option to keep a project moving when stopping it would create imminent peril to life or property. This creates a clear incentive to appeal simply to delay—especially for housing and other time-sensitive projects.
- **More “all-or-nothing” outcomes** – Narrows the board’s options to essentially affirming or reversing a decision, removing flexibility to modify or tailor remedies. That makes disputes harder to resolve pragmatically and increases the likelihood of litigation, remands, and added delay and cost for everyone involved.

Counties remain committed to partnering with the State to address Maryland’s housing needs in a pragmatic and balanced manner. SB 733 would upend long-standing predictable practice and well-considered planning processes. For these reasons, MACo respectfully urges the Committee to issue an **UNFAVORABLE** report on SB 733.

MBIA Letter of Opposition SB 733.pdf

Uploaded by: Lori Graf

Position: UNF

March 4th, 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 Opposition SB 733 Land Use - Definitions and Boards of Appeals

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 733 Land Use - Definitions and Boards of Appeals**.

This bill restructures the authority, procedures, and powers of local boards of appeals that review zoning and development decisions. MBIA is opposed to the uncertainty and procedural hurdles in the local development review process that this bill will bring. By limiting the ability of boards to modify administrative decisions or issue new orders, the bill reduces their authority to address circumstances that are specific to their jurisdiction. Removing these tools will lead to more rigid outcomes and force development applicants and local governments into long administrative disputes and costly litigation rather than allowing practical solutions at the local level. Builders and developers are already facing a highly regulated environment with multiple layers of review. Adding steps to the appeals process will slow down project approvals and the ability for our members to build more housing. While the bill is intended to standardize board of appeals procedures, these changes will limit local flexibility and could lead to politicizing the composition and operation of boards that are intended to function as independent, quasi-judicial bodies.

SB733 weakens local checks and balances, creates uncertainty in land-use administration, and risks slowing down development review at a time when Maryland needs more predictability—not less. Altering definitions and limiting Board of Appeals authority introduces instability without demonstrating any clear benefit.

For these reasons, MBIA respectfully requests the Committee give this measure an unfavorable 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

SB733 - Unfav COG Testimony.pdf

Uploaded by: Sarah Peters

Position: UNF



February 27, 2026

Education, Energy, and the Environment Committee

Bill: SB733 – Land Use and Boards of Appeals

Position: Unfavorable

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

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

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

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

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

Respectfully submitted,

Jud Ashman, Mayor
City of Gaithersburg

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MAYOR
Jud Ashman

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

CITY MANAGER
Tanisha R. Briley

SB 733 - Land Use - Definitions and Boards of Appe

Uploaded by: Tom Ballentine

Position: UNF



March 6, 2026

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

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

Dear, Chair Feldman and Committee Members:

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

Overview of SB 733

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

Rationale for NAIOP’s Position

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

Conclusion and Recommendation

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

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

Sincerely,

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

Tom Ballentine, Vice President for Policy
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Education, Energy, and the Environment Committee Members
Nick Manis – Manis, Canning Assoc.