

Bill No.: _____
Requested: _____
Committee: _____

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By: **Senator Augustine**

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the approval of a housing development project application by
5 a local regulatory authority or the Maryland–National Capital Park and Planning
6 Commission to be governed only by certain laws and regulations in effect at the time
7 of submission of a substantially complete application; granting the proponent of an
8 approved housing development project certain vested rights related to use and
9 development for a certain time period; prohibiting the collection of certain
10 development excise taxes and development impact fees before a housing development
11 project is completed; and generally relating to housing development and land use.

12 BY repealing and reenacting, with amendments,
13 Article – Land Use
14 Section 1–401 and 10–103
15 Annotated Code of Maryland
16 (2012 Volume and 2025 Supplement)

17 BY adding to
18 Article – Land Use
19 Section 12–101 through 12–301 to be under the new title “Title 12. Maryland
20 Housing Certainty Act”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland (2012 Volume and 2025 Supplement)

ding to
Article – Local Government
Section 20–128
Annotated Code of Maryland
(2013 Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
the Laws of Maryland read as follows:

Article – Land Use

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(a) Except as provided in this section, this division does not apply to charteries.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III
ter county – Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, Sensitive area”);

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

(6) § 1–208 (Annual report – Measures and indicators);

(7) Title 1, Subtitle 3 (Consistency);

(8) Title 1, Subtitle 5 (Growth Tiers);

- 1 (9) § 4–104(c) (Limitations – Bicycle parking);
- 2 (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- 3 (11) § 4–208 (Exceptions – Maryland Accessibility Code);
- 4 (12) § 4–210 (Permits and variances – Solar panels);
- 5 (13) § 4–211 (Change in zoning classification – Energy generating systems);
- 6 (14) § 4–212 (Agritourism);
- 7 (15) § 4–213 (Alcohol production);
- 8 (16) § 4–214 (Agricultural alcohol production);
- 9 (17) § 4–215 (Pollinator–friendly vegetation management);
- 10 (18) § 4–216 (Limitations – Family child care homes and large family child
- 11 care homes);
- 12 (19) Title 4, Subtitle 5 (Accessory Dwelling Units);
- 13 (20) § 5–102(d) (Subdivision regulations – Burial sites);
- 14 (21) § 5–104 (Major subdivision – Review);
- 15 (22) Title 7, Subtitle 1 (Development Mechanisms);
- 16 (23) Title 7, Subtitle 2 (Transfer of Development Rights);
- 17 (24) except in Montgomery County or Prince George’s County, Title 7,
- 18 Subtitle 3 (Development Rights and Responsibilities Agreements);
- 19 (25) Title 7, Subtitle 4 (Inclusionary Zoning);
- 20 (26) Title 7, Subtitle 5 (Housing Expansion and Affordability);

(27) § 8-401 (Conversion of overhead facilities);

(28) for Baltimore County only, Title 9, Subtitle 3 (Single-County Provisions – Baltimore County);

4 (29) for Frederick County only, Title 9, Subtitle 10 (Single-County
5 Provisions – Frederick County);

6 (30) for Howard County only, Title 9, Subtitle 13 (Single-County Provisions
7 – Howard County);

(31) for Talbot County only, Title 9, Subtitle 18 (Single-County Provisions – Talbot County); [and]

10 (32) Title 11, Subtitle 2 (Civil Penalty); AND

(33) TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).

12 (c) This section supersedes any inconsistent provision of Division II of this
13 article.

14 10-103.

15 (a) Except as provided in this section, this division does not apply to Baltimore
16 City.

17 (b) The following provisions of this division apply to Baltimore City:

18 (1) this title;

19 (2) § 1–101(m) (Definitions – “Priority funding area”);

20 (3) § 1–101(o) (Definitions – “Sensitive area”);

21 (4) § 1–201 (Visions);

22 (5) § 1–206 (Required education);

- (6) § 1–207 (Annual report – In general);
- (7) § 1–208 (Annual report – Measures and indicators);
- (8) Title 1, Subtitle 3 (Consistency);
- (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties Comprehensive Plans; Implementation);
- (10) § 4–104(c) (Limitations – Bicycle parking);
- (11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- (12) § 4–205 (Administrative adjustments);
- (13) § 4–208 (Exceptions – Maryland Accessibility Code);
- (14) § 4–210 (Permits and variances – Solar panels);
- (15) § 4–211 (Change in zoning classification – Energy generating systems);
- (16) § 4–215 (Pollinator–friendly vegetation management);
- (17) § 4–216 (Limitations – Family child care homes and large family child
- (18) Title 4, Subtitle 5 (Accessory Dwelling Units);
- (19) § 5–102(d) (Subdivision regulations – Burial sites);
- (20) Title 7, Subtitle 1 (Development Mechanisms);
- (21) Title 7, Subtitle 2 (Transfer of Development Rights);
- (22) Title 7, Subtitle 3 (Development Rights and Responsibilities);

- (23) Title 7, Subtitle 4 (Inclusionary Zoning);
- (24) Title 7, Subtitle 5 (Housing Expansion and Affordability); [and]
- (25) Title 11, Subtitle 2 (Civil Penalty); AND
- (26) TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).**

TITLE 12. MARYLAND HOUSING CERTAINTY ACT.

SUBTITLE 1. GENERAL PROVISIONS.

7 12-101.

8 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) "COMMISSION" MEANS THE MARYLAND-NATIONAL CAPITAL PARK AND
11 PLANNING COMMISSION.

12 (C) "HOUSING CONSTRUCTION PERMIT" MEANS A BUILDING PERMIT
13 REQUIRED BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION TO
14 COMMENCE OR CONTINUE THE CONSTRUCTION, SUBSTANTIAL RENOVATION, OR
15 IMPROVEMENT OF RESIDENTIAL REAL ESTATE.

16 (D) "HOUSING DEVELOPMENT PROJECT" MEANS THE NEW CONSTRUCTION
17 OR SUBSTANTIAL RENOVATION OF A RESIDENTIAL REAL ESTATE PROJECT.

18 (E) "HOUSING DEVELOPMENT PROJECT APPLICATION" MEANS AN
19 APPLICATION FOR A BUILDING PERMIT, CERTIFICATION, AUTHORIZATION, SITE
20 PLAN APPROVAL, SUBDIVISION APPROVAL, CONCEPTUAL PLAN, OR ANY OTHER
21 DETERMINATION BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION
22 RELATING TO A HOUSING DEVELOPMENT PROJECT THAT HAS BEEN SUBMITTED TO
23 A LOCAL REGULATORY AUTHORITY OR THE COMMISSION IN COMPLIANCE WITH
24 APPLICABLE REQUIREMENTS.

25 (F) "LOCAL REGULATORY AUTHORITY" MEANS:

(1) THE GOVERNING BODY OF A LOCAL JURISDICTION; OR

(2) A DEPARTMENT, BOARD, COMMISSION, OR OTHER ENTITY OF A JURISDICTION RESPONSIBLE FOR PROCESSING OR APPROVING AN APPLICATION FOR A HOUSING CONSTRUCTION PERMIT.

(G) "PHASED DEVELOPMENT PLAN" MEANS A SUBDIVISION OR SITE PLAN IN WHICH THE APPLICANT PROPOSES TO DEVELOP A PROPERTY IN 2 OR MORE INDIVIDUAL PHASES OVER A PERIOD OF TIME.

(H) "SUBSTANTIALLY COMPLETE APPLICATION" MEANS A HOUSING DEVELOPMENT PROJECT APPLICATION THAT SATISFIES A SUBSTANTIAL MAJORITY OF THE APPLICATION REQUIREMENTS, BUT MAY CONTAIN NONSUBSTANTIVE ERRORS, OMISSIONS, OR SIMILAR INCONSEQUENTIAL DEFICIENCIES.

SUBTITLE 2. LOCAL REGULATORY PROCEDURES.

12-201.

(A) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE
OVAL, CONDITIONAL APPROVAL, OR DENIAL OF A HOUSING DEVELOPMENT
ECT APPLICATION BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION
L BE GOVERNED ONLY BY THE DULY ADOPTED LAWS AND REGULATIONS IN
CT AT THE TIME OF SUBMISSION OF A SUBSTANTIALLY COMPLETE
ICATION.

(2) (i) Within 15 days after receipt of a housing project application, a local regulatory authority or the DNR shall make a determination as to whether the application is substantially complete application.

(II) AFTER MAKING A DETERMINATION UNDER THIS
LOCAL REGULATORY AUTHORITY OR THE COMMISSION SHALL:

1. PROMPTLY NOTIFY THE APPLICANT OF THE DATE OF THE DETERMINATION; AND

21 (B) AFTER A HOUSING DEVELOPMENT PROJECT HAS RECEIVED ALL
22 REQUIRED APPROVALS, THE PROPONENT OF THE PROJECT SHALL HAVE A VESTED
23 RIGHT TO THAT AUTHORIZED USE AND DEVELOPMENT FOR THE LONGER OF:

24 (1) 5 YEARS; OR

27 (c) FOR PURPOSES OF THIS SECTION, EACH DISCRETE PHASE OF A
28 HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASED DEVELOPMENT PLAN
29 SHALL BE CONSIDERED A DISCRETE HOUSING DEVELOPMENT PROJECT.

30 (d) THIS SECTION MAY NOT BE CONSTRUED TO:

7 (I) REQUIRE APPROVALS OR PERMITS FOR EACH PHASE OF A
8 HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASED DEVELOPMENT PLAN IN
9 ACCORDANCE WITH THE LAWS AND REGULATIONS IN EFFECT AT THE TIME OF
10 SUBMISSION OF A SUBSTANTIALLY COMPLETE APPLICATION FOR EACH RESPECTIVE
11 PHASE;

12 (II) ENFORCE HEALTH AND SAFETY LAWS OR REGULATIONS
13 THAT ARE NECESSARY TO ADDRESS IMMEDIATE THREATS TO PUBLIC SAFETY;

16 (IV) APPROVE A ZONING TEXT AMENDMENT, APPLICATION FOR
17 REZONING, OR OTHER LOCAL EQUIVALENT TO INCREASE THE DENSITY OF A
18 HOUSING DEVELOPMENT PROJECT BEYOND THE MAXIMUM ALLOWABLE AMOUNT AT
19 THE TIME OF COMPLETE OR SUBSTANTIALLY COMPLETE APPLICATION SUBMISSION
20 UNDER SUBSECTION (A) OF THIS SECTION.

21 (E) THE REQUIREMENTS OF THIS SECTION APPLY TO A LOCAL REGULATORY
22 AUTHORITY AND THE COMMISSION ONLY TO THE EXTENT THAT THE REQUIREMENTS
23 DO NOT CONFLICT WITH OTHER STATE OR FEDERAL LAWS OR REGULATIONS.

SUBTITLE 3, SHORT TITLE.

25 12-301.

26 THIS TITLE MAY BE CITED AS THE MARYLAND HOUSING CERTAINTY ACT.

Article – Local Government

1 20-128.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "DEVELOPMENT EXCISE TAX" MEANS AN EXCISE TAX IMPOSED BY
5 A COUNTY OR MUNICIPALITY ON THE CONSTRUCTION OR IMPROVEMENT OF A
6 BUILDING.

7 (3) "DEVELOPMENT IMPACT FEE" MEANS A FEE IMPOSED BY A
8 COUNTY OR MUNICIPALITY FOR THE PURPOSE OF FINANCING ANY OF THE CAPITAL
9 COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND
10 FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.

11 (4) "RESIDENTIAL REAL ESTATE PROJECT" INCLUDES A MIXED-USE
12 DEVELOPMENT THAT INCLUDES RESIDENTIAL UNITS.

13 (B) THIS SECTION APPLIES ONLY TO:

14 (1) A COUNTY THAT:

15 (I) IS A CHARTER COUNTY THAT IMPOSES, BY LAW,
16 DEVELOPMENT IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES;

17 (II) IS A CODE COUNTY WITH PUBLIC LOCAL LAWS THAT
18 REQUIRE THE PAYMENT OF DEVELOPMENT IMPACT FEES, SURCHARGES, OR
19 DEVELOPMENT EXCISE TAXES; OR

20 (III) IS A COMMISSION COUNTY THAT:

21 1. HAS BEEN AUTHORIZED TO ENACT DEVELOPMENT
22 IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES; AND

23 2. HAS ENACTED, BY LOCAL LAW, DEVELOPMENT
24 IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES; AND

(2) A MUNICIPALITY THAT IMPOSES, BY LOCAL LAW, DEVELOPMENT IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES.

(C) ANY DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE IMPOSED ON A RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY GRANTED IN THIS ARTICLE MAY NOT BE COLLECTED UNTIL AFTER:

(1) CONSTRUCTION OF THE RESIDENTIAL REAL ESTATE PROJECT IS COMPLETE; AND

(2) A CERTIFICATE OF OCCUPANCY, OCCUPANCY PERMIT, OR OTHER LOCAL EQUIVALENT HAS BEEN ISSUED FOR THE RESIDENTIAL REAL ESTATE PROJECT.

(D) NOTWITHSTANDING ANY OTHER LAW, A COUNTY OR MUNICIPALITY THAT IMPOSES A DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE ON A RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY GRANTED IN THIS ARTICLE MAY REVOKE A CERTIFICATE OF OCCUPANCY, OCCUPANCY PERMIT, OR OTHER LOCAL EQUIVALENT IF THE DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE IS NOT PAID WITHIN A REASONABLE TIME PERIOD SET BY THE COUNTY OR MUNICIPALITY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.