

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)

BY adding 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,
That the Laws of Maryland read as follows:

Article – Land Use

1–401.

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

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

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

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

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

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

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

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

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

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

10–103.

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

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

(1) this title;

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

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

(4) § 1–201 (Visions);

(5) § 1–206 (Required education);

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

(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.

12-101.

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

(B) “COMMISSION” MEANS THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

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

(D) “HOUSING DEVELOPMENT PROJECT” MEANS THE NEW CONSTRUCTION OR SUBSTANTIAL RENOVATION OF A RESIDENTIAL REAL ESTATE PROJECT.

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

(F) “LOCAL REGULATORY AUTHORITY” MEANS:

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

(2) A DEPARTMENT, BOARD, COMMISSION, OR OTHER ENTITY OF A LOCAL 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 APPROVAL, CONDITIONAL APPROVAL, OR DENIAL OF A HOUSING DEVELOPMENT PROJECT APPLICATION BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION SHALL BE GOVERNED ONLY BY THE DULY ADOPTED LAWS AND REGULATIONS IN EFFECT AT THE TIME OF SUBMISSION OF A SUBSTANTIALLY COMPLETE APPLICATION.

(2) (I) WITHIN 15 DAYS AFTER RECEIPT OF A HOUSING DEVELOPMENT PROJECT APPLICATION, A LOCAL REGULATORY AUTHORITY OR THE COMMISSION SHALL MAKE A DETERMINATION AS TO WHETHER THE APPLICATION IS A SUBSTANTIALLY COMPLETE APPLICATION.

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

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

1 **2. IF THE LOCAL REGULATORY AUTHORITY OR THE**
2 **COMMISSION HAS DETERMINED THAT THE APPLICATION IS NOT A SUBSTANTIALLY**
3 **COMPLETE APPLICATION, PROVIDE THE APPLICANT WITH A LIST OF DEFICIENCIES**
4 **AND A REASONABLE TIME FRAME FOR CURING THE DEFICIENCIES.**

5 **(3) IF A LOCAL REGULATORY AUTHORITY OR THE COMMISSION FAILS**
6 **TO NOTIFY AN APPLICANT OF ITS DETERMINATION REGARDING THE COMPLETENESS**
7 **OF A HOUSING DEVELOPMENT APPLICATION WITHIN 20 DAYS AFTER RECEIPT OF**
8 **THE APPLICATION, THE APPLICATION IS DEEMED TO BE A SUBSTANTIALLY**
9 **COMPLETE APPLICATION FOR PURPOSES OF THIS SECTION.**

10 **(4) (I) WHEN A LOCAL REGULATORY AUTHORITY OR THE**
11 **COMMISSION PROVIDES FOR THE APPROVAL OF A HOUSING DEVELOPMENT**
12 **PROJECT IN MULTIPLE STAGES, THE DATE OF A COMPLETE OR SUBSTANTIALLY**
13 **COMPLETE APPLICATION SUBMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION**
14 **SHALL BE THE DATE OF THE FIRST COMPLETE OR SUBSTANTIALLY COMPLETE**
15 **APPLICATION SUBMISSION FOR ANY PROCESS THAT MAY CULMINATE IN THE FINAL**
16 **APPROVAL OF THE APPLICATION.**

17 **(II) A ZONING TEXT AMENDMENT, APPLICATION FOR**
18 **REZONING, OR OTHER LOCAL EQUIVALENT MAY NOT BE CONSIDERED AS A PROCESS**
19 **THAT MAY CULMINATE IN THE FINAL APPROVAL OF AN APPLICATION UNDER THIS**
20 **PARAGRAPH.**

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**

25 **(2) A PERIOD DETERMINED BY THE LOCAL REGULATORY AUTHORITY**
26 **OR THE COMMISSION.**

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:**

1 **(1) PREVENT THE EXPIRATION OF AN APPROVAL OF A HOUSING**
2 **DEVELOPMENT PROJECT APPLICATION IN ACCORDANCE WITH THE LAWS OR**
3 **REGULATIONS GOVERNING A LOCAL REGULATORY AUTHORITY OR THE**
4 **COMMISSION; OR**

5 **(2) LIMIT THE ABILITY OF A LOCAL REGULATORY AUTHORITY OR THE**
6 **COMMISSION 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;**

14 **(III) EXECUTE A DEVELOPMENT RIGHTS AND RESPONSIBILITIES**
15 **AGREEMENT UNDER TITLE 7, SUBTITLE 3 OF THIS ARTICLE; OR**

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.**

24 **SUBTITLE 3. SHORT TITLE.**

25 **12-301.**

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

27 **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**

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

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

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

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

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

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