

HOUSE BILL 239

C9, L6

(PRE-FILED)

6lr0184
CF SB 36

By: **Chair, Economic Matters Committee (By Request – Departmental – Housing and Community Development)**

Requested: October 29, 2025

Introduced and read first time: January 14, 2026

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Zoning – Limitations**
3 **(Starter and Silver Homes Act of 2026)**

4 FOR the purpose of prohibiting local jurisdictions from adopting or enforcing certain zoning
5 provisions relating to lot size, dimensions, setback requirements, lot coverage, and
6 design or architectural elements for certain single-family homes; prohibiting local
7 jurisdictions from prohibiting certain housing types in certain zones; prohibiting
8 local jurisdictions from prohibiting certain subdivisions of certain lot types; and
9 generally relating to local zoning laws.

10 BY repealing and reenacting, with amendments,
11 Article – Land Use
12 Section 1–101, 1–401, 4–102, 4–103, 10–103, and 10–202
13 Annotated Code of Maryland
14 (2012 Volume and 2025 Supplement)

15 BY adding to
16 Article – Land Use
17 Section 4–104(e)
18 Annotated Code of Maryland
19 (2012 Volume and 2025 Supplement)

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

22 **Article – Land Use**

23 1–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) In this division the following words have the meanings indicated.

(b) “Adaptive reuse” means a change granted by a legislative body under § 4–207 of this article to the use restrictions in a zoning classification, as those restrictions are applied to a particular improved property.

(c) “Charter county” means a county that has adopted charter home rule under Article XI–A of the Maryland Constitution.

(d) “Code county” means a county that has adopted code home rule under Article XI–F of the Maryland Constitution.

(e) “County” means a county of the State or Baltimore City.

(f) (1) “Development” means an activity that materially affects the existing condition or use of any land or structure.

(2) “Development” does not include a normal agricultural activity.

(g) (1) “Legislative body” means the elected body of a local jurisdiction.

(2) “Legislative body” includes:

(i) the board of county commissioners;

(ii) the county council; and

(iii) the governing body of a municipal corporation.

(h) (1) “Local executive” means the chief executive of a local jurisdiction.

(2) “Local executive” includes:

(i) the board of county commissioners;

(ii) the county executive;

(iii) the executive head; and

(iv) the mayor.

(i) “Local jurisdiction” means a county or municipal corporation and the territory within which its powers may be exercised.

(j) (1) “Local law” means an enactment of the legislative body of a local jurisdiction, whether by ordinance, resolution, or otherwise.

(2) “Local law” does not include a public local law.

(k) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, limited liability company, or other entity.

(l) (1) “Plan” means the policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities documented in texts and maps that constitute the guide for an area’s future development.

(2) “Plan” includes a general plan, master plan, comprehensive plan, functional plan, or community plan adopted in accordance with Subtitle 4 of this title and Title 3 of this article.

(m) “Priority funding area” has the meaning stated in § 5–7B–02 of the State Finance and Procurement Article.

(n) (1) “Regulation” means a rule of general applicability and future effect.

(2) “Regulation” includes a map or plan.

(o) “Sensitive area” includes:

(1) a stream or wetland, and its buffers;

(2) a 100–year flood plain;

(3) a habitat of a threatened or endangered species;

(4) a steep slope;

(5) agricultural or forest land intended for resource protection or conservation; and

(6) any other area in need of special protection, as determined in a plan.

(p) “Special exception” means a grant of a specific use that:

(1) would not be appropriate generally or without restriction; and

(2) shall be based on a finding that:

(i) the requirements of the zoning law governing the special exception on the subject property are satisfied; and

(ii) the use on the subject property is consistent with the plan and is compatible with the existing neighborhood.

(q) (1) Except as provided in paragraph (2) of this subsection, “state” means:

(i) a state, possession, territory, or commonwealth of the United States; or

(ii) the District of Columbia.

(2) When capitalized, “State” means Maryland.

(r) (1) “Subdivision” means:

(i) the process and configuration of land by which one or more lots, tracts, or parcels of land are divided, consolidated, or established as one or more lots or parcels, or other divisions of land, consistent with criteria established by the legislative body of the local jurisdiction; or

(ii) the land so subdivided.

(2) “Subdivision” includes resubdivision.

(s) **“TOWN HOUSE” MEANS A DWELLING UNIT CONSTRUCTED IN A ROW OF THREE OR MORE ATTACHED DWELLING UNITS, WHERE EACH DWELLING UNIT:**

(1) SHARES AT LEAST ONE COMMON WALL WITH AN ADJACENT DWELLING UNIT; AND

(2) (I) IS LOCATED ON AN INDIVIDUAL LOT OR PARCEL; OR

(II) IS SUBJECT TO A CONDOMINIUM REGIME ESTABLISHED UNDER TITLE 11 OF THE REAL PROPERTY ARTICLE.

(T) “Variance” means a modification only of density, bulk, dimensional, or area requirements in the zoning law that is not contrary to the public interest, and where, owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the zoning law would result in unnecessary hardship or practical difficulty, as specified in the zoning law.

[(t)] (U) (1) “Zoning law” means the legislative implementation of regulations for zoning by a local jurisdiction.

(2) “Zoning law” includes a zoning ordinance, zoning regulation, zoning code, and any similar legislative action to implement zoning controls in a local jurisdiction.

(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);

(9) § 4–104(c) (Limitations – Bicycle parking);

(10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

(11) **§ 4–104(E) (LIMITATIONS – SINGLE-FAMILY HOMES);**

(12) § 4–208 (Exceptions – Maryland Accessibility Code);

[(12)] (13) § 4–210 (Permits and variances – Solar panels);

[(13)] (14) § 4–211 (Change in zoning classification – Energy generating systems);

[(14)] (15) § 4–212 (Agritourism);

[(15)] (16) § 4–213 (Alcohol production);

[(16)] (17) § 4–214 (Agricultural alcohol production);

[(17)] (18) § 4–215 (Pollinator-friendly vegetation management);

[(18)] (19) § 4–216 (Limitations – Family child care homes and large family child care homes);

1 ~~[(19)]~~ **(20)** Title 4, Subtitle 5 (Accessory Dwelling Units);

2 ~~[(20)]~~ **(21)** § 5–102(d) (Subdivision regulations – Burial sites);

3 ~~[(21)]~~ **(22)** § 5–104 (Major subdivision – Review);

4 ~~[(22)]~~ **(23)** Title 7, Subtitle 1 (Development Mechanisms);

5 ~~[(23)]~~ **(24)** Title 7, Subtitle 2 (Transfer of Development Rights);

6 ~~[(24)]~~ **(25)** except in Montgomery County or Prince George’s County, Title
7 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

8 ~~[(25)]~~ **(26)** Title 7, Subtitle 4 (Inclusionary Zoning);

9 ~~[(26)]~~ **(27)** Title 7, Subtitle 5 (Housing Expansion and Affordability);

10 ~~[(27)]~~ **(28)** § 8–401 (Conversion of overhead facilities);

11 ~~[(28)]~~ **(29)** for Baltimore County only, Title 9, Subtitle 3 (Single–County
12 Provisions – Baltimore County);

13 ~~[(29)]~~ **(30)** for Frederick County only, Title 9, Subtitle 10 (Single–County
14 Provisions – Frederick County);

15 ~~[(30)]~~ **(31)** for Howard County only, Title 9, Subtitle 13 (Single–County
16 Provisions – Howard County);

17 ~~[(31)]~~ **(32)** for Talbot County only, Title 9, Subtitle 18 (Single–County
18 Provisions – Talbot County); and

19 ~~[(32)]~~ **(33)** Title 11, Subtitle 2 (Civil Penalty).

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

21 4–102.

22 To promote the health, safety, and general welfare of the community, a legislative
23 body may, **SUBJECT TO THE OTHER PROVISIONS OF THIS SUBTITLE**, regulate:

24 (1) the height, number of stories, and size of buildings and other structures;

25 (2) the percentage of a lot that may be occupied;

26 (3) off–street parking;

(4) the size of yards, courts, and other open spaces;

(5) population density; and

(6) the location and use of buildings, signs, structures, and land.

4–103.

(a) When zoning or rezoning land under this division, a legislative body may, **SUBJECT TO THE OTHER PROVISIONS OF THIS SUBTITLE**, impose any additional conditions or limitations that the legislative body considers appropriate to improve or protect the general character and design of:

(1) the land and improvements being zoned or rezoned; or

(2) the surrounding or adjacent land and improvements.

(b) A municipal corporation may include in an annexation agreement conditions and limitations on the use of land and density of development otherwise allowed in the zoning district where the land is located.

(c) When zoning or rezoning land under this division, to ensure conformity with the intent and purpose of this division and of the local jurisdiction's zoning law, a legislative body may retain the power to approve or disapprove, **SUBJECT TO THE OTHER PROVISIONS OF THIS SUBTITLE**:

(1) the design of buildings, construction, landscaping, or other improvements; and

(2) the changes made or to be made on the land being zoned or rezoned.

(d) The powers provided in this section shall apply only if the legislative body adopts a local law that includes:

(1) enforcement procedures; and

(2) requirements for adequate notice of:

(i) public hearings; and

(ii) conditions or limitations sought to be imposed.

4–104.

(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "AREA ZONED FOR SINGLE-FAMILY RESIDENTIAL USE" MEANS AN AREA IN WHICH THE CONSTRUCTION AND PLACEMENT OF DETACHED SINGLE-FAMILY HOMES IS ALLOWED BY RIGHT UNDER LOCAL LAW.

(III) "IMPROVED LOT" MEANS A LOT OR PARCEL ON WHICH A RESIDENTIAL STRUCTURE IS LOCATED.

(IV) "LEGISLATIVE BODY" INCLUDES:

1. THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION; AND

2. ANY OTHER LOCAL BODY WITH AUTHORITY TO CREATE OR MODIFY ZONING REGULATIONS OR DESIGN LIMITATIONS FOR RESIDENTIAL USE.

(V) "SINGLE-FAMILY HOME" MEANS:

1. A STANDALONE RESIDENTIAL STRUCTURE THAT IS INTENDED FOR OCCUPANCY BY ONE HOUSEHOLD AND HAS A PRIVATE ENTRANCE, A KITCHEN, AND BATHROOM FACILITIES; OR

2. A TOWN HOUSE.

(2) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO:

(I) AN AREA THAT WAS DESIGNATED AS PART OF A HISTORIC DISTRICT IN ACCORDANCE WITH § 8-105 OF THIS ARTICLE ON OR BEFORE JULY 1, 2025;

(II) AGRICULTURAL LAND, AS DEFINED IN § 9-206 OF THE TAX – PROPERTY ARTICLE; OR

(III) CONSERVATION PROPERTY, AS DEFINED IN § 8-209.1 OF THE TAX – PROPERTY ARTICLE.

(3) NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY:

1 **(I) IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO**
2 **PUBLIC WATER AND SEWER SYSTEMS, A MINIMUM LOT SIZE GREATER THAN 5,000**
3 **SQUARE FEET FOR LOTS ON WHICH A SINGLE-FAMILY HOME MAY BE LOCATED;**

4 **(II) MINIMUM SQUARE FOOTAGE OR EXTERIOR DIMENSION**
5 **REQUIREMENTS FOR A SINGLE-FAMILY HOME;**

6 **(III) LOT COVERAGE MAXIMUMS FOR A SINGLE-FAMILY HOME**
7 **AND ANY ACCESSORY STRUCTURES;**

8 **(IV) MINIMUM BUILDING SETBACKS FOR A SINGLE-FAMILY**
9 **HOME AND ANY ACCESSORY STRUCTURES GREATER THAN:**

10 **1. FOR FRONT AND REAR SETBACKS, 10 FEET; AND**

11 **2. FOR SIDE SETBACKS, 5 FEET; OR**

12 **(V) DESIGN, ARCHITECTURAL, OR AESTHETIC ELEMENTS FOR A**
13 **SINGLE-FAMILY HOME.**

14 **(4) NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY**
15 **NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR**
16 **OTHER REQUIREMENT THAT PROHIBITS, DIRECTLY OR INDIRECTLY, THE**
17 **PLACEMENT OF TOWN HOUSES IN AN AREA ZONED FOR SINGLE-FAMILY**
18 **RESIDENTIAL USE.**

19 **(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
20 **PARAGRAPH AND NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY**
21 **NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR**
22 **OTHER REQUIREMENT THAT PROHIBITS THE OWNER OF AN IMPROVED LOT IN AN**
23 **AREA ZONED FOR SINGLE-FAMILY RESIDENTIAL USE FROM SUBDIVIDING THE LOT**
24 **INTO THREE OR FEWER SMALLER LOTS THAT CONFORM TO LOCAL LAW.**

25 **(II) THIS PARAGRAPH DOES NOT APPLY TO AN IMPROVED LOT**
26 **CREATED BY SUBDIVISION WITHIN THE PRECEDING 3 YEARS.**

27 **(6) THE PROVISIONS OF THIS SUBSECTION:**

28 **(I) DO NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE**
29 **CODES, OR PUBLIC HEALTH AND SAFETY REGULATIONS THAT ARE NECESSARY TO**
30 **ADDRESS IMMEDIATE THREATS TO PUBLIC SAFETY; AND**

(II) APPLY TO A LEGISLATIVE BODY ONLY TO THE EXTENT THAT
THEY DO NOT CONFLICT WITH OTHER STATE OR FEDERAL LAWS OR REGULATIONS.

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);

(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) **§ 4–104(E) (LIMITATIONS – SINGLE-FAMILY HOMES);**

(13) § 4–205 (Administrative adjustments);

[(13)] (14) § 4–208 (Exceptions – Maryland Accessibility Code);

[(14)] (15) § 4–210 (Permits and variances – Solar panels);

[(15)] (16) § 4–211 (Change in zoning classification – Energy generating systems);

[(16)] (17) § 4–215 (Pollinator–friendly vegetation management);

1 [(17)] **(18)** § 4–216 (Limitations – Family child care homes and large family
2 child care homes);

3 [(18)] **(19)** Title 4, Subtitle 5 (Accessory Dwelling Units);

4 [(19)] **(20)** § 5–102(d) (Subdivision regulations – Burial sites);

5 [(20)] **(21)** Title 7, Subtitle 1 (Development Mechanisms);

6 [(21)] **(22)** Title 7, Subtitle 2 (Transfer of Development Rights);

7 [(22)] **(23)** Title 7, Subtitle 3 (Development Rights and Responsibilities
8 Agreements);

9 [(23)] **(24)** Title 7, Subtitle 4 (Inclusionary Zoning);

10 [(24)] **(25)** Title 7, Subtitle 5 (Housing Expansion and Affordability); and

11 [(25)] **(26)** Title 11, Subtitle 2 (Civil Penalty).

12 10–202.

13 To promote the health, safety, and general welfare of the community, the Mayor and
14 City Council of Baltimore City may, **SUBJECT TO THE OTHER PROVISIONS OF THIS**
15 **DIVISION**, regulate:

16 (1) the height, number of stories, and size of buildings and other structures;

17 (2) the percentage of a lot that may be occupied;

18 (3) off–street parking;

19 (4) the size of yards, courts, and other open spaces;

20 (5) population density; and

21 (6) the location and use of buildings, signs, structures, and land.

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