

# HOUSE BILL 548

C9, L6

(6lr1544)

## ENROLLED BILL

— *Economic Matters/Education, Energy, and the Environment* —

Introduced by **Delegates Behler, Acevero, Addison, Allen, Amprey, Boaf, Boyce, Edelson, Fair, Holmes, Ivey, Lewis, Moreno, Palakovich Carr, Pasteur, Qi, Ross, Ruff, Schindler, Simmons, Stewart, Vogel, and Wims**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

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, subject to certain exceptions; and generally relating to housing  
12 development and land use.

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 BY repealing and reenacting, with amendments,  
2 Article – Land Use  
3 Section 1–401 and 10–103  
4 Annotated Code of Maryland  
5 (2012 Volume and 2025 Supplement)

6 BY adding to  
7 Article – Land Use  
8 Section 12–101 through 12–301 to be under the new title “Title 12. Maryland  
9 Housing Certainty Act”  
10 Annotated Code of Maryland  
11 (2012 Volume and 2025 Supplement)

12 BY adding to  
13 Article – Local Government  
14 Section 20–128  
15 Annotated Code of Maryland  
16 (2013 Volume and 2025 Supplement)

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

19 **Article – Land Use**

20 1–401.

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

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

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

26 (2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,  
27 and “Sensitive area”);

28 (3) § 1–201 (Visions);

29 (4) § 1–206 (Required education);

30 (5) § 1–207 (Annual report – In general);

31 (6) § 1–208 (Annual report – Measures and indicators);

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

- 1 (8) Title 1, Subtitle 5 (Growth Tiers);
- 2 (9) § 4–104(c) (Limitations – Bicycle parking);
- 3 (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- 4 (11) § 4–208 (Exceptions – Maryland Accessibility Code);
- 5 (12) § 4–210 (Permits and variances – Solar panels);
- 6 (13) § 4–211 (Change in zoning classification – Energy generating systems);
- 7 (14) § 4–212 (Agritourism);
- 8 (15) § 4–213 (Alcohol production);
- 9 (16) § 4–214 (Agricultural alcohol production);
- 10 (17) § 4–215 (Pollinator–friendly vegetation management);
- 11 (18) § 4–216 (Limitations – Family child care homes and large family child  
12 care homes);
- 13 (19) Title 4, Subtitle 5 (Accessory Dwelling Units);
- 14 (20) § 5–102(d) (Subdivision regulations – Burial sites);
- 15 (21) § 5–104 (Major subdivision – Review);
- 16 (22) Title 7, Subtitle 1 (Development Mechanisms);
- 17 (23) Title 7, Subtitle 2 (Transfer of Development Rights);
- 18 (24) except in Montgomery County or Prince George’s County, Title 7,  
19 Subtitle 3 (Development Rights and Responsibilities Agreements);
- 20 (25) Title 7, Subtitle 4 (Inclusionary Zoning);
- 21 (26) Title 7, Subtitle 5 (Housing Expansion and Affordability);
- 22 (27) § 8–401 (Conversion of overhead facilities);
- 23 (28) for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions  
24 – Baltimore County);
- 25 (29) for Frederick County only, Title 9, Subtitle 10 (Single–County  
26 Provisions – Frederick County);

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

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

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

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

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

9 10–103.

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

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

13 (1) this title;

14 (2) § 1–101(m) (Definitions – “Priority funding area”);

15 (3) § 1–101(o) (Definitions – “Sensitive area”);

16 (4) § 1–201 (Visions);

17 (5) § 1–206 (Required education);

18 (6) § 1–207 (Annual report – In general);

19 (7) § 1–208 (Annual report – Measures and indicators);

20 (8) Title 1, Subtitle 3 (Consistency);

21 (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties  
22 – Comprehensive Plans; Implementation);

23 (10) § 4–104(c) (Limitations – Bicycle parking);

24 (11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

25 (12) § 4–205 (Administrative adjustments);

- 1 (13) § 4–208 (Exceptions – Maryland Accessibility Code);
- 2 (14) § 4–210 (Permits and variances – Solar panels);
- 3 (15) § 4–211 (Change in zoning classification – Energy generating systems);
- 4 (16) § 4–215 (Pollinator–friendly vegetation management);
- 5 (17) § 4–216 (Limitations – Family child care homes and large family child  
6 care homes);
- 7 (18) Title 4, Subtitle 5 (Accessory Dwelling Units);
- 8 (19) § 5–102(d) (Subdivision regulations – Burial sites);
- 9 (20) Title 7, Subtitle 1 (Development Mechanisms);
- 10 (21) Title 7, Subtitle 2 (Transfer of Development Rights);
- 11 (22) Title 7, Subtitle 3 (Development Rights and Responsibilities  
12 Agreements);
- 13 (23) Title 7, Subtitle 4 (Inclusionary Zoning);
- 14 (24) Title 7, Subtitle 5 (Housing Expansion and Affordability); [and]
- 15 (25) Title 11, Subtitle 2 (Civil Penalty); AND
- 16 (26) **TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).**

17 **TITLE 12. MARYLAND HOUSING CERTAINTY ACT.**

18 **SUBTITLE 1. GENERAL PROVISIONS.**

19 **12–101.**

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

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

24 (C) “COMPLETE APPLICATION” MEANS A HOUSING DEVELOPMENT PROJECT  
25 APPLICATION THAT INCLUDES ALL MATERIALS AND INFORMATION REQUIRED FOR  
26 PROCESSING AND SUBSTANTIVE REVIEW AS DETERMINED BY THE COMMISSION OR

1 THE LOCAL REGULATORY AUTHORITY, BUT MAY CONTAIN NONSUBSTANTIVE  
 2 ERRORS, OMISSIONS, OR SIMILAR INCONSEQUENTIAL DEFICIENCIES.

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

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

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

17 ~~(F)~~ (G) “LOCAL REGULATORY AUTHORITY” MEANS:

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

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

22 (H) “PHASE” MEANS A DISCRETE, PLANNED PORTION OF A LARGER  
 23 HOUSING DEVELOPMENT PROJECT THAT:

24 (1) IS CONSTRUCTED INDEPENDENTLY OF AND SEQUENTIALLY WITH  
 25 OTHER PORTIONS OF THE PROJECT;

26 (2) INCLUDES 25 OR MORE HOUSING UNITS; AND

27 (3) INCLUDES ANY IMPROVEMENTS NECESSARY TO FUNCTION  
 28 INDEPENDENTLY FROM THE OTHER PORTIONS OF THE PROJECT.

29 ~~(G)~~ (I) “PHASED DEVELOPMENT PLAN” MEANS A SUBDIVISION OR SITE  
 30 PLAN IN WHICH THE APPLICANT PROPOSES TO DEVELOP A PROPERTY IN 2 OR MORE  
 31 INDIVIDUAL PHASES OVER A PERIOD OF TIME.

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

5                           SUBTITLE 2. LOCAL REGULATORY PROCEDURES.

6   12-201.

7           (A) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE  
8 APPROVAL, CONDITIONAL APPROVAL, OR DENIAL OF A HOUSING DEVELOPMENT  
9 PROJECT APPLICATION BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION  
10 SHALL BE GOVERNED ONLY BY THE DULY ADOPTED LAWS AND REGULATIONS IN  
11 EFFECT AT THE TIME OF SUBMISSION OF A ~~SUBSTANTIALLY~~ COMPLETE  
12 APPLICATION.

13           (2) (I) WITHIN ~~15~~ 30 DAYS AFTER RECEIPT OF A HOUSING  
14 DEVELOPMENT PROJECT APPLICATION, A LOCAL REGULATORY AUTHORITY OR THE  
15 COMMISSION SHALL MAKE A DETERMINATION AS TO WHETHER THE APPLICATION IS  
16 A ~~SUBSTANTIALLY~~ COMPLETE APPLICATION.

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

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

21                           2. IF THE LOCAL REGULATORY AUTHORITY OR THE  
22 COMMISSION HAS DETERMINED THAT THE APPLICATION IS NOT A ~~SUBSTANTIALLY~~  
23 COMPLETE APPLICATION, PROVIDE THE APPLICANT WITH A LIST OF DEFICIENCIES  
24 AND A REASONABLE TIME FRAME FOR CURING THE DEFICIENCIES.

25           (3) IF A LOCAL REGULATORY AUTHORITY OR THE COMMISSION FAILS  
26 TO NOTIFY AN APPLICANT OF ITS DETERMINATION REGARDING THE COMPLETENESS  
27 OF A HOUSING DEVELOPMENT APPLICATION WITHIN ~~20~~ 35 DAYS AFTER RECEIPT OF  
28 THE APPLICATION, THE APPLICATION IS DEEMED TO BE A ~~SUBSTANTIALLY~~  
29 COMPLETE APPLICATION FOR PURPOSES OF THIS SECTION.

30           (4) (I) WHEN A LOCAL REGULATORY AUTHORITY OR THE  
31 COMMISSION PROVIDES FOR THE APPROVAL OF A HOUSING DEVELOPMENT  
32 PROJECT IN MULTIPLE STAGES REQUIRES APPROVAL OF MULTIPLE HOUSING  
33 DEVELOPMENT PROJECT APPLICATIONS FOR THE COMPLETION OF A HOUSING  
34 DEVELOPMENT PROJECT, THE DATE OF A ~~COMPLETE OR SUBSTANTIALLY~~

1 COMPLETE APPLICATION SUBMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION  
2 SHALL BE THE DATE OF THE FIRST ~~COMPLETE OR SUBSTANTIALLY~~ COMPLETE  
3 APPLICATION SUBMISSION FOR ANY PROCESS THAT MAY CULMINATE IN THE ~~FINAL~~  
4 ~~APPROVAL OF THE APPLICATION~~ COMPLETION OF A HOUSING DEVELOPMENT  
5 PROJECT.

6 (II) A ZONING TEXT AMENDMENT, APPLICATION FOR  
7 REZONING, OR OTHER LOCAL EQUIVALENT MAY NOT BE CONSIDERED AS A PROCESS  
8 THAT MAY CULMINATE IN THE ~~FINAL APPROVAL OF AN APPLICATION UNDER THIS~~  
9 ~~PARAGRAPH~~ COMPLETION OF A HOUSING DEVELOPMENT PROJECT.

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

13 (1) 5 YEARS; OR

14 (2) A PERIOD DETERMINED BY THE LOCAL REGULATORY AUTHORITY  
15 OR THE COMMISSION.

16 (C) FOR PURPOSES OF THIS SECTION, EACH ~~DISCRETE~~ PHASE OF A  
17 HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASED DEVELOPMENT PLAN  
18 SHALL BE CONSIDERED A DISCRETE HOUSING DEVELOPMENT PROJECT.

19 (D) THIS SECTION MAY NOT BE CONSTRUED TO:

20 (1) SUBJECT TO THE VESTING PERIOD IN SUBSECTION (B) OF THIS  
21 SECTION, PREVENT THE EXPIRATION OF AN APPROVAL OF A HOUSING  
22 DEVELOPMENT PROJECT APPLICATION IN ACCORDANCE WITH THE LAWS OR  
23 REGULATIONS GOVERNING A LOCAL REGULATORY AUTHORITY OR THE  
24 COMMISSION; OR

25 (2) LIMIT THE ABILITY OF A LOCAL REGULATORY AUTHORITY OR THE  
26 COMMISSION TO:

27 (I) REQUIRE APPROVALS OR PERMITS FOR EACH PHASE OF A  
28 HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASED DEVELOPMENT PLAN IN  
29 ACCORDANCE WITH THE LAWS AND REGULATIONS IN EFFECT AT THE TIME OF  
30 SUBMISSION OF A ~~SUBSTANTIALLY~~ COMPLETE APPLICATION FOR EACH RESPECTIVE  
31 PHASE;

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

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

3 (IV) APPROVE A ZONING TEXT AMENDMENT, APPLICATION FOR  
4 REZONING, OR OTHER LOCAL EQUIVALENT TO INCREASE THE DENSITY OF A  
5 HOUSING DEVELOPMENT PROJECT BEYOND THE MAXIMUM ALLOWABLE AMOUNT AT  
6 THE TIME OF ~~COMPLETE OR SUBSTANTIALLY~~ COMPLETE APPLICATION SUBMISSION  
7 UNDER SUBSECTION (A) OF THIS SECTION.

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

11 SUBTITLE 3. SHORT TITLE.

12 12-301.

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

14 Article – Local Government

15 20-128.

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
17 INDICATED.

18 (2) “DEVELOPMENT EXCISE TAX” MEANS AN EXCISE TAX IMPOSED BY  
19 A COUNTY OR MUNICIPALITY ON THE CONSTRUCTION OR IMPROVEMENT OF A  
20 BUILDING.

21 (3) “DEVELOPMENT IMPACT FEE” MEANS A FEE IMPOSED BY A  
22 COUNTY OR MUNICIPALITY FOR THE PURPOSE OF FINANCING ANY OF THE CAPITAL  
23 COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND  
24 FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.

25 (4) “RESIDENTIAL REAL ESTATE PROJECT” INCLUDES A MIXED-USE  
26 DEVELOPMENT THAT INCLUDES RESIDENTIAL UNITS.

27 (B) THIS SECTION APPLIES ONLY TO:

28 (1) A COUNTY THAT:

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

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

6 (III) IS A COMMISSION COUNTY THAT:

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

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

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

13 (C) (1) ~~ANY EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS~~  
14 ~~SUBSECTION, ANY DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE~~  
15 ~~IMPOSED ON A RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY~~  
16 ~~GRANTED IN THIS ARTICLE~~ MAY NOT BE COLLECTED UNTIL AFTER:

17 ~~(1)~~ (I) CONSTRUCTION OF THE RESIDENTIAL REAL ESTATE  
18 PROJECT IS COMPLETE; AND

19 ~~(2)~~ (II) ALL REQUIREMENTS FOR A CERTIFICATE OF OCCUPANCY,  
20 OCCUPANCY PERMIT, OR OTHER LOCAL EQUIVALENT FOR THE RESIDENTIAL REAL  
21 ESTATE PROJECT HAVE BEEN MET.

22 (2) A DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE  
23 IMPOSED ON A RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY  
24 GRANTED IN THIS ARTICLE MAY BE COLLECTED AS A PRECONDITION TO  
25 CONDUCTING A FINAL INSPECTION, BUT NOT MORE THAN 30 DAYS BEFORE THE  
26 DATE OF THE INSPECTION.

27 (3) THIS SUBSECTION DOES NOT APPLY TO THE COLLECTION OF A  
28 DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE THAT WAS IMPOSED ON  
29 A RESIDENTIAL REAL ESTATE PROJECT TO FINANCE A COUNTY DEBT THAT WAS  
30 INCURRED ON OR BEFORE JANUARY 1, 2026.

31 (D) NOTWITHSTANDING ANY OTHER LAW, A COUNTY OR MUNICIPALITY  
32 THAT IMPOSES A DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE ON A

1 RESIDENTIAL REAL ESTATE PROJECT ~~UNDER THE AUTHORITY GRANTED IN THIS~~  
 2 ~~ARTICLE~~ MAY DENY, WITHHOLD, OR REVOKE A CERTIFICATE OF OCCUPANCY,  
 3 OCCUPANCY PERMIT, OR OTHER LOCAL EQUIVALENT IF THE DEVELOPMENT EXCISE  
 4 TAX OR DEVELOPMENT IMPACT FEE IS NOT PAID WITHIN A REASONABLE TIME  
 5 PERIOD SET BY THE COUNTY OR MUNICIPALITY.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.