



## Senate Bill 178

### *Chesapeake and Atlantic Coastal Bays Critical Area Protection Program - Standards and Procedures*

MACo Position: **OPPOSE**

To: Education, Energy, and the Environment  
Committee

Date: January 27, 2026

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** SB 178. This bill makes two significant changes to the Critical Area program: (1) it replaces the current, more flexible “adjacent” standard with a stricter “contiguous and adjoining” standard for certain growth allocations; and (2) in certain circumstances, it extends the time in which the Critical Area Commission may review an application. Taken together, these changes would reduce county flexibility and add uncertainty—further straining counties’ ability to support and deliver affordable housing.

Maryland is facing a historic housing shortage. In 2024 and 2025, the General Assembly enacted a substantial slate of housing legislation, and in 2026 both the Governor and presiding officers have signaled affordability as a top priority. SB 178 runs counter to this multi-year policy direction and, if enacted, would impose constraints on counties’ ability to accommodate growth.

#### **“Adjacent” vs. “Contiguous and Adjoining”**

Under current law, certain growth allocations are evaluated using an “adjacent” standard which gives counties flexibility to site growth responsibly. In practice, parcels can be functionally connected to existing development even when separated by real-world constraints—such as geographic features. Replacing that workable standard with a rigid “contiguous and adjoining” requirement would unnecessarily disqualify otherwise appropriate areas and constrain counties’ ability to advance the State’s housing and affordability goals.

#### **Lengthier Reviews**

Additionally, SB 178 would, in certain circumstances, increase the Commission review period from 90 days to 130 days. Even when applied narrowly, extending review timelines increases project uncertainty and carrying costs—factors that can derail financing and ultimately kill housing projects. Moving in the direction of longer review periods is a step backward at a time when Maryland’s housing challenges demand greater predictability and efficiency.

Counties are engaging with the Commission to identify potential middle ground that could address these concerns. As drafted, however, SB 178 would weaken counties’ ability to deliver needed housing and affordability. Accordingly, MACo urges the Committee to issue an **UNFAVORABLE** report for **SB 178**.