



## House Bill 247

### *Chesapeake and Atlantic Coastal Bays Critical Area Protection Program - Variances – Alterations*

MACo Position: **OPPOSE**

To: Environment & Transportation Committee

Date: February 11, 2026

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** HB 247. This bill makes significant changes to when a county can authorize a variance within their share of the critical area. These new, more stringent changes would reduce county flexibility—further straining counties' ability to support and deliver affordable housing.

Maryland is facing a historic housing shortage. Recently, the General Assembly enacted a significant slate of housing legislation, and in 2026, both the Governor and the presiding officers have signaled affordability as a top priority. Yet rural communities—particularly on the Eastern Shore and in Western Maryland—continue to face unique development constraints that have not been meaningfully addressed by other bills introduced so far this session. HB 247 cuts against this multi-year policy direction and, if enacted, would further limit counties' ability to accommodate growth.

Variances are a core land-use tool that give counties flexibility to allow a project to deviate from certain development requirements. In practice, strict application of regulations can be impractical or counterproductive. While variances can be narrow or broad, their central purpose is to keep the regulatory framework from becoming overly rigid.

HB 247 would constrain county authority to issue variances within the Critical Area, weakening one of the few practical tools local officials can use to facilitate housing production. The bill also goes further by prohibiting variances granted for “financial advantage,” which would effectively bar counties from using targeted flexibility to reduce regulatory burdens for affordable housing projects.

Counties are engaging with the Commission to identify potential middle ground that could address these concerns. As drafted, however, HB 247 would weaken counties' ability to deliver needed housing and affordability. Accordingly, MACo urges the Committee to issue an **UNFAVORABLE** report for **HB 247**.