



Senate Bill 733

Land Use - Definitions and Boards of Appeals

MACo Position: **OPPOSE**

To: Education, Energy, and the Environment
Committee

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From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** SB 733. As drafted, the bill would totally upend the current residential development process by dramatically expanding the universe of veto points for development projects. Under this proposed framework, housing production in Maryland would likely grind to a complete stop.

For the past three years, Maryland's counties and the General Assembly have shared a clear priority: expanding the supply of affordable housing. That commitment is reflected in major recent actions, including the Housing Expansion and Affordability Act of 2024 (HB 538/SB 484) and legislation authorizing Accessory Dwelling Units (ADUs) statewide in 2025 (HB 1466/SB 891). MACo played a pivotal role in advancing these—and many other—housing measures during this period. That work culminated in MACo's 2026 legislative initiative bill, the Building Affordably in My Back Yard (BAMBY) Act, a county-backed comprehensive and pragmatic path forward to meet the current moment. Counties welcome tools to help advance housing at all levels, where it fits within their infrastructure capacity.

A central focus for the Administration, local governments, and the public has been assessing how current systems function and where processes can be improved. SB 733 is directly contrary to that end and would create significant challenges for all future development.

Key county concerns include:

- **Overly broad scope** – Greatly expands what boards of appeals can hear. Instead of staying focused on zoning errors, variances, and special exceptions, the bill pulls in appeals of almost any administrative zoning-related action (orders, requirements, implementation tools, decisions, or determinations). It also broadens definitions like “development” and “zoning law” in ways that could sweep routine planning, permitting, and administrative steps into the appeals process.
- **One-size-fits-all mandate** – Requires every jurisdiction to revise how members are appointed/confirmed. Counties use different governance structures and already have different

quasi-judicial systems. A uniform statewide structure risks clashing with existing local practice and adds new administrative workload.

- **Unclear who can appeal** – Lets a “person or resident” file an appeal, then adds a new and broad definition of “resident.” That definition could be interpreted inconsistently and create confusion over who has standing to file.
- **Automatic project freezes** – Filing an appeal automatically stops the project or action from moving forward. SB 733 also removes the limited current option to keep a project moving when stopping it would create imminent peril to life or property. This creates a clear incentive to appeal simply to delay—especially for housing and other time-sensitive projects.
- **More “all-or-nothing” outcomes** – Narrows the board’s options to essentially affirming or reversing a decision, removing flexibility to modify or tailor remedies. That makes disputes harder to resolve pragmatically and increases the likelihood of litigation, remands, and added delay and cost for everyone involved.

Counties remain committed to partnering with the State to address Maryland’s housing needs in a pragmatic and balanced manner. SB 733 would upend long-standing predictable practice and well-considered planning processes. For these reasons, MACo respectfully urges the Committee to issue an **UNFAVORABLE** report on SB 733.