

HOUSE BILL 1167

L2, L3, L5

5lr1069

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 6, 2025

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2025

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Municipal Authority to Regulate Structures – Alterations**

3 **MC/PG 116–25**

4 FOR the purpose of altering the authority of a municipal corporation or governed special
5 taxing district in Montgomery County to adopt a certain building requirement to
6 regulate the construction, repair, or remodeling of certain structures on land zoned
7 for single-family residential use to apply to ~~all types of residential structures~~
8 buildings with four or fewer dwelling units and their accessory structures without
9 regard to the zoning for the land where the building is located; and generally relating
10 to the authority of municipal corporations and governed special taxing districts in
11 Montgomery County to regulate structures.

12 BY repealing and reenacting, with amendments,

13 Article – Land Use

14 Section 20–509

15 Annotated Code of Maryland

16 (2012 Volume and 2024 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 20–509.

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.



(a) Subject to subsections (b), (c), and (d) of this section, by local law, the legislative body of a municipal corporation or governed special taxing district may impose an additional or stricter building requirement than is required by a State, regional, or county unit that exercises zoning or planning authority over the municipal corporation or governed district if the authority is exercised in addition to the State, regional, or county zoning or planning authority.

(b) **(1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,** A building requirement adopted under this section:

[(1)] (I) shall be imposed for:

[(i)] 1. the protection of the public health, safety, and welfare; or

[(ii)] 2. the preservation, improvement, or protection of lands, water, and improvements in the municipal corporation or governed special taxing district; **[and]**

[(2)] (II) may regulate only the construction, repair, or remodeling of ~~[single-family] residential houses, buildings, or other structures on land zoned for PREDOMINANTLY single family residential use AS OF JANUARY 1, 2024,~~ **BUILDINGS WITH FOUR OR FEWER DWELLING UNITS, INCLUDING SINGLE-UNIT HOUSES, DUPLEXES, TRIPLEXES, QUADPLEXES, COTTAGE CLUSTERS, TOWNHOUSES, AND SIMILAR BUILDINGS, AND THEIR ACCESSORY STRUCTURES,** as it relates to:

[(i)] 1. fences, walls, hedges, and similar barriers;

[(ii)] 2. signs;

[(iii)] 3. residential parking;

[(iv)] 4. residential storage;

[(v)] 5. the location of **BUILDINGS AND** structures, including setback requirements;

[(vi)] 6. the dimensions of **BUILDINGS AND** structures, including height, bulk, massing, and design; and

[(vii)] 7. lot coverage, including impervious surface; **AND**

(III) SHALL APPLY WITHOUT REGARD TO HOUSING TYPE.

1 **(2) A BUILDING REQUIREMENT ADOPTED UNDER THIS SECTION FOR**
2 ~~**MULTIFAMILY HOUSING RESIDENTIAL BUILDINGS WITH TWO TO FOUR DWELLING**~~
3 ~~**UNITS:**~~

4 **(I) MAY NOT BE MORE RESTRICTIVE THAN A BUILDING**
5 ~~**REQUIREMENT ADOPTED UNDER THIS SECTION FOR SINGLE FAMILY HOUSING A**~~
6 ~~**SINGLE-UNIT HOUSE; BUT**~~

7 **(II) MAY BE LESS RESTRICTIVE THAN A BUILDING**
8 ~~**REQUIREMENT ADOPTED UNDER THIS SECTION FOR**~~
9 ~~**SINGLE FAMILY HOUSING A SINGLE-UNIT HOUSE.**~~

10 (c) Before adopting a local law under this section, a municipal corporation or
11 governed special taxing district shall:

12 (1) hold a public hearing; and

13 (2) at least 30 days before the public hearing, transmit a copy of the
14 proposed local law to the county council.

15 (d) A local law that a municipal corporation or governed special taxing district
16 adopts under this section shall provide a procedure for a waiver from the strict application
17 of the building requirements.

18 (e) By local law, a municipal corporation or governed special taxing district may
19 enact an additional or stricter commercial sign regulation than is imposed by the State, the
20 Commission, or the county.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.