

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 279

(Delegates Hill and Feldmark)

Environment and Transportation

Judicial Proceedings

Real Property - Restrictions on Use - Low-Impact Landscaping

This bill prohibits specified restrictions on use from imposing unreasonable limitations on “low-impact landscaping.” Such restrictions on use include covenants, restrictions, or conditions included in, among other instruments, deeds, declarations, or contracts. The bill may not be construed to prohibit a restriction on use from including reasonable design and aesthetic guidelines regarding the type, number, and location of low-impact landscaping features. The bill is not applicable to historic property that is listed in, or eligible for inclusion in, the Maryland Register of Historic Properties.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: The bill is not expected to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Low-impact landscaping” means landscaping techniques that conserve water, lower maintenance cost, provide pollution prevention, and create habitat for wildlife. Such techniques include bio-habitat gardens designed to attract wildlife and pollinator gardens designed to attract pollinator species.

Restrictions on use may not impose unreasonable limitations on low-impact landscaping, provided that the property owner owns or has the right to exclusive use of the property.

Unreasonable limitations on low-impact landscaping include provisions that significantly increase the cost of low-impact landscaping or significantly decrease the efficiency of the techniques.

Background: According to the Maryland Department of the Environment, low-impact landscaping typically requires fewer fertilizers and pesticides and has a positive impact on the water quality of the surrounding watershed. For example, rain gardens provide a primary treatment of stormwater and help prevent pollutants such as motor oils, metals, and pesticides from entering local streams and rivers.

Other low-impact landscaping techniques include xeriscaping, which is a planting method designed with water conservation as a major objective, and the use of pollinator gardens to attract pollinators such as bees, butterflies, moths, and hummingbirds.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Agriculture; Maryland Department of the Environment; Department of Housing and Community Development; Department of Natural Resources; Colorado State University; U.S. Forest Service; Department of Legislative Services

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