

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2026 Legislative Session

Legislative Day No. 11

Bill No. 59 -2026

Introduced by: David Yungmann

SHORT TITLE: Solar Collector Facilities - Temporary Hold

TITLE: AN ACT temporarily prohibiting issuance of certain approvals of development plans or building permits for solar energy facilities; require a public meeting with various agencies to discuss the new rules introduced by the Renewable Energy Certainty Act (HB1036) and the implications on Howard County government processes for reviewing solar energy facilities; provide a report to the County Council and County Executive explaining what County authority is preempted in HB1036 and what the County is permitted to require or adopt; and generally relating to solar energy facilities in Howard County.

Introduced and read first time _____, 2026. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2026.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2026 and Passed ___, Passed with amendments ___, Failed ____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2026 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved by the County Executive _____, 2026

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Howard County has permitted the construction of solar energy facilities for
2 over a decade and, while County approval processes and regulations have evolved over time, the
3 County has maintained authority over these projects providing both opportunities for public input
4 and the imposition of site-specific requirements; and
5

6 **WHEREAS**, in 2025, the Maryland General Assembly approved the Renewable Energy
7 Certainty Act (HB1036), which preempted some of the County’s authority and control over
8 zoning, approval processes, and regulations for solar energy facility projects; and
9

10 **WHEREAS**, HB1036 requires applications for solar energy projects that produce more
11 than 2 megawatts (based on the alternating current rating of the facility’s inverter) to be
12 processed through the Public Service Commission (PSC) where aspects of the project including
13 siting, setbacks, landscape requirements, environmental preservation, forest clearance,
14 stormwater, the effects of runoff from panels and equipment, soil compaction, impact on historic
15 sites, financial security, and decommissioning are to be evaluated; and
16

17 **WHEREAS**, HB1036 appears to prohibit the County from conditioning the approval of
18 solar energy projects that produce 1 or more megawatts on a conditional use, special exception,
19 or floating zone approval, but does not establish standards for projects that produce between 1
20 and 2 megawatts in the same manner as the PSC uses to evaluate projects of more than 2
21 megawatts; and
22

23 **WHEREAS**, The County’s response to HB1036 has been to abandon the conditional use
24 process for all solar energy projects allowing projects that produce less than 2 megawatts, which
25 are not subject to the PSC approval process, to proceed without public input, conditions, or
26 evaluation similar to the PSC process; and
27

28 **WHEREAS**, HB1036 also required the Power Plant Research Program (PPRP) to issue a
29 report which makes recommendations regarding siting, design, decommissioning, financial
30 security, restoration, and other licensing conditions to the PSC; which said report was issued on

1 July 1, 2026 and will now be used by the PSC to draft the formal regulations, which are due to be
2 published by July 1, 2027; and
3

4 **WHEREAS**, HB1036 prohibits solar energy facility projects on land in the Maryland
5 Agricultural Land Preservation program and allows all local jurisdictions to identify Priority
6 Preservation Areas that would cap the acreage required to be allocated to solar; but Howard
7 County continues to be the only county in Maryland to allow these projects on parcels that are in
8 the County's Agricultural Land Preservation program, and is one of only four counties that have
9 failed to identify Priority Preservation Areas; and
10

11 **WHEREAS**, public testimony on HB1036 and public comments to the PPRP confirm
12 that serious concerns regarding the impacts on agricultural soils and land, decommissioning, and
13 the environmental impacts of solar panel materials, including per- and polyfluoroalkyl (PFAS),
14 have not been addressed; and
15

16 **WHEREAS**, HB1036 does not prohibit a large solar energy project that would require
17 PSC approval to be divided into multiple projects under 2 megawatts on the same or adjacent
18 parcels in order to bypass the PSC process; and
19

20 **WHEREAS**, various members of the Maryland General Assembly, along with the
21 Maryland Association of Counties, have indicated they are working on changes to HB1036 to
22 address known deficiencies and lack of clarity in HB1036 as originally enacted for consideration
23 in the 2027 session; and
24

25 **WHEREAS**, Howard County currently has 15 solar energy projects in various stages of
26 development, all of which are under 2 megawatts, allowing each one to avoid the PSC review
27 process and be approved by the County without any public process, standards, and
28 considerations used by the PSC or a full understanding of what approval processes and project
29 conditions the County is permitted to require; and
30

1 **WHEREAS**, the Howard County Council finds that additional time is needed to fully
2 evaluate what authority the County has over the approval, development, and operation of solar
3 energy facilities of any size and what revisions to the County Code and policies are needed to
4 exercise that authority.

5
6 **NOW THEREFORE,**

7
8 ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that the
9 Department of Planning and Zoning and the Department of Inspections Licenses or Permits
10 shall not accept plan submissions or issue building permits for any proposed development of
11 solar energy facilities over 1 megawatt to be located in the County during the Effective Period.

12
13 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland
14 that, subject to the exception for emergency legislation as provided in the County Charter or any
15 zoning regulation text amendment introduced before this Act, the County Council shall not pass
16 any zoning regulation text amendment related to solar energy facilities during the Effective
17 Period, except for changes recommended in the report contemplated by this legislation.

18
19 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland,
20 that the Zoning Board shall not take final action on any petition for approval of any development
21 plans or piecemeal map amendments for proposed solar energy facilities over 1 megawatt to be
22 located in the County during the Effective Period.

23
24 ***Section 4. And Be It Further Enacted*** by the County Council of Howard County, Maryland,
25 that the Hearing Authority shall not hear or take final action on any application or petition
26 related to the development of proposed solar energy facilities over 1 megawatt to be located in
27 the County during the Effective Period.

28
29 ***Section 5. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that
30 the Department of Planning & Zoning shall be required to do the following:

1 (i) Within thirty days of the enactment of this legislation, convene a meeting, open to the
2 public, with members of the County Council and the Howard County State Delegation;
3 the County Executive's Office; representatives from Maryland Association of Counties;
4 the Maryland Public Service Commission; the Office of People's Counsel; and the
5 Maryland Power Plant Research Program (PPRP); and any other appropriate County
6 agency to discuss the impacts of the Renewable Energy Certainty Act and other relevant
7 State law on Howard County's regulations and approval processes for solar energy
8 facilities.

9 (ii) Within one hundred twenty days of the enactment of this legislation, issue a report
10 that explains in detail:

11 (a) the County's approval process for solar energy facilities of any size or
12 capacity in place prior to the adoption of HB 1036, including opportunities
13 for public input and the imposition of project specific conditions; and

14 (b) the County's zoning, land development, and other regulations for solar energy
15 facilities of any size or capacity in place prior to the adoption of HB 1036;
16 and

17 (c) all modifications to those above-mentioned approval processes and
18 regulations that have been made since the adoption of HB 1036 along with the
19 specific provision(s) of HB 1036 that mandated each change, including
20 reference to what opportunities for public input and the imposition of project
21 specific conditions have been eliminated; and

22 (d) what authority the County continues to have over the approval, development,
23 construction, operation, removal, or other aspects of solar energy facilities of
24 any size or capacity; and

25 (e) what changes to County Code, policies, or other regulations governing solar
26 energy facilities are needed to conform to State law or are recommended by
27 the Department to exercise the County's legal authority over solar energy
28 facilities.

1 (iii) *Within 60 days of the issuance of the aforementioned report, present the report's*
2 *findings and recommendations to the County Council in a public session and introduce*
3 *legislation to consider such recommendations.*

4
5 ***Section 6. And Be It Further Enacted*** *by the County Council of Howard County, Maryland that:*

6 *A. Short Title. This Act shall be known as the "Temporary Solar Facility Hold" Act.*

7
8 *B. Purpose. The purpose of this Act is to provide the residents of Howard County and*
9 *County agencies with a better understanding of the impacts of the Renewable Energy*
10 *Certainty Act at the local level and to develop clear guidelines and procedures for*
11 *reviewing and processing applications for the development of solar energy facilities*

12
13 *C. Applicability. This act does not apply to solar energy projects that produce less than 1*
14 *megawatt or solar energy projects that were previously approved through the County's*
15 *conditional use process.*

16
17 *D. Definitions. For the purposes of this Act:*

18 1. *"Solar Energy Facility" shall refer to the land uses of "Solar Collector", "Solar*
19 *Collector, Accessory Ground-Mount", "Solar Collector, Commercial", and*
20 *"Solar Collector Facility, Commercial Ground Mount", as defined in Section*
21 *103.0 of the Howard County Zoning Regulations.*

22
23 *E. Development Review Process. Site development plan applications made to the*
24 *Department of Planning and Zoning under the development review process for solar*
25 *energy facility projects over 1 megawatt as outlined in the Subdivision and Land*
26 *Development Regulations (Title 16, Subtitle 1), filed after the Effective Date of this*
27 *Act may not proceed and shall not be considered for plan approval by the*
28 *Department of Planning and Zoning.*

29
30 *F. Deadlines suspended. During the Effective Period, any applicable deadline or*
31 *timeframe for a Permit, application, or petition to the Department of Inspections,*

1 *Licenses, and Permits for solar energy facility projects over 1 megawatt that is*
2 *subject to this Act shall be suspended until this Act is no longer in effect.*

3
4 *G. Notice. During the Effective Period, the Department of Planning and Zoning shall*
5 *notify any current or future applicant in the development review process, any current*
6 *or future petitioner to the Zoning Board, or any current or future applicant to the*
7 *Hearing Authority of this Act.*

8
9 *H. Severability. Should any part of this Act be declared unconstitutional or invalid by a*
10 *court of competent jurisdiction, such decision shall not affect the validity of the*
11 *remaining parts of this Act.*

12
13 *I. Conflict with Existing Law. In case of a conflict between this Act and other applicable*
14 *law, this Act shall prevail.*

15
16 *J. Effective Date & Effective Period. This Act is adopted as an interim measure and,*
17 *provided all provisions of this Act have been satisfied, shall sunset upon the earlier of the*
18 *effective date of any legislation filed and approved by the County Council pursuant to*
19 *Section 5 (iii) of this Act or one calendar year.*

20
21 ***Section 7. And Be It Further Enacted*** *by the County Council of Howard County, Maryland, that*
22 *this Act shall become effective 61 days after its enactment.*