

Bill: Senate Bill 0382

Bill Title: Accessory Dwelling Unit Promotion and Policy Task Force

Position: **Favorable with Amendments**



Members of the Senate Education, Energy and the Environment Committee,

It's no secret that, in many areas of Maryland, affordable housing is hard to find. It's the same in most/all metropolitan areas of the U.S. This is not surprising, as the same exclusionary type of zoning is found across the country, and exclusionary zoning prevents the development of affordable housing.

What, exactly, do we mean by "affordable housing", though? It seems to us that there are two types.

The first type of "affordable housing" is unfairly kneecapped by the ugliest of our society's class-based and race-based prejudices. It is stigmatized as being only for poor people - wrongly conflated with crime, declining property values, and threats to "community character". It is the "section 8 housing" bogeyman warned of in those corners of social media lacking empathy. It requires public financing, vouchers, deed covenants, and other sorts of government interventions. It is what Baltimore County needs to build in order to come into bare-minimum compliance with a 2016 settlement it agreed to with the Department of Housing and Urban Development (HUD). [1] It is treated as a checkbox, meant for the most anonymous, most vulnerable, lowest-income members of our communities.

The second type of "affordable housing" is something very different. It's the "affordable" that, comparatively, remains free of judgment. It's the housing that is "affordable" in the same way that we want gasoline, eggs, child care, meals out, smart phones, football tickets, and kitchen cabinets to be affordable. It's the housing that 72% of young professionals, 60% of seniors, and 69% of low-income voters in Maryland say there's too little of. [2] It's the housing that allows our young adult children to live nearby and our aging parents to remain in the neighborhoods they have put their hearts into. It's the housing that the market wants to build and the market wants to buy, and yet is nowhere to be found.

The primary mechanism that is preventing the development of this second type of affordable housing is exclusionary zoning, which codifies cost-inflating development standards such as minimum lot sizes, setbacks, and parking spaces, as well as maximum building heights, lot coverage limits, and units per square feet of floor area. Furthermore, it also prevents homeowners from building and renting Accessory Dwelling Units (ADUs) on their property.

ADUs can play a significant role in providing affordable housing in stable, well-established, desirable neighborhoods, without disrupting their character. Some would have you believe that allowing for ADUs opens the door for slum landlords/developers to acquire cheap property onto which they can cram low-quality housing units, leading to community decline. It's hard to understand the facts on which these predictions are based, as ADUs are largely absent from Maryland, specifically, and the American landscape, in general. We don't believe such case studies of decline exist. What does exist, though, is Vancouver.

Over the course of the past few years, Vancouver, BC has been ranked the fifth most liveable city in the world and the third best city in the world for quality of living. [3] [4] Another little-known fact is that, in Vancouver, fully **one-third of single-family houses have legal ADUs**. [5] Starting in the late 1980s, Vancouver legalized thousands of existing, but illegal, ADUs. It then proceeded to eliminate the most counterproductive barriers preventing the development of new ADUs. The result has not been decline, but rather a thriving, world-class city - with ADUs all over.

We don't assert that Vancouver's policy changes will yield identical results here in Maryland. We have to assume that there may be differences between here and there that would need to be accounted for. But, the high-level statistics we've cited would seem to refute assertions that ADUs **necessarily** bring decline.

While we very much favor the creation of the Accessory Dwelling Unit Promotion and Policy Task Force, we would like to see additional items added to section 1(g) of the bill - to be considered and studied: [6]

- Restrictive in-place minimum lot dimensions, and lot coverage limits.
- Owner occupancy requirements for a) ADU construction and b) short-term rental of ADUs.
- Number of ADUs per property and ADU occupancy limits.
- Conditions under which ADU construction should be allowed by-right.
- A legalization and compliance process for existing unpermitted ADUs.

Those who fear the construction of affordable housing will paint these reasonable reforms with a scare-mongering brush that has been well-used against subsidized housing programs, but ADUs represent a different sort of affordable housing. Adding a diversity of housing options to our communities means they can accommodate people as they move through different life stages and their housing needs change. Addressing this type of affordable housing will then help weaken the prejudices against the other type of affordable housing, increasing its availability. ADUs serve as an approachable, flexible, grass-roots, affordable housing option that Maryland needs more of.

We hope the committee finds our points helpful and convincing and we urge its members to **vote for this bill**. Thank you for your time and attention.

[Strong Towns Baltimore](#)

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References:

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[6] Nolan Gray. "Three Cheers for Lexington's ADU Ordinance". August 21, 2019.

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