



## House Bill 80

### *Land Use - Transit-Oriented Development - Alterations*

MACo Position: **OPPOSE**

To: Budget and Taxation Committee

Date: March 27, 2025

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** HB 80. This bill preempts counties from imposing minimum off-street parking requirements within 0.25 miles of a certain rail transit station, mandates changes to local zoning within 0.5 miles of rail transit stations, largely preempts local authority over certain lands subject to transit-oriented development (TOD) plans, and preempts local processes related to project approvals for TOD developments.

Maryland is currently facing several challenges to growth resulting from both the pandemic and greater national economic headwinds. One of the most perplexing issues for both counties and the State has been shifts in daily life which have seen the use of public transit systems significantly diminish. In response to this, the intent of HB 80 as both originally drafted and amended is to spur future development.

Initially, MACo supported the legislation with amendments, aiming to align the bill's intent with numerous reasonable county concerns. However, after House amendments were adopted, county leaders have reconsidered their position and now oppose the revised bill. In both its original and amended forms, the bill increasingly erodes county authority over land use within TODs, raising concerns about local control. Specifically, the newly added language limits local jurisdictions' ability to set "limitations or restrictions on land use classification, height, or setback, or any similar requirements" – a sweeping preemption of standard local land use authority.

Additionally, provisions within the legislation which only affect projects located in approved TODs set an uncomfortable adversarial relationship between the State and local governments. If county authority is preempted by entering into voluntary agreements with the State, the State is creating an incentive for reduced, rather than greater, partnership and coordination. Counties believe this is an unwelcome outcome, and would prefer a more collaborative approach.

As drafted and as amended, counties have significant concerns around how HB 80 would be implemented. Counties remain ready to work with the Committee and stakeholders to address local concerns, but current significant gaps remain between MACo and the Department. Accordingly, MACo urges the Committee to issue an **UNFAVORABLE** report for HB 80.