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DEPUTY SPEAKER PRO TEM

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on Personnel

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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HB 1167 – Municipal Authority to Regulate Structures**

**April 1, 2025**

**Senate Education, Energy, and Environment Committee**

Good afternoon Feldman , Vice Chair Kagan, and Colleagues,

Thank you for the opportunity to present today on HB 1167. This bill provides a clarifying technical amendment to the existing state code from 2006 to clear up an ambiguity in municipal law. The amendment would confirm that municipalities, where the M-NCPPC has planning and zoning authority, do indeed have the authority to regulate residential housing types with four or fewer units within their corporate boundaries. Our legislation also includes a new addition to the law, making it clear that any requirement adopted for multi-family housing, including duplexes, triplexes, and quadplexes, may not be more restrictive than any adopted for single family.

Over the course of the last few weeks, I worked in partnership with our municipalities and planning board staff, my colleagues to craft the Sponsor amendment you have before you today. The amendment will help avoid a situation where important housing decisions would be left to litigation, reasonably limit the authority of municipalities to regulate multi-family housing, and ensure that multi-family housing could realistically be built within these jurisdictions.

This amendment is necessary because a 2021 opinion (attached to this testimony) from the Attorney General's (AG) office offered that the existing state statute already allowed for municipalities to regulate all types of buildings within single-family zoned areas, with little to no restriction. The AG's opinion states:

*"...the more reasoned interpretation of that phrase is that municipal regulation under that section may apply to any single-family residential house, or to any*

*“building” or “other structure” in the zoning area, regardless of whether the building or other structure relates to single family residences or multi-family residences.”*

In 1992 the Maryland legislature established, and then in 2006 reaffirmed, the authority of municipalities in Montgomery County to regulate certain features of residences within their boundaries, including setbacks, height, and massing. Both the 1992 and 2006 statutes reference single-family residences.

However, now that a broader range of housing is encouraged through Maryland’s new state housing law, which takes effect in January, and potential County housing law changes, this amendment will clarify that municipal rights extend to this new type of construction, while ensuring reasonable checks are put on their use. This change also matches the recommendations from the Planning Board’s Attainable Housing document, which says that these types of multi-family housing should be consistent and fit in with already constructed single-family housing. I believe this is what you’ll find in the M-NCPPC submitted testimony.

Again, it is important to reiterate this bill does not provide municipalities with any new authority and will not prohibit or impede the construction of authorized multi-family housing in municipalities. Further, it is consistent with the guidance provided by the AG’s office in 2021.

I’m proud to be partnering with my colleagues, the Montgomery County Planning Board and our municipalities to advance this legislation. The Planning Board voted unanimously in favor of the amendment as did the Montgomery County Council. Additionally, the Montgomery County Executive supports the bill.

The bill passed the House and Senate Montgomery County Delegations unanimously and passed the House 136-1.

Thank you and I urge a favorable report.