

HB1167_Solomon_Senate_FAV.pdf

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DEPUTY SPEAKER PRO TEM

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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 statues 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.

Updated SENATE HB 1167 Municipal Authority to Regu

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POSITION STATEMENT

Bill: HB 1167 Montgomery County – Municipal Authority to Regulate Structures – Alterations
(MC/PG 116-25)

Position: Support

Date: April 1, 2025

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Government Affairs Liaison

Dear Chair Brian Feldman,

The Montgomery County Planning Board of Maryland-National Capital Park and Planning Commission (“Planning Board” or the “Commission”) has discussed this Bill and supports the amendments that were proposed by the bill sponsor.

What this Bill Does. This bill, as recently amended, applies to municipalities in Montgomery County over which -the Commission has planning and zoning authority (i.e., Takoma Park, Kensington, Garrett Park, Somerset, Glen Echo, Martin’s Addition, Town of Chevy Chase, Chevy Chase View, Chevy Chase Village, Village of Chevy Chase, Section 3, and Village of Chevy Chase, Section 5). The bill is intended to allow municipalities to impose additional or stricter building requirements than are required by county zoning on residential buildings with four or fewer units, which are expressly stated to include but not be limited to:

- Single-unit houses;
- Duplexes;
- Triplexes;
- Quadplexes;
- Cottage Clusters;
- Townhouses;
- And any similar buildings;
- And their accessory structures.

It provides that any building requirement adopted under this section for residential buildings with 2 to 4 units may not be more restrictive than a building requirement adopted for a single-unit house but may be less restrictive.

Current Law. Municipalities in the county that are subject to county zoning, under Section 20-509 of the State Land Use Article may currently impose additional or stricter building requirements. Such building requirements may: regulate only the construction, repair, or remodeling of single-family residential houses, buildings, or other structures on land zoned for single-family residential use as it relates to, among other things:

- fences, walls, hedges, and similar barriers;
- residential parking;
- the location of structures, including setback requirements;
- the dimensions of structures, including height, bulk, massing, and design; and
- lot coverage, including impervious surfaces

Commitment to Advancing Housing for All. The Planning Board is committed to advancing Housing for All from *Thrive Montgomery 2050* and prioritizing the production of housing in the county. Accordingly, the Board is in favor of any effort to further the County Council’s efforts to implement its housing policies or goals throughout the county, including within the municipalities.

For these reasons, the Commission requests a favorable vote on HB 1167.

HB 1167 - MoCo_Boucher_FAV (GA 25) (Senate).pdf

Uploaded by: Kathleen Boucher

Position: FAV



Montgomery County

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HB 1167

DATE: April 1, 2025

SPONSOR: Montgomery County Delegation and Prince George's County Delegation

ASSIGNED TO: Education, Energy, and the Environment

CONTACT PERSON: Kathleen Boucher (Kathleen.boucher@montgomerycountymd.gov)

COUNTY POSITION: Support

Montgomery County – Municipal Authority to Regulate Structures – Alterations MC/PG 116-25

House Bill 1167 applies to the twelve municipalities over which the County has planning and zoning authority (i.e., Chevy Chase Village, Section 3 of the Village of Chevy Chase, Section 5 of the Village of Chevy Chase, Town of Chevy Chase, Town of Chevy Chase View, Town of Garrett Park, Town of Glen Echo, Town of Kensington, Town of Somerset, Village of Martin's Addition, Village of North Chevy Chase, and City of Takoma Park).

Currently, §20-509 of the Land Use Article authorizes these municipalities to impose additional or stricter building requirements than are required by County zoning law. Any such building requirement must be imposed for the protection of the public health, safety, and welfare or for the preservation, improvement, or protection of lands, water, and improvements in the municipality and "may regulate only the construction, repair, or remodeling of single-family residential houses, buildings, or other structures on land zoned for single-family residential use" as it relates to: (1) fences, walls, hedges, or similar barriers; (2) signs; (3) residential parking; (4) residential storage; (5) location of structures, including setback requirements; (6) dimensions of structures, including height, bulk, massing, and design; and (7) lot coverage, including impervious surface.

The bill modifies §20-509 to allow a municipality to regulate the construction, repair, or remodeling of buildings with four or fewer dwelling units (including single-unit houses, duplexes, triplexes, quadplexes, cottage clusters, townhouses, and similar buildings) and their accessory structures. Generally, the bill requires a building requirement to apply without regard to housing type. However, a municipality may establish a less restrictive requirement for residential dwellings with two to four units. Specifically, a building requirement for residential dwellings with two to four units: (1) may not be more restrictive than a requirement adopted for single-unit houses; and (2) may be less restrictive than a requirement adopted for single-unit house.

Montgomery County supports the balance of municipal authority that is reflected in the bill and respectfully requests that the Education, Energy, and the Environment Committee give the bill a favorable report.