



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB1406
Modest Home Choices Act of 2020**

Testimony by Delegate Vaughn Stewart

March 4th, 2020 • Environment and Transportation Committee

What the Bill Does

HB1406 legalizes modest home choices like duplexes and triplexes in high-opportunity neighborhoods. Census tracts are considered “high-opportunity” if they are 1) close to high-frequency transit stops; 2) contain a high density of jobs; or 3) have a median income that is double the Area Median Income.

Why the Bill Matters

A shortage of available, safe and affordable homes continues to be one of the most pressing needs in Maryland. This housing shortage has contributed to a rise in rents, encouraged suburban sprawl, and exacerbated traffic and transit issues.

A ban on duplexes and triplexes in significant sections of cities and towns plays a key role in our shortage of affordable, accessible places for people to live. This dominance of single-family zoning at the local level has resulted in close to a century of housing development that favors either detached, single-family houses or large, mid-to-high-rise multifamily buildings. What’s left missing from the resulting housing market is what’s known as “middle housing” — duplexes, triplexes, townhouses and so-called accessory dwelling units. These middle housing types are, on average, more affordable than both single-family homes and high-rise multifamily buildings.

While there are reasonable arguments for regulating the form and use of cities and towns, the establishment of zoning codes throughout the United States in the early 20th century was driven by a desire to legally enshrine racial and economic segregation. There are clear examples of this dark history in Maryland. For example, Mayor Barry Mahool signed Baltimore’s racial zoning ordinance in 1910, proclaiming, “Blacks should be quarantined in isolated slums to reduce the incidents of civil disturbance, to prevent the spread of communicable disease into the nearby White neighborhoods, and to protect property values among the White majority.” While the Supreme Court struck down overt racial zoning codes in the 1917 *Buchanan v. Warley* decision, zoning codes thereafter were still able to strongly reinforce racial and economic segregation and were frequently passed with that intent.

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As Richard Rothstein notes in “The Color of Law,” zoning ordinances after 1917 did not include specifically racialized language, but “there was also enough open racial intent behind exclusionary zoning that it is integral to the story of de jure segregation.”

Single-family zoning is also the most counterproductive land-use designation for housing when it comes to climate change. Preventing infill development supercharges development in rural areas, which is both an ecological disaster and an economic drain. In 2015, the Victoria Transport Policy Institute estimated that sprawl costs Americans more than \$1 trillion per year.

Why the Committee Should Vote Favorably

Maryland should acknowledge the deleterious effects of single-family zoning on housing affordability, racial and economic equity, and the climate. HB1404 presents the clear, simple and honest reform of legalizing more housing where it has historically been barred. I urge a favorable report.