

# **HB1259 Rigby Favorable.pdf**

Uploaded by: Christiana Rigby

Position: FAV



# Howard County Council

George Howard Building  
3430 Court House Drive  
Ellicott City, Maryland 21043-4392

Christiana Rigby  
Councilmember

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District 3

## TESTIMONY IN SUPPORT OF HB1259 Accessory Dwelling Unit Authorization and Promotion Act

March 8, 2022

Dear Chair Barve, Vice Chair Stein, and Members of the Environment and Transportation Committee:

Thank you for the opportunity to provide testimony to the Committee. I am writing to express my **strong support for HB1259**, legislation introduced by Delegate Belcastro to expand housing opportunities and promote Accessory Dwelling Units in Maryland.

HB1259 would require each local legislative body in the State of Maryland to adopt legislation authorizing the construction of Accessory Dwelling Units (ADUs). ADUs are independent dwelling units that are located on existing single-family home lots. Accessory Dwelling Units are commonly inhabited by seniors, people with limited incomes, and young professionals who are seeking affordable places to live. This legislation will empower local jurisdictions and homeowners to provide these housing options in our community.

Maryland is currently in the midst of a housing crisis that has impacted communities across our state. People who want to live in our neighborhoods are prevented from doing so by rising costs, restricted housing supply, and a dearth of affordable options. In many respects, Maryland is behind the curve of adopting creative solutions to address this crisis. This legislation helps move our state forward in a positive direction by providing a pathway for accessory dwelling units statewide.

In May 2021, the Howard County Housing Opportunities Master Plan Task Force released its final plan and recommendations, which charts a roadmap for expanding housing affordability in Howard County. Among its many recommendations, the Master Plan called on the county to "increase the ability of homeowners to add accessory dwelling units to their properties." The report also highlighted that ADUs provide important housing options for diverse households of different ages and incomes.

It is typically uncommon for local legislators to ask the General Assembly to establish zoning requirements for local governments. However, as a local legislator in Howard County, I believe that State action on this issue is of the utmost importance. A statewide ADU law will

ensure greater consistency and predictability for many homeowners who are interested in constructing an accessory dwelling unit on their property. Additionally, this legislation will ensure that local jurisdictions do not put onerous and overly prescriptive conditions on the construction of accessory dwelling units. The majority of ADUs are constructed by individual homeowners who want to provide an affordable place for family members to live while building equity in their homes. The process to create ADUs should be straightforward and easily to utilize for homeowners who are interested in building them.

HB1259 will empower homeowners to help address our housing affordability crisis by providing safe, sustainable, and accessible homes for family, friends, and future neighbors. Thank you for your consideration of this legislation. I respectfully encourage a favorable report.

Sincerely,

A handwritten signature in black ink that reads "Christiana Rigby". The signature is written in a cursive, flowing style.

Christiana Rigby  
Howard County Councilmember, District 3

**HB1269.pdf**

Uploaded by: Emily Legum

Position: FAV

HB1269 (SBo871)

Accessory Dwelling Unit Authorization and Promotion Act

Emily R. Legum

2531 Lyon Drive

Annapolis, Maryland 21403

As an educator in both the public and independent schools in Anne Arundel County for four decades, I write in support of HB1259(SBO871). I have witnessed very talented teachers, counselors and administrators leave the area because of the exorbitant cost of housing. I have watched as many have tried to balance two jobs in order to provide their families with adequate housing. Accessory Dwelling Units (ADU's) provide alternative living space for those citizens who choose to serve the community.

ADU's can and could be an effective tool in providing accessible, comfortable and desirable living spaces. They are beneficial for homeowners, renters and the community at large. For homeowners they can provide much-needed annual income. For example, income from an ADU can help a homeowner qualify to buy a home or provide additional income. This is especially important for seniors who are on a fixed income. At the same time, ADUs offer young people entry-level housing choices. Renters also benefit from ADU's by providing affordable housing costs as well as shorter commute times by increasing the odds of living near their work, school and services. Finally, ADU's work well for the smaller childless households which now account for nearly two-thirds of all households in the U.S.

The community also benefits from ADU's. They prevent urban sprawl by reducing the pressure on state and local governments and developers to create new housing thus reducing the impact on local utilities, the environment, climate and much needed services.

I urge you to pass HB1259(SBO871).

Respectfully,

Emily R. Legum



**HB 1259\_GregCantori\_fav (1).pdf**

Uploaded by: Greg Cantori

Position: FAV

## **HB1259\_GregCantori\_fav**

Bill Number: **HB\_1259**

**Greg Cantori**

**Owner, Little Deeds, LLC**

Position: **Favorable**

**8293 Shilling Road,  
Pasadena, MD 21122**

Dear Committee members,

Please support the Accessory Dwelling Unit Authorization and Promotion Act HB 1259.

Accessory Dwelling Units (ADU's) are typically small home conversions or additions to existing homes with a private entrance that includes a kitchen, bedroom, and bath. They are most often basement or garage conversions. Sometimes they are an addition or a small detached unit in the backyard.

This ADU bill will give property owners the **right they should have** to convert their unused space in their basement or garage or to build a small separate unit they can rent, share with guests, use as a home office, or gracefully age in place.

My, and I'm sure your, frustration is knowing we have fallen far short of the decent and affordable housing your constituents want and need. You also know our housing crisis is much worse now. We need more housing.

Our family is in the process of building two ADUs in our daughters' homes in two different counties of Maryland. Both daughters are lower-income front-line service workers. The ADU rental income will help them afford their mortgages, property taxes and upkeep. Both units are fully handicapped accessible, providing critically needed housing for our elderly or disabled in single-family communities renters are often excluded from. The current process, where ADUs are somewhat allowed, is long, confusing, restrictive, and burdensome, requiring multiple hearings, posting signs, and a maze of barriers and approvals. This ADU bill will change that. We need to PROMOTE ADU's not just passively permit them if we want to impact our housing emergency.



We need State of Maryland rules and guidelines as local governments are wary of upsetting powerful homeowner association interests despite the demand from individual homeowners to do what they need on their own property.

ADUs are a smart housing solution as they exist where homes and infrastructure are already in place, allowing local governments to increase their housing supply without spending more money on creating new roads, sewers, and power infrastructure.

- ADUs allow everyday homeowners to gain much-needed income from providing housing and reduce the pressure on state and local governments and developers to create new housing.
- Income from an ADU can also help a homeowner qualify to buy a home
- ADUs are smaller, more sustainable homes, reducing the impact on our local utilities, our environment, and our climate.
- ADU's help shorten commutes, increasing the odds of living near your work, school, and services.
- ADU's often provide workforce and caretaker housing. They can serve as a starter home for our younger adults
- ADU's can allow seniors to age in place gracefully in communities they know and among people they love. Every day at Little Deeds we see the need to help seniors with affordable housing that also prevents loneliness.

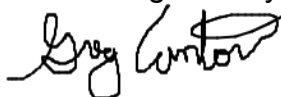
We need to give homeowners the freedom and right to alter their homes as their needs change. It's a small step (as only 1 or 2% of homeowners can or will create these units), but it's a powerful new tool we can add to our housing toolbox at little or no cost to our state...

What other housing solution can say that?

Feel free to call, text, or email me anytime..... We need more housing.

410-450-4466. [greg@littledeeds.com](mailto:greg@littledeeds.com)

Thanks again for your hard work!



Greg Cantori

# **Testimony in Support of HB1259.pdf**

Uploaded by: Hans Riemer

Position: FAV



**MONTGOMERY COUNTY COUNCIL**  
ROCKVILLE, MARYLAND

**HANS RIEMER**  
COUNCILMEMBER (AT LARGE)

CHAIR  
PLANNING, HOUSING, AND  
ECONOMIC DEVELOPMENT COMMITTEE  
  
TRANSPORTATION AND ENVIRONMENT  
COMMITTEE

March 4, 2022

Dear Chair Barve and members of the Committee,

I write to express my support for House Bill 1259 - The Accessory Dwelling Unit Authorization and Promotion Act.

In 2019, I authored Zoning Text Amendment 19-01, which substantially legalized Accessory Dwelling Units (ADUs) in Montgomery County. Since the new rules have gone into effect, ADUs have blossomed in the County. They are a win-win approach to making expensive places like Maryland more affordable. They create options for homeowners to earn income with a rental unit or share expenses by living with extended family, and create more affordable options in neighborhoods that are frequently otherwise closed off to families with more modest incomes.

Thanks to our attention to design, they also blend in with the existing neighborhoods and because they are dispersed across the County, impact on infrastructure in any particular place is negligible. Legislation to make ADUs legal in more places across the state would be a major step toward alleviating our regional housing shortage and meeting the needs of all residents.

Regards,

A handwritten signature in black ink, appearing to read "Hans Riemer", with a long horizontal stroke extending to the right.

Hans Riemer  
Councilmember (At Large)  
Chair, Planning, Housing and Economic Development Committee

# **HB1259 Support.pdf**

Uploaded by: Kevin Chin

Position: FAV

Hello,

I'm a constituent of district 9 and I wanted to voice my support for bill HB 1259. This bill promotes the ability of homeowners to build Accessory Dwelling Units (ADUs) on their own property.

There is a housing crisis in the United States and in Maryland. There is an enormous amount of growth in jobs around metropolitan and suburban areas such as the DC/Baltimore region. However, there is not a concurrent growth in the housing supply. ADUs are a very small way we can increase the housing stock in Maryland. As a property owner, it's important to have the freedom to build on my property as I see fit without restrictive laws. Furthermore, this law in a small way can mitigate climate change and increase our tax base. People want to live in Maryland but high cost of housing pushes people further away from jobs in search of more affordable living accommodations. I have co-workers who would like to live in Maryland but given high home prices, they would rather commute from Pennsylvania. These long commutes, cause highway congestion, waste people's time, and leads to increased fuel consumption. Everyone loses. We lose out on a larger tax base, people lose time commuting, and the planet loses with increased gasoline consumption.

Increasing the housing supply even by a small amount can make housing more affordable for individuals and help the citizens of my district Howard County and all of Maryland.

Thank you,  
Kevin Chin  
3851 Parrot Dr  
Ellicott City MD 21042

**HB 1259\_realtors\_fav.pdf**

Uploaded by: Lisa May

Position: FAV



## **House Bill 1259 – Accessory Dwelling Unit Authorization and Promotion Act**

### **Position: Support**

Maryland REALTORS® strongly supports efforts to promote and expand the development of Accessory Dwelling Units (ADUs) in Maryland through HB 1259.

A recent survey conducted by our organization highlights the struggle that many face in finding housing options in our state. Half of respondents see housing supply as a moderate to very big problem, up substantially from 2020. This shortage is most pronounced among certain groups:

- 67% believe there is too little housing for residents of lower incomes;
- 67% believe there is too little housing for young people and those just getting started in their careers; and,
- 59% believe there is too little housing for older people who are looking to downsize or have special needs.

ADUs make housing more affordable and available for these same populations. They expand options for lower wage and early career workers, particularly if they are employed in high-cost areas. They also provide greater flexibility for seniors to stay in their communities by allowing family members or caregivers to live on-site, or to provide additional rental income so that they are not displaced by rising costs.

**Our research revealed that once Maryland residents learn about ADUs, 76% support making it easier for homeowners to build these units on their properties.**

Unfortunately, many local zoning ordinances make it difficult or very expensive to add an ADU to an existing property. In some counties, ADUs are prohibited from being constructed at all. Legislation like HB 1259 would level the playing field to allow this option for Maryland homeowners, no matter where they live in the state.

Maryland currently faces a shortage of over 82,000 housing units. To close that gap, we will need to look beyond traditional development patterns in favor of new housing types that serve the needs of our residents, like ADUs. Maryland REALTORS® urges your support of House Bill 1259.

**For more information contact [bill.castelli@mdrealtor.org](mailto:bill.castelli@mdrealtor.org), [susan.mitchell@mdrealtor.org](mailto:susan.mitchell@mdrealtor.org), [lisa.may@mdrealtor.org](mailto:lisa.may@mdrealtor.org) or [theresa.kuhns@mdrealtor.org](mailto:theresa.kuhns@mdrealtor.org)**

**MBIA Letter of Support HB 1259.pdf**

Uploaded by: Lori Graf

Position: FAV



March 8, 2022

The Honorable Kumar P. Barve  
Environment & Transportation Committee  
House Office Building, Room 251,  
6 Bladen St., Annapolis, MD, 21401

**RE: HB 1259 Accessory Dwelling Unit Authorization and Promotion Act**

Dear Chairman Barve:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 1259 Accessory Dwelling Unit Authorization and Promotion Act**. MBIA **Supports** the Act in its current version.

This bill would require local jurisdictions to adopt a law authorizing the construction of Accessory Dwelling Units on Land Zoned for Single Family Residential Use. MBIA respectfully supports this measure. Maryland currently faces a significant housing shortage and January 2022 saw an acceleration of this trend as housing stock fell 25%. Maryland has a housing shortage. We must add thousands of units by 2030 to accommodate our growing population. Most of those units need to be for low income and moderate income individuals

Accessory Dwelling Units allow for new housing to be built at a lower cost than a traditional residential home. Accessory dwelling units have the potential to increase housing affordability, create a wider range of housing options within the community, enable seniors to stay near family as they age, and facilitate better use of the existing housing fabric in established neighborhoods. This bill would allow for these buildings to be constructed on land that was already zoned for residential use, minimizing the impact and the requirement for the development of new land.

States and cities across the country have adopted Accessory Dwelling units as one of the many tools that can help with our affordability and housing shortage crisis.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or [lgraf@marylandbuilders.org](mailto:lgraf@marylandbuilders.org).

cc: Members of the House Environment & Transportation Committee

# **HB 1259- Accessory Dwelling Unit Authorization and**

Uploaded by: Samar Jha

Position: FAV



One Park Place | Suite 475 | Annapolis, MD 21401-3475  
1-866-542-8163 | Fax: 410-837-0269  
aarp.org/md | md@aarp.org | twitter: @aarpm  
facebook.com/aarpm

**HB 1259 Accessory Dwelling Unit Authorization and Promotion Act**  
**FAVORABLE**  
**House Environment and Transportation Committee**  
**March 8, 2022**

Good afternoon Chair Barve, Vice-Chair Stein and members of the **House Environment and Transportation Committee (Committee)**. My name is Samar Jha. I am a Senior Legislative Representative at AARP's National Government Affairs team. I am speaking to you on behalf of over 870,000 AARP Maryland members. AARP Maryland and its members support of **HB 1259 Accessory Dwelling unit Authorization and promotion Act (HB 1259)**. We would like to thank Delegate Lisa Belcastro for her leadership and for sponsoring this important piece of legislation, which is now being discussed throughout the country at the federal, state, and local level. I am speaking to you today to emphasize the importance of accessory dwellings units (**ADU**) as a viable affordable housing option for all ages.

HB 1259 proposes to authorize the development of ADUs on land zoned for single-family residential use subject to certain requirements.

AARP supports the availability of ADUs as an affordable, accessible housing option for people of all ages. ADUs are small houses or apartments that exist on the same property lots as a single-family residence but still provide separate living and independent quarters, and because they tend to be smaller and more affordable than single-family houses, they can be a good housing option for older adults who want to downsize but still live in a neighborhood setting. AARP's 2021 Home and Community Preference Survey (**Survey**) indicates that nearly sixty percent (60%) of adults would consider living in an ADU and nearly three-fourth of those polled said they would create an ADU for a place for a caregiver to stay. The Survey also indicated that more than eighty percent (80%) of the respondents would consider building an ADU for their loved ones, relatives, and friends. Therefore, emphasizing the multi-faceted use of an ADU.

Furthermore, the current on-going pandemic has exposed the vulnerability of our older adults and have made us realize the importance of ADUs as they can provide a safe, comfortable alternative to housing. ADUs can fill a number of roles that you may never have needed before, like providing a place for your aging parent to live instead of a nursing home, or for an adult child who may need to return home after college, or has lost a job, or for one of many life changing moments, and/or can be used for additional income for someone on a fixed income.

According to Statista/AARP analysis of data available by United States Census Bureau (**USCB**), 2,812 older adults (aged 55+) faced evictions and 4,475 older adults (aged 55+) experienced homelessness in 2021 in the state of Maryland. Unfortunately, in 2022, over 11,000 older adults

(aged 55+) are expected to be evicted and over 6,000 older adults (aged 55+) are expected to experience homelessness in the state of Maryland. HB 1259 would help in easing the housing supply and assist in lowering the eviction and homelessness rate by providing affordable housing to the residents of Maryland.

I would like to thank the Committee for providing me an opportunity to talk about the importance of ADUs as a viable housing option and how it will provide the residents of Maryland affordable and accessible housing.

AARP Maryland is committed to working with you to effectively address Maryland's housing options for older adults. Thank you again for allowing AARP Maryland to submit testimony in support of HB 1259. We ask the Committee to issue a favorable report on HB 1259. If you have questions or need follow up, please contact Tammy Bresnahan at [tbresnahan@aarp.org](mailto:tbresnahan@aarp.org). or by calling 410-302-8451.

# **HB 1259 AIAMD Ltr of Support.pdf**

Uploaded by: Sandi Worthman

Position: FAV

19 February 2022

Delegate Kumar Barve  
Chair of the Environment and Transportation Committee  
Room 251  
House Office Building  
Annapolis, Maryland 21401

Re: Letter of Support for House Bill 1259  
Accessory Dwelling Unit Authorization and Promotion Act

Dear Chairman Barve and members of the Environment and Transportation Committee:

We are writing to voice AIA Maryland's support for House Bill 1259. AIA Maryland represents over 2,000 architects within the state of Maryland. We strongly advocate for affordable housing, diversity of housing options and sustainability.

The benefits offered by Accessory Dwelling Units (ADUs) are well-documented and have been demonstrated through the successful implementation by a wide range of cities and towns and states throughout the country. ADU legislation has already been enacted by California, New Hampshire, Oregon, Minnesota, Rhode Island and Vermont. These real-life case studies, have proven ADUs successful on many levels adding to the vitality of communities where they are implemented. ADUs provide benefits for tenants, homeowners, and the community at large while requiring limited infrastructure, adding to the tax base and providing flexibility for changing lifestyles.

ADUs provide neighborhood stability. They can be used to house family and friends at risk of displacement, facilitate aging in place and quite simply provide affordable options for housing in vibrant communities. Income generated from ADUs can be used to help pay the mortgage of a homeowner and provide income to help offset rising housing costs. The extra space provided by ADUs can evolve to serve different functions over time and house adult children, aging parents, or caregivers. In an area zoned single-family then one's only choice, otherwise, is to live in a single-family home. This can be expensive and unaccommodating to a number of residents who may simply require less and desire the privacy that comes by separating dwelling units while still maintaining close proximity.

ADUs are inherently efficient and encourage modest living. They have a smaller carbon footprint than a single-family home to build and maintain. They take less energy to heat and cool due to their efficient sizes especially if they are attached to an existing dwelling, or modifying a structure that already exists on site. ADUs, as infill projects, are typically located near other resources which requires fewer car trips and less traffic. Additionally, infrastructure will already exist on ADU sites to serve the principal dwelling unlike in new suburban single-family communities where sewer, power, street, sidewalks, storm drains, etc. must be extended, sometimes for miles. Not all dwellings are created equal – if we want to build more environmentally friendly dwellings, then we need to make it possible to build and preferably incentivize doing so.

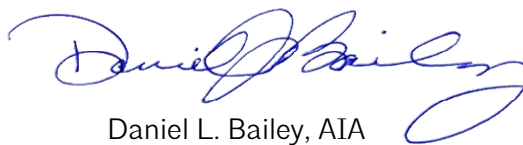
ADUs are an effective way to supplement a dire shortage in housing supply. ADUs can be built faster and less expensively than almost all other forms of housing. They are a useful tool to help alleviate our region's housing crisis without changing the neighborhood character of different areas in our state. The market rate rents will most certainly be lower than any other housing types available due to modest ADU sizes, meaning they will be the most affordable option for many. This makes certain areas of Maryland attainable to those who could not afford to live there otherwise.

We therefore respectfully ask your committee to provide HB 1259 with a favorable recommendation and allow ADUs to have a positive impact in all of Maryland.

Sincerely,

A handwritten signature in black ink, consisting of the letters 'C' and 'P' followed by a long horizontal line extending to the right.

Chris Parts, AIA  
Director, Past President

A handwritten signature in blue ink, appearing to read 'Daniel L. Bailey' in a cursive style.

Daniel L. Bailey, AIA  
Director, Past President

**ADU\_3\_3\_2022.pdf**

Uploaded by: Susan Margulies

Position: FAV



Susan Margulies  
113 Conduit Street  
Annapolis, MD 21401

March 4, 2022

RE: HB1259 (Favorable)

Dear Delegate Belcastro and Maryland Senate,

I was writing to express my most enthusiastic support for HB1259, the “Accessory Dwelling Unit Authorization and Promotion Act”. I am the Admin and one of the founding members of the Facebook group *Support Annapolis STVR* (347 members), and the importance of allowing home owners to monetize their one, singular asset through the construction (and rental!) of an ADU cannot be overstated.

I love ADUs! I’ve lived in them all my life, through graduate school and two postdocs, and I have no doubt that the decades of lower rent is why I am a homeowner today. I really believe that the extra income helps homeowners shoulder their mortgage, keep pace with their property taxes, keep their home in good repair and just generally age-in-place. And if they short-term rent their ADU between family visits, or between long-term tenants... well! They are promoting travel to Annapolis and the state Maryland, supporting the businesses downtown, and helping lower the cost of travel, all at the same time! A homeowner may rent to a family, or to a doctor/nurse on a two-week rotation at the Anne Arundel Medical Center. They may rent to a student at St. Johns College or to a Navy family during Plebe parent’s weekend. All of these activities help keep the home-owner and the local economy afloat- all of these activities have minimal impact on the neighborhood.

Thank you very much for putting HB1259 forward. I was active in the helping pass O-9-21, which legalized Accessory Dwelling Units within the City of Annapolis, and I will be there to help Anne Arundel County pass its own version of legalizing ADUs. ADUs are here and have been here for decades. Legalizing them is recognizing reality, and is long over due. Thank you!

Very best regards,

Susan Margulies

Admin and founding member of Facebook Group Support Annapolis STVR

Owner-occupied short-term rental advocate

USNA Professor in Math Department (for identification purposes only)

**HB 1259\_UNF\_MML.pdf**

Uploaded by: Angelica Bailey

Position: UNF



Maryland Municipal League  
*The Association of Maryland's Cities and Towns*

TESTIMONY

March 8, 2022

**Committee:** House Environment and Transportation

**Bill:** \_\_\_\_\_ HB 1259 – Accessory Dwelling Unit Authorization and Promotion Act

**Position:** Oppose

**Reason for Position:**

The Maryland Municipal League opposes House Bill 1259, a preemption bill which mandates that local governments authorize the development of Accessory Dwelling Units (ADUs) on all land currently zoned for single-family residences by October of 2023. This bill also includes burdensome requirements regarding application processing, square footage, parking, and reporting.

These mandates undermine local comprehensive master plans. The process of creating a comprehensive master plan includes months of research and analysis and significant input from stakeholders on every side of the issue. It is an extensive process requiring an understanding of local zoning, community needs, and government resources. The State simply lacks the local knowledge necessary to make zoning decisions on a municipality's behalf; such decisions are best left to local governments.

Several years ago, the General Assembly approved the mandatory addition of a Housing Element to local comprehensive plans, with MML's support. This is a sufficient and appropriate way to address local housing needs in a manner consistent with smart, planned growth. The comprehensive planning process also includes significant public and stakeholder input; a statewide mandate dilutes constituent participation in zoning decisions.

We strongly believe that proper planning at the local level is more feasible and more likely to achieve better results than a mandate that ignores citizen input and overrules local zoning authority. As such, the League respectfully requests that this committee provide HB 1259 with an unfavorable report.

1212 West Street, Annapolis, Maryland 21401

410-268-5514 | 800-492-7121 | FAX: 410-268-7004 | [www.md-municipal.org](http://www.md-municipal.org)

**FOR MORE INFORMATION CONTACT:**

Scott A. Hancock

Angelica Bailey

Bill Jorch

Justin Fiore

Executive Director

Director, Government Relations

Director, Research and Policy Analysis

Manager, Government Relations

# State of Maryland Kumar Barve - HB 1259 Accessory

Uploaded by: Barbara Zektick

Position: UNF



March 3, 2022

Delegate Kumar Barve  
Environment & Transportation Committee  
Room 251  
House Office Building  
Annapolis, Maryland 21401

Re: Opposition to House Bill 1259

Dear Chair and Committee Members:

The Mayor and City Council of Gaithersburg oppose HB1259 because it squarely preempts local zoning and land use authority without due justification.

This bill requires local governments to adopt local laws authorizing the development and use of accessory dwelling units on land zoned for residential use. Further, local governments are prohibited from counting the square footage or any other measurement of any accessory dwelling unit towards density, space or other reasonable limitations set to regulate capacity.

I will decline to elaborate upon the significant history and issues experienced by the City of Gaithersburg specific to regulating accessory dwelling units. Suffice it to say, it has presented a challenge.

But this is our job, responsibility and duty as a local government: to make these land use and zoning policy decisions according to our own unique geography, demographics, needs and goals. It is logistically infeasible for us to come to the Maryland General Assembly whenever we seek a change in a law that governs our built environment. It questions the integrity of a governance system where local governments hold jurisdiction over property and also receive the majority of their funding through taxes on that property. Most importantly, it takes away one of our most cherished authorities - our land use authority - with little, if any, justification whatsoever.

For the reasons stated herein, we respectfully request an unfavorable report on House Bill 1259.

Respectfully submitted,

Jud Ashman  
Mayor

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038  
301-258-6300 • FAX 301-948-6149 • [cityhall@gaithersburgmd.gov](mailto:cityhall@gaithersburgmd.gov) • [gaithersburgmd.gov](http://gaithersburgmd.gov)

MAYOR  
Jud Ashman

COUNCIL MEMBERS  
Neil Harris  
Lisa Henderson  
Jim McNulty  
Ryan Spiegel  
Robert T. Wu

CITY MANAGER  
Tanisha R. Briley

**HB1259-ET\_MACo\_OPP.pdf**

Uploaded by: Dominic Butchko

Position: UNF



## House Bill 1259

### *Accessory Dwelling Unit Authorization and Promotion Act*

MACo Position: **OPPOSE**

To: Environment and Transportation  
Committee

Date: March 8, 2022

From: Dominic J. Butchko

The Maryland Association of Counties **OPPOSES** HB 1259 as it would force all counties to arbitrarily override local planning and zoning laws, by removing local oversight of “accessory dwelling units” in residential areas.

Generally, local land is a function of local government, being the most responsive to community needs. The State plays a role with broad “visions” to be incorporated into local plans, but the execution is properly left local. Housing affordability is a nationwide issue, with different facets in different communities. These problems frequently persist as a function of the willing supply of builders for lower- and middle-income dwellings, infrastructure limitations, and multiple other factors.

Some of Maryland’s biggest affordable housing crises are in rural jurisdictions where zoning is clearly not the driving factor. Housing costs are on the rise due to continual upgrades in construction requirements such as mandatory sprinklers, septic systems with expensive technology, and energy efficiency standards. While these initiatives may represent desirable policies, they collectively contribute to the upfront costs of housing, illustrating the policy trade-offs inherent with broad state mandates.

While MACo appreciates the intent of expanding affordable housing, HB 1259 would apply a one-size-fits-all approach that will not directly address housing affordability across the state. One narrowly crafted vision, created with an eye toward a certain metropolitan area and its specific challenges, simply cannot become the skeleton key to resolve housing concerns in neighborhoods of every size and character across the state.

The establishment of local planning and zoning codes are lengthy processes that require community input and significant effort by local jurisdictions. Overriding local decision-making with a one-size-fits-all approach will only lead to inefficient outcomes that do not accurately address local needs. MACo supports rational, planned approaches to expanding affordable housing, but does not support the inflexibility of HB 1259. For these reasons, MACo requests an **UNFAVORABLE** report on HB 1259.