



Irene Lane, *Mayor*
Barney Rush, *Vice Mayor*
Rich Brancato, *Treasurer*
Stephanie Martz, *Secretary*
Joy White, *Community Liaison*

Testimony by the Town of Chevy Chase
Maryland Senate Education, Energy, and the Environment Committee
Public Hearing on Housing Expansion and Affordability Act of 2024 (SB0484)
March 1, 2024

Chair Feldman, Vice Chair Kagan, and Members of the Senate Education, Energy, and the Committee,

My name is Irene Lane, and I am the Mayor of the Town of Chevy Chase, which is a self-governing municipality located in Montgomery County. Our town is comprised of 1,032 homes and is situated entirely within one mile of the Bethesda metro rail station. While we have embraced accessory dwelling units (ADUs) and recently supported construction of a senior living community with 507 dwelling units, our current zoning is for single-family homes.

We fully appreciate and support the aim of the housing bill to broaden housing options, including multifamily and affordable housing, both in our area and across the state. However, we have some questions and propose two amendments for the committee's consideration during your deliberations. Our intention is to ensure that this legislation supports affordable housing development without compromising municipal authority to establish building codes that apply uniformly to all residential housing types.

First, clear and precise language should be used for the avoidance of doubt in implementing the legislation and safeguarding affordable housing developments. Unfortunately, sections 7-501 and 7-505 use vague terms like “unreasonable” and “substantial adverse impact” when referring to local jurisdictions’ established building codes and ability to regulate housing development.

We are concerned that the current language suggests that the sole criterion for assessing the reasonableness of local regulations is whether the established building code would have a "substantial adverse impact" on a potential qualified project. This approach neglects other crucial factors that municipalities need to consider, such as stormwater management, emergency vehicle access, the right to quiet enjoyment, and tree canopy preservation for climate resilience. Additionally, it overlooks factors that developers must weigh, such as prevailing land values and profit margins. Allowing developers to bypass a local building code for a “qualified project”, arising from criteria unique to that project, undermines both fairness and the crucial need for consistent building regulations across different housing types within the municipality.

Therefore, we urge the committee to amend Sections 7-501 and 7-505 to stipulate that limitations or requirements imposed on qualified projects be no stricter than those applied to other allowable housing types within the zone. Our specific suggested amendments are offered in Appendix A of this letter.

Second, Section 7-503 includes mixed-use development as part of qualified projects in areas zoned for multifamily residential use. Given ongoing discussions in Montgomery County to up-zone single-family residential communities to accommodate multifamily housing, many small municipalities could face rapid changes under the current bill. If the primary goal is to increase housing, particularly affordable housing, why introduce mixed-use development especially as many small municipalities across the state lack current building codes for commercial or retail establishments? We propose that mixed-use development be deferred for further consideration, allowing time to assess the impacts of qualified projects.

Finally, Section 7-503 permits a 30% housing density bonus for qualified projects, raising questions about adherence to local municipal building codes and the potential for larger structures. We seek clarification on whether the 30% density bonus requires compliance with local codes and reiterate our aim for equitable application of municipal building regulations across all residential housing types.

Thank you for considering our questions and amendments, ensuring that local municipal building codes are upheld consistently.

Sincerely,

A handwritten signature in cursive script that reads "Irene N. Lane". The signature is written in black ink and is positioned to the left of the typed name.

Irene N. Lane
Mayor, Town of Chevy Chase

Appendix A

The subjective nature of terms like "unreasonable" and "substantial adverse impact" may result in varying interpretations and could potentially necessitate judicial intervention for resolution. We are looking to avoid that with the proposed amendments.

7-505

A LOCAL JURISDICTION MAY NOT IMPOSE ANY ~~UNREASONABLE~~ LIMITATION OR REQUIREMENTS ON A QUALIFIED PROJECT UNDER THIS SUBTITLE THAT IS STRICTER THAN INCLUDING LIMITATIONS ON OR REQUIREMENTS THAT APPLICABLE TO OTHER PERMISSIBLE HOUSING TYPES FOR THE ZONE, CONCERNING:

- (1) HEIGHT;
- (2) SETBACK;
- (3) BULK; OR
- (4) PARKING;
- (5) LOADING, DIMENSIONAL, OR AREA; OR
- (6) SIMILAR REQUIREMENTS.

7-501

~~(N) "UNREASONABLE LIMITATION OR REQUIREMENT" INCLUDES ANY LIMITATION OR REQUIREMENT THAT HAS A SUBSTANTIAL ADVERSE IMPACT ON:~~

- ~~(1) THE VIABILITY OF IAN AFFORDABLE HOUSING DEVELOPMENT IN A QUALIFIED PROJECT;~~
- ~~(2) THE DEGREE OF AFFORDABILITY OF AFFORDABLE DWELLING UNITS IN A QUALIFIED PROJECT; OR~~
- ~~(3) THE ALLOWABLE DENSITY OF THE QUALIFIED PROJECT.~~