

1610 Riderwood Drive, Lutherville, MD 21093

February 15, 2024

The Honorable Delegate Dana Stein
310 Lowe House Office Building
6 Bladen Street
Annapolis, MD 21401

Sent Via Email

Re: HB 538

Dear Delegate Stein:

Over thirty years ago I was a member of a citizen group convened by Senator Frank Kelly to interact with the Mass Transit Administration regarding the building of the Light Rail system in Baltimore County. At one of those meetings, I had a conversation with an MTA official about my concerns that the Light Rail would alter the character of my community in the long term. That official's response was that the MTA was responsible for building the best transportation system that it could within a finite budget, and my concerns were best raised at the local level, where questions about neighborhood character, land use and other concerns would be appropriately addressed.

That response from the MTA official was certainly true at that time, but HB 538 threatens to overturn that balance between state and local responsibilities regarding affordable housing. I reject the fact that this bill gives state-funded affordable housing projects the ability to avoid scrutiny with regard to adequate public facilities legislation enacted by county governments. Over-crowded schools, congested roadways and other public facilities are not suddenly adequate simply because they are the product of affordable housing. Additionally, this bill fails to describe what constitutes a "state-funded affordable housing project." Is a project with 1% of the total project cost a state-funded project, or does the project need to be totally financed by state funding?

A second objectionable feature is the additional density that this legislation would provide. For example, the bill speaks about giving a qualified project 30% more housing units in an area "zoned for mixed-use." Well, the fact of the matter is that Baltimore County does not

have a zoning classification called “mixed-use.” Mixed use development in Baltimore County is largely accomplished thru a development process entitled “planned unit developments.” Will the interpretation of this feature be left up to the courts to interpret? Also, in planned unit developments in Baltimore County, the question of housing density is negotiated between the developer and the community where the development will be located. So, this legislation would overturn that feature, not a desirable event in my opinion.

Another objectionable feature is that this legislation would give projects that are within one mile of a rail station and contain at least 25% of units that are affordable density bonuses, including a bonus equal to the highest allowable density in the local jurisdiction’s multifamily residential zone if the project is located in a nonresidential zone. Now in Baltimore County, the highest allowable density is a classification termed RAE 2, which allows 80 units per acre. Within one mile of the light rail line there are literally over 100 acres of property zoned for nonresidential use that could be turned into affordable housing projects resulting in at least 8,000 density units within a very compact one-mile radius. This level of redevelopment would alter the character of the community, and in my estimation cause the local government to be catching up to the consequences of this development in terms of traffic congestion, school overcrowding, etc. for another twenty to thirty years.

This problem would not be confined to the Lutherville neighborhood in which I live. Within one mile of the Hunt Valley station stop, there is undeveloped industrially zoned land in the Sparks Corporate Center that would also be subject to the development pressures that this legislation would impose.

I strongly object to this legislation that changes local land use decisions. If the State wants to help fund affordable housing, I have no problem with that approach, but I think venturing into local land use decisions goes too far. Finally, the bill’s support for manufactured housing and cluster cottages, the definition for which conforms with Baltimore County density requirements under DR 5.5 zoning, seem to be reasonable measures in my opinion. I also wonder why this bill does not include accessory dwelling units as a remedy to affordable housing? Please enter this letter in the official record.

Sincerely,

Eric Rockel

Cc: Honorable Michele Guyton