



# MARYLAND LEGAL AID

**House Bill 538**  
**In the House Environment and Transportation Committee–**  
**Land Use-Affordable Housing-Zoning Density and Permitting**  
**(Housing Expansion and Affordability Act of 2024)**  
**Hearing on February 20, 2024**  
**Position: FAVORABLE**

*Maryland Legal Aid (MLA) submits its written and oral testimony on HB 538 in response to a request from the Office of the Governor of Maryland, Wes Moore*

House Bill 538 is legislation that prohibits a local legislative body from allowing the placement of affordable housing in a zoning district and permitting a local jurisdiction to increase the density of certain qualified projects.

MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including representing people and families struggling with housing and eviction. Too many of the people we represent face eviction because they can't afford the housing in which they reside.

This legislation provides an opportunity to affordable housing providers to avoid the barriers in current law which restrict the development of certain affordable housing products including manufactured homes and cluster cottages as well as removing barriers to build transit-oriented housing.

Baltimore Regional Jurisdictions, Baltimore City, Baltimore County, Anne Arundel County, the City of Annapolis Housing Authority, Harford County and Howard County produced a document required by federal law to identify the impediments to Fair Housing. One of the barriers identified is the lack of affordable housing. A component of that barrier to housing is zoning, use of the "adequate public facility law" and delay because the need for local review is abused by opposition to affordable housing. This legislation is an important component of a strategy to overcome this impediment and produce enough housing to meet the need.<sup>1</sup>

By any measure, housing is not affordable for thousands of residents throughout Maryland. The Maryland Department of Housing and Community Development commissioned a study released in December of 2020 that measured housing need in this state. The report noted that "Despite continued progress, ... Maryland currently lacks approximately 85,000 rental units for its lowest income households (meaning extremely low-income or those earning 30 percent of area median income [AMI (Area Median Income)] or below). In many parts of the state, there aren't enough rental units for very low-income households (those earning under 50 percent AMI) either. Maryland will add an estimated 97,200 extremely and very low-income households between 2020 and 2030. Without further acceleration to create and preserve deeply affordable

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<sup>1</sup> [https://www.baltometro.org/sites/default/files/bmc\\_documents/general/community/analysis-to-impediments/2020\\_RegionalAI\\_final.pdf](https://www.baltometro.org/sites/default/files/bmc_documents/general/community/analysis-to-impediments/2020_RegionalAI_final.pdf)

units, this shortage will worsen.”<sup>2</sup>

The human right to housing is one of the most essential and universally recognized human rights. It finds strong recognition in international, federal, and state. The Universal Declaration of Human Rights guarantees “the right to a standard of living adequate for the health and well-being of [the individual] and of his[/her] family, including food, clothing, shelter and medical care and necessary social services.”<sup>3</sup> One of the basic aspects of the right to housing is that such housing should be affordable.<sup>4</sup>

HB 538 is a step toward providing more affordable housing and we urge a favorable report.

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<sup>2</sup> <https://dhcd.maryland.gov/Documents/Other%20Publications/Report.pdf>

<sup>3</sup> The Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., pt. 1, U.N. Doc. A/810 (1948).

<sup>4</sup> General Comment 4, Committee on Economic, Social and Cultural Rights, U.N. Doc. E/1992/23, ¶6 (1991).

