



Howard County Council

Deb Jung
Councilmember

District 4

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

February 26, 2025

HB1036/SB931
Deb Jung, Howard County Council
UNFAVORABLE

Dear Senate Chair Feldman; Delegate Chair Wilson; and Members of the Senate Education, Energy, and the Environment Committee and the House Economic Matters Committee:

Please accept this letter as a position of UNFAVORABLE for HB1036 and SB931, the Renewable Energy Certainty Act. I express this opposition in solidarity with Maryland Association of Counties' (MACo) position on these bills. I represent District 4 on the Howard County Council and am the MACo delegate for the Howard County Council.

During my two terms on the Howard County Council, I have voted for multiple pieces of legislation to enable solar projects in the County. Howard County leads the State in its solar-friendly zoning laws, tax incentives, and power purchase agreements. HB1036 and SB931 would adversely affect our successful framework for managing solar facilities in our County and our deliberate policies to meet our ambitious climate goals.

Howard County's most significant bill supporting solar generation was CB17-2021. This bill changed the zoning regulations to allow solar generation throughout the County. The bill allows rooftop arrays in nearly all zoning districts by right and ground mount arrays as an accessory use in rural residential districts. It also defines thoughtful regulations for the siting and oversight of commercial solar facilities on agricultural land.

HB1036 and SB931 would override our current regulations that were determined through our own public and legislative processes. Howard County created a citizen Taskforce to review agricultural concerns and tasked our Department of Planning and Zoning to determine compatibility of existing zoning designations with the new uses of ground mount and rooftop solar arrays. The bill that was presented to the Howard County Council went through a public hearing and received 10 amendments and five amendments to amendments during the legislative process. The resulting law is a product of our local authority as granted by the State and our governing Charter.

Howard County's solar siting law allows commercial solar facilities as a conditional use on rural land with set acreage maximums and exceptions can be granted by the Hearing Authority. For

agricultural preservation parcels, the Agricultural Preservation Board reviews these conditional use petitions and considers the placement of the facility on the property and the preservation of arable land. HB1036 and SB931 would eliminate our County's self-determined protection of productive farmland in favor of solar installations.

Furthermore, the Howard County Council has approved at least six Payments in Lieu of Taxes (known as PILOTs) for solar projects that provide tax reductions on real and personal property. Each of these tax incentive packages were vetted through the public legislative process and received fiscal and legislative analyses. While I support tax incentives for this emerging technology, I am concerned that HB1036 and SB931's requirement to forego all revenues is an untenable preemption of local revenue control.

My colleague, Councilmember David Yungmann, represents numerous farms and agricultural interests in the County and provided the following insights. The Howard County solar siting law seeks placement of commercial arrays portions of the property that are the least productive for farming. HB1036 and SB931 would override Howard County's goal of keeping farmland, especially forever farmland that has received public dollars to remain so, in the business of food production. The agriculture industry, the fifth largest in both the State and Howard County, provides the security of local food sources to all of our residents. Putting these resources at risk should not be the unintended consequence of promoting solar generation in the State. Additionally, commercial solar projects do pose certain environmental risks (including impacts from panel installations and disposal of decommissioned panels) that should be regulated and monitored by the local jurisdiction.

I appreciate the bill sponsors' attempts to grow solar generation in the State but the bill contains too much overreach into local zoning and taxation authority. I hope that these committees will consider alternatives to promote and support solar through future legislation that provides local jurisdictions with legislative tools that currently are not available to them.

Thank you for your time and consideration.

Sincerely,



Deb Jung
Howard County Council
District 4