



Senate Bill 891

Land Use and Real Property - Accessory Dwelling Units - Requirements and Prohibitions

MACo Position: **OPPOSE**

To: Education, Energy, & the Environment
Committee

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From: Dominic J. Butchko and Michael Sanderson

The Maryland Association of Counties (MACo) **OPPOSES** SB 891. This bill preempts county land use authority, removing local oversight of “accessory dwelling units” (ADU) in residential areas, and is highly inconsistent with the recommendations of the ADU taskforce.

Generally, local land use decisions are a function of local government. Counties, as the boots-on-the-ground implementors, are 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 to local implementors. Housing affordability is a nationwide issue, with different facets in different communities, and one which Maryland counties have been the leaders in addressing for several years.

While MACo appreciates the intent of SB 891, as drafted, this bill would apply a one-size-fits-all approach that will not directly address housing affordability across the state. Additionally, beyond the sweeping override of local oversight, as drafted, the bill dramatically deviates from the handful of consensus points that were agreed upon during the ADU taskforce deliberations.

Highlights of County Concerns and Inconsistencies:

- Allowing an ADU to be constructed before the principal dwelling means that the ADU is no longer the “accessory.” This authorization contradicts several other provisions within the legislation, including requirements around square footage. If enacted, this provision would delay new construction as it would create inconsistencies in the implementation of state and local policies, including proposed policies outlined within the legislation.
- Requirements establishing setbacks are inconsistent with the recommendations of the report and local processes. As drafted, this would also complicate efforts to address illegally nonconforming structures.
- Language regarding lot lines and parking requirements far exceeds the recommendations of the taskforce report. In both instances, the report states that the State should not pursue legislation in either area.

- Prohibitions on off-street parking requirements are inconsistent with the report, create potential conflicts with the Maryland Accessibility Code, and represent a one-size-fits-all approach that fails to recognize suburban and urban areas where on-street parking is already a major challenge.
- Prohibitions on design standards were not fully supported by the taskforce and could be problematic in historic districts and certain planned developments.
- “Shot clock”-style approval and denial timelines are inconsistent with the report and open the window for severe unintended consequences. These requirements lack the nuanced understanding of the review and approval process and allow developers to skirt state and local building requirements.
- Prohibitions on impact fees are inconsistent with the final report recommendation. In Maryland, counties must go through a rigorous process to justify impact fee amounts and formulas. In most jurisdictions, impact fees are not enough to fund infrastructure expansion.

As drafted, SB 891 is both a large overreach into local land use processes and significantly inconsistent with the recommendations of the ADU taskforce. For these reasons, MACo urges the Committee to give SB 891 an **UNFAVORABLE** report.