

IL Written Testimony - SB 891 - Favorable.pdf

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Position: FAV



SB 891: Land Use and Real Property - Accessory Dwelling Units –

Requirements and Prohibitions

Testimony of the Maryland Independent Living Network

SUPPORT – Favorable

Senate Education, Energy & the Environment Committee, February 25, 2025

The Maryland Independent Living Network is a coalition of the Maryland Statewide Independent Living Council and the seven Maryland-based Centers for Independent Living (CIL). CILs are created by federal law. CILs work to enhance the civil rights and quality of services for people with disabilities. There are seven CILs located throughout Maryland, operated by and for people with disabilities. CILs provide Information and Referral, Advocacy, Peer Support, Independent Living Skills training, and Transition Services to individuals with disabilities in their communities.

The Independent Living Network submits this written testimony in **support** of SB 891.

SB 891 establishes that it is the policy of the State of Maryland to promote and encourage the creation of accessory dwelling units (ADUs) on land zoned for single-family residential use. The purpose of the bill is to increase housing options in order to meet the housing needs of the citizens of the State of Maryland.

ADUs are additions to or conversions of space in existing homes that have a private entrance and usually include a kitchen, bathroom and a bedroom.

There is a housing crisis in Maryland and across the country due to demand for the current stock exceeding the current supply. More housing and greater housing options are ways to address the housing crisis.

The American Planning Association has stated that ADUs “have the potential to increase housing affordability (both for homeowners and tenants), create a wider range of housing options within the community, enable seniors to stay near family as they age, and facilitate better use of the existing housing fabric in established neighborhoods.”

To the extent that ADUs increase the availability of affordable housing, the State of Maryland should coordinate expertise and ease permitting processes to ensure that the creation of ADUs is not burdensome to the homeowner. It is estimated that approximately 2% of homeowners would take advantage of creating ADUs. This is a small but quite meaningful way to address the housing crisis in Maryland.

Marylanders with disabilities and older Marylanders stand to benefit from an increase in affordable housing options through the creation of ADUs. To the extent that accessibility is considered in the construction of new ADUs and the rehabilitation of existing structures to include ADUs the increase in affordable and accessible housing options will improve the likelihood that Marylanders with disabilities and older Marylanders can live in the community of their choice.

Expansion of ADUs will have a positive impact on all Marylanders.

We appreciate the consideration of these comments.

The Maryland Independent Living Network strongly **supports** SB 891 and requests a favorable vote.

Contact Information:

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SB0891 adu AIA MD 2025.02.21.pdf

Uploaded by: Chris Parts

Position: FAV



21 February 2025

The Honorable Senator Brian Feldman
Chair of the Education, Energy, and the Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Letter of Support for Senate Bill 891
Accessory Dwelling Units

Dear Chair Feldman and members of the Education, Energy, and the Environment Committee:

On behalf of AIA Maryland, representing over 2,000 architects across the state, I am writing to express our strong support for Senate Bill 891, which advances the development of Accessory Dwelling Units (ADUs) as a critical component of Maryland's sustainable housing future. As architects committed to responsible community planning and environmental stewardship, we recognize that ADUs present a unique opportunity to address housing affordability, reduce urban sprawl, and create resilient, energy-efficient communities.

SB 891 supports the integration of ADUs into existing single-family residential areas in a way that prioritizes thoughtful, sustainable growth. By allowing homeowners to add secondary dwelling units within their properties, this legislation fosters gentle density that aligns with smart growth principles—maximizing land use without the need for extensive new infrastructure. ADUs can provide affordable housing solutions for families, aging populations, and individuals seeking more flexible living arrangements, all while utilizing existing utilities and public services more efficiently. This approach minimizes environmental impact while strengthening neighborhood character and economic viability.

ADUs encourage smaller, more energy-efficient living spaces that require fewer resources to build, heat, and cool compared to traditional housing. They support walkable communities by increasing housing options near existing jobs, schools, and transit, reducing reliance on automobiles and lowering carbon emissions. Moreover, well-designed ADUs can incorporate passive design strategies, high-performance building materials, and renewable energy technologies, further advancing Maryland's climate resilience and energy efficiency goals.

The bill's provisions to limit excessive impact fees, ease restrictive zoning laws, and promote equitable access to ADU construction are important to making these units a viable and scalable housing solution. Additionally, clear guidelines on setbacks, utility connections, and parking requirements will ensure ADUs are seamlessly integrated into existing communities while maintaining neighborhood aesthetics and functionality.

AIA Maryland supports the passage of SB 891 as a vital step toward a more sustainable, inclusive, and resilient built environment. We urge the committee to advance this important legislation and look forward to collaborating on policies that align with Maryland's housing and climate goals. in our state.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Parts", with a long horizontal line extending to the right.

Chris Parts, AIA
Director, Past President, AIA Maryland

SB891_DHCD_SUPPORT.pdf

Uploaded by: Chuck Cook

Position: FAV



WES MOORE
Governor
ARUNA MILLER
Lt. Governor
JACOB R. DAY
Secretary
JULIA GLANZ
Deputy Secretary

DATE: February 25, 2025
BILL NO.: Senate Bill 891
TITLE: Land Use and Real Property – Accessory Dwelling Units – Requirements and Prohibitions
COMMITTEE: Senate Education, Energy and the Environment Committee

Letter of Support

Description of Bill:

Senate Bill 891 requires local jurisdictions in Maryland to adopt, by October 1, 2026, ordinances authorizing the development of accessory dwelling units (ADUs) on land zoned for single-family residential use, subject to certain requirements, and limits restrictions local jurisdictions may impose on the development of ADUs, such as setback, dimensional and parking requirements, impact fees, and building excise taxes. The bill also prohibits deed restrictions that unreasonably limit the ability of a property owner to develop an ADU on single-family zoned property.

Background and Analysis:

Accessory dwelling units – often referred to as “granny flats” or “in-law suites” – are secondary, smaller dwelling units located on the same lot as a primary home. ADUs may be attached to the primary home or physically separate. Where they are permitted, ADUs can provide lower-cost housing options in expensive markets without requiring new large-scale development, reduce sprawl by maximizing living space in existing residential areas, and provide additional income for homeowners, either through rental of the ADU or by allowing older adults to age in place by renting out the primary residence while residing in the ADU. Smaller in size than the primary home, ADUs generally have smaller environmental footprints, and increase residential density without significant impact on neighborhood character. ADUs are potentially a valuable tool in addressing Maryland’s housing shortage.

For older Marylanders, ADUs provide a means to live independently near family at a lower cost than moving to a retirement community or assisted living facility. Overall, ADUs represent a flexible, practical solution for homeowners and renters alike.

Senate Bill 891 implements many of the recommendations made by the Accessory Dwelling Unit Policy Task Force in its [final report](#) submitted in May 2024. The ADU Policy Task Force, which included members from a cross-section of state agencies, organizations and disciplines, made these recommendations after thoroughly studying and deliberating various aspects of ADU policy. Currently, only some jurisdictions in Maryland, such as Montgomery and Queen Anne’s counties, allow ADUs by right in single-family zoned areas. Expanding this right statewide will help give Maryland residents more affordable housing options, increase land use efficiency, and allow more seniors to live near family and caregivers without having to share physical living space.

DHCD Position

The Maryland Department of Housing and Community Development respectfully requests a **favorable** report on Senate Bill 891.



GGWash Comments on SB 891, Accessory Dwelling Unit

Uploaded by: Dan Reed

Position: FAV



Chair Brian Feldman
and Members, Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

February 25, 2025

Dear Chair Feldman and Members of the Education, Energy, and the Environment Committee:

My name is Dan Reed and I serve as the Maryland Policy Director for [Greater Greater Washington](#), a nonprofit that works to advance sustainability and equity in housing, land use, and transportation throughout Greater Washington and beyond. **GGWash strongly supports Senate Bill 891**, which could create more housing options for more budgets and set consistent rules for development.

I cannot say it enough: Maryland has a housing crisis. Estimates show the state is short as many as 150,000 homes, resulting in rising prices and significant challenges for employers as their workers can't afford to live here¹. Meanwhile, we're facing a \$3 billion budget shortfall, which is expected to double by 2030². These problems are closely related: if we can build more homes for more budgets, more people will be able to come here and stay here, meaning more job growth and more tax revenue.


There are several pieces of legislation this session attempting to solve these twin challenges, including Governor Moore's Housing for Jobs Act, which we're also proud to support. What they all have in common is an understanding that the state and local jurisdictions need to work together to produce more homes and create fair, consistent standards for housing approvals across the state.

This bill would do exactly that, by directing cities and counties to allow homeowners to build an accessory dwelling unit (ADU) on their property—smaller, independent homes that share a lot with a single-family detached home—in the basement, as an addition, or as a stand-alone building. ADUs can provide extra income for homeowners, accommodate multigenerational families, and create new lower-cost options for people starting out or downsizing³. Several

¹ <https://www.wbalte.com/article/maryland-legislators-new-bills-keep-up-housing-demand/63423726>

² <https://marylandmatters.org/2025/01/03/everything-on-the-table-as-moore-lawmakers-seek-budget-solutions/>

³ <https://dhcd.maryland.gov/TurningTheKey/Documents/Presentation.pdf>

The Washington, DC region is great  and it can be greater.



jurisdictions in Maryland already allow ADUs, including the City of Annapolis⁴ and Montgomery County, which since legalizing them in 2013 has approved over 1100 new homes⁵. This legislation would bring the rest of the state in line with those jurisdictions, while also setting rules for ADU zoning to ensure that these homes aren't burdened with additional requirements that do not apply to single-family homes, creating additional barriers and increasing costs for homeowners who might want to build one on their property.

In a poll we commissioned last spring, 81% of Marylanders say housing has gotten less affordable in their community, 60% say that their local governments aren't doing enough, and 72% of Maryland voters want the state government to do something about high housing costs⁶. This bill is an important part of that solution, and we ask the Education, Energy, and the Environment Committee for a favorable report.

Sincerely,

Dan Reed
Maryland Policy Director

⁴ <https://www.capitalgazette.com/2021/10/12/annapolis-city-council-legalizes-accessory-dwelling-units-police-reform-bill-withdrawn/>

⁵ <https://gis4.montgomerycountymd.gov/ADU/>

⁶ <https://ggwash.org/view/92877/marylanders-want-more-homes-in-more-places-to-fit-more-budgets>

SB 891 - ADUs - FAV - REALTORS.pdf

Uploaded by: Lisa May

Position: FAV



Senate Bill 891 – Land Use and Real Property - Accessory Dwelling Units - Requirements and Prohibitions

Position: Support

Maryland REALTORS® strongly supports efforts to promote and expand the development of Accessory Dwelling Units (ADUs) in Maryland so that we may begin to close our 150,000-unit housing shortage.

Maryland residents also agree. Once they learn about ADUs, 81% support making it easier for homeowners to build these units on their properties - the highest percentage of support recorded since ADU legislation was first proposed.

ADUs make housing more affordable and available for several segments of Maryland's population who currently face difficulties in finding housing that meets their needs. They expand options for lower wage and early career workers, particularly if they are employed in high-cost areas. They also provide greater flexibility for seniors to stay in their communities by allowing family members or caregivers to live on-site, or to provide additional rental income so that they are not displaced by rising costs.

Unfortunately, many local zoning ordinances make it difficult or expensive to add an ADU to an existing property. In some counties, ADUs are prohibited from being constructed at all.

ADU legislation has been previously considered by the General Assembly. It has been further studied by the Maryland ADU Task Force. And examples of ADU as a successful housing type abound in states of all sizes and demographics across the country. The time to make ADUs a reality for Maryland is now.

We firmly believe that establishing a single set of rules for ADUs across the state is necessary for Maryland homeowners to make use of this type of housing, no matter where they live in the state. Maryland REALTORS® urges your support of SB 891.

**For more information contact
lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org**

MBIA Letter of Support SB 891.pdf

Uploaded by: Lori Graf

Position: FAV

February 20, 2025

The Honorable Brian J. Feldman
Chairman, Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

RE: SB 891 Land Use and Real Property – Accessory Dwelling Units – Requirements and Prohibitions

Dear Chairman Feldman:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 891 Land Use and Real Property – Accessory Dwelling Units – Requirements and Prohibitions**).

This bill requires the legislative body of a county or municipal corporation to adopt a local law authorizing the development of accessory dwelling units on land zoned for single-family residential use. MBIA Supports the Act in its current version. We appreciate participating on the task force that led to this bill, and are in agreement with all of its proposals. Maryland currently faces a significant housing shortage and we must add a significant number of units by 2030 to accommodate our growing population. Most of those units need to be for low-income and moderate-income individuals. Accessory Dwelling Units allow for new housing to be built at a lower cost than a traditional residential home. Accessory dwelling units have the potential to increase housing affordability, create a wider range of housing options within the community, enable seniors to stay near family as they age, and facilitate better use of the existing housing fabric in established neighborhoods.

States and cities across the country have adopted Accessory Dwelling units as one of the many tools that can help with our affordability and housing shortage crisis.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the Senate Education, Energy, and the Environment Committee

SB 891 Land Use and Real Property ADU.FAV.AARP.pdf

Uploaded by: PRISCILLA KANIA

Position: FAV



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**SB 891 Land Use and Real Property - Accessory Dwelling Units –
Requirements and Prohibitions
House Environmental and Transportation Committee
February 25, 2025
FAVORABLE**

Good afternoon, Chair Feldman and Members of the Education, Energy, and the Environment Committee. My name is Priscilla Kania, and I am a lead volunteer advocate with AARP Maryland, representing our nearly 850,000 members statewide. On behalf of AARP, I appreciate the opportunity to testify in strong support of **SB 891 – Land Use & Real Property – Accessory Dwelling Units – Requirements & Prohibitions**.

This important legislation aligns with AARP’s Livable Communities initiative, which promotes housing solutions that support safe, independent, and affordable living for residents of all ages, especially older Marylanders who wish to age in place. We sincerely thank Senator Washington for her leadership in sponsoring this bill.

The Importance of ADUs for Older Marylanders

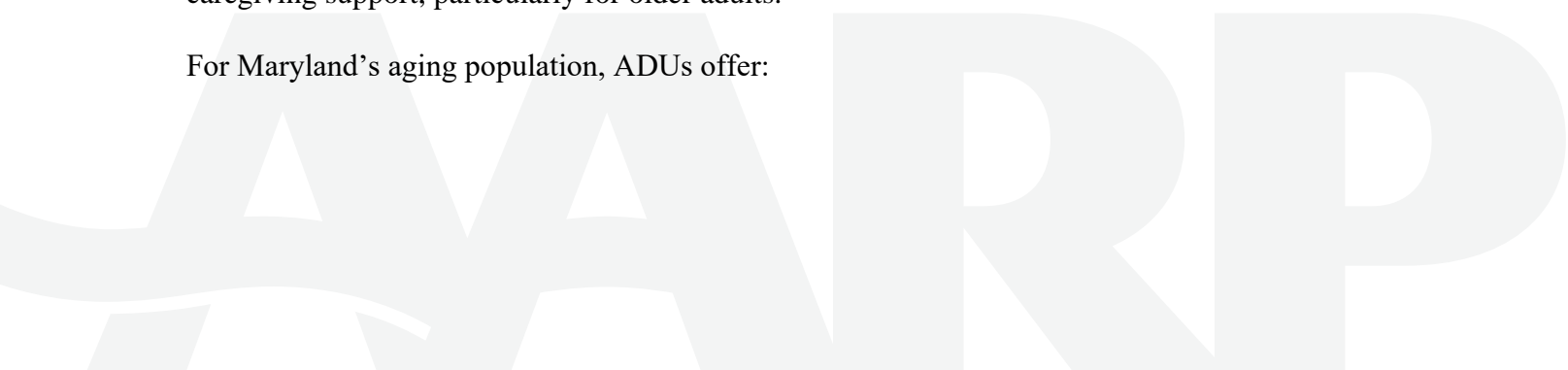
SB 891 establishes a statewide framework that encourages and facilitates the creation of Accessory Dwelling Units (ADUs) in areas zoned for single-family housing. ADUs are an essential tool for addressing Maryland’s housing needs—particularly for older adults, caregivers, and multigenerational families.

AARP was honored to serve on the State Accessory Dwelling Unit (ADU) Task Force because ADUs are a critical component of AARP’s commitment to housing accessibility and affordability. Many of the resources presented to the Task Force were sourced from AARP’s research, which highlights the proven benefits of ADUs in promoting aging-friendly communities.

What Are ADUs and Why Do They Matter?

ADUs are independent housing units that can be created by remodeling an existing home, expanding an existing structure, or constructing a detached unit—such as converting a garage or building a small cottage. These flexible housing options provide economic stability and caregiving support, particularly for older adults.

For Maryland’s aging population, ADUs offer:



- Financial security – Homeowners can generate rental income to offset property taxes, home maintenance, and healthcare costs.
- Aging in place options – Older adults who wish to downsize can move into an ADU while renting their primary residence or housing family members.
- Caregiving solutions – ADUs allow older adults to live near caregivers, children, or loved ones while maintaining their independence.

What Older Adults Are Saying

AARP research consistently shows that older adults overwhelmingly want to stay in their homes and communities as they age:

- 77% of people aged 50+ want to live in their community for as long as possible.
- 76% want to continue living in their current residence.
- 59% believe they can remain in their community, whether in their existing home (46%) or another home nearby (13%).
- 67% of older adults would consider an ADU to live near family while maintaining their own space.
- 70% would consider building an ADU for a loved one in need of care.

ADUs Promote Affordable Housing and Equity

Beyond individual benefits, ADUs also serve a broader public interest by:

- Expanding affordable housing opportunities without requiring additional land development or costly infrastructure.
- Supporting economic diversity in established neighborhoods, creating more equitable access to quality schools, transportation, and job opportunities.
- Addressing the housing crisis, where rising home prices and rental costs place a heavy burden on older adults and middle-income families.
- Providing a cost-effective alternative to institutional care, reducing reliance on high-cost assisted living facilities.

ADUs were once commonplace in American housing, particularly before World War II, but were largely restricted by zoning laws that prioritized large-lot, single-family developments. Over time, these restrictions exacerbated economic and racial segregation, excluding families with modest incomes from communities with better resources.

Today, shifting demographics, economic pressures, and a national housing shortage have reinforced the need to modernize zoning laws and reintroduce ADUs as a viable housing solution.

Why Maryland Needs SB 891

Aging in place is not just a personal preference—it is a public policy imperative. Maryland must take proactive steps to address the growing demand for housing that supports its aging population. SB 891 will:

- Establish statewide ADU standards to ensure clarity and consistency across jurisdictions.
- Provide older homeowners with more housing options that align with their financial and caregiving needs.
- Help local governments meet their housing and equity goals by encouraging compact, sustainable development.

AARP's Request

AARP Maryland urges the Committee to issue a favorable report on SB 891 to support Marylanders who want to age in place with dignity, stability, and independence.

For further questions, please contact Tammy Bresnahan, Senior Director of Advocacy, AARP Maryland at tbresnahan@aarp.org or 410-302-8451.

SB891 OIR FWA MGA25.pdf

Uploaded by: Leslie Frey

Position: FWA



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 891

DATE: February 25, 2025

SPONSOR: Senator Washington

ASSIGNED TO: Education, Energy, and the Environment

CONTACT PERSON: Leslie Frey

(leslie.frey@montgomerycountymd.gov)

POSITION: FAVORABLE WITH AMENDMENTS (Montgomery County Office of Intergovernmental Relations)

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

Senate Bill 891 declares that it is the policy of the State to promote and encourage the creation of accessory dwelling units (ADUs) on land zoned for single-family residential use in order to meet the housing needs of the citizens of Maryland. To implement this policy, the bill requires local jurisdictions to adopt a local law authorizing the development of ADUs on land zoned for single-family residential use by October 1, 2026. The bill stipulates that a local law adopted under the bill shall contain requirements concerning size of the ADU, timing of construction, and conditions of approval of a zoning use permit, among others. The bill prohibits a local law from requiring: the ADU to exceed the minimum size required for a primary dwelling unit in the zone or district; establish setback requirements in certain circumstances; include the creation of off-street parking if the ADU is within .75 mile radius of a mass transit facility or if outside a .75 mile radius, the creation of more than one off-street parking space; or set conditions for approval of a zoning use permit for an ADU based on subjective criteria listed in the bill, including neighborhood compatibility. Senate Bill 891 permits a local law to consider factors regarding off-street parking requirements and stipulates that a local jurisdiction shall approve or deny an application for a zoning use permit for an ADU within 90 days. The bill allows for the charging of a development impact fee or building excise tax if the ADU has a square footage or more than 750 feet and prohibits the same if the square footage is less than 750 square feet. Finally, the bill addresses utility provisions and authorizes the governing body of a homeowners association to treat an ADU as a separate lot for the purposes of voting and levying assessments.

Recognizing the imperative need to create more housing within the State, the Montgomery County Office of Intergovernmental Relations respectfully requests amendments to Senate Bill 891 that address the following issues.

Currently, the bill does not define "mass transit facility" as used in Land Use-Article §4-504(D) related to requirements for off-street parking. The definition should be inclusive of Bus Rapid Transit but exclusive of MARC facilities, as MARC does not have sufficient service to support a car-free lifestyle. Second, the creation of off-street parking spaces should be contemporaneous with the development of the ADU so that requirements related to off-street parking and impervious surfaces are not negated. Third, under §4-504(E)(2), the parking study prescribed by the bill should not be directed by a legislative body but another local department with expertise in the issues and should be narrowed from covering the entire jurisdiction.

Finally, the bill does not contain a requirement that a primary dwelling unit be owner-occupied. We strongly urge the committee to amend the bill to require this in order to avoid allowing multiple rental units to be created on a single-family lot with no owner present. This is important for integrating properties with ADUs into our existing communities that are zoned for single-family use.

We respectfully request these amendments and urge the committee to issue a favorable report on Senate Bill 891.

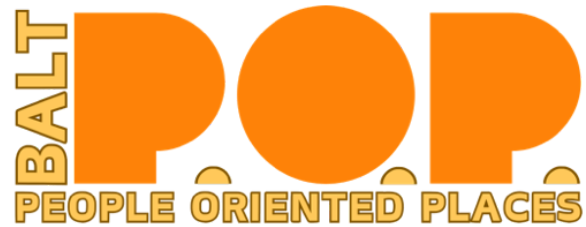
MGA 2025 Testimony bills SB0891 (ADUs - Requiremen

Uploaded by: Michael Scepaniak

Position: FWA

Bill: SB0891

Bill Title: Land Use and Real Property -
Accessory Dwelling Units - Requirements and
Prohibitions



Position: **Favorable with Amendments**

Members of the Senate Education, Energy, and the Environment Committee,

As a group which believes that encouraging traditional, higher-density development patterns in Maryland will deliver us appealing, affordable, fiscally-sustainable communities, we support SB0891.

In 2023, the General Assembly passed legislation which established an Accessory Dwelling Unit Policy Task Force. [1] The task force was convened and published their report as directed. [2] [3] This bill is the manifestation of that task force's recommendations.

Allowing and encouraging Accessory Dwelling Units (ADUs) in Maryland will be one of the best (if not **the** best) tools for improving housing affordability in the state. It will result in a gradual, broad-based densification of the low-density suburbs that dominate our residential communities. That gradual trajectory will allow the state's municipalities to comfortably plan for any needed infrastructure investments, while being able to use the additional property taxes accrued by those ADUs to pay for those investments.

The ADUs built will be more likely to seamlessly fit into the character of existing neighborhoods, more so than large multi-family buildings with imposing massing and sudden and daunting infrastructure demands - which are so often the target of blistering community opposition.

The ADUs built will be the small, modest, affordable starter units that are the exact sort of housing we are in the greatest need of building. Homeowners struggling to afford the house they need will be able to build an ADU on their property and rent it out, allowing them to afford that house. Seniors with too much house will be able to build themselves an ADU on their existing property and move into it, thus allowing them to age in place.

With our support for this bill firmly stated, we would like to see a couple changes made.

1. While we respect the task force's decision to not make any recommendations regarding Short Term Rentals and Rental Licensing Programs, we think **it is critical that the bill explicitly prohibit a municipality from preventing a homeowner from renting an ADU on their property**. Limiting occupancy of ADUs to relatives will serve to severely limit people's ability to afford constructing them.

2. While we understand the desire to exempt historic properties, we fear that such a blanket exemption will be exploited. **We would like to see all municipalities provide a waiver process for historic properties to build ADUs. Alternatively, we would like to see the bill only exempt those historic properties which are deemed as such at the date of the bill's adoption into law.**

Adding a diversity of housing options to our communities means they can accommodate people as they move through different life stages and their housing needs change. Addressing this type of affordable housing will then help weaken the prejudices against the other type of affordable housing, increasing its availability. ADUs serve as an approachable, flexible, grass-roots, affordable housing option that Maryland needs more of.

We hope the committee finds these points helpful and convincing and we urge its members to **vote in favor of SB0891, with our suggested amendments**. Thank you for your efforts and the opportunity for us to testify on this legislation.

[BaltPOP - Baltimoreans for People-Oriented Places](#)

References:

[1] Maryland General Assembly. "Accessory Dwelling Unit Policy Task Force". June 9, 2023. <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0382?ys=2023RS>

[2] Maryland Department of Planning. "Accessory Dwelling Unit Policy Task Force". As of February 19, 2025. <https://planning.maryland.gov/Pages/OurWork/PBP/ADUTF/ADU.aspx>

[3] Maryland Department of Planning. "Accessory Dwelling Unit Policy Task Force Final Report". May 31, 2024. <https://planning.maryland.gov/Documents/Our-Engagement/ADUPTF/2024-ADU-PTF-report.pdf>

SB 891 - MML - OPP.pdf

Uploaded by: Angelica Bailey Thupari

Position: UNF



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 25, 2025

Committee: Senate Education, Energy, and the Environment

Bill: SB 944 - Housing Development Permits - Local Reporting Requirements (Maryland Housing Data Transparency Act)

Position: Oppose

Reason for Position:

The Maryland Municipal League (“MML”) respectfully opposes Senate Bill 944, which is both consistent and inconsistent with the ADU Task Force Final Report and proposes many unreasonable mandates on local governments. MML remains a committed partner in solving the State’s housing crisis, but this proposal is an unworkable overreach for the following reasons:

Authorization and Timing

- Authorizing construction of an accessory structure before the construction of a primary dwelling unit (4-504(C)(3)) is inadvisable. Allowing an ADU to be constructed before the principal dwelling is built or permitted does not qualify the ADU as an “accessory” dwelling unit because there is no other dwelling on the site for it to be accessory to. It also makes compliance with the bill’s square footage limitations impossible, since local governments cannot determine if the ADU is smaller than the principal dwelling if the ADU can be constructed prior to the principal dwelling.
- Assigning a specific turnaround time of 90 days (4-505(A)) is not realistic. Not all applications can be reviewed and approved within this timeframe for a variety of factors outside the municipality’s control like the quality of the application, other agency reviews, etc.

Lot Requirements & Setbacks

- This section which addresses lot requirements (4-504(D)) is inconsistent with the policy recommendations from the Final ADU Task Force report. Rather, the Task Force recommended that the Maryland Department of Planning (“MDP”) provide guidance and resources on lot requirements to help Maryland jurisdictions develop ordinances in which lot requirements do not present an unreasonable barrier to ADU development. Legislation was not suggested.
- Section 1404.13 of the Maryland Building Code requires a minimum of 10’ building separation in certain cases. A 4-foot setback (4-504(D)(3)), if utilized on two adjacent lots, would prevent the application of the MD Building Code requirement that is in place for fire protection.

The Maryland Municipal League uses its collective voice to advocate, empower and protect the interests of our 160 local governments members and elevates local leadership, delivers impactful solutions for our communities, and builds an inclusive culture for the 2 million Marylanders we serve.



Maryland Municipal League
The Association of Maryland's Cities and Towns

Parking Requirements

- This section which addresses parking language (4-504(D)) is inconsistent with the policy recommendations from the Final ADU Task Force report. Rather, the Task Force recommended that the Maryland Department of Planning (“MDP”) provide guidance and resources on parking requirements to help Maryland jurisdictions develop ordinances in which lot requirements do not present an unreasonable barrier to ADU development. Legislation was not suggested.
- Every community is different. Some municipalities have “mass transit” facilities that are commuter rail stations like MARC Stations, which typically don’t run in the evenings or on weekends, meaning residents still need cars.
- Not being allowed to require a parking space could be contrary to the Maryland Accessibility Code, which requires all buildings and facilities to be accessible and usable by individuals with physical disabilities, including making parking available on the same terms as other residents. This provision essentially eliminates ADUs for people with accessibility challenges within the Mass Transit Facility radius.
- The bill outlines a process to adopt more stringent parking requirements, but it would require expensive parking studies and analysis requiring outside consultants and multiple studies for different areas or development types.

Impact Fees

- The language regarding impact fees is inconsistent with the Task Force report, which recommended that guidance be provided to local governments before legislation limiting impact fees is introduced.
- Local governments’ infrastructure needs and limited resources are very real challenges, but they can be balanced with the goal of preventing impact fees from unduly hindering the affordability of ADUs. One-size-fits-all mandates are unnecessary.

The League supported the legislation that established the Task Force, had meaningful participation on the Task Force, and accepted many of the Task Force’s Report recommendations. However, this bill goes beyond the scope of those recommendations and creates barriers for municipalities to simultaneously comply with the bill and continue providing essential services to our communities. For these reasons, the League respectfully requests that the Committee provide Senate Bill 944 with an unfavorable report. For more information, please contact Angelica Bailey Thupari, Director of Advocacy and Public Affairs, at angelicab@mdmunicipal.org or (443) 756-0071. Thank you for your consideration.

The Maryland Municipal League uses its collective voice to advocate, empower and protect the interests of our 160 local governments members and elevates local leadership, delivers impactful solutions for our communities, and builds an inclusive culture for the 2 million Marylanders we serve.

SB 891 Opposition_.pdf

Uploaded by: Hillary Collins

Position: UNF

Vicki Caine, Chair
Igor Conev, CMCA, AMS, PCAM, CIRMS, Vice Chair
Brenda Wakefield, CMCA, AMS, Secretary

Marie Fowler, PCAM, Treasurer
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Barbara Leonard, Member
Chris Majerle, PCAM, Member

Robin Manougian, CIRMS, Member
John Oliveri, Esq., Member
Nura Rafati, Esq., Member
Susan Saltsman, CMCA, AMS, Member
Scott Silverman, Esq., Member
Ellen Throop, Esq., Member
Tricia A. Walsh, CISR, Member

Delegate Brian J. Feldman
Delegate Cheryl C. Kagan
Education, Energy and the Environment Committee Chair
2 West Miller Senate Office Building
Annapolis, Maryland 21401

**Re: SB 0891 – Land Use and Real Property - Accessory Dwelling Units - Requirements
and Prohibitions**
Hearing: February 25, 2025 Position: Oppose

Dear Chair Feldman, Vice Chair Kagan and Committee Members:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals and professionals who reside in or work with condominiums, homeowners associations and cooperatives throughout the State of Maryland.

MD-LAC is writing today to voice our opposition for SB 0891 which requires all local jurisdictions, on or before October 1, 2026, to adopt a law that authorizes the development of accessory dwelling units on land zoned for single-family residential use without the inclusion of subjective criteria including neighborhood compatibility and/or adverse impacts, and further prohibits a community association from enforcing existing covenants within its governing documents that prohibit or restrict the development of accessory dwelling units.

While the MC-LAC appreciates the need for increased housing within the state of Maryland, SB 0891 does not account for jurisdictions and/or individual communities that already experience issues from density, including traffic congestion, severely limited parking, and damaged roads due to overuse. As communities were developed with a specific density in mind, the potential doubling of the number of residents within a community will increase concerns pertaining to overcrowding, access to life safety services and deterioration of infrastructure and common use amenities. The bill as proposed is simply unsafe for many applicable jurisdictions.

In addition, this bill unfairly overrides prohibitions or restrictions on the development of accessory dwelling units within existing Declaration and Bylaws for community associations, resulting in the elimination of assurances with respect to crowding, setbacks, aesthetics, and parking that property owners may have relied upon in purchasing their lots within a specific community. While the state may wish to encourage the development of additional housing in future communities, it should not interfere in existing contractual relationships between a property owner and its community association.

Accordingly, the MD-LAC respectfully request that the Committee does not give SB 0891 a favorable report.

We are available to answer any questions which you may have. Please feel free to contact any of the individuals listed: Lisa Harris Jones, CAI MD-LAC lobbyist, at 410-366-1500 or by email at lisa.jones@mdlobbyist.com; Hillary Collins, Esq., member by email at hcollins@reesbroome.com; or Vicki Caine, Chair 215-806-9143, or MDLacChair1@gmail.com.

Sincerely,

Vicki Caine

Vicki Caine
Chair, CAI MD-LAC

Hillary Collins

Hillary Collins, Esq.
Member, CAI MD-LAC

CAI is a national organization dedicated to fostering vibrant, competent, harmonious community associations for more than thirty years. Its members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to common interest associations. As part of its mission, CAI advocates for legislative and regulatory policies that support responsible governance and effective management. As part of this purpose state Legislative Action Committees represent CAI members before state legislatures and agencies on issues such as governance, assessments collection, insurance and construction defects.

SB0891-EEE_MACo_OPP.pdf

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Position: UNF



Senate Bill 891

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

MACo Position: **OPPOSE**

To: Education, Energy, & the Environment
Committee

Date: February 25, 2025

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.

SB 891 MDP Written Testimony.pdf

Uploaded by: Andrew Wilson

Position: INFO



Maryland DEPARTMENT OF PLANNING

HEARING DATE: February 25th at 1:00 PM

BILL NO: SB891

COMMITTEE: Education, Energy, and the Environment

POSITION: Informational

FOR INFORMATION CONTACT: Andrew Wilson (443) 721-6789

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

BILL ANALYSIS:

The General Assembly adopted [SB 382](#) during the 2023 session, establishing the Accessory Dwelling Unit Policy Task Force (Task Force). SB 382 charged the Task Force, staffed by the Maryland Department of Planning (MDP), with: surveying and documenting state and local accessory dwelling unit (ADU) laws, ordinances, and policies; studying best practices; and making legislative or policy recommendations holistically addressing the practical issues of ADU development and the impacts on housing markets and neighborhood livability. The Task Force, composed of state and local, rural and urban, and organizational representatives from throughout Maryland, and chaired by the MDP Secretary, met monthly from September 2023 through May 2024, delivering its [final report](#) to Governor Moore and the General Assembly on May 31, 2024. During its tenure, the Task Force conducted four focus groups (1. Planning Directors; 2. ADU Owners, Residents and Aging and Accessibility Advocates; 3. HOAs and Neighborhood Associations; and 4. Housing Organizations), distributed two surveys (1. Builders and Developers; and 2. Environmental Organizations) and solicited public comment online and at each Task Force meeting. The input and deliberations generated by the Task Force resulted in a consensus-based approval of the report and its recommendations. MDP created an [ADU web page](#) for the work of the Task Force that also serves as a regularly updated resource for local jurisdictions.

SB 891 provisions can be compared to the Task Force Report's recommendations (state legislation), considerations (lessons learned through Task Force research and discussion), and best practices (for local governments).

The ADU webpage also includes the following resources informing SB 891:

- [Meeting Recordings and Materials](#)
- [Panel Discussion and Focus Groups](#) (Left Panel of ADU Homepage)
- [ADU Market Assessment](#)
- [Public Comment Report](#)
- [Environmental Organizations Survey Summary](#)
- [Builder/Developer Survey Summary](#)
- [Inventory of ADU Ordinances in Maryland](#)

Many other states have [adopted bills similar](#) to SB 891, which the Task Force reviewed as part of its work and referenced during deliberations. In addition, many Maryland jurisdictions already meet some of SB 891's proposed requirements in their existing ADU policies and ordinances (see inventory linked above), demonstrating an abundance of examples that other jurisdictions can access to craft their own ordinances if SB 891 is adopted. Local governments will need to consider if and how their current ADU code provisions comply with the requirements of SB 891 and adjust them accordingly. If SB 891 is adopted, MDP will use examples from the inventory, as well as other compiled research and resources, to develop guidance supporting Maryland's counties and municipalities.

SB891.DDCouncil.LOI.pdf

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Position: INFO



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

Senate Education, Energy, and the Environment Committee

SB 891: Land Use and Real Property - Accessory Dwelling Units - Requirements and Prohibitions

February 25, 2025

Letter of Information

The Maryland Developmental Disabilities Council (Council) is an independent, public policy organization that creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. From this perspective, the Council advocates for policies and programs that make Maryland a place where everyone can afford to live where they want.

Maryland is in a housing crisis that affects all communities, but disproportionately amplified for people with disabilities. Individuals with disabilities are more likely to be extremely low-income renters and to experience higher rates of discrimination in housing.¹ Data from the Social Security Administration shows that the 4.1 million people with disabilities ages 18 to 64 who receive SSI cannot afford an apartment in *any housing market in the United States*. Data from the U.S. Department of Housing and Urban Development show 45% of all housing complaints report to HUD were disability-based.

In 2023, the Maryland General Assembly passed SB 382 (Article §2-1257) to establish the Accessory Dwelling Unit (ADUs) Policy Task Force. This task force published their final report in 2024, which found recommended ways that Maryland should move forward with support ADUs. That report noted that ADUs could support a number of specific populations disproportionately impacted by Maryland housing crisis, including the people with disabilities.

We understand the intention of this bill is to implement some of the recommendations from the task force. As this work moves forward, it will continue to require thoughtful consideration about the implementation of the recommendations, especially making ADUs accessible and affordable to people with disabilities. The best way to do this is by continuing to work with disability advocates in the community.

While investments in housing equity are without question needed, including for people with disabilities, the Council believes that the amount, purpose, and timing of such efforts must take into consideration the needs of all Marylanders with disabilities. Funding for this bill should not be offset by limiting essential funding for other critical needs, most immediately the Developmental Disabilities Administration community services that thousands of Marylanders depend upon.

Contact: Dr. Stephanie Dolamore, Deputy Director, sdolamore@md-council.org

¹ <https://www.americanprogress.org/article/recognizing-addressing-housing-insecurity-disabled-renters/>