

HB1164_DHCD_SUPPORT.pdf

Uploaded by: Chuck Cook

Position: FAV

DATE: March 11, 2025
BILL NO.: House Bill 1164
TITLE: Counties and Municipalities - Homelessness - Local Laws (Right to Rest Act)
COMMITTEE: House Judiciary Committee

Letter of Support

Description of Bill:

House Bill 1164 prohibits a county or municipality from enacting or enforcing legislation that prevents individuals from resting in public, protecting oneself from the elements in an unobstructive manner to private property, or sleeping in a legally parked car.

Background and Analysis:

In 2024, the Supreme Court decided the case of the City of Grants Pass vs Johnson in favor of Grants Pass, that would allow local governments to enforce laws that prohibit sleeping/camping in public for “involuntarily” homeless persons. This decision allows homelessness to become criminalized, even when there is no shelter available, and provides no solutions to the issues inherent in creating homelessness. Additionally, it puts those who are homeless in danger of receiving a criminal record, making it more difficult to acquire housing or a job in the future.

Since 2021, Maryland has experienced a steady increase in the number of unhoused people. Further exacerbating this is Maryland’s housing shortage – which makes our current housing supply increasingly unaffordable – and increased economic hardships due to job loss and the rising cost of living. While the state works to increase the shelter and housing supply and tackle other factors that lead to homelessness, it is imperative that we address and protect the current unsheltered homeless population. Homeless individuals are citizens of the state and must be afforded the same civil and human rights – as well as dignity – given to those with housing.

By passing House Bill 1164, Marylanders facing homelessness would be protected from the criminalization of basic acts of survival, such as sleeping in public places and protecting themselves from the elements. This bill would also allow counties and municipalities to redirect resources that would have been used to prosecute unsheltered individuals to address homelessness and its contributing factors.

DHCD Position:

The Department of Housing and Community Development respectfully requests a **favorable** report on House Bill 1164.

MBIA Letter of Support SB 970.pdf

Uploaded by: Lori Graf

Position: FAV

March 7, 2025

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

RE: SB 970 Howard County – Department of Planning and Zoning – Parking Space Requirements for New Construction Ho. Co. 13–25

Dear Chairman Feldman:

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **SB 970 Howard County – Department of Planning and Zoning – Parking Space Requirements for New Construction Ho. Co. 13–25**. MBIA **supports** the act in its current version.

This bill requires the Howard County Department of Planning and Zoning to consider whether pedestrian infrastructure could offset the need for the construction of parking spaces for new construction when determining the minimum number of mandatory parking spaces. Our industry fully supports the passage of this legislation, as fewer parking constraints will open up more buildable space for the construction of housing units in the County. Under the proposed legislation, developers will not have to allocate as many resources to large parking areas, resulting in significant cost savings for our members. It will also allow for investment in wider sidewalks, making the bus system safer and more accessible for Howard County residents.

Howard County does not have a lot of developable land left while also facing a housing shortage, so we need to get creative in finding ways to build more housing units. This bill is a step in the right direction.

For these reasons, MBIA respectfully urges the Committee to 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

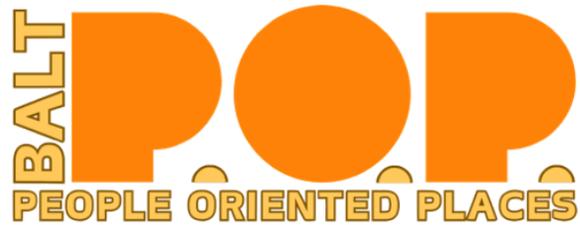
MGA 2025 Testimony Bill SB0970 (HoCo - Parking Spa

Uploaded by: Michael Scepaniak

Position: FWA

Bill: SB0970

Bill Title: Howard County - Department of Planning and Zoning - Parking Space Requirements for New Construction Ho. Co. 13-25



Position: **Favorable with Amendments**

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

As a group which believes that excessive automobile parking lots are a very wasteful and unproductive use of valuable land and make our communities pedestrian-hostile, we support SB0970.

The term transit-oriented development (TOD) has become familiar to many/all of us. When a development is located near enough to public transit that people can conveniently access it via transit instead of by automobile, that development can orient itself toward that transit. This frequently takes the form of fewer parking spaces than a similar automobile-oriented development.

It makes sense to extend this concept to other modes of transportation, including walking and cycling. However, as eager as we are to promote walkability and discourage automobile parking, there are limits to the ability of walking, by itself, to replace the utility of an automobile. Without a transit endpoint, you simply cannot cover similar distances - or haul similar loads. Cycling, on the other hand, is another matter.

We would like to see the bill modified to expand beyond its current focus on walking to include cycling. The consideration allowed by the bill should include whether infrastructure for **cyclists** could offset the need for the construction of any parking spaces. A person on a bike, especially on an e-bike, and **very** especially on a cargo e-bike, can travel considerable distances and haul a considerable amount of cargo. When provided the proper infrastructure, such a bicycle can fully substitute for an automobile to fulfill most daily needs.

While the bill's consideration for walking infrastructure certainly isn't harmful, we feel that expanding the consideration to include cycling infrastructure will make it much more effective.

We hope the committee finds these points helpful and convincing and we urge its members to **vote in favor of SB0970, 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](#)

SB0970 - Unconstitutional - Unfavorable Hurewitz.

Uploaded by: Joel Hurewitz

Position: UNF

SB0970 Howard County - Department of Planning and Zoning - Parking Space Requirements for New Construction Ho. Co. 13-25

Education, Energy, and the Environment Committee

UNFAVORABLE

Testimony of Joel Hurewitz
Columbia, MD
Howard County
Hearing March 11, 2025

SB0970 IS AN UNCONSTITUTIONAL INFRINGEMENT ON THE HOME RULE POWERS OF HOWARD COUNTY

The Maryland Constitution in Article XI-A Local Legislation Section 4 states “From and after the adoption of a charter under the provisions of this Article by the City of Baltimore or any County of this State, no public local law shall be enacted by the General Assembly for said City or County on any subject covered by the express powers ...“ One such provision of the Express Powers Act is Section 10-324 “Zoning and Planning” which states in part:

(a)(1) A county may enact local laws relating to zoning and planning to protect and promote public safety, health, morals, and welfare,

* * *

(b)(2) It is the policy of the State that planning and zoning controls shall be implemented by local government.

The Maryland Supreme Court has explained that a review of a Home Rule violation is a two-step analysis:

A conclusion that a statute violates the Home Rule Amendment requires two findings: (1) that the law in question is a public *local* law, as opposed to a public *general* law; and (2) that the law addresses a subject covered by the express powers granted to the particular geographical subdivision. See *State’s Attorney v. Mayor & City Council*, 274 Md. 597, 337 A.2d 92 (1975).

Park v. Board of Liquor License Commrs. for Balto. City, 338 Md. 366, 377 (1995).

SB0970 ADDRESSES A SUBJECT COVERED BY THE EXPRESS POWERS ACT GRANTED TO HOWARD COUNTY

In analyzing the two steps in *Park*, first, it is undisputed that SB0970 is a Howard County Senators’ public local law. Regarding the second step, SB0970 reads as if it were local legislation from the Howard County Council. On Page 2, Line 2 there is reference to “the Howard County Building Code.” Page 2, Line 4 references “a Howard County building permit.” Page 2, Lines 6-7 reference “the

Howard County Department of Planning and Zoning.” The title and purpose have additional references to “the Howard County Department of Planning and Zoning.” It is the job of Howard County under Section 10-324(a)(1) to “protect and promote public safety, health, morals, and welfare” with zoning not the General Assembly. What part of this bill fulfills “the policy of the State that planning and zoning controls shall be implemented by local government”?

Bill sponsor Senator Clarence Lam has essentially admitted that the bill is unconstitutional. An email from the Senator’s Chief of Staff was publicly posted by the Howard County Citizens Association (“HCCA”) President Stu Kohn on the HCCA listserv:

Hi Stu,

Because of Senate drafting rules and how the Howard County Delegation processes bill requests, it was easier to initially have HoCo 13-25 drafted as only applying to Howard County.

However, **Sen. Lam hopes to ultimately include Anne Arundel County as part of this bill. Adding Anne Arundel would remove any *potential* Express Powers Act concerns.**

* * *

Scott

Scott Tiffin
Chief of Staff
Senator Clarence Lam, MD, MPH
Maryland State Senate
District 12 | Anne Arundel & Howard Counties
clarence.lam@senate.state.md.us

December 6, 2024 (emphasis added).

Adding another jurisdiction to this local legislation, such as Anne Arundel County, would cure the constitutional violation in Article XI-A, but to date this has not been done. Thus, the bill before the committee remains a public local law only for Howard County.

This analysis shows that SB0970 fulfills the two findings as laid out by the Maryland Supreme Court in its opinion in *Park*: it is a public local law, and it covers the subject of zoning and planning in the Express Powers Act. Thus, SB0970 undeniably addresses a subject covered by the express powers granted to Howard County.

Therefore, SB0970 should be given an **Unfavorable Report** for being an unconstitutional infringement on the Home Rule powers of Howard County.