



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

TESTIMONY

March 4, 2025

Committee: House Environment & Transportation

Bill: HB 1466 - Land Use and Real Property - Accessory Dwelling Units - Requirements and Prohibitions

Position: **Oppose**

Reason for Position:

The Maryland Municipal League (“MML”) respectfully opposes House Bill 1466, 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 as drafted 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.

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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 House Bill 1466 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.

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