CITY OF HAGERSTOWN, MARYLAND

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February 28, 2025

House Environment and Transportation Committee
Of the State of Maryland

RE: HB 1466 – Land Use & Real Property – Accessory Dwelling Units
FWA

Dear Honorable Members of the House Environment and Transportation Committee:

On behalf of the City of Hagerstown, I am forwarding written testimony for your consideration regarding our questions and concerns with some of the provisions of the proposed bill. While we appreciate the goals behind this effort, a one-size-fits-all solution will have unintended consequences in older, urban cities.

Hagerstown is an old city with many densely developed neighborhoods. Other older cities in Maryland likely have similar characteristics. Hagerstown already has a significant percentage of two-or-more unit properties providing alternative housing types for varying income levels. Our urban core contains 8,009 dwelling units – 49% are in two-or-more-unit properties, 56% of all units pre-date 1950, and 67% of occupied units are rental (2020 Census, CT 3.02, 4, 5, 7, 8). City-wide, 37% of our dwelling units are in two-or-more-unit properties, 41% pre-date 1950, and 58% are rentals. Many of our neighborhoods are already at their maximum capacity in terms of absorption of dwelling units and associated vehicles due to previous conversions of formerly single-unit properties or two-unit properties into additional units. Our oldest neighborhoods have zero to minimal setbacks, no vehicular access from the street, and a rear access alley system. See attached photos.

I shared our concerns with the ADU Task Force in 2023 and 2024 about allowing further intensification of density in Hagerstown neighborhoods that are already dominated by two-or-more-unit residential properties and an aggressive rental investor market.

An additional significant issue of concern is mandating permission of ADUs in accessory structures. In Hagerstown, most accessory structures are only accessible from alleys. Many such alleys cannot accommodate emergency vehicles due to tightly sited buildings at the alley entrances and tightly sited fences and garages along the alleys. In addition, alleys do not receive snow plowing from the City. These factors would create safety perils if there were occupants in such structures. See attached photos.

We request the Committee consider the following issues as deliberations continue on this bill:

1. The bill only allows "a property owner [who] has the exclusive right to use the property" to create an ADU. Is this referring to just owner-occupants? Or also investor-owned rental properties? The impact on affordability between the two would be significant. Making a distinction, however, would be extremely difficult to administer years later.

2. The bill does not apply to multi-family residential buildings. What about buildings and properties already containing two units? Or three units? If the concern is over the proliferation of single-family homes and the desire to allow for an "accessory unit" to single-family homes, perhaps the bill should be restricted to single-unit properties so already subdivided buildings are not further intensified.

3. The bill applies to land zoned for single-family residential use. Would it apply to land that is zoned for more than one type of residential use? Hagerstown does not have a zoning district that is restricted to single-family homes. All of our residential and mixed-use zones allow single-family and two-family homes. Additional dwelling types are allowed as density increases with the zones.

4. For the above stated safety concerns, we suggest that the bill not mandate that accessory structures on alleys be allowed to be converted to ADUs.

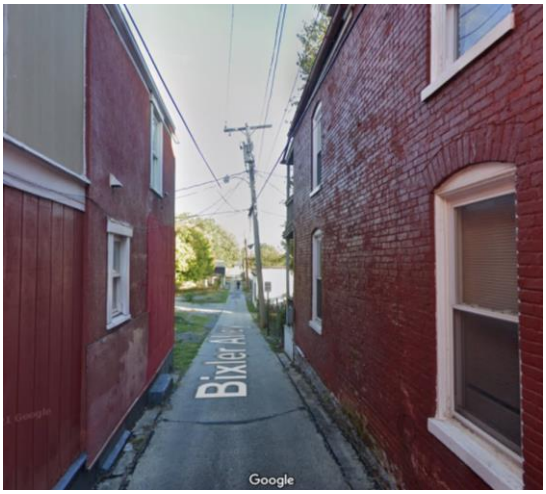
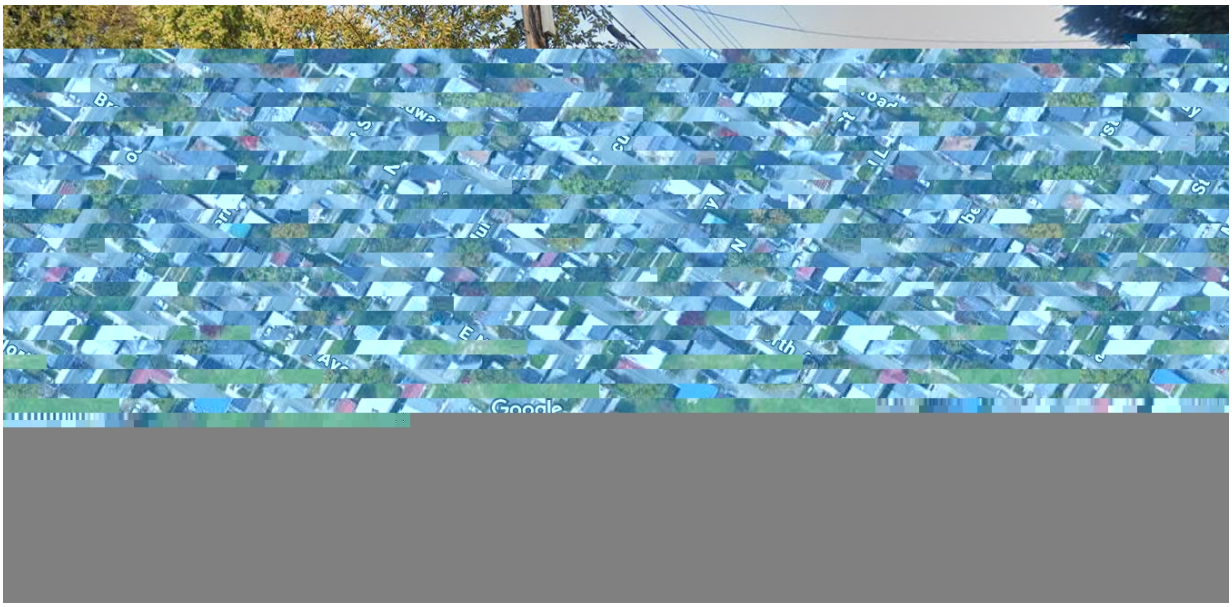
5. We have concerns about the proposed unfunded mandate that local governments must complete a parking study of their jurisdiction before developing code provisions for ADUs. For larger, densely developed cities, such a study would be a significant and costly undertaking.

6. We have concerns about the proposal to pre-empt our municipal code provisions for connection to our utilities. An additional challenge is that it would set up inconsistent treatment of dwellings in our community regarding utility connection requirements.

If you have any questions, please feel free to contact me at (301) 739-8577, ext. 140, or send an email to kmaher@hagerstownmd.org.

Sincerely,

Kathleen A. Maher, AICP
Director

C: Scott Nicewarner, City Administrator, and Mayor and Council of Hagerstown

- Primary Buildings at the sidewalk with no on-lot driveways, often multiple units
- Accessory Structures Only Accessible from Alleys
- Alleys can be inaccessible to emergency vehicles (tight quarters and no snow plowing)