



OFFICE OF THE MAYOR

Bruce A. Wahl

February 6, 2026

Delegate Kriselda Valderrama
Chair
Economic Matters Committee
230 Taylor Office Building
Annapolis, Maryland 21401

Unfavorable Testimony – House Bill 239

Chair Feldman, Vice Chair Kagan, and Members of the Committee,

I respectfully submit this testimony in opposition to Senate Bill 36, cross-filed with House Bill 239, introduced at the request of the Department of Housing and Community Development. SB36 represents a substantial state preemption of local land use authority. If enacted, its impact on the Town of Chesapeake Beach would be significant and far-reaching, undermining carefully developed zoning, coastal resiliency, and climate adaptation strategies that reflect the Town's unique conditions as a coastal community.

Direct Impacts to the Town of Chesapeake Beach Zoning Ordinance

SB 36 would require multiple fundamental changes to the Town's Zoning Ordinance, including:

- **Expansion of the definition of “single-family home” to include townhouses**, requiring that any zoning district permitting single-family homes also allow townhomes.
- **State-mandated reductions in minimum lot sizes** in areas connected or planned to be connected to public water and sewer, limiting single-family lots to 5,000 square feet. This would force reductions across all residential zones, including:
 - R-LD: from 10,000 sq. ft. to 5,000 sq. ft.
 - R-MD: from 7,500 sq. ft. to 5,000 sq. ft.
 - R-HD: already at 5,000 sq. ft.
 - RV-1 and RV-2: from 7,500 sq. ft. to 5,000 sq. ft.
- **Elimination of the Town's ability to establish maximum coverage**. While Chesapeake Beach uses minimum open space requirements rather than lot coverage caps, SB 36 would prohibit the Town from requiring a specific amount of open space on residential lots.



- **Mandatory reductions to setbacks** for single-family homes and accessory structures (including ADUs) to:
 - Front and rear yards: 10 feet
 - Side yards: 5 feet, which would override current local standards of 15-foot front yards, 20-foot rear yards, and 8-foot side yards.
- **Prohibition on design, architecture, or aesthetic standards** for single-family homes, eliminating the Town's ability to apply existing design guidelines typically referenced for larger subdivision developments.
- **Restrictions on regulating subdivision of improved lots.** SB 36 prohibits local governments from enforcing regulations that would prevent the subdivision of an improved lot into three or fewer lots, creating ambiguity regarding access, infrastructure, and consistency with existing local law.

Collectively, these provisions significantly limit Chesapeake Beach's ability to manage growth responsibly and, in a manner, consistent with community character and infrastructure capacity.

Interaction with Critical Area Regulations

The impacts of SB 36 are further complicated by its interaction with Critical Area regulations. While it is understood that Critical Area Regulations may supersede SB 36 in some respects, the bill would still eliminate the Town's ability to establish its own Critical Area standards related to lot size and lot coverage. Instead, Chesapeake Beach would be constrained by minimums established at the state level, removing critical local discretion in environmentally sensitive areas.

Additional Concerns for a Coastal Community

As a coastal municipality, Chesapeake Beach faces challenges that are not adequately accounted for in SB 36:

- **Managed Retreat:**

The Town's Comprehensive Plan and Coastal Resiliency Plan identify areas where managed retreat is necessary due to projected sea level rise. SB 36 would permit additional subdivision and development in areas planned for managed retreat, including locations projected to be underwater by year 2100.
- **Climate Change Impacts:**

Chesapeake Beach is already experiencing risks from sea level rise, land subsidence, and increased storm surge. The Town's ability to limit new development in vulnerable areas and preserve open space is essential to mitigating risk and protecting residents. SB 36 would significantly impair implementation of the Town's Coastal Resiliency Plan, potentially exposing homeowners to increased physical and financial harm.



OFFICE OF THE MAYOR

Bruce A. Wahl

- **Short-Term Rental and Vacation Home Pressures:**

The Town already faces challenges related to short-term rentals and seasonal housing, which strain local service and reduce housing availability for year-round residents. SB 36 would exacerbate these pressures, diverting housing away from those who need it most while increasing impacts on infrastructure and community cohesion.

Conclusion

While increasing housing supply is an important statewide goal, SB 36 takes a one-size-fits-all approach that fails to account for the realities faced by coastal communities like Chesapeake Beach. The bill significantly erodes local land use authority, undermines adopted planning and resiliency effort, and increases risks associated with climate change and environmental vulnerability.

For these reasons, I respectfully urge the Committee to issue an unfavorable report on Senate Bill 36.

Thank you for your consideration.

Respectfully submitted,

Dr. Samelia Okpodu

Town Administrator

Town of Chesapeake Beach