



POSITION STATEMENT

Bill: HB 1538 - Land Use - Accessory Dwelling Units - Requirements and Prohibitions
(Maryland Generational Housing Act of 2026)

Position: Informational

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Dear Chair Kriselda Valderrama,

The Maryland-National Capital Park and Planning Commission (M-NCPPC or “the Commission”) has not vote on this bill. However, staff have provided an informational statement with clarifications to consider.

What this Bills Does. This bill requires a certain local law to authorize development of at least one internal accessory dwelling unit and one external accessory dwelling unit on certain land notwithstanding a certain density limit. It also limits the imposition of off-street parking requirements to certain accessory dwelling units. It prohibits a utility provider from charging a certain property owner certain fees; authorizing a certain accessory dwelling unit to share certain utility meters and service laterals with a primary single-family detached dwelling unit.

Clarifications to Consider

Page 4, line 26 This bill will allow two units (internal and external) on a piece of property. This may raise concerns for parking regardless of qualified family member or not. The bill seems to be attempting to make it easier and more affordable for family members but many ADUs are built to supplement additional income through rental to non-family members.

Page 3, L6-9 – The definition for “Internal Accessory Dwelling Unit” should include a unit created through an attached addition. Currently it only talks about a basement, attic, or garage.

Page 5 L17-23 – This section is not clear which ADUs would be allowed to require off-street parking, or why some ADU’s need parking and others don’t. Presumably an addition or a new accessory structure doesn’t meet the definitions of conversion of “space in the primary SFD” or “an accessory structure” but what is the functional difference? Also, is the basement or attic considered part of the primary SFD?

Page 5 L24-32 and P6 L1-4 How would one regulate if the ADU is being created a qualified family member or not? Also, if it forces a shared utility connection for a qualified family member, what happens when that unit inevitably is occupied by someone else? The committee may want to consider having multiple meters.

“EXTERNAL ACCESSORY DWELLING UNIT” INCLUDES: (I) A BACKYARD COTTAGE; HOUSE BILL 1538; (II) A CONVERTED CARRIAGE HOUSE; OR (III) A MODULAR UNIT.

- The terms "backyard cottage," "converted carriage house," and "modular unit" should be defined within the bill. All are currently undefined in § 4-501.

(F) (1) A UTILITY PROVIDER MAY NOT CHARGE A PROPERTY OWNER THAT CONSTRUCTS AN ACCESSORY DWELLING UNIT THAT WILL BE OCCUPIED BY A QUALIFIED FAMILY MEMBER.

(2) A UTILITY PROVIDER SHALL ALLOW, AT THE REQUEST OF THE PROPERTY OWNER, AN ACCESSORY DWELLING UNIT THAT WILL BE OCCUPIED BY A QUALIFIED FAMILY MEMBER TO SHARE UTILITY METERS AND SERVICE LATERALS WITH THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT.

- **Page 5, lines 24-26 and Page 6, lines 1-4:** How would this be enforced? How would one verify if an individual is a "qualified family member"?

A LOCAL LAW ADOPTED UNDER THIS SECTION MAY NOT REQUIRE ADDITIONAL OFF-STREET PARKING SPACES FOR AN ACCESSORY DWELLING UNIT 18 THAT IS A CONVERSION OF: (I) SPACE IN THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT; OR (II) AN ACCESSORY STRUCTURE ON THE LAND OF THE PRIMARY SINGLE-FAMILY DETACHED DWELLING UNIT.

- The conversion of space will cause additional impacts on water, sewer, trash and traffic. The potential for two more residents per property across a subdivision could be an issue.