

Committee: House Economic Matters
Legislation: HB 239
Position: OPPOSE
Date: February 12, 2026

Dear Chair Valderrama, Vice Chair Charkoudian, and Members of the Committee:

Thank you for the opportunity to testify in opposition to HB239, the *Starter and Silver Homes Act of 2026*. Notwithstanding the salutary goal of expanding housing opportunities, the Severn River Association believes this bill's broad preemption of local zoning authority is at odds with the considerable effort and money that Marylanders have put towards protecting our natural resources. Further, by opening the door to intensified sprawl development, this bill attempts to address housing needs in the most inefficient way possible, increasing long-term infrastructure expenses for citizens without any guarantee of increasing housing affordability, and discouraging redevelopment of urban land that is in desperate need of redevelopment. For these reasons, we request an unfavorable report.

1. HB239 would incentivize increased density even in areas with sensitive natural resources

Like other counties, citizens and local officials in Anne Arundel County spend significant time considering, debating and adopting local zoning and environmental regulations that address the priorities of the citizens who live there. HB239 would cast those efforts aside, trampling on the notion of local governance. By usurping local authority over lot size, lot coverage, and related standards, HB239 would encourage higher-density development even in or near areas where local governments currently use zoning to protect wetlands, forests, and shoreline buffers.

Anne Arundel County's Plan2040 is just one example of carefully considered, citizen-led land use policies that would be effectively gutted by this bill. Plan2040 identifies the Jabez Branch watershed—one of the county's highest-quality tributaries to the Severn River—as a priority conservation area and proposes the creation of a **Jabez Branch Resource Conservation Overlay Zone** to limit impervious surface, protect steep slopes, and restrict development intensity in order to preserve water quality and forest cover of a beloved environmental treasure used by hikers, bird watchers and fisherman from Anne Arundel County and beyond.¹ The overlay is designed to function as a targeted land-use tool that relies on **lot coverage limits and setback requirements** to prevent fragmentation of sensitive habitat and to maintain the ecological integrity of the watershed. HB239 would directly undermine the implementation of this overlay by **preempting the very zoning mechanisms—lot coverage controls and setbacks from sensitive environmental features—that the County must use to enforce it**. As a result, the bill would effectively prevent Anne Arundel County from carrying out a

¹ [Plan2040 Volume I Anne Arundel County General Development Plan | Anne Arundel County Government](#) p. 28 (Policy NE 1.4)

core environmental protection strategy in its state-certified General Development Plan, jeopardizing one of the region's most important high-quality stream systems and contradicting the County's long-term watershed restoration commitments. Citizens of Anne Arundel, through government and non-government organizations such as SRA, have already invested millions of dollars and countless work hours towards restoring the Jabez Branch. All of that would be placed in jeopardy by the type of intensive development that HB239 would permit (and encourage) in this watershed.

Jabez Branch is but one example among hundreds throughout Anne Arundel County of environmental harm and loss of valuable recreational opportunity that HB239 could cause. Anne Arundel is far from the only local jurisdiction to have such localized protective plans in place for the benefit of its environmentally sensitive areas. Notable additional examples from Montgomery County, Prince George's County, Talbot County, Howard County, and Frederick County are presented below. All of these State-certified comprehensive plans rely on local zoning to effectuate their policy goals, including protection of sensitive natural resources, and all would be directly undermined by passage of HB239.

- **Montgomery County – Thrive Montgomery 2050 (General Plan)²**
 - “Many of Thrive Montgomery 2050's policies and practices cannot be implemented with a one-size-fits all approach. Area master plans will help refine and implement them at a scale tailored to specific neighborhoods.” (p.157)
 - “Implementation of Thrive Montgomery 2050 will occur over several decades and will require changes in master plans, zoning and building codes, subdivision regulations, the adequate public facilities ordinance and many other county rules and processes...” (p.155)
 - “...flexible residential zoning should allow more people to live closer to work, increase the walkability of neighborhoods, and limit the development footprint on the environment.” (p.137)
- **Prince George's County – Plan 2035 (General Plan)³**
 - “As suggested in LU 11.2, the new zoning ordinance includes a new class of Rural and Agricultural Zones and use regulations that support and will help provide land for forestry.” (p.31)
 - Section 27-61600 “Green Building Standards” of the new the (sic) zoning ordinance removes barriers and helps ensure a minimum degree of green building features are included in development projects within the County. When the new zoning ordinance is implemented, it should lead to more green building features in development projects.” (p.46)

² montgomeryplanning.org/wp-content/uploads/2023/06/THRIVE-Approved-Adopted-Final.pdf

³ [Plan-2035.pdf](#)

- **Talbot County- Comprehensive Plan⁴**
 - “The County should continue a restrictive approach toward the use of land over which it has zoning authority, and new development should be of a controlled nature and channeled into the most appropriate areas and discouraged in others.” (p. 2-3)
 - “The upland portions (non-Critical Area) of Talbot County’s western necks are zoned Western Rural Conservation (WRC)...These narrow land areas have few routes to inland parts of the County. Flooding, traffic and other road obstructions have demonstrated legitimate cause for concern, should development overcome the capacity for safe transit through these areas. Conserving the agriculture, forestry, recreational and resource conservation uses that form the character of these areas is a high priority.” (p. 2-14)
- **Howard County – PlanHoward 2030 / HoCo By Design (2023 Update)⁵**
 - “Additionally, an overlay district may be an appropriate approach to further protect watersheds with unique conditions or resources, as well as the Green Infrastructure Network.” (p.EH-19)
 - “The Zoning Regulations include a Density Exchange Overlay (DEO) District for the RC and RR Districts, which provides an opportunity and incentive to preserve significant blocks of farmland and rural land in the West.” (id)
- **Frederick County – Livable Frederick Master Plan⁶**
 - “...the following protection measures are used by the county to address the protection of natural resources and the sensitive areas. Waterbody Buffer Ordinance: A countywide waterbody buffer ordinance (contained within the Zoning Ordinance) was adopted in 2008 that applies to all perennial and intermittent streams in the county, excluding the municipalities. The ordinance is applied at the subdivision review stage and regulates construction and grading activities on new residential, commercial and industrial subdivision lots.” (p.57)
 - “Wetlands and flooding soils (soils with characteristics of temporary inundation) are regulated in the Floodplain District section of the Zoning Ordinance. Development, impervious surfaces, grading, or in-filling is not permitted in wetlands or the FEMA 100-year floodplain. A specified setback is required from all wetlands.” (id)
 - “The Resource Conservation (RC) Zoning District is applied throughout the county, with the largest portion comprised of the forestlands on and around Catoctin Mountain, South Mountain and Sugarloaf Mountain. The RC Zone limits new residential subdivision lots to 10 acres in size and prohibits development on slopes of 25% or more.” (p.58)

2. HB239 does nothing to ensure adequate infrastructure to support the development it enables

⁴ [2016CompPlan.pdf](#)

⁵ howardcountymd.gov/sites/default/files/2025-01/HcBD_Chps_Appendices_Web_Reduced.pdf

⁶ [Livable-Frederick-Master-Plan--Adopted-Plan](#)

HB239 would prohibit local jurisdictions from enforcing minimum lot sizes larger than 5,000 square feet for certain single-family homes in areas served by public water and sewer, the adequacy of which is often insufficient. Notably, the bill contains no requirement that other critical infrastructure—such as roads, schools, stormwater systems, or public safety services—be adequate to support the additional housing units that could result from these zoning changes. Maryland jurisdictions have historically used Adequate Public Facilities Ordinances (APFOs) and related growth-management tools to link development approvals to the capacity of public facilities. APFOs tie the timing or scale of development to the availability of infrastructure such as schools, roads, and sewer systems, and can delay or phase projects when facilities are inadequate. The General Assembly authorized local governments to adopt APFOs in the late 1970s and many counties use them to direct growth to areas where infrastructure exists or is planned.

HB239, however, focuses narrowly on loosening zoning standards without any parallel requirement that growth be coordinated with infrastructure capacity or APFO-type safeguards, merely stating that such growth be directed to areas where public water and sewer systems exist or are “planned” (without defining what level of planning would be required to meet the threshold). HB239 thus decouples land-use intensification from infrastructure planning and presents significant failure risk for the infrastructure that must meet the demands of unplanned increases in population density.

Maryland’s 2025 infrastructure report card underscores that many drinking water and wastewater systems are aging, underfunded, and increasingly vulnerable, noting that the state’s infrastructure is “at a critical juncture” and must balance growth with environmental and public-safety concerns. Allowing additional density by right, without ensuring that roads, schools, stormwater systems, and emergency services can handle the increased demand, risks exacerbating congestion, school overcrowding, and flooding—especially in communities already struggling with these issues.

This is especially concerning given that Maryland’s infrastructure and ecosystems are already under strain from growth and coastal pressures, as documented in the state’s 2025 infrastructure report card, which highlights the interaction between built infrastructure and the Chesapeake Bay’s delicate ecosystem.⁷ The bill precludes local control over minimum lot sizes in areas “connected or planned to be connected to public water and sewer systems.” The American Society of Civil Engineers (ASCE) infrastructure report card for Maryland notes the following concerning facts regarding the State’s public water and sewer systems:

- **Public Drinking Water:**
 - “Many of the state’s water mains exceed 50–75 years in age, and over 40% are past their intended service life.” (p.22)
 - “...many small and rural systems continue to struggle with limited staffing, outdated equipment, and insufficient financial resources.” (id)

⁷ [Maryland | ASCE's 2025 Infrastructure Report Card](#)

- “Maryland’s 89 surface water systems and more than 3,000 groundwater systems vary widely in condition. In older urban areas such as Baltimore City and Prince George’s County, water mains frequently experience breaks and leaks, leading to service disruptions and increased maintenance costs; for example, during temperature drops, Baltimore City experiences dozens of water main breaks each week.” (p.23)
- “While some utilities have adopted asset management practices to monitor and prioritize infrastructure upgrades, many systems lack comprehensive plans or digital tools to track condition, performance, and/or maintenance needs.” (id)
- “Maryland’s long-term funding needs approach \$10 billion, and many utilities – particularly in rural and underserved areas – lack the revenue base to support necessary upgrades. The gap between available funding and infrastructure needs remains a significant barrier to progress.” (p.24)
- Public Wastewater:
 - “Despite improvements in water quality, Maryland still faces considerable challenges, such as minimizing sanitary sewer overflows [and] tackling leaks from aging urban infrastructure...” (p.84)
 - “The deteriorating condition of aging sewer infrastructure leads to inevitable failures that result in inflated treatment costs, penalties for non-compliance, and increased instances of sewer overflow events, which limit recreational water use and fishing.” (p.85)
 - “The condition of collection systems and WWTPs across Maryland varies greatly. Sanitary sewer systems generally fall behind the operational state of treatment facilities. Larger WWTPs usually have better conditions than smaller systems, while privately operated systems serving smaller developments, such as mobile home parks, often show signs of neglect.” (id)
 - “Affordability is crucial when planning the implementation and enforcement of regulations and the schedule. However, many smaller utilities frequently encounter challenges relying on general funds to cover significant maintenance expenses.” (p.87)
 - “Projected capital costs for Maryland’s wastewater infrastructure over the next two decades range from \$10 billion to \$12 billion.” (id)

HB239 would remove local jurisdictions’ ability to restrict or accommodate growth according to their own particular needs and infrastructure capacity with a one-size-fits-all preemption of key zoning tools, and risks undermining decades of state-local partnership in protecting the Bay and other sensitive natural resources.

Another key infrastructure component that will be strained by HB239’s conversion of green spaces to impervious surfaces is stormwater management. The ASCE report card notes the following facts regarding the State’s stormwater infrastructure:

- “Maryland continues to face challenges related to water quality, aging infrastructure, and the growing impacts of climate change. Statewide compliance with stormwater regulations is estimated to cost more than \$7 billion, with much of the financial burden falling on local jurisdictions.” (p.66)
- “...in Maryland, the annual number of extreme precipitation events (i.e., two inches or more of rainfall) averaged 2.5 days per year in 2005-2020 versus 1.8 days per year during the preceding 55 years. This is concerning because current infrastructure is not capable of containing water from increasingly frequent heavy storms.” (p69-70)
- “In order to continue leading in the stormwater sector, Maryland should...Continue local-led asset management efforts in order to effectively maintain stormwater infrastructure.” (p.71)
- “Work closely with local representatives and legislators in vulnerable counties, cities, and towns to assess and understand the biggest threats on a local scale and to create activities and solutions that will mitigate the risks related to stormwater events.” (id)

3. HB239 does not guarantee that increased housing inventory will be lower-priced or affordable

HB239 is framed as the “Starter and Silver Homes Act of 2026,” and its stated purpose is to remove zoning barriers that can hinder the development of “starter” and “silver” homes—single-family homes or townhouses intended for one household. The bill’s provisions limiting local authority over minimum lot size, minimum home size, lot coverage, and certain design standards, and prohibiting local bans on specified housing types in certain zones appears intended to increase supply of housing, with the latent assumption that increased supply would drive down costs. Unfortunately, it is not at all clear that the increased supply this bill *might* achieve would have the hoped-for result.

Notably, nothing in HB239 requires that the additional housing units enabled by these changes be affordable to low- or moderate-income households, or even priced below prevailing market rates. The bill does not include income-targeting, price caps, inclusionary zoning requirements, or other mechanisms that would guarantee affordability outcomes. It simply removes certain local regulatory constraints and leaves pricing decisions entirely to the market.

Research and experience in many high-demand markets show that increasing allowable density alone does not automatically produce lower-priced housing, particularly when land values are high and there are strong incentives to build larger or higher-end units. Without explicit affordability provisions, developers may choose to build more expensive homes on smaller lots, resulting in more units but not necessarily more *attainable* housing for Maryland’s workforce, seniors on fixed incomes, or first-time homebuyers.

In effect, HB239 asks communities to accept significant, permanent changes to local land-use patterns and potential environmental and infrastructure impacts without any assurance that the resulting housing will be meaningfully more affordable.

Conclusion

HB239 is one of the most sweeping state interventions in local zoning authority in recent years, targeting core tools that counties and municipalities use to manage growth, protect sensitive resources, and align development with infrastructure capacity.

By broadly limiting local control over lot size, lot coverage, and related standards, the bill would incentivize increased density even in or near environmentally sensitive areas that depend on zoning for protection. By decoupling land-use intensification from infrastructure planning, it risks overburdening roads, schools, drinking water, wastewater, and stormwater systems already under strain. Finally, by omitting any affordability requirements, it offers no guarantee that the additional housing it enables will actually be lower-priced or accessible to those most in need.

For these reasons, we respectfully urge the Committee to issue an unfavorable report on HB239.

Respectfully submitted,



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