

**Testimony of Wildwood Manor Citizens Association**  
**before the House Economic Matters Committee**  
  
**on**  
  
**The “Starter and Silver Homes Act of 2026” (HB0239)**

**February 12, 2026**

**The Wildwood Manor Citizens Association (WMCA) urges you to oppose HB0239, the “Starter and Silver Homes Act of 2026.”** WMCA represents more than 500 homes located in Bethesda in Montgomery County.

WMCA opposes the bill for the following reasons:

**HB0239 Inappropriately Preempts Local Zoning Authority**

HB0239 would set a very bad precedent by allowing the State to override local zoning authority and residents’ input into zoning decisions. Montgomery County has made great strides in building more affordable housing and is best positioned to determine appropriate zoning and land use policies for the County. As part of the recent release of Montgomery Planning’s *Community Trends Report*, Carrie McCarthy, Research & Strategic Projects Division Chief explained: “Successful planning requires a deep knowledge of the conditions in different communities across the county and the recognition that solutions may not be a one-size-fits-all approach.”<sup>1</sup> While one-size-fits-all zoning is not appropriate in Montgomery County, it is even less appropriate for our diverse State as a whole.

**Montgomery County Residents Overwhelmingly Opposed the Elimination of Single-Family Zoning**

Due to overwhelming public opposition, the Montgomery County Council rejected the *Attainable Housing Strategies Initiative* (AHSI), which – like HB0239 – would have eliminated single-family zoning throughout the County in order to allow the construction of duplexes, multiplexes, and small apartment buildings in single-family neighborhoods.

In testimony opposing the AHSI, residents expressed their concerns about the negative impact of increased population density on the environment, schools, infrastructure, transportation, stormwater management, public safety, and adequate public facilities and services. These same concerns extend to HB0239. Montgomery County residents

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<sup>1</sup> Montgomery Planning. (2026, January 22). *Montgomery Planning releases in-depth analysis of the county’s growth* [Press Release]. <https://montgomeryplanning.org/montgomery-planning-releases-in-depth-analysis-of-the-countys-growth/>

strongly oppose upzoning proposals that interfere with the integrity of single-family neighborhoods.

### **HB0239 will Overtax our Infrastructure and Create Environmental Problems**

As WMCA previously testified on the Attainable Housing Strategies Initiative and ZTA 25-02, WMCA is very concerned about the negative impact of increased population density on the environment, schools, infrastructure, transportation, stormwater management, public safety, and adequate public facilities and services. Specifically:

#### **HB0239 Will Overtax the Water Supply and Sewer Systems**

WMCA has significant concerns about the negative impact of increased population density on Wildwood Manor's and County neighborhoods' water supply and sewer systems. Montgomery County's aging infrastructure was designed to handle the density of our single-family neighborhoods, not a significantly increased population.

According to Lyn Riggins, spokesperson for the Washington Suburban Sanitary Commission, "approximately 40% of the water mains in the WSSC Water system are more than 50 years old."<sup>2</sup> Wildwood Manor, whose pipes are 70+ years old, recently had a water main break on Rossmore Drive due to the persistent cold temperatures. In addition to disruption, pipe repairs also require road repairs, creating a double whammy of taxpayer expenses.

With regard to the sewer system, the DC-Maryland-Virginia area is keenly aware of the environmental devastation caused by broken sewage infrastructure, as the January 2026 collapse of a major sewer line has resulted in "an estimated 40 million gallons of untreated sewage spilling into the Potomac, daily."<sup>3</sup>

In addition to our aging sewer system, WMCA is also concerned about maintaining adequate water capacity to serve our neighborhood. In expressing his concern about upzoning's impacts on infrastructure during the 11/19/2024 staff briefing on the AHSI, Montgomery County Councilmember Will Jawando noted that "if your house was built before 1993, you have these skinny pipes that are less than an inch. . . and that impacts the water capacity."<sup>4</sup> This is the case in Wildwood Manor, where most of the houses were built in the 1950's.

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<sup>2</sup> Griffin, E. "Wisconsin Avenue lanes reopen after downtown Bethesda water main repair." *Bethesda Today*, 7 January 2025, <https://bethesdamagazine.com/2025/01/07/wisconsin-avenue-water-main-repair/>

<sup>3</sup> Hruby, P. "More Bad News: A ` Small Geyser' of Poop Water Is Flooding Into the Potomac River." *Washingtonian*, 27 January 2026, [https://washingtonian.com/2026/01/27/more-bad-news-a-small-geyser-of-poop-water-is-flooding-into-the-potomac-river/?vgo\\_ee=%2Ff0aMNdHlVwqhVlFV6VAfJzPMfMeV7SNnMfeXU2xNlYiV5zf%3A5R4cbOzaYqz76nTuchV2eySvAXscemNv](https://washingtonian.com/2026/01/27/more-bad-news-a-small-geyser-of-poop-water-is-flooding-into-the-potomac-river/?vgo_ee=%2Ff0aMNdHlVwqhVlFV6VAfJzPMfMeV7SNnMfeXU2xNlYiV5zf%3A5R4cbOzaYqz76nTuchV2eySvAXscemNv)

<sup>4</sup> Montgomery County Council. (2024, November 19). *Council Session* [Video]. 1:09:20 – 1:09:32 minutes. Available at: [https://montgomerycountymd.granicus.com/player/clip/17674?view\\_id=169&redirect=true](https://montgomerycountymd.granicus.com/player/clip/17674?view_id=169&redirect=true)

## HB0239 Will Exacerbate the Inadequacy of Montgomery County's Stormwater Management System

As with the water supply and sewer systems, WMCA has significant concerns about the negative impact of increased density and loss of pervious surfaces under HB0239 on Montgomery County's stormwater management system. WMCA's concerns are heightened by the fact that the County's current stormwater management code does not even address lot-to-lot drainage for three- and four-unit multiplex buildings.<sup>5</sup>

Ineffective stormwater management can have many negative consequences, including flooding of homes and businesses. As Montgomery County Executive Elrich noted, "the County stormwater system will have to be upgraded because the outdated system is not equipped for the impacts of climate change. . . Our sewers are often not large enough for the volume of water and ultimately fail to move the water fast enough which causes flooding."<sup>6</sup> The inadequacy of Montgomery County's stormwater management system will only be exacerbated by increases in population density that will be generated under HB0239.

## HB0239 Will Harm the Environment by Leading to a Loss of Tree Canopy and Pervious Cover

Montgomery County neighborhoods benefit from mature trees that not only provide beauty, shade, and animal habitat, but also improve air quality and decrease stormwater runoff. As the County's Climate Change Officer Sarah Kogel-Smucker noted: "Tree canopy is incredibly important to Montgomery County. Trees are climate superheroes that remove carbon pollution from our atmosphere while providing the shade needed to withstand hotter temperatures."<sup>7</sup>

Unfortunately, between 2014 and 2018 (the latest years for which data is available), Montgomery County lost 5,784 acres of tree canopy, reducing the percentage of tree canopy cover from 48.6% to 46.7%.<sup>8</sup> HB0239 will only exacerbate this troubling trend.

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<sup>5</sup> Montgomery Planning. (2025). *CLIMATE ASSESSMENT FOR ZTA 25-02, WORKFORCE HOUSING – DEVELOPMENT STANDARDS* (hereinafter "Climate Assessment for ZTA 25-02"), p. 5. Available at: <https://montgomeryplanning.org/wp-content/uploads/2025/03/CA-ZTA-25-02-WH-DevStandards.pdf>

<sup>6</sup> Elrich, M. (2024, August 9). *County Executive Marc Elrich Weekly Update Message 08.09.2024* [Video]. 9:36 – 12:12 minutes. YouTube. <https://www.youtube.com/watch?v=2AYJ92e3acc&t=2s>

<sup>7</sup> Griffin, E. "County trees threatened by climate change, development, invasive plants and bugs (hereinafter "County trees threatened")." *MoCo 360*, 10 May 2024, <https://moco360.media/2024/05/10/county-trees-threatened-by-climate-change-development-invasive-plants-and-bugs/#:~:text=According%20to%20the%20tree%20canopy,the%20county's%20climate%20change%20office.>

<sup>8</sup> Metropolitan Washington Council of Governments. (April 2024). *CONSERVING TREES AND FORESTS IN METROPOLITAN WASHINGTON*, p.29. Available at: [file:///Users/Karin/Downloads/Conserving\\_Trees\\_combined\\_rpt\\_web041024v2.pdf](file:///Users/Karin/Downloads/Conserving_Trees_combined_rpt_web041024v2.pdf)

## **HB0239 Will Exacerbate School Overcrowding in the Walter Johnson and Other School Clusters**

WMCA is concerned that increasing population density in Wildwood Manor and other nearby neighborhoods through townhouse construction will exacerbate school overcrowding in the Walter Johnson cluster.

Walter Johnson High School (WJHS) is currently at 133.6% capacity,<sup>9</sup> North Bethesda Middle School (NBMS) is at 103.5%,<sup>10</sup> and Ashburton Elementary School (Ashburton ES) offered a Change of School Assignment (COSA) option<sup>11</sup> to families in order to address overcrowding at the elementary school level. There simply is not enough space in the Walter Johnson cluster schools to accommodate more students that would be generated under HB0239.

While WJHS would thankfully be under capacity if a modified version of Woodward Boundary Study Option B is implemented in the 2027-2028 school year as recently recommended by Montgomery County Public Schools Superintendent Taylor,<sup>12</sup> NBMS would be at 91.8% capacity in 2031-32.<sup>13</sup> This estimate is based on current assumptions and does not address dramatically increased population density that might occur as single-family homes in the WJ cluster are allowed to turn into 3 townhouses. It is easy to see that it wouldn't be long before NBMS is again over capacity. Furthermore, Ashburton ES would remain over capacity until a boundary study is conducted to address overcrowding at the elementary school level. That boundary study won't be able to account for possible 1-to-3 turnover in neighborhood homes rather than 1-to-1.

## **HB0239 Fails to Take into Consideration the Dense Development that Has Already Been Approved Along and Near Old Georgetown Road and Other Areas of Montgomery County and the State**

By proposing to allow by-right townhouse development in single-family neighborhoods, HB0239 fails to consider the dense development that has already been approved along and near the Old Georgetown Road corridor:

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<sup>9</sup> Montgomery County Public Schools. (2025, October 24). *Woodward Option B Data Tables* (hereinafter "Woodward Option B"), p. 1. Available at:

[https://drive.google.com/file/d/1oArFYgC\\_oD8l798hzzyyo3JzwyJPYT4h/view](https://drive.google.com/file/d/1oArFYgC_oD8l798hzzyyo3JzwyJPYT4h/view)

<sup>10</sup> Id.

<sup>11</sup> Montgomery County Public Schools. *Ashburton Elementary School*. Available at:

<https://www.montgomeryschoolsmd.org/schools/ashburtones/>

<sup>12</sup> Taylor, T. (2026 February 5). *Superintendent's Recommendation: Reopening of Charles W. Woodward High School and Expansion of Northwood High School* [PowerPoint slides], p. 20. Available at:

[efaidnbmnnnibpcajpcglclefindmkaj/https://go.boarddocs.com/mabe/mcpsmd/Board.nsf/files/DQZPAX63BCF7/\\$file/Rec%20Secondary%20Prog%20Analysis%20Boundary%20Studies%20260205%20PPT.pdf](https://go.boarddocs.com/mabe/mcpsmd/Board.nsf/files/DQZPAX63BCF7/$file/Rec%20Secondary%20Prog%20Analysis%20Boundary%20Studies%20260205%20PPT.pdf)

<sup>13</sup> Woodward Option B, p. 1.

- The 53.4 acre Rock Spring Centre property at the NW corner of the intersection of Old Georgetown Road and Rock Spring Drive is zoned Commercial Residential for mixed-use high-rise development.<sup>14</sup>
- The approved mixed-use development at Montgomery Mall would include 717 multi-family residential units.<sup>15</sup>
- The Grandview by Erickson Senior Living on 33 acres on Fernwood Road<sup>16</sup> has been approved for up to 1,300 dwelling units for senior adults, 210 assisted living/memory care units, 50 skilled nursing units, and 5,300 square feet of commercial uses.<sup>17</sup>
- Democracy Center, which was approved by the Planning Board on 1/16/2025, would include a seven-story, 386 residential unit building in the Rock Spring area near Rockledge Drive, Fernwood Road, and Westlake Terrace.<sup>18</sup>
- ZTA 25-02, which became effective on November 1, 2025, allows duplexes, triplexes, townhouses, and apartment buildings in the R-40, R-60, R-90, and R-200 zones for properties that abut Montgomery County’s corridor roads.<sup>19</sup>

The Old Georgetown Road/Democracy Boulevard corridors and neighborhoods cannot accommodate the additional residential development that would result from HB0239.

### **Despite its Intentions, HB0239 Will Not Reduce Housing Costs**

Despite its intent to increase affordable housing, evidence does not support the contention that HB0239 will reduce housing costs. Urban Institute researchers who studied upzoning reforms throughout the country between 2000 and 2019 found “no statistically significant evidence that additional lower-cost units became available or

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<sup>14</sup> Montgomery County Planning Board. MCPB Item No. 7-28-2022. *ROCK SPRING CENTRE: PRELIMINARY PLAN AMENDMENT NO. 11998092C, REGULATORY EXTENSION REQUEST #7; SITE PLAN AMENDMENT NOS. 82003036C, 82004017C, 82009003A, REGULATORY EXTENSION REQUEST #5*, p.2. Available at: <https://montgomeryplanningboard.org/wp-content/uploads/2022/07/Rock-Spring-Centre-Extension-Request-7-FINAL.pdf>

<sup>15</sup> Montgomery County Planning Board. MCPB Item No. 3-26-2020. *ELP at Rock Spring, Local Map Amendment H-135*, p. 3. Available at: [https://montgomeryplanningboard.org/wp-content/uploads/2020/03/A\\_H-135-ELP-Rock-Spring-Staff-Report\\_FINAL.pdf](https://montgomeryplanningboard.org/wp-content/uploads/2020/03/A_H-135-ELP-Rock-Spring-Staff-Report_FINAL.pdf)

<sup>16</sup> The Grandview by Erickson Senior Living website. Available at: [https://www.ericksonseniorliving.com/the-grandview?utm\\_source=google&utm\\_medium=local&utm\\_campaign=TGB](https://www.ericksonseniorliving.com/the-grandview?utm_source=google&utm_medium=local&utm_campaign=TGB)

<sup>17</sup> Montgomery County Planning Board. MCPB Item No. 21-074. (2021, July 27), Preliminary Plan No. 120210040, ELP Bethesda at Rock Spring, Date of Hearing: July 1, 2021 [Resolution], p. 2. Available at: <https://montgomeryplanningboard.org/wp-content/uploads/2021/07/ELP-Bethesda-at-Rock-Spring-Preliminary-Pln-No.-120210040-MCPB-No.-21-074-07012021.pdf>

<sup>18</sup> Bethesda Today. Griffin, E. (2025, January 20). *Housing development approved for North Bethesda office park*. Available at: <https://bethesdamagazine.com/2025/01/20/housing-386-units-approved-north-bethesda/>

<sup>19</sup> Montgomery Planning. *Zoning Text Amendment (ZTA) 25-02: Workforce Housing—Development Standards Implementation*. Available at: <https://montgomeryplanning.org/development/zoning/zoning-text-amendment-zta-25-02-workforce-housing-development-standards-implementation/>

moderated in cost in the years following reforms.”<sup>20</sup> In New York, “up-zoning did increase supply, but it did not drive down prices.”<sup>21</sup> Similarly, a study of upzoning in Chicago over a 5 year period found “that the short-term, local-level impacts of upzoning are higher property prices but no additional new housing construction.”<sup>22</sup>

### **Instead of HB0239, the State Should Consider and Pursue Other Effective Ways to Increase Workforce and Affordable Housing**

WMCA notes that HB0239 has no affordability requirements. Instead of inappropriately preempting local zoning authority by passing HB0239, WMCA urges the Committee to consider other effective ways to address Maryland’s need for workforce and affordable housing units. The *Transit Oriented Development Act*, which would allow rail-centered development, is a promising solution that has already been implemented in Montgomery County. The *Housing Certainty Act* also holds promise. Other options for consideration include the following:

- “Implement strategies and policies to accelerate the construction of unbuilt pipeline units to meet [the State’s] housing goals;”<sup>23</sup>
- Like Atlanta has done,<sup>24</sup> conduct an inventory of all publicly owned land to identify opportunities to build workforce and affordable housing;
- Consider increasing the percentage of required Moderately Priced Dwelling Unit (MPDU) units, adjusting the MPDU income requirements, requiring that MPDU units reflect the mixture of unit sizes available in the project, and ensuring that projects replacing projects meeting MPDU requirements at least maintain the percentage of affordable units;<sup>25</sup>
- Establish a No Net Loss of Naturally Occurring Affordable Housing (NOAH) policy. Where NOAH exists in older multifamily developments slated for redevelopment, policymakers should seek to ensure that replacement projects

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<sup>20</sup> Stacy, C., Davis, C., Freemark, Y. S., Lo, L., MacDonald, G., Zheng, V., & Pendall, R. (2023). *Land-use reforms and housing costs: Does allowing for increased density lead to greater affordability?* *Urban Studies*, 60(14), 2919-2940. <https://doi.org/10.1177/00420980231159500>

<sup>21</sup> Charles, J. Brian. “Will Up-Zoning Make Housing More Affordable?” *Governing*, 17 June 2019, <https://www.governing.com/archive/gov-zoning-density.html>

<sup>22</sup> Freemark, Y. (2020). *Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction*. *Urban Affairs Review*, 56(3), 758-789. <https://doi.org/10.1177/1078087418824672>

<sup>23</sup> Govoni L. (2025, February 27). “Montgomery County’s Development Pipeline.” *The Third Place Blog*. Available at: <https://montgomeryplanning.org/blog-design/2025/02/montgomery-countys-development-pipeline/>

<sup>24</sup> Blakeley, K. “Atlanta Gets Creative With Affordable Housing in a Bid To Meet Goal of Creating 20,000 Homes.” *Realtor.com News & Insights*, 10 February 2025, <https://www.realtor.com/news/trends/atlanta-georgia-affordable-housing-city-land/>

<sup>25</sup> Montgomery County Civic Federation. “MCCF Resolution on Priorities and Approaches for Housing Policy and Legislation.”. *Civic Federation News*, June 2024, p. 17. Available at: <https://www.montgomerycivic.org/files/CFN202406-P.pdf>

will include affordable units at least equivalent in number, size, and rental cost to those currently available. The State should pursue anti-displacement initiatives in vulnerable communities;<sup>26</sup>

- Adopt policies to promote more home ownership opportunities in new developments; and
- other innovative affordable housing strategies.

### **Conclusion**

**WMCA urges you to oppose HB0239 to allow townhouse development in single-family zones, an approach that Montgomery County has already considered and rejected.** The State should not override local zoning authority and risk harming the environment, overwhelming the State's infrastructure and stormwater management systems, overcrowding schools, and other negative effects by passing HB0239. Instead, the State should consider other effective ways to address the need for workforce and affordable housing. Thank you for your consideration of WMCA's concerns and recommendations.

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<sup>26</sup> Id. at pp. 17-18.