



February 25, 2026

Economic Matters Committee

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

Position: Unfavorable

Dear Chair, Vice Chair, and Members of the House Ways & Means Committee,

On behalf of the City of Gaithersburg, we respectfully submit this testimony in opposition to HB 1538, which limits local authority to develop and regulate the establishment of accessory dwelling units within municipalities. Gaithersburg supports increasing housing opportunities, including accessory dwelling units, and has undertaken significant planning and zoning work to expand housing choice responsibly. However, HB 1538 presents several concerns as drafted.

The bill directly intersects with the City's ongoing Build Gaithersburg 2040 Master Plan update. This plan reflects extensive community engagement and detailed infrastructure analysis. The statewide mandates in the bill would constrain our ability to implement locally informed land-use strategies and to ensure that ADUs are integrated appropriately within varied neighborhood contexts.

The proposed bill also prohibits requiring off-street parking for ADUs. This prohibition would conflict with state legislation passed just last year, which allowed municipalities to impose off-street parking requirements following a parking study. The City of Gaithersburg has established permit parking zones in neighborhoods identified as lacking sufficient on-street parking for residents. We are currently amending our Zoning Ordinance to only require off-street parking within areas that have established a parking permit zone- meaning, the neighborhood does not have sufficient on-street parking capacity. Removing the City's ability to require off-street parking in these areas would exacerbate existing parking issues. This bill would fully remove our ability to require parking for an ADU and would necessitate our amending the Zoning Ordinance yet again.

Finally, the proposed exemptions from development fees and certain taxes would reduce essential funding for aging infrastructure and capital improvements within a largely built-out municipality.

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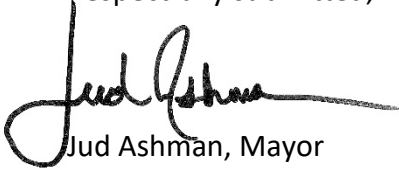
MAYOR
Jud Ashman

COUNCIL MEMBERS
Neil Harris
Lisa Henderson
Yamil Hernández
Jim McNulty
Robert Wu

CITY MANAGER
Tanisha R. Briley

For these reasons, the City of Gaithersburg respectfully requests that the Committee deliver an unfavorable report for HB 1538. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jud Ashman", with a long horizontal flourish extending to the right.

Jud Ashman, Mayor
City of Gaithersburg

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