



TOWN OF OCEAN CITY

The White Marlin Capital of the World

February 10, 2026

ATTN: Honorable Delegate Wayne A. Hartman
Lowe House Office Building, Room 213
6 Bladen St., Annapolis, MD 21401

RE: Position of the Mayor and City Council of Ocean City on HB 239 / SB 36

Dear Delegate Hartman,

On behalf of the Mayor and City Council of Ocean City, Maryland, we respectfully submit this letter expressing opposition to House Bill 239 and Senate Bill 36, the *Starter and Silver Homes Act of 2026*. While Ocean City supports responsible efforts to expand housing opportunities across the State, these bills, as drafted, create serious and unavoidable conflicts with municipal home rule authority, public safety, environmental law, and State-mandated planning and resiliency objectives.

Ocean City is a charter municipality vested with independent authority over zoning, land use regulation, and environmental protection. This authority is not discretionary; it is mandated by the Town Charter and exercised to protect the public health, safety, and welfare of residents and visitors alike. The Town's December 2025 Comprehensive Plan expressly relies on zoning, development standards, and code enforcement as the primary tools for implementing State land use, floodplain, environmental, and resiliency policies. House Bill 239 and Senate Bill 36 override those tools by prohibiting municipalities from regulating minimum lot size, setbacks, lot coverage, design standards, housing types, and subdivision patterns. In doing so, the bills directly preempt charter authority and undermine the mechanisms by which local governments carry out State planning objectives. Such blanket statewide mandates are inconsistent with Maryland's longstanding commitment to municipal home rule and locally driven implementation of State policy.

Ocean City's built environment which is characterized by narrow lots, elevated structures, floodplain construction, and seasonal population surges, requires locally tailored zoning controls to ensure fire and life safety. Setback and lot coverage requirements are essential to safe ladder placement, rescue angles, fire apparatus access, stabilization, and window or elevated deck rescue operations. The Comprehensive Plan identifies public safety infrastructure and emergency response capability as core planning priorities supported through land use regulation. By eliminating these local controls, House Bill 239 and Senate Bill 36 would compromise firefighter safety and emergency response effectiveness, particularly in dense coastal neighborhoods where access margins are already constrained.

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The bills also irreconcilably conflict with Ocean City's environmental and floodplain obligations, many of which are required under State and federal law and reinforced by the Comprehensive Plan. By prohibiting local governments from establishing lot coverage maximums, the bills would allow excessive impervious surface coverage. The Comprehensive Plan recognizes that Ocean City is a substantially developed barrier island where stormwater and flood risks must be managed incrementally through strict development controls. Eliminating lot coverage limits makes on-site stormwater management physically impossible in many cases and directly conflicts with stormwater management and Critical Area requirements.

Similarly, the bills cap allowable setbacks at ten feet, which conflicts with legally required environmental buffers, including Critical Area buffers and Ocean City's Buffer Management Areas. These setbacks are not aesthetic preferences; they are essential to flood protection, water quality preservation, erosion control, and long-term coastal resilience. The prohibition on local design and architectural standards is also overly broad and risks invalidating environmentally necessary design allowances and limitations, such as roof overhangs, structural elements, and site features tied to buffer protection and flood resilience. The Comprehensive Plan relies on these standards to reduce vulnerability in flood-prone areas.

In addition, the requirement that municipalities allow subdivision of improved lots conflicts with Critical Area restrictions that prohibit the creation of additional waterfront, or littoral, lots. This would force approvals that violate existing environmental law and undermine shoreline protection policies that have been carefully developed and enforced over decades.

Taken together, these provisions would prevent Ocean City from enforcing stormwater, erosion, floodplain, and Critical Area regulations, exposing both the Town and the State to compliance failures, increased environmental risk, and higher long-term costs associated with flooding and infrastructure damage. The Comprehensive Plan documents increasing nuisance flooding, sea level rise, and compound storm events, and assigns local government responsibility for managing these risks through floodplain management and land use regulation. Uniform statewide zoning mandates cannot account for the unique constraints of barrier-island and resort communities. Local zoning is not an obstacle to housing; it is the mechanism that ensures housing is safe, resilient, compatible with infrastructure capacity, and consistent with State planning goals.

For these reasons, the Mayor and City Council of Ocean City respectfully urge the General Assembly to reject House Bill 239 and Senate Bill 36 as currently drafted. At a minimum, we request that charter municipalities and coastal jurisdictions with adopted floodplain and environmental regulations be expressly exempted, and that municipal authority to regulate zoning, setbacks, lot coverage, design, and subdivision be preserved where necessary to protect public safety, environmental integrity, and compliance with State planning law.

Ocean City remains willing to work collaboratively with State leaders on housing solutions that respect home rule, protect first responders, safeguard the environment, and reflect the realities of Maryland's coastal communities.

Respectfully submitted,

Mayor and City Council of Ocean City, Maryland