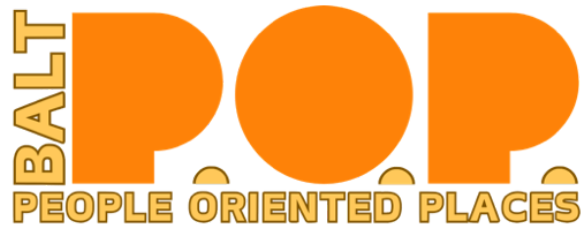


Bill: HB0778

Bill Title: Land Use - Middle Housing Options - Requirements

Position: **Favorable with Amendments**



Members of the House Economic Matters Committee,

As a group which believes that encouraging traditional, higher-density development patterns in Maryland will deliver us appealing, affordable, fiscally-sustainable communities, we support HB0778.

Housing flexibility is the phrase that comes to our mind with this bill. The purpose of zoning is prevention. By allowing only single-family detached homes in large areas of the state, we unnecessarily limit housing flexibility available to residents. Single-family detached homes, given their relatively large living areas, are unaffordable to many prospective residents. This bill will allow for the construction of smaller, more affordable homes in Maryland. It is these starter homes that we need the most.

These smaller homes do sometimes get built today, but only by exception, in limited/inadequate numbers, and only in a few areas. This bill will extend that flexibility to all neighborhoods, state-wide, improving economic mobility and housing options for all.

Residential properties in Maryland are required to conform with a range of minimums and maximums regarding lot coverage, building height, yard size, etc. A number of these minimums and maximums, such as the percentage of the lot that may be built on, yard size, and living area square footage, serve to excessively limit the forms and types of housing that can be built and how existing homes can be redeveloped/expanded.

This bill allows for the re-introduction of housing types that are currently largely absent from the state's landscape. At one time, these housing types were common. But, in the years after WWII, they were made illegal via the adoption of intentionally exclusionary zoning codes, not only in Maryland, but across the U.S. This was largely as a result of federal policy incentives. [1] Today, these "missing middle" housing types are needed to help improve housing affordability in the state. [2]

This bill allows for housing flexibility. In a community filled with nothing but single-family homes, an aging homeowner wishing/needing to downsize has no options that allow them to age in-place and remain in the neighborhood they have put their hearts into. But, if their neighborhood contained some "missing middle" housing types with smaller, more affordable

units, they could. To this point, the AARP is in full support of these housing types. [3] The benefit of this housing flexibility would also extend to families, such that parents would be able to enjoy seeing their young adult children live nearby, in the neighborhood in which they grew up.

As should be clear, we are largely in favor of this bill. However, we would like to see two changes:

1. Expand the changes called for in this bill to encompass **every** type of residential lot, not just vacant lots or subdivisions. Other jurisdictions have implemented changes such as these in this much broader fashion, including Oregon in 2019, California in 2021, Washington in 2023, Minneapolis in their 2040 Comprehensive Plan, and Montana with their 2023 housing reforms. Maryland should follow suit.
2. Remove all government-imposed parking requirements. Parking mandates force communities to be automobile-oriented and disallow them to be walkable. Parking lots and parking garages are unpleasant to walk, bike, and roll past. They force “dead” space into the built environment that lengthens walking and biking times, making these modes of travel less convenient and appealing. Automobile-oriented development caps the economic potential of a place. You can only fit so many automobiles in one place and they don't bring dynamism to a place - people do.
3. Remove the requirement that the housing promoted in this bill abide by local adequate public facilities ordinances (APFOs). All too often, APFOs are weaponized against developers and the new residential developments they propose. APFOs tend to start at the position that development is problematic and that developers are the only ones to gain by green-lighting their development proposals. Their default posture is not to holistically plan for greater capacity, but rather to circle the wagons and force each individual developer to explain how an existing community can possibly accommodate more residents.

We hope the committee finds these points helpful and convincing and we urge its members to **vote in favor of HB0778, with our suggested amendments**. Thank you for your efforts and the opportunity for us to testify on this legislation.

[BaltPOP - Baltimoreans for People-Oriented Places](#)

References:

[1] Nolan Gray, *Arbitrary Lines: How Zoning Broke the American City and How to Fix It*, chap. 7, Is There a Role for the Federal Government?, e-book

[2] Opticos Design, Inc. “Missing Middle Housing: Diverse choices for walkable neighborhood living”. Accessed August 5, 2025. <https://missingmiddlehousing.com>

[3] AARP “Free Publication: Discovering and Developing Missing Middle Housing”. Accessed March 4, 2023.

<https://www.aarp.org/livable-communities/housing/info-2022/missing-middle-housing.html>