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Testimony in OPPOSITION of House Bill 1137 – Land Use – Multifamily Developments and Mixed-Use Developments – Authorization (Bring Back Main Street Act)

Economic Matters
March 5, 2026

Dear Chair Valderrama and Members of the Committee,

Thank you for the opportunity to submit testimony in **OPPOSITION OF HB1137**, on behalf of Arundel Rivers Federation. Deeply rooted in the South, West, and Rhode Rivers, Arundel Rivers Federation heals and protects our waterways and champions clean water across Maryland. Our vision is healthy waterways for all, and we achieve our mission through restoration, education and outreach, and Riverkeeper programs. Arundel Rivers recognizes that clean water policy begins with land use policy, and how we choose to develop and conserve our lands has lasting impacts to our environment and the Chesapeake Bay.

While Arundel Rivers strongly supports the underlying goal of increasing affordable housing supply across the State of Maryland, HB1137, as introduced, makes significant changes to land use policy that could inadvertently incentivize the kind of sprawling development of rural and natural landscapes that we have long known is harmful to our environment, our land conservation goals, our environmental justice goals, and our Chesapeake Bay restoration goals. We have the following significant concerns with the bill, as introduced:

Concern 1: Building on Land Zoned for Recreation

The bill requires, rather than encourages, counties to alter their land use ordinances and development regulations to allow multifamily or mixed-use development on any parcel of land **zoned for recreational** (or commercial) **uses** that is currently served by a public or private water and sewer system. Multiple counties across the state have zones to set aside land for recreational uses. Such zones were never intended to accommodate the kind of infrastructure needed to accept large development projects. Our own Anne Arundel County has an “Open Space” zone that is used to designate natural areas and public and privately-owned parklands that are intended to be protected from disturbance and instead used for passive or active recreation. Many of our “open space” acres across the county are located in rural areas far from existing infrastructure. Efforts to deliver more housing across the state should not target public and privately owned natural areas and parkland for high-density residential development.

Concern 2: Building on Lots with Private Water and Sewer Service

As mentioned above, the bill requires, rather than encourages, counties to alter their land use ordinances and development regulations to allow multifamily or mixed-use development on any parcel of land zoned for recreational (or commercial) uses that is currently served by a public **or private water and sewer system**. While we could not locate legal definitions in Maryland Code for a private water or private sewer system, it would appear that individual wells and individual onsite wastewater disposal systems (septic systems) could fall under these definitions. If we are correct in this assessment, then this bill incentivizes high-density development on lots with wells and septic systems. Septic systems produce far more nutrient pollution than publicly owned wastewater treatment plants, and Arundel Rivers does not support further expansion of septic systems to enable high-density development projects. **Efforts to deliver more housing across the state should not target areas for growth that lack the adequate infrastructure needed to accommodate high-density development projects.**

Concern 3: Future Environmental Injustices for Residents

When large developments are built far away from high-functioning public infrastructure, we often see environmental injustices arise. Within Anne Arundel County, residents of multiple mobile home

communities are now facing environmental injustice issues caused by substandard or failing privately owned water and wastewater treatment facilities. No resident should be burdened with subpar water or wastewater. **Efforts to deliver more housing across the state should not inadvertently create a situation where such environmental injustices arise in the future.**

Concern 4: Expanding High-Density Zones Beyond Reasonable Carrying Capacity of the Land

The bill, as written, prohibits counties from **setting density limits on permitted developments that are lower than the highest allowable density in the county’s residential zones.** This provision would immediately “upzone” all acres that fall under the purview of this bill to the highest possible zoning density. For example, this would convert acres zoned for open space across Anne Arundel County to R22 – allowing 22 units per acre. Montgomery County could see acres upzoned to its R10 – allowing up to 100 units per acre in some cases. Baltimore County could see acres upzoned to High Density, allowing for 80 units per acre. Prince George’s County could see acres upzoned to R-H – allowing more than 48 units per acre. Each county regularly undergoes an exhaustive comprehensive rezoning effort that seeks to place some acres in the higher density categories, while keeping others out of the high-density categories. Such decisions consider the underlying land’s “carrying capacity,” or ability to accommodate this level of development. Only lands that are near robust publicly maintained infrastructure are able to accommodate such levels of development. **Efforts to deliver more housing across the state should not override detailed, local comprehensive planning efforts that are necessary to ensure development projects are built in the right places for the right reasons.**

Concern 5: Increasing Impervious Surfaces & Non-Point Source Pollution

The bill, as written, prohibits counties from setting **maximum lot coverage limits** for developments envisioned by the bill. These limits have long formed the foundation of protections for our environment and our communities from stormwater pollution and stormwater flooding. Moreover, counties already have increased maximum lot coverage limits in areas that are specifically zoned for multifamily or mixed-use developments. Stormwater runoff is one of the major non-point sources of pollution to the Bay. The recent 2023 Chesapeake Bay Comprehensive Evaluation of System Response (CESR) states that non-point source reductions are essential to meeting pollutant reduction goals. **Efforts to deliver more housing across the state should not waive impervious surface requirements and inadvertently increase stormwater pollution and flooding.**

Concern 6: Ambiguity in the Development Process

The bill, as written, prohibits counties from imposing “an unreasonable limitation” upon the applicant developing a parcel of land for residential or mixed-use development, and defines “unreasonable limitation” in part, as something that “significantly increases the cost of developing.” It’s entirely unclear how a county or court reviewing making or reviewing land use decisions would interpret this section. For example, would requiring a large stormwater pond on a multifamily development due to the increased impervious surfaces be determined to be an “unreasonable limitation?” Or, would requiring the applicant to pay a fee-in-lieu of replanting a forest that was removed to accommodate the project be determined to be an “unreasonable limitation?” **Efforts to deliver more housing across the state should provide clear, unambiguous guidance to locals and should not inadvertently discourage the kinds of improvements to development projects that deliver both environmental protections and higher quality of life outcomes for residents.**

Arundel Rivers does want to thank the Sponsor, Delegate Allen, for his work on addressing the affordable housing crisis. We are grateful to have had multiple discussions with him about this and other affordable housing bills. We worked hard to consider amendments for the bill to move us from “unfavorable” to “favorable with amendments,” however, we feel that our suggested amendments are fairly substantial.

If the Committee is inclined to support the bill, we recommend considering the following suggested amendments. Thank you for considering our testimony, and for your continued work toward our shared goal of delivering land use solutions that work for our communities, our lands, our rivers, and our Chesapeake Bay.

Sincerely,



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Suggested Amendments for HB1137:

These amendments simplify the bill to ensure that multifamily and mixed used projects are allowed by right on commercial lands undergoing redevelopment and located within urban and suburban areas served by existing public water and sewer that are subject to redevelopment. This will “Bring Back Main Street” by ensuring that multi-story structures can be built on redeveloped lands across the State. These multi-story structures will still be subject to local bulk zoning regulations, but the revised bill now requires the Department of Planning to include multifamily and mixed-use redevelopment regulations in an updated model zoning ordinance and set of guidelines to be completed by January 1, 2027.

Amendment 1:

On page 3, line 2, after “MULTIFAMILY”, strike the remainder of lines 2 and 3 in their entirety, and replace with

“REDEVELOPMENTS AND MIXED-USE REDEVELOPMENTS.”

Amendment 2:

On page 4, line 18, after “MIXED-USE”, strike the remainder of lines 18 and 19 in their entirety, and replace with

“‘REDEVELOPMENT’ MEANS THE CONSTRUCTION OF RESIDENTIAL AND NONRESIDENTIAL USES ON LAND COVERED WITH EXISTING STRUCTURES OR IMPERVIOUS SURFACES IN WHICH THE NONRESIDENTIAL USES:”

Amendment 3:

On page 4, line 25, after “MULTIFAMILY”, strike the remainder of lines 25 and 26 in their entirety, and replace with

“‘REDEVELOPMENT’ MEANS THE CONSTRUCTION OF A BUILDING FOR FIVE OR MORE DWELLING UNITS ON LAND COVERED WITH EXISTING STRUCTURES OR IMPERVIOUS SURFACES IN WHICH:”

Amendment 4:

On page 5, line 4, after “PERMITTED”, strike the remainder of lines 4 through 6 in their entirety, and replace with

“REDEVELOPMENT MEANS A MULTIFAMILY REDEVELOPMENT OR MIXED-USE REDEVELOPMENT ALLOWS AS A PERMITTED USE UNDER PARAGRAPH (3) OF THIS SUBSECTION.”

Amendment 5:

On page 5, in line 14, after “MULTIFAMILY” strike lines 14 through line 9 on page 6 in their entirety and replace with

“REDEVELOPMENTS OR MIXED-USE REDEVELOPMENTS AS A PERMITTED USE ON A PARCEL OR LOT THAT IS:

(I) CURRENTLY SERVICED BY PUBLIC WATER AND SEWER SYSTEMS; AND

(II) LOCATED ON A PARCEL ZONED FOR COMMERCIAL USE.

DRAFTING NOTE: RENUMBER THE REMAINING PARAGRAPHS OF THIS SUBTITLE.

Amendment 6:

On page 6, strike in its entirety lines 20 through lines 21 on page 9, and replace with

“State Finance and Procurement Article

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(4) ‘MIXED-USE REDEVELOPMENT’ MEANS THE CONSTRUCTION OF RESIDENTIAL AND NONRESIDENTIAL USES ON LAND COVERED WITH EXISTING STRUCTURES OR IMPERVIOUS SURFACES IN WHICH THE NONRESIDENTIAL USES:

(i) ARE LESS THAN 50% OF THE TOTAL SQUARE FOOTAGE OF THE DEVELOPMENT;
AND

(ii) ARE LIMITED TO THE FIRST FLOOR OF BUILDINGS THAT ARE TWO OR MORE STORIES.

(5) ‘MULTIFAMILY REDEVELOPMENT’ MEANS THE CONSTRUCTION OF A BUILDING FOR FIVE OR MORE DWELLING UNITS ON LAND COVERED WITH EXISTING STRUCTURES OR IMPERVIOUS SURFACES IN WHICH:

(i) THE DWELLING UNITS SHARE A COMMON SEPARATION SUCH AS A CEILING OR WALL; AND

(ii) COMMON ACCESS BETWEEN THE DWELLING UNITS CANNOT BE GAINED THROUGH AN INTERNAL DOORWAY, EXCEPT FOR A COMMON HALLWAY.

...

(G) BY JANUARY 1, 2027, THE DEPARTMENT OF PLANNING SHALL:

(1) DRAFT MODEL LAND-USE CODES FOR MIXED-USE REDEVELOPMENT AND MULTIFAMILY REDEVELOPMENT;

(2) DRAFT GUIDELINES TO PROVIDE LOCAL GOVERNMENTS WITH INFORMATION ON INNOVATIVE PLANNING AND IMPLEMENTATION TECHNIQUES TO ENCOURAGE AND FACILITATE MIXED-USE REDEVELOPMENT AND MULTIFAMILY REDEVELOPMENT;

(3) PROVIDE LOCAL GOVERNMENTS WITH THE MODEL LAND USE CODES AND GUIDELINES; AND

(4) NOTIFY LOCAL GOVERNMENTS THAT THEY MUST ADOPT SUBSTANTIVELY SIMILAR LAND-USE CODES AND GUIDELINES TO PROMOTE MIXED-USE REDEVELOPMENT AND MULTIFAMILY REDEVELOPMENT WITHIN ONE YEAR OF RECEIVING THE MODEL LAND USE CODES AND GUIDELINES FROM THE DEPARTMENT.