



Barney Rush, *Mayor*
Rich Brancato, *Vice Mayor*
Carlo Colella, *Treasurer*
Tambra Leonard, *Secretary*
Quynh Tran, *Community Liaison*

February 10, 2026

Please accept the attached letter, signed by 12 Montgomery County municipalities, as Mayor Barney Rush's written testimony on HB239, The Starter and Silver Homes Act of 2026. Mayor Rush will present oral testimony on February 12, drawing on the concerns outlined in the letter.

Chevy Chase Village; Town of Chevy Chase; Town of Chevy Chase View; Town of Garrett Park;
Town of Glen Echo; Town of Kensington; Town of Somerset; Section 3 of the Village of Chevy Chase;
Section 5 of the Village of Chevy Chase; Village of Drummond;
Village of Martin's Additions; Village of North Chevy Chase

VIA EMAIL

January 30, 2026

RE: The Starter and Silver Homes Act of 2026

Dear Senators Waldstreicher and Love, and Delegates Kaufman, Shetty, Solomon, Korman, Wolek, and Woorman:

The undersigned municipalities have carefully reviewed the bill proposed by Governor Moore, entitled "The Starter and Silver Homes Act of 2026." We have many significant concerns that we wish to share with you.

We understand the important issue that the Governor seeks to address: the need for Maryland to increase the availability of moderately priced housing to attract and retain families and businesses and generate economic growth. For reasons stated below, we do not believe that this bill is fit for its purpose – and in fact, could even cut against achieving the stated goals of incentivizing more housing at more moderate prices.

We also object to this bill because it virtually eliminates all authority granted to municipalities and counties to determine building regulations within their jurisdictions. We remain grateful to you for supporting HB 1167/SB 36 last year (adopted 136-1 in the House; 44-0 in the Senate) and signed by Governor Moore. That law clarified the authority of municipalities in Montgomery County to set specific building regulations for all buildings containing from one to four housing units. As part of a negotiated compromise, we accepted the position of the Montgomery County Planning Board that our authority would not extend to multi-family buildings containing more than four units. Working in good faith to address housing concerns, we subsequently supported the County's Workforce Housing ZTA that authorizes duplex, townhouse and multi-family housing in single-family detached zones along the major corridors that abut or traverse our communities.

We had reason to expect reciprocal good faith, and that the municipal authority so carefully considered and reaffirmed last year would remain law for years to come. However, if the proposed bill becomes law, the good faith balance struck last year will be upended.

Following are specific provisions of this bill that we find deeply concerning:

- **Substantial reduction of building setbacks:**
 - **Front and rear setbacks:** Jurisdictions will be unable to require front or rear yard setbacks of more than 10 feet. Our municipalities and the County generally require minimum front setbacks of 25 feet or the established building line, whichever is greater. Rear setbacks are 20 feet or greater. The proposed setback reductions would allow for significantly greater impervious coverage, jeopardizing our ability to control storm water run-off on lots, which has become a major local government concern, and effectively permitting the removal of

numerous canopy trees while not leaving enough space for new trees to grow. It would lead over time to neighborhoods appearing jagged, with new homes extending much closer to the streets than older homes. Such a result is not consistent with standard urban and suburban planning practice.

- **Side setbacks.** Jurisdictions would be unable to establish side setbacks of more than 5 feet, as compared to current County and municipal requirements of at least 7 or 8 feet. Our stricter standards provide the space needed for fire and rescue equipment and personnel and reduce the risk that fire will spread between homes, thereby enhancing the safety of our communities. Again, impervious coverage will increase and complicate storm water management.

Our concern regarding looser setbacks is compounded by the proposed elimination of standards that set lot area coverage limits.

- **Permitting a row of three or more townhouses to be built by right.** This sets a rigid one-size-fits-all model for “missing middle housing” that is inappropriate for most of the lots in our communities and does not consider the provision of infrastructure required for this level of density.
- **Prohibiting regulations that “indirectly” violate the provisions of the bill.** Such general language creates uncertainty as to what would be legitimate to regulate and invites contentious proceedings and possible litigation.

As a result of these provisions, the consequences of this bill are likely to counter the stated purpose of promoting more affordable housing, for the following reasons:

- **Looser setbacks and elimination of lot area coverage limits will encourage larger single-family homes.** Developers would be entitled to take advantage of the expanded building area to build much larger single-family detached houses or to greatly enlarge existing housing. This will defeat the stated purpose of the bill, which was to encourage homes of moderate size and price. Rather than discourage “mansionization,” which was expressly the basis for enactment of HB 1232 (2006), the Starter and Silver Homes Act would actually encourage this trend without any counterbalancing public benefit. Such large homes would also decrease the opportunities for providing accessory dwelling units, a popular form of “missing middle” housing.
- **Undercutting the Montgomery County Workforce Housing ZTA.** A core purpose of this ZTA is to promote multi-family housing projects that include “workforce housing” - moderately-priced units that could be afforded by families earning the median income in the County. This bill provides no such incentive. As a result, the bill would encourage developers to sidestep the zoning incentives in the Workforce Housing ZTA and instead build only market-priced (expensive) housing.

We are surprised that the Governor’s staff has prepared a bill that enables construction of large single-family homes, does not acknowledge standard planning practice, and overrides

Montgomery County’s program to encourage multi-family housing inclusive of moderate-priced units. Further, we hope that in considering this bill, you and your colleagues will appreciate the core matter of policy consistency. All of you worked hard to secure the law that clarified our municipal authority, and we do not support a bill that reverses the good results achieved last year. However, we want to work constructively to find means of addressing the demand for more housing in our State. To that end, we look forward to consulting with you as the legislature reviews this bill and any proposed amendments during this session.

Thank you for considering our views.

Sincerely,

Chevy Chase Village	Town of Somerset
Town of Chevy Chase	Section 3 of the Village of Chevy Chase
Town of Chevy Chase View	Section 5 of the Village of Chevy Chase
Town of Garrett Park	Village of Drummond
Town of Glen Echo	Village of Martin’s Additions
Town of Kensington	Village of North Chevy Chase

cc: Montgomery County Council
Marc Elrich, County Executive
Mayor Jud Ashman, Gaithersburg
Mayor Monique Ashton, Rockville
Artie Harris, Chair, Montgomery County Planning Board