LeadingAge Maryland - 2026 - HB 239 - Startere and

Uploaded by: Aaron Greenfield

Position: FAV

PO Box 34
Sykesville, MD 21784

TO: House Economic Matters

FROM: LeadingAge Maryland

SUBJECT: House Bill 239, Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

DATE: February 12, 2026

POSITION: **Favorable**

LeadingAge Maryland respectfully requests a favorable report on House Bill 239, Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026).

LeadingAge Maryland is a community of more than 150 not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. Members of LeadingAge Maryland provide health care, housing, and services to more than 20,000 older persons each year.

House Bill 239 seeks to expand affordable housing in Maryland by limiting local zoning restrictions in single-family residential areas, including caps on minimum lot sizes, building dimensions, lot coverage, setbacks, and design requirements. It also prevents jurisdictions from banning townhouses in single-family zones and from blocking subdivision of existing lots into up to three compliant parcels, while preserving exemptions for historic districts, agricultural land, and conservation properties.

As an organization dedicated to advancing the interests of older adults and the organizations that serve them, we recognize the importance of smaller homes in meeting the needs of this population. National surveys consistently show that nearly 80 percent of adults age 50 and older want to remain in their communities as they age, and the overwhelming majority prefer to stay in their own homes for as long as possible. Yet restrictive zoning policies often prevent the development of smaller, more manageable housing options that would allow older adults to successfully age in place. House Bill 239 directly addresses this barrier by enabling housing types that better align with these preferences.

Smaller homes are not only more affordable, but they also offer critical benefits for older adults, including lower maintenance costs, improved energy efficiency, and greater accessibility.

They also allow older residents to remain close to family, neighbors, health care providers, and community supports — factors proven to improve health outcomes and reduce social isolation. By enabling these housing choices, House Bill 239 supports independence, dignity, and quality of life for Maryland's growing older population, which is projected to continue to increase, making up 21% of the total population by 2040.[1]

The provisions of House Bill 239 strike a thoughtful balance between expanding housing opportunity and preserving neighborhood character. By allowing more flexible housing options in single-family residential areas, the bill promotes inclusive, multigenerational communities that reflect the real needs of Maryland families.

We respectfully urge the Committee to support House Bill 239 and recognize its important role in helping older adults age in place while strengthening housing affordability and community stability across Maryland.

For these reasons, LeadingAge Maryland respectfully requests a favorable report on House Bill 239.

For additional information, please contact Aaron J. Greenfield, 410.446.1992

[1] 2025 Maryland Housing Needs Assessment

Testimony.pdf
Uploaded by: Alexander Berland
Position: FAV

Testimony – Alex Berland

Maryland Just Power Alliance

Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

HB239

My name is Alex Berland. I'm here with Action in Montgomery, a member of the Maryland Just Power Alliance to support HB239. I grew up in Columbia, Maryland—which I still consider my home. After graduating from Saint Mary's College of Maryland and starting a well-paying job, I had to leave Columbia, because there were not affordable housing options—even with a roommate. I live in Kensington now, where my rent is affordable, because I share a 4 bedroom house with 4 other young adults. All five of us grew up in Maryland, four of us have college degrees, and all of us work—four of us in full-time, career-oriented positions, and the other part-time while pursuing graduate education. This is how we all managed to afford to stay and start our careers in our home state—many of our friends have made the difficult choice to move out of Maryland and start their lives away from home.

While we can afford rent, this situation has drawbacks. We don't work close together, so three of my roommates commute over 40 minutes both ways. The house is crowded, and as we get more settled in our different careers and lives, living in a communal environment creates barriers. Two of my roommates are getting married—they want to buy a house and start a family, but it just is not possible in the foreseeable future if they stay in Maryland.

HB239 creates more options for housing—housing that is more affordable, and suits a wider variety of needs. This would be great for young adults and families, who typically look for smaller housing, but it doesn't just help people like me. Data has consistently shown that increasing the supply and variety of homes makes housing more attainable at all income levels. This would benefit everyone in Maryland who struggles to afford housing because they don't have the luxury of splitting rent between five working adults. I urge this committee to pass HB239 for all the working parents, teachers, nurses, young professionals, seniors and other proud Marylanders who love their home and want the option to stay here.

MDOD_HB0239_ECM_FAV_2026.2.10_letterhead.pdf
Uploaded by: Anne Blackfield
Position: FAV

Carol A. Beatty, Secretary
Anne Blackfield, Deputy Secretary

Wes Moore, Governor
Aruna Miller, Lt. Governor

Maryland
DEPARTMENT OF DISABILITIES

BILL: **HB 239**
POSITION: **FAV - Favorable**
COMMITTEE: Economic Matters
DATE: February 10, 2026

SUBMITTED BY: Maryland Department of Disabilities
217 East Redwood Street, Suite 1300, Baltimore, MD 21202

Dear Chair Valderrama,

The Maryland Department of Disabilities (MDOD) is pleased to submit this letter of support for **HB 239, Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026**). This vital legislation is designed to address housing affordability and supply in Maryland by introducing limitations on local zoning requirements. The bill's purpose is to prohibit local jurisdictions from adopting or enforcing certain restrictive zoning provisions related to single-family homes and to facilitate the creation of more diverse housing types.

The current system of local zoning regulations often creates unnecessary barriers to the construction of more affordable single-family homes. HB 239 directly addresses this issue through several provisions intended to curb zoning practices that promote large lots and large single-family homes that may be priced beyond what many Marylanders can afford.

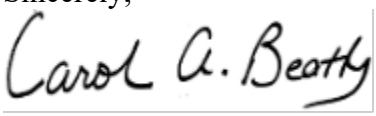
MDOD would like to highlight language SB 36 proposes to add as § 4-104(e)(3)(v) in the Land Use Article, which would prohibit a legislative body from adopting or enforcing requirements related to the "design, architectural, or aesthetic elements of a single-family home." We believe this provision may help ensure that local jurisdictions are not inadvertently enforcing aesthetic standards that could pose barriers to developing or remediating housing with accessibility or visitability features. We believe promoting flexibility in the design of Maryland's housing stock could increase the potential for affordable housing that truly can be accessed by all Marylanders.

For people with disabilities, the dream of homeownership is often deferred or never realized because of the double barrier created by both a lack of affordable and accessible housing. It is estimated that less than 5% of the housing supply is accessible for individuals with moderate mobility difficulties. This scarcity forces individuals into costly institutional settings or substandard housing. In addition, the trajectory of disability is inextricably linked to the aging process. In Maryland, approximately 29% of adults age 65 and older report functional disabilities, with ambulatory difficulties being most prevalent. The vast majority of that group also acquired their disabilities later in life. The current housing market fails to accommodate this

natural life transition. The development of "Silver Homes" enabled through this legislation is a key first step to increasing the amount of affordable housing stock that also allows people to age in place.

For these reasons, MDOD requests a **favorable report on HB 239**. Thank you for your leadership on this critical issue.

Sincerely,



Carol A. Beatty
Secretary, Department of Disabilities

Chamber of Progress_HB 239_Support.pdf
Uploaded by: Brianna January
Position: FAV

CHAMBER OF PROGRESS

February 10, 2026

The Honorable Kriselda Valderrama
Chair
House Committee on Economic Matters
Taylor House Office Building, Room 362
6 Bladen Street
Annapolis, MD 21401

RE: Support HB 239 — Starter and Silver Homes Act of 2026

Dear Chair Valderrama and Members of the Committee:

Chamber of Progress, a tech industry coalition promoting technology's progressive future, writes to express **strong support for HB 239**, the Starter and Silver Homes Act of 2026. This legislation represents a thoughtful and necessary step toward addressing Maryland's worsening housing affordability crisis and expanding access to homeownership for families, young adults, and seniors across the state.

Homeownership has moved out of reach for too many Marylanders. Between 2015 and 2022, the number of homes available for sale in Maryland declined by more than 60 percent, [1] while rising prices and interest rates have locked out new generations of buyers. In 2000, nearly three-quarters of Maryland households could afford a median-priced home; by 2022, fewer than half say the same.[2] These trends disproportionately affect first-time homebuyers and seniors alike.[3]

HB 239 addresses these challenges directly by removing outdated and exclusionary zoning barriers that drive up housing costs without advancing public safety or environmental goals. By allowing smaller single-family homes on smaller lots in areas

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[1] "Governor Moore's Housing Growth & Affordability Agenda," *Chevy Chase View MD*, Jan. 5, 2026. https://www.chevychaseviewmd.gov/DocumentCenter/View/597/Governors-Housing-Growth-and-Affordability-Agenda-PPT?bidId.
[2] "Department of Housing and Community Development." *Maryland Department of Housing and Community Development,* https://news.maryland.gov/dhcd/2025/07/24/state-of-maryland-releases-2025-housing-needs-assessment/.
[3] Sam Williamson. "Housing Cost Burden Reaches Decade-Long Peak, Squeezing Those Just Starting and Those Staying Put." *First American Blog - The First Word*, Jul. 9, 2025. https://blog.firstam.com/economics/housing-cost-burden-reaches-decade-long-peak-squeezing-those-just-starting-and-those-staying-put#.

served by public water and sewer systems, the bill makes it possible to build more truly attainable homes, giving families more options while preserving agricultural and conservation lands. Townhouses, for example, typically sell for 25 to 30 percent less than detached single-family homes.[4] As such, by permitting townhouses in residential zones statewide, the legislation expands access to one of the most affordable forms of homeownership. Simply put, this legislation will break down the financial barriers that so many Maryland residents struggle to overcome.

Importantly, the Starter and Silver Homes Act preserves local authority over health, safety, environmental protection, and historic districts, while setting reasonable statewide guardrails to ensure Maryland families and older Marylanders have more options for truly attainable homes. These reforms are targeted and precise, helping to free up new housing supply while respecting community governance.

We greatly appreciate the Committee's leadership on this critical issue and respectfully urge a favorable report on HB 239. We stand ready to work with you to advance policies that make Maryland a more affordable and inclusive place to live.

Sincerely,



Brianna January,
Director, State and Local Government Relations, Northeast.
Chamber of Progress

CC: Members of the Education, Energy, and the Environment Committee

[4] Richard D Elliott. "Wes Moore Announces Major Housing Agenda for Maryland's 2026 Legislative Session." *The Washington Informer*, Jan. 14, 2026. https://www.washingtoninformer.com/maryland-housing-agenda-moore/.

HB 239 Support.pdf
Uploaded by: Brooks Schandelmeier
Position: FAV

Alderman Brooks Schandelmeier
WARD FIVE

City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

02/10/2026

Dear Chairwoman Valderrama, Vice Chair Charkoudian, and members of the Economic Matters Committee. I am writing in full support of HB 239, the Starter and Silver Homes Act of 2026, **as it is currently written.** I would like to show that the Maryland Association of Counties and the Maryland Municipal League do not speak for all local elected officials. Many of us welcome the state's desperately needed actions to address our housing crisis.

In Maryland, 1 in 3 residents are struggling to keep over their heads. That is not sustainable and we are seeing the consequences of high housing costs. Our economy is lagging, young people are waiting longer to start families, and we are losing population. This is the consequence of "local control." Local control has only exacerbated this problem. Counties and cities have ignored their duty to build more homes.

The amendments presented will make it harder to address the housing crisis. When the Housing Expansion and Affordability Act was softened local governments took advantage and passed laws to avoid participating, the most infamous being Baltimore County tightening their Adequate Public Facilities laws. Simply put, local governments are not interested in addressing our housing crisis. We have shown that we cannot play with our toys responsibly and need them taken away.

I wanted to go on record as a local elected official in support of state action. I see the on the ground consequences of our housing crisis. A mother forced to live in an abusive household for years because they could not afford housing on their own. A family that must choose between medicine and rent. Recently in Annapolis a woman froze to death because she could not afford shelter. These are the real impacts of our housing crisis. These are the real consequences of prioritizing local control over fixing a problem. Please support HB 239 as written.

Sincerely,

Alderman Brooks Schandelmeier
Ward 5
City of Annapolis

MDOA Written FAV - HB 239 - 2.10.26 .docx.pdf
Uploaded by: Carmel Roques
Position: FAV

Maryland
DEPARTMENT OF AGING

Wes Moore | Governor Aruna Miller | Lt. Governor Carmel Roques | Secretary

Date: February 12, 2026

Bill Number: HB 239

Bill Title: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Committee: House Economic Matters Committee

MDOA Position: FAVORABLE

Madam Chair, Vice-Chair and Committee Members:

Thank you for the opportunity to present testimony in strong support of **House Bill 239**, the Starter and Silver Homes Act of 2026. As Secretary of the Department of Aging, we are pleased to support the legislation being championed by our sister agency, the Department of Housing and Community Development (DHCD). We must pursue every available strategy to address what we see as a top policy priority: to ease Maryland's affordable housing crisis.

The Maryland Department of Aging (MDOA) respectfully urges a **favorable report** on this legislation, which is an important step toward expanding affordable housing options for Maryland residents of all ages, including our growing population of older adults. HB 239 modernizes local zoning constraints and enables a greater diversity of housing types statewide.

Maryland's aging population is expanding rapidly and at a historic pace. State projections show that the share of residents aged 65 and older will grow from approximately **16 % of the population in 2022 to 21% by 2040**. This growth reflects both increasing longevity and demographic shifts statewide, and it has significant implications for housing demand and affordability.

Older adults also make up a large and increasing share of the population aged 60 and older, with nearly one in four residents expected to be in this age group within the next decade. This underscores the urgency of developing housing solutions that support independence, affordability, and community living.

Many older Marylanders face significant housing cost pressures, particularly renters. State housing data show that more than **half of senior renters (55 +) are housing cost-burdened**, meaning they spend more than 30 % of their income on housing, a rate higher than for renters overall.

Equally important, older homeowners often prefer to remain in their communities but may struggle with the high costs of home maintenance, renovations for accessibility, and property taxes over time. A lack of diverse housing options, including smaller, more affordable homes, limits older adults' ability to age in place without undue financial strain.

Without expanded affordable and accessible housing options, many older adults may be forced to relocate away from support networks or into settings that are unnecessarily institutional, at greater public cost and with potential negative impacts on quality of life.

HB 239 advances housing affordability and choice. It addresses some of the structural barriers that constrain the production of smaller, more affordable homes by prohibiting certain local zoning restrictions on lot size, setbacks, coverage, design elements, and housing types. By enabling a broader range of single-family homes, townhouses, and smaller lot configurations statewide, the bill promotes housing affordability and choice.

This flexibility is especially important for older Marylanders who may benefit from:

- **Smaller and more manageable homes** that reduce maintenance and utility costs.
- **Homes in walkable, transit-accessible neighborhoods**, supporting access to services, social connections, and community amenities.
- **Affordable ownership or rental options** that allow older adults on fixed incomes to remain in place without compromising financial security.

By encouraging a diverse housing stock and reducing regulatory barriers to development, HB 239 supports housing solutions that older households are increasingly seeking as they age.

Expanding affordable, adaptable housing aligns closely with **Longevity Ready Maryland**, the State's comprehensive ten-year plan to prepare for an aging population. This initiative includes a focus on improving access to **affordable housing that supports aging in place and long-term stability** as a core strategy to help older adults thrive across the lifespan.

As Maryland's demographic profile evolves, policy actions that increase the supply of attainable housing options, including smaller homes and diverse housing types, are essential to ensuring that older adults can live with dignity, choice, and independence.

For these reasons, the Maryland Department of Aging respectfully urges a **favorable report** on **House Bill 239**. This legislation will help break down outdated regulatory barriers, expand housing opportunities, and promote affordability for older Marylanders and residents of all ages.

Sincerely,



Carmel Roques
Secretary
Maryland Department of Aging

CSG MD HB239 Starter and Silver Homes Act.pdf
Uploaded by: Cheryl Cort
Position: FAV

Coalition for Smarter Growth
DC • MD • VA

Testimony on HB 239
Starter and Silver Homes Act of 2026
House Economic Matters Committee
By Cheryl Cort

Date: February 12, 2026
Position: **FAVORABLE**

The Coalition for Smarter Growth supports HB239. Our organization advocates for walkable, bikeable, inclusive, and transit-oriented communities as the most sustainable and equitable way for the Washington, DC region to grow and provide opportunities for all.

Maryland is experiencing a housing shortage, and losing residents to other states where housing is more affordable.

Smaller homes and townhomes can provide more affordable housing and homeownership opportunities than existing options for people of a wider range of ages, incomes, and household sizes.

The legislature has the opportunity to help address our housing affordability crisis by allowing more affordable types of homes in more places in our state.

We ask for a **favorable report for HB 239** by the committee. Thank you.

CDN HB 239 FAVORABLE.pdf
Uploaded by: Claudia Wilson Randall
Position: FAV

COMMUNITY DEVELOPMENT NETWORK OF MARYLAND

TESTIMONY
HOUSE BILL 239
House Economic Matters Committee
February 12, 2026
Position: FAVORABLE

Chair Valderrama and Members of the Economic Matters Committee:

The Community Development Network of Maryland (CDN) is the voice for Maryland's community development sector and serves nearly 200 member organizations. CDN—focuses on small affordable housing developers, housing counseling agencies and community-based non-profits across the state of Maryland. The mission of CDN is to promote, strengthen and advocate for the community development sector throughout Maryland's urban, suburban and rural communities. CDN envisions a state in which all communities are thriving and where people of all incomes have abundant opportunities for themselves and their families.

HB 239 -Increases housing options by allowing smaller, more affordable homes. Allow smaller single-family homes on smaller lots. Create mandates for large homes in a variety of ways (including through minimum lot sizes, minimum dimensions, and lot coverage requirements). Removing these mandates for large lots and homes in areas served by public water and sewer systems makes it possible to build smaller, less expensive homes for Maryland families, without impacting agricultural conservation areas.

Ensuring that all families live in affordable, stable homes will improve community health outcomes, thereby reducing health care and education costs. Housing is an urgent priority for economic growth. Building a firm foundation for stable homes begins with policies that increase the production of housing affordable to households making less than $80,000 per year. Given the health, educational, and cost implications of families living in unstable homes, there is an urgent need to increase supply of affordable homes throughout the state.

According to Out of Reach 2025, an annual report published by the National Low Income Housing Coalition (NLIHC) in Maryland the average fair market rent for a two-bedroom rental home was $2,036, while in Montgomery County it was $2,314. The report illuminates the difference between what people need to earn and rent, and shows just how out of reach affordable rental homes are for millions of low-wage workers and other families. The report calculates a "Housing Wage" – an estimate of the hourly wage full-time workers must earn to afford a rental home at fair market rent without spending more than 30 percent of their incomes.

To afford this level of rent and utilities — without paying more than 30% of income on housing — a Montgomery County household must earn $81,434 annually. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into an hourly Housing Wage of $44.50 – or more than double the state minimum wage of $15/hour. For the state, that hourly Housing Wage is $39.15.

The Black homeownership rate is equal to what it was in 1965. Housing is the foundation of economic stability, generational wealth, and thriving communities, yet too many families are locked out of opportunity by outdated policies, rising costs, and systemic inequities. The Black homeownership rate is equal to what it was in 1965.

This legislation invests in affordability, strengthens homeownership pathways and removes barriers for underserved communities. By aligning housing policy with today's economic realities, Starter and Silver Homes Act of 2026 promotes equity, resilience, and long-term prosperity.

The Starter and Silver Homes Act of 2026 directly addresses the lack of affordability and financial insecurity in the state: housing costs. This is of particular concern to young people who are moving out of the state. Over the last decade, housing costs have far outpaced inflation and wages. These numbers also impact the costs for older adults who are dependent on social security income and benefits.

HB 239 respects the autonomy of Maryland's counties, empowering local governments to enter into agreements that meet their specific housing needs. The bill strikes a thoughtful balance between incentivizing local government, property developers and ensuring access to affordable housing for urban, suburban and rural areas of the state.

The market will not fix the lack of housing in Maryland. The housing crunch needs government intervention. Housing production is a critical part of the economic growth needed in the state of Maryland.

We urge your favorable report for HB 239.

Submitted by Claudia Wilson Randall, Executive Director, Community Development Network

Our network is a state partner of the National Low Income Housing Coalition.

HB239 – Starter and Silver Homes Act of 2026.pdf
Uploaded by: Comptroller Brooke Lierman
Position: FAV

COMPTROLLER of MARYLAND
SERVING THE PEOPLE

Brooke E. Lierman
Comptroller

Stephen Harrington
Head of Government Affairs

Letter of Support
HB239 – Starter and Silver Homes Act of 2026
Economic Matters Committee – February 12, 2026

Chair Valderrama, Vice Chair Lorig and Members of the Committee,

Thank you for the opportunity to submit this letter in support of House Bill 239, the Starter and Silver Homes Act of 2026.

What this bill does

HB 239 places reasonable statewide limits on certain local zoning practices that have restricted housing supply in single-family neighborhoods. The bill prohibits jurisdictions from using minimum lot sizes, excessive setback rules, or restrictive design standards to block the construction of smaller single-family homes and townhouses. It allows property owners in qualifying single-family zones to subdivide lots into up to three parcels under defined conditions. The bill preserves local authority over building safety, fire codes, environmental protections, and pre-existing historic districts, ensuring that community protections remain intact while unlocking additional housing capacity.

Why this is important

The Office of the Comptroller's report, *Housing & The Economy,* found that Maryland's affordability crisis is driven less by a shortage of land and more by zoning rules that suppress effective supply in high-demand communities. Persistently low vacancy rates raise rents and home prices even when construction is occurring elsewhere. By allowing more modestly sized homes within existing neighborhoods, HB 239 increases functional housing supply where demand is strongest, making better use of land and infrastructure that taxpayers have already funded.

Our research shows that zoning barriers, rather than a lack of developable land, are a central driver of artificially low vacancy rates. Minimum lot sizes, rigid setbacks, and design mandates shrink what can legally be built, constraining supply even in places with strong demand for housing. HB 239 directly addresses this mismatch by standardizing basic zoning allowances while still respecting local health, safety, and preservation interests.

From a fiscal perspective, enabling more "starter" and "silver" homes strengthens Maryland's tax base by expanding homeownership opportunities and supporting stable population growth in job-rich communities. It also reduces pressure for outward sprawl, which is more costly for state and local governments to serve with roads, schools, and utilities.

The bill also advances equity. Younger families, first-time buyers, and older Marylanders seeking to downsize are disproportionately harmed by zoning that permits only large, expensive homes.

For these reasons, I respectfully urge a favorable report on House Bill 239. If you have any questions, please do not hesitate to contact Stephen Harrington at sharrington@marylandtaxes.gov

My Best,

Brooke E. Lierman
Comptroller of Maryland

HB 239.pdf
Uploaded by: Cristi Richardson
Position: FAV

Chair and Members of the Committee,

My name is Cristi Richardson, and I work directly with individuals experiencing homelessness and housing instability in Salisbury and throughout Wicomico County. I appreciate the opportunity to provide testimony in strong support of the Starter and Silver Homes Act of 2026.

Every week, I assist individuals who have done everything we ask of them. They complete treatment programs, secure employment, maintain sobriety, participate in case management, and actively search for housing. Yet despite these efforts, they are unable to transition into stable housing because the current market simply does not offer options at attainable price points.

For example, I recently worked with a man who completed a recovery program and secured full-time employment, earning approximately $42,000 per year. He was ready to exit transitional housing. However, modest one-bedroom apartments in our area often range from $1,200 to $1,500 per month. After taxes, rent at that level would consume nearly half of his income. When utilities, transportation, and other living expenses are added, independent housing becomes financially unsustainable.

Because there are limited, smaller starter homes or moderately priced townhomes available, individuals like him remain in transitional programs longer than necessary. This creates a system bottleneck. Those ready to move forward cannot exit, and those in crisis cannot access shelter because beds remain full.

I also regularly work with individuals and families who receive housing vouchers. While vouchers are a critical support, many landlords in our region do not accept them. Even when vouchers are available, there are often too few qualifying units within payment standards. Families spend months searching, sometimes losing vouchers due to expiration, before they can secure a landlord willing to participate. The shortage of modest, attainable housing directly undermines the effectiveness of existing housing assistance programs.

The Starter and Silver Homes Act addresses a core issue: supply. Allowing smaller single-family homes on smaller lots, permitting townhouses in residential areas served by public water and sewer, and simplifying lot-splitting processes will expand the number of attainable units available to working Marylanders.

Townhouses in Maryland are, on average, significantly less expensive than detached single-family homes. Creating housing options that are 25–30% less expensive opens pathways for working individuals, seniors looking to downsize, and families transitioning out of assistance programs. Increased supply at these price points would also ease pressure on the rental market, benefiting voucher holders and low-income renters alike.

From my professional perspective, housing stability is the foundation for employment, health, recovery, and family stability. When individuals cannot transition out of homelessness despite meeting program goals, it is not a failure of effort; it is a failure of available housing options.

This legislation is not about overdevelopment or altering agricultural land. It is about making better use of land already served by infrastructure and allowing communities to build housing that reflects today's economic realities. Without increasing attainable housing stock, we will continue to see working individuals remain stuck between systems, unable to fully stabilize despite their progress.

I respectfully urge you to support the Starter and Silver Homes Act of 2026. Expanding housing options is one of the most practical and preventative steps we can take to reduce homelessness and strengthen communities across Maryland.

Thank you for your consideration.

HB239 Starter and Silver Homes Act of 2026.pdf
Uploaded by: Dan Ellis
Position: FAV

NHS BALTIMORE
Neighborhood Housing Services of Baltimore, Inc.

February 10, 2026

Delegate Kriselda Valderrama, Chair
230 Taylor House Office Building
Annapolis, Maryland 21401

RE: House Bill 239

Honorable Chair Valderrama and Members of the Committee:

I am the Chief Executive Officer of Neighborhood Housing Services of Baltimore (NHS), and a resident of Baltimore City. Our organization believes that economic and social justice are a right for all residents and communities. We promote this belief by removing barriers of access to homeownership, helping resident access resources to maintain their homes, and supporting communities historically impacted by systemic disinvestment.

Last year, NHS helped 251 families and individuals purchase homes. We work primarily with first-time homebuyers. There are several barriers in place that impact home buyers' ability to purchase a home. One of the primary issues confronted is the ability to find an affordable home that meets their family's needs. There are several factors that contribute to this lack of suitable inventory. One issue is the rising cost of housing in Baltimore City over the past 6 years when we have seen an over 50% increase in home prices. Another major issue is the lack of inventory. HB239 directly impacts both issues. As a developer we build what is allowed by the local government. This impacts what type of homes can be built. In many areas, we have single family homes on larger lots because that is what zoning requires. If you want to increase density to provide housing for additional families resulting in economic growth it is important to expand what is allowed to be built on properties. Facilitating development on smaller lots and allowing town house development will result in more housing units being constructed. We have found in our work that smaller homes are popular with many home buyers who prefer to have reduced external property maintenance and more affordability on their property.

One argument that typically emerges in conversations about what and how much to build is local control. In Maryland many have fought for many years to preserve local control. This typically results in higher levels of restriction and higher cost homes being built. As a state that currently has a shortage of over 96,000 housing units we have created a housing crisis through our public policy. If we continue to prioritize local control, our housing shortages will continue to grow, resulting in more younger people being priced out of Maryland. This is a tragic outcome for a state that has so much to offer to families. Local governments have failed to meet the needs of Maryland, contributing significantly to our current challenge. It is important to state leaders to intervene and develop policy to address these challenges. Without state intervention it is likely

25 E. 20th Street, Suite 170 Baltimore, Maryland 21218
Office: 410-327-1200
Fax: 410-675-1855
www.nhsbaltimore.org

that Maryland continues to see our population decline with significant out migration of our younger residents.

Current policy is also costing Maryland millions of dollars annually in lost revenue. Every family that moves out of Maryland due to the availability and cost of housing costs the state taxes generate from income, sales tax, and property taxes. This lost revenue is thousands of dollars annually for the state from a lower income household with $50,000 in annual household income. The loss increases for higher income families. Not addressing the housing shortage is significantly contributing to the economic challenges currently being encountered in Maryland. Growing our state population by supporting construction of additional residential units in responsible ways as proposed in HB239 will be one important component in addressing these challenges.

HB 239 provides reasonable changes to housing policy that will result in additional housing development. It is important for the state to provide leadership in this work. We applaud the Moore administration for proposing common sense solutions designed to bring real solutions to Maryland. We ask that the Committee issue a ***favorable*** report on HB 239.

Sincerely,

Daniel T. Ellis
Chief Executive Officer

25 E. 20th Street, Suite 170 Baltimore, Maryland 21218
Office: 410-327-1200
Fax: 410-675-1855
www.nhsbaltimore.org

ggwashcommentsonhb239.pdf
Uploaded by: Dan Reed
Position: FAV

GREATER GREATER WASHINGTON

Chair Kris Valderrama
and Members, Economic Matters Committee
House Office Building
6 Bladen Street
Annapolis, Maryland 21401

February 12, 2026

House Bill 239 – Starter and Silver Homes Act of 2026 – Favorable

Dear Chair Valderrama and Members of the Economic Matters Committee:

My name is Dan Reed and I serve as the Maryland Policy Director for Greater Greater Washington, a nonprofit that supports better housing, land use, and transportation policies throughout Greater Washington and beyond. **GGWash strongly supports House Bill 239**, **the Starter and Silver Homes Act.**

The rationale for this bill is simple: we aren't building enough homes, prices have spiked in recent years, and our friends and loved ones are moving out. I bet most of us in this room, myself included, know someone who's moved to North Carolina because it's just too expensive in Maryland.

Our poll, released last week, found that **92% of Maryland voters say home prices are a problem**. It holds true all the way across political, demographic, and geographic margins: Democrats and Republicans, from the panhandle to the lower shore, from Baltimore to Bethesda. **Marylanders told us that they're putting off starting a family or saving for retirement because of housing costs.** They told us their local governments aren't doing a good job on this issue, and that **the state needs to step in**.

What this bill does is it sets common standards for our local jurisdictions so that they do not throw up arbitrary barriers to housing production. Chief among them is the requirement that homes come with a large lot, which not everyone wants or needs. But it does keep out people who did everything right, who got an education and a career, who want to see their kids or grandkids grow up here, who could afford a decent home without subsidies if a builder could build that house on a smaller lot, or as a duplex or townhome. The kind of homes this state produced by the thousands just a few decades ago, when my family came here from North Carolina and the Caribbean.

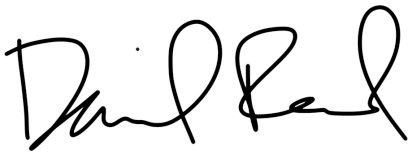
80 M Street SE, Suite 100, Washington, DC 20003
info@ggwash.org

Places that have done away with those mandates–Raleigh, North Carolina and Portland, Oregon are just two of them–have found that builders can and do deliver smaller, lower-priced homes that young families and downsizing seniors can access.

Not surprisingly, **two-thirds of Marylanders, across party lines, income brackets, and zip codes, told us they support the proposals in this bill**. You won't hear from many of them–and nor do our local governments–because they're too busy with their lives and families and careers. But they vote, and by a margin of three to one, said they're less likely to vote for legislators who don't support making smaller, more affordable homes easier to build.

This bill offers small changes that could make a big difference for families like yours and mine, and we urge the Economic Matters committee for a favorable report.

Sincerely,



Dan Reed
Maryland Policy Director

What Marylanders are saying about housing issues in 2026

including Governor Moore's Housing Growth + Affordability Agenda

Poll of 807 Maryland voters
January 7-16, 2026

For more information, visit **www.ggwash.org**

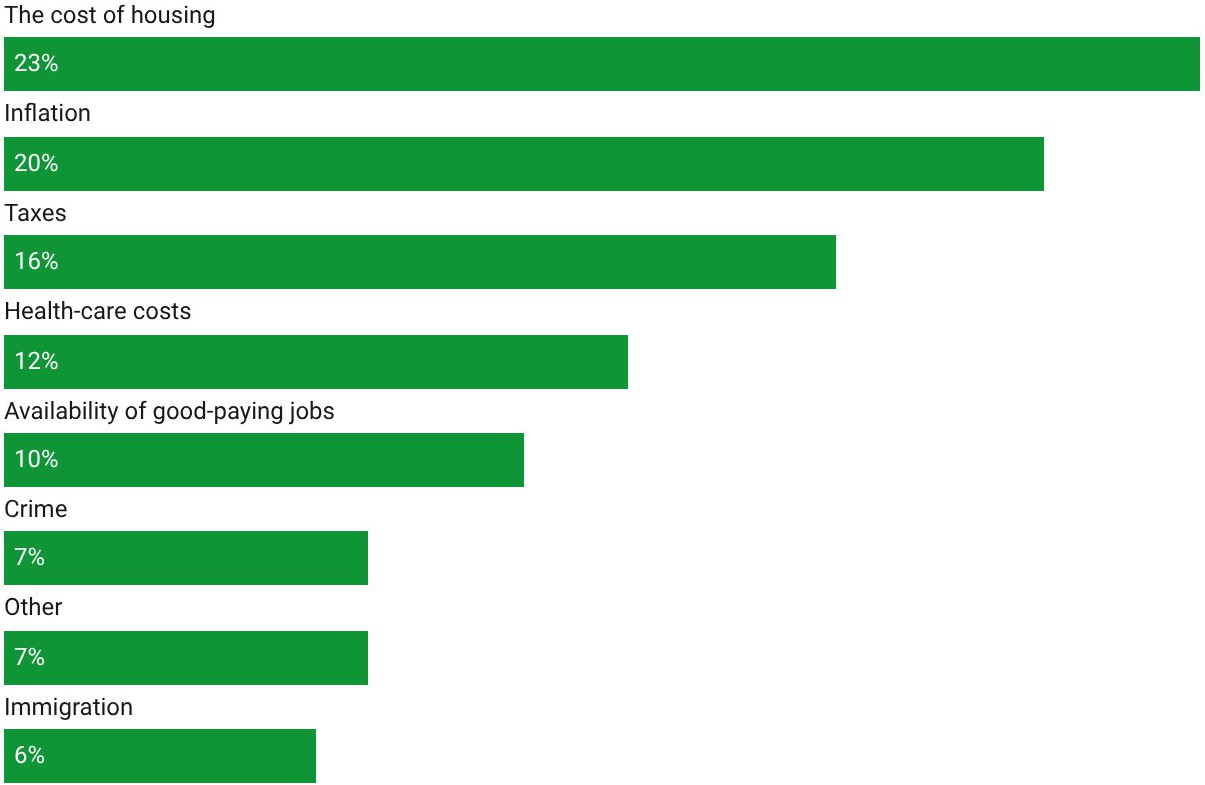
This poll has a margin of error of +/- 4.3%.

Main Takeaways

- 92% of Marylanders polled think the cost of renting or buying a home is a problem.
- Marylanders say there aren't enough homes that are affordable for average people to buy or rent.
- Voters say housing costs are keeping them from saving for retirement or affording groceries or medicine, while younger voters say it's harder to afford an education or start a family.
- Voters say there should be more housing in cities and suburbs throughout Maryland, as well as in their own communities.
- Voters support each of the three bills in Governor Moore's Housing Growth and Affordability Agenda.
- Marylanders are less likely to vote for state legislators who oppose policies to promote the construction of smaller, more affordable homes.

GREATER GREATER WASHINGTON YouGov Blue

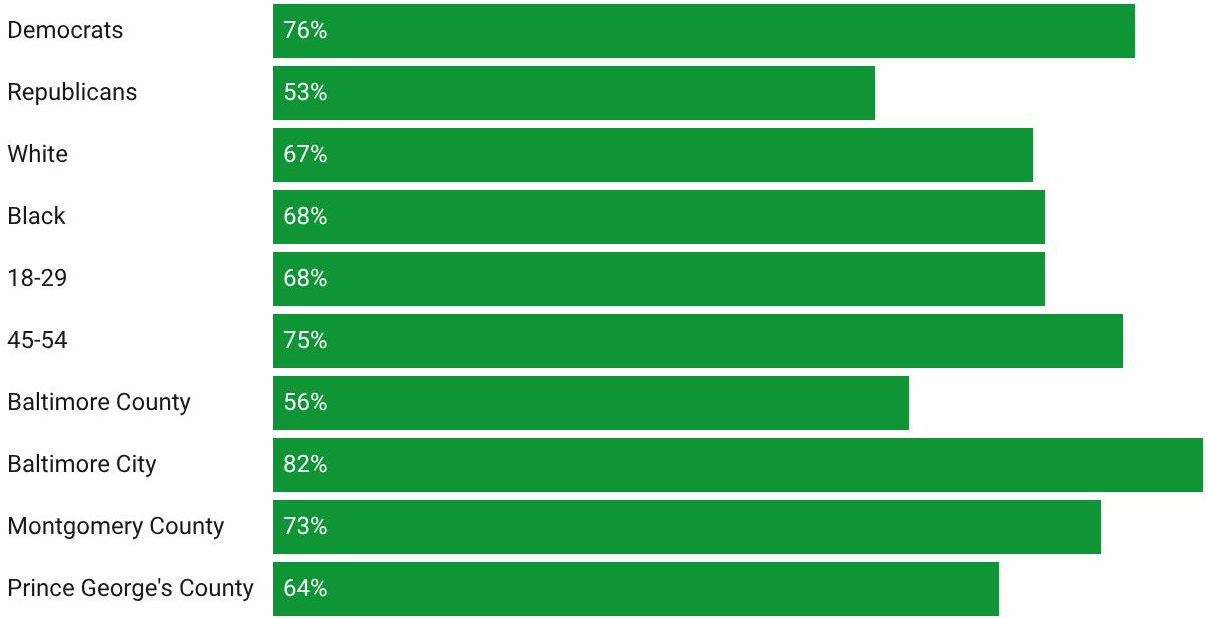
For the third year in a row, voters housing costs and inflation are top issues



From a January 2026 survey of 807 voters: "From this list of issues, which ONE do you see as the most important issue facing Maryland today?"

GREATER GREATER WASHINGTON YouGov Blue

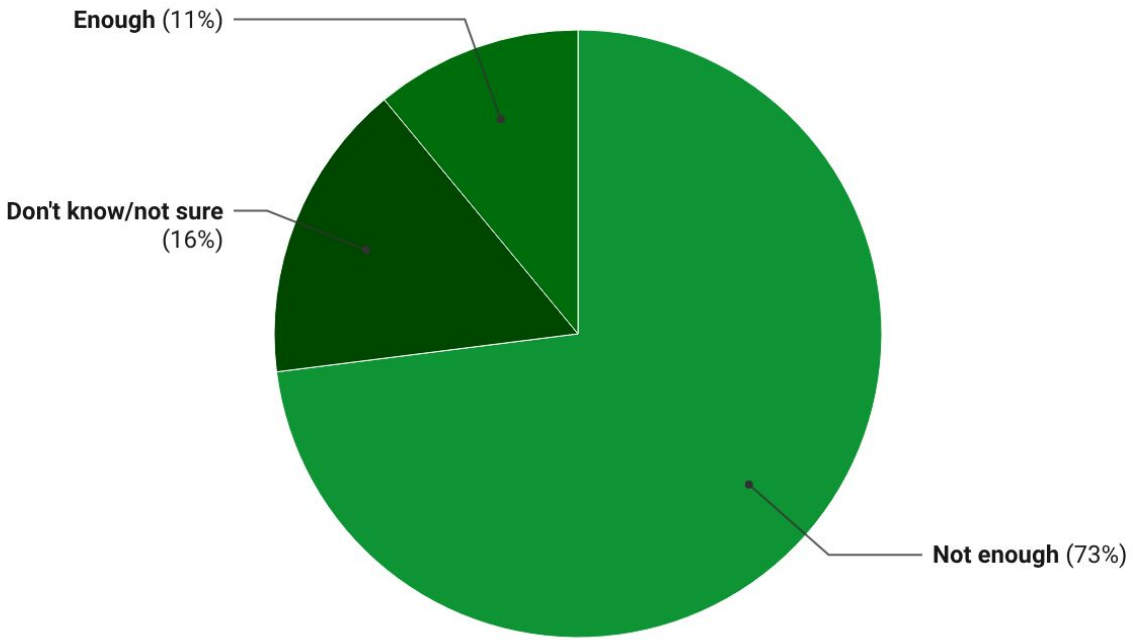
Marylanders across all walks of life say housing costs are a major problem



From a January 2026 survey of 807 Maryland voters: "Would you say that the cost of renting or buying a home in Maryland is [a major problem, somewhat a problem, a minor problem, or not really a problem?]"

GREATER GREATER WASHINGTON YouGov Blue

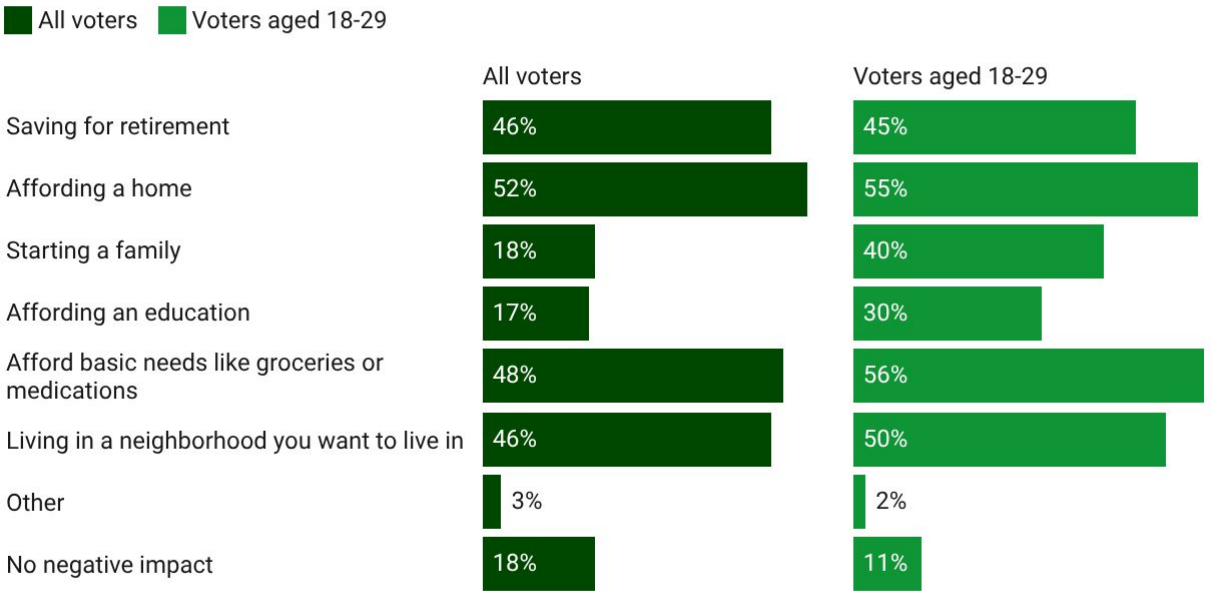
Marylanders say there aren't enough homes average people can afford



From a January 2026 survey of 807 Maryland voters: "Generally speaking, do you think Maryland [has enough homes that are affordable for average people to buy or rent, or not enough]?"

GREATER GREATER WASHINGTON YouGov Blue

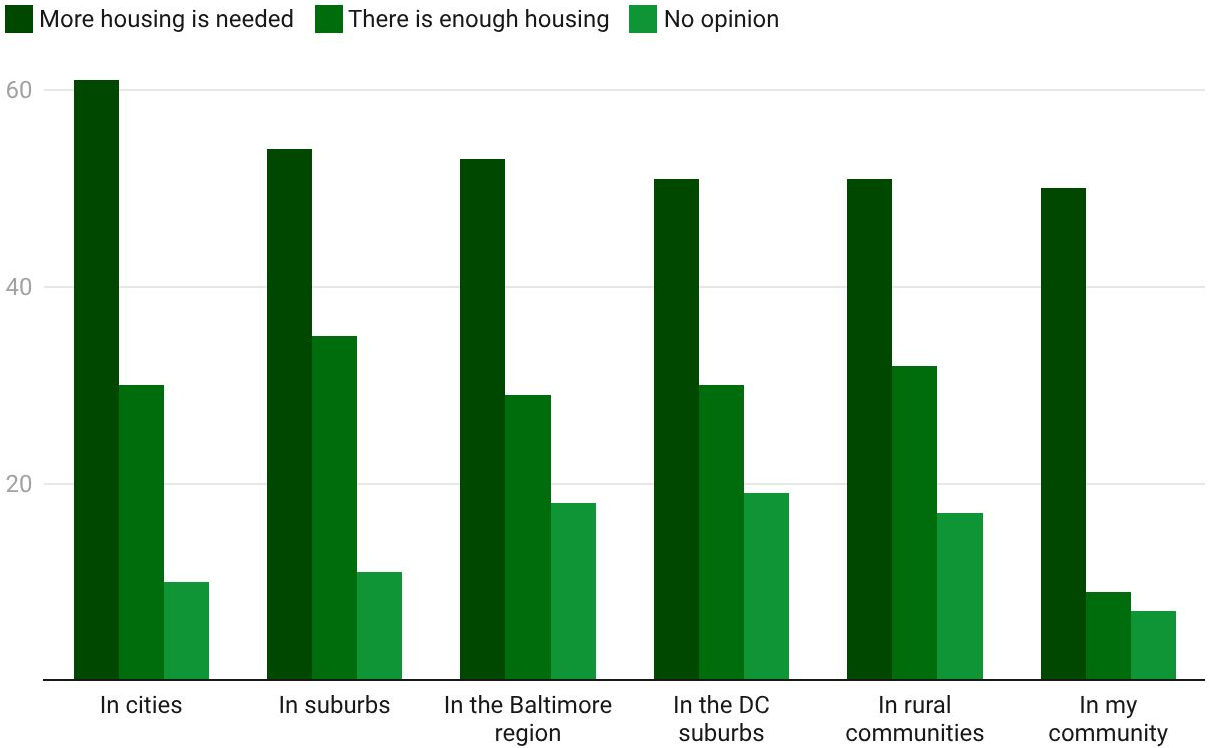
How housing costs hurt Marylanders' ability to build a life here



From a January 2026 survey of 807 Maryland voters: "Have housing costs had a negative impact on any of the following in your life, or in the lives of your family, friends, or neighbors? Select all that apply."

GREATER GREATER WASHINGTON YouGov Blue

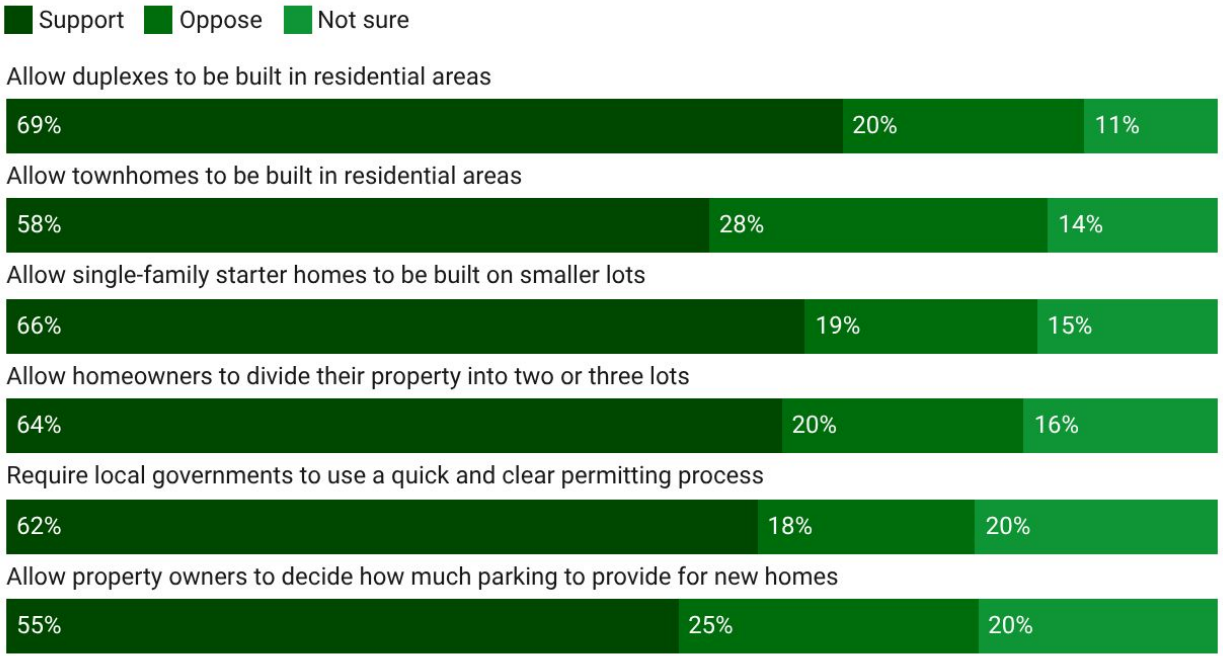
Marylanders support more homes in more places



From a January 2026 survey of 807 voters: "Estimates say that Maryland needs as many as 96,000 homes to accommodate its current population, and 590,000 homes by 2045 to accommodate future population growth. For each of the following, please indicate if you think [more housing is needed or there is enough housing.]"

GREATER GREATER WASHINGTON YouGov Blue

Marylanders support the Housing Growth + Affordability Agenda

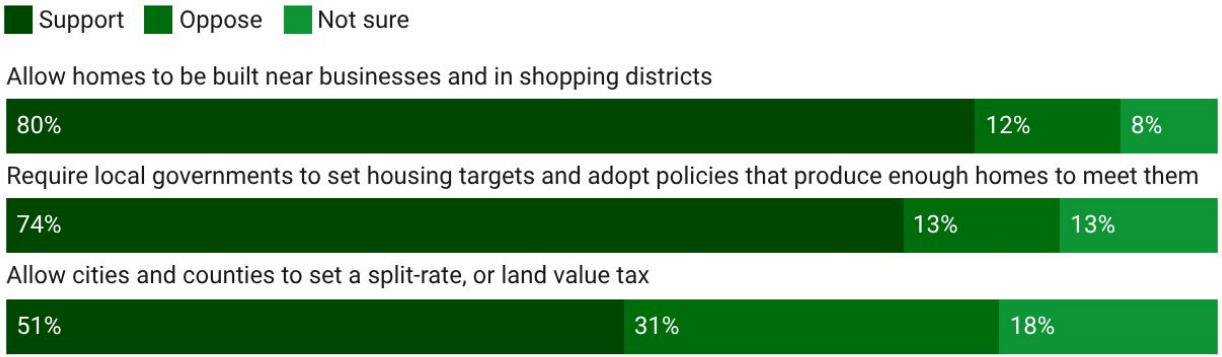


From a January 2026 survey of 807 voters: "Estimates say that Maryland needs as many as 96,000 homes to accommodate its current population, and 590,000 homes by 2045 to accommodate future population growth. Next, you will see some proposals to increase housing production here in Maryland. For each proposal, please indicate whether you [support or oppose] this proposal, or if you are unsure."

Chart: Dan Reed for Greater Greater Washington • Source: YouGov Blue • Created with Datawrapper

GREATER GREATER WASHINGTON YouGov Blue

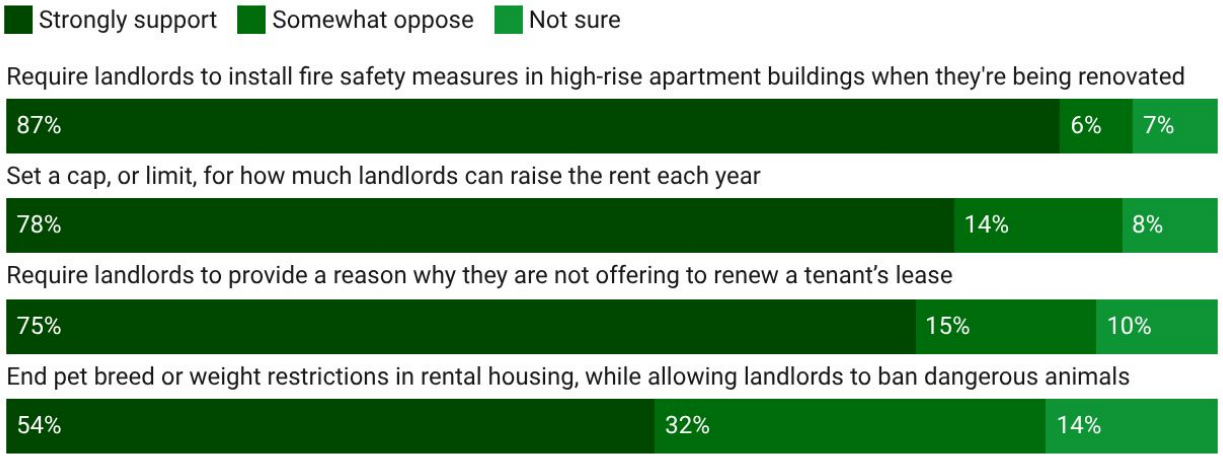
Marylanders support other 2026 housing proposals



From a January 2026 survey of 807 voters: "Estimates say that Maryland needs as many as 96,000 homes to accommodate its current population, and 590,000 homes by 2045 to accommodate future population growth. Next, you will see some proposals to increase housing production here in Maryland. For each proposal, please indicate whether you [support or oppose] this proposal, or if you are unsure."

GREATER GREATER WASHINGTON YouGov Blue

Marylanders support various proposals for renter protections



From a January 2026 survey of 807 voters: "One-third of Maryland households rent their homes. Next, you will see some proposals to protect tenants in Maryland. For each proposal, please indicate whether you [support or oppose] this proposal, or if you are unsure:"

GREATER GREATER WASHINGTON YouGov Blue

What Marylanders are saying about housing issues in 2026

including Governor Moore's Housing Growth + Affordability Agenda

Poll of 807 Maryland voters
January 7-16, 2026

For more information, visit **www.ggwash.org**

This poll has a margin of error of +/- 4.3%.

HB0239 - MMBBA - Green - FAV.pdf
Uploaded by: DENNIS RASMUSSEN
Position: FAV

2/10/2026 **HB0239**

Testimony offered on behalf of:
MARYLAND MORTGAGE BANKERS & BROKERS ASSOCIATION, INC.

IN SUPPORT OF:
HB0239 – Land Use - Zoning – Limitations
(Starter and Silver Homes Act of 2026)

House Economic Matters Committee
Hearing – 2/12/2026 at 1:00 PM

On behalf of the Maryland Mortgage Bankers and Brokers Association (MMBBA), whose members provide residential mortgage financing to homebuyers across Maryland, we respectfully **urge a favorable report on House Bill 0239, the Starter and Silver Homes Act of 2026.**

Maryland continues to face a housing affordability challenge that limits access to homeownership. Our members see this firsthand as qualified borrowers, particularly first-time homebuyers and seniors seeking to downsize—struggle to find homes that are appropriately sized and priced. These challenges are driven less by credit availability than by a shortage of housing options that meet current market demand.

Restrictive zoning and land-use requirements have constrained the development of smaller, more attainable homes, contributing to higher prices and reduced affordability. From a housing finance perspective, the lack of entry-level and downsizing inventory remains a significant barrier to sustainable homeownership. House Bill 0239 provides a practical solution by allowing smaller single-family homes on smaller lots in areas already served by public water and sewer. By removing mandates that require larger and more expensive homes regardless of demand, this legislation helps better align housing production with the needs of Maryland households.

Expanding access to starter homes supports first-time buyers in entering the market and building equity, while providing downsizing options allows older Marylanders to remain in their communities and helps free up existing housing stock. Together, these outcomes strengthen housing affordability and promote a more balanced housing market.

For these reasons, the Maryland Mortgage Bankers and Brokers Association strongly supports House Bill 0239 and respectfully requests a favorable report.

Respectfully submitted,

Rich Green

Richard J. Green
Co-Chair, MMBBA Legislative Committee
Maryland Mortgage Bankers & Brokers Association
richard.green@presidential.com
(410) 456-9345

HB 239_Baltimore Regional Housing Partnership_FAV.
Uploaded by: Emily Hovermale
Position: FAV

BALTIMORE REGIONAL HOUSING PARTNERSHIP
100 North Charles Street, 2nd floor
Baltimore, Maryland 21201

410-223-2222
www.brhp.org

February 12, 2026

Economic Matters Committee
Maryland House of Delegates
230 Taylor House Office Building
Annapolis, Maryland 21401

Re: Baltimore Regional Housing Partnership SUPPORT for HB 239 Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Dear Chair Valderrama, Vice Chair Charkoudian, and Members of the Committee:

On behalf of the Baltimore Regional Housing Partnership (BRHP), I respectfully submit these comments in support of HB 239, the *Starter and Silver Homes Act of 2026*.

At BRHP, our mission is to expand housing choices for families historically excluded from opportunity-rich neighborhoods. As the Regional Administrator for the Baltimore Housing Mobility Program, we serve over 4,300 families, helping them transition from areas of concentrated poverty to communities where they can thrive. Our work is grounded in the research that demonstrates that where you live shapes your access to education, employment, health, and safety and ultimately family success. Yet, we continue to face a persistent barrier: the lack of affordable housing in well-resourced neighborhoods.

This bill is necessary. Maryland's housing shortage has made affordable housing increasingly out of reach for working families and seniors. In the 2025 Maryland State Housing Needs Assessment Update, housing costs continue to rise across the state. **The gap for extremely low-income households has now grown to 132,000 homes**. The shortage of affordable housing across all regions of the state is increasing burdens for both renters and homeowners. **Maryland's percentage of renters who are cost burdened rose from 33% in 2000 to 46% by 2022**, and renters across all regions are impacted. Older adults and low and moderate-income renters, already at heightened risk of homelessness, are among those most deeply affected as rents continue to climb. Maryland needs to take action now to increase the supply of

affordable housing in all communities and ensure housing stability for vulnerable Marylanders.

What HB 239 does. The bill expands affordable housing by:

- **Allowing smaller single-family homes on smaller lots** in areas served by public water and sewer, removing oversized lot mandates that inflate costs. National research finds that halving minimum lot sizes reduces sales prices ~14% and rents ~9%.
- **Allowing townhouses in residential areas statewide** served by public water and sewer, creating opportunities for more affordable housing that fits family budgets without changing the essential residential character of these neighborhoods.
- **Simplifying lot splitting** to enable smaller homes and townhouses by allowing infill development.

Expanding attainable housing is also critical to Maryland's long-term economic competitiveness. The Maryland Comptroller's most recent State of the Economy Report emphasizes that a robust supply of affordable housing is essential for economic prosperity, noting: *"More affordable housing inventory can boost Maryland's economy by lowering cost of living, thereby attracting and retaining talent."* Maryland's ongoing outmigration is already costing the state billions of dollars in economic activity and tax revenue.

Maryland's housing crisis requires decisive action to address. HB 239 is a pragmatic supply-side solution that helps to address the state's housing shortage by creating opportunities for new smaller home development to unlock housing opportunities for families across the state.

For these reasons, we respectfully ask for a **Favorable** report.

Sincerely,

Adria Crutchfield
Executive Director

MDCC_HB 239_Favorable.pdf
Uploaded by: Grason Wiggins
Position: FAV

MARYLAND
Chamber of Commerce

House Bill 239

Position: Favorable
Committee: Economic Matters
Date: February 12, 2026

Founded in 1968, the Maryland Chamber of Commerce ("Maryland Chamber") is a statewide coalition of more than 7,000 members working to develop and promote strong public policy that ensures sustained economic growth and opportunity for all Marylanders.

House Bill 239 would establish consistent statewide standards for zoning and land use in single-family residential areas. The bill is important step toward increasing housing options and addressing the growing need for affordable and accessible homes across Maryland.

Housing availability is often cited as a critical interest for Maryland's businesses who are seeking to attract and retain workers. Additionally, ensuring that Maryland workers live in Maryland will ensure that income tax revenue does not flow out of the state. HB 239 helps remove unnecessary barriers to housing development and subsequently promotes economic growth. **For these reasons, the Maryland Chamber respectfully requests a favorable report on HB 239.**

Silver homes testimony.pdf
Uploaded by: Harry Huntley
Position: FAV

Economic Matters Committee
230 Taylor House Office Building
Annapolis, Maryland 21401

Dear members of the Economic Matters Committee,

I respectfully request that you provide a Favorable recommendation to HB239, The Starter and Silver Homes Act.

I am a local elected official representing the area that you are sitting in—downtown Annapolis. To be clear, the following is my opinion, not necessarily representative of the Annapolis City Council. I also happen to be an environmental policy professional, with a degree in economics.

As such, I am particularly familiar with the concept of “the tragedy of the commons” in which decisions that are rationally made at the individual level lead to situations that make a community worse off in aggregate. As communities across Maryland have banned the kinds of housing that most Marylanders can afford, this same tragedy has played out to segregate our state and leave us all with higher housing costs. Each municipality may be acting rationally, but we need this coordination from the state to best manage our scarce land resources.

The Starter and Silver Homes Act is a small step towards addressing our state's shortage of housing that people can actually afford by cutting red tape. It will give my constituents and yours the freedom to live in homes that match their unique needs, rather than mandate that everyone get poorer just so some communities can pretend to look richer. It will ameliorate municipalities falling into the tragedy of the commons that currently exists.

Some will ask you to further amend this legislation, but what's in front of you is already a compromise. There are parts, such as the maximum minimum lot size, that I think do not go far enough to address Maryland’s well-documented, inequality-exacerbating housing shortage. Surely, some powerful interests benefiting from the status quo will tell you that the legislation as written goes too far. As legislators, you and I know that a fair compromise leaves both sides wanting.

Please—as you consider this legislation—think about how cold it has been outside for weeks on end. Think about how it would feel to live in that without the relief of a warm living room fire or toasty bedroom that you and I have. Or, justAnd recognize that passing the Silver and Starter Homes Act as written would mean fewer Marylanders will have to endure that deprivation.

Sincerely,
Harry M Huntley
Ward One Alderman
City of Annapolis

HB0239_Kopiy_FAV.pdf
Uploaded by: Iryna Kopiy
Position: FAV

Testimony in Strong Support of Senate Bill 36 and House Bill 239

Dear Chair, Vice Chair, and Members of the Committee,

My name is Iryna Kopiy. I am a Maryland property owner, a licensed REALTOR® and a resident of Howard County, Maryland. I work daily with homebuyers, renters, sellers, and families trying to stay in the communities where they live and work. **I am submitting this testimony in strong support of Senate Bill 36 and House Bill 239.**

From the perspective of someone who operates directly in Maryland's housing market every day, I can say plainly: we are facing a severe and persistent housing shortage, and it is driving prices and rents beyond the reach of many Maryland residents.

Maryland and Howard County Are in an Affordability Crisis:

Maryland now ranks among the eight least affordable states in the nation, and within Maryland, Howard County is widely recognized as the least affordable or one of the least affordable counties.

This is not because demand is unusually speculative or irrational. It is because supply is critically (and artificially) constrained.

According to data published by the Maryland Association of Realtors, many counties across Maryland currently have only one to two months of housing inventory. A healthy, balanced market typically requires five to six months of supply.

What is most striking is that this shortage exists:
- During the winter season, when housing activity is normally slower
- During a period of very high mortgage interest rates, which should reduce buyer demand

Even under these conditions, inventory remains near historic lows. That is a clear signal that Maryland's housing problem is structural, not cyclical.

What I See Daily as a REALTOR® :

In practical terms, this shortage means:
- Multiple offers on nearly every reasonably priced home
- Buyers waiving contingencies just to compete
- Renters unable to transition into ownership
- Seniors unable to downsize within their own communities
- Young families leaving the county or the state entirely

These outcomes are not caused by lack of interest in housing—they are caused by lack of available housing.

Demand Is Likely to Increase, Not Decrease

Looking ahead, market pressure is likely to intensify. Mortgage interest rates are widely expected to decline, while employment in central Maryland remains stable and growing,

particularly in government, healthcare, technology, and education sectors.
As rates fall, more buyers will re-enter the market. Without meaningful increases in housing supply, this will further accelerate price growth and further worsen affordability.

Housing Costs Are the Largest Driver of Inflation:

Housing and shelter costs are the largest single contributor to inflation. As long as housing remains scarce and expensive, families will feel inflation regardless of improvements in other areas of the economy.
From both a market and consumer perspective, there is no lasting solution to fix inflation without addressing housing supply.

Zoning and Overregulation Are the Core Barriers:

Maryland's housing shortage is not due to lack of builders, financing, or demand. It is driven primarily by:
- Restrictive zoning classifications
- Density limits unrelated to infrastructure capacity
- Minimum lot sizes and use restrictions
- Multiple layers of approvals and overlapping regulations

In counties like Howard County, the challenge is compounded by the very limited amount of land served by public water and sewer. Large areas are effectively prohibited from meaningful housing production, even where development would be environmentally and infrastructurally appropriate.
When land is limited and zoning restricts efficient use of that land, the result is predictable: too few homes and prices that continue to rise.

SB 36 and HB 239 Are Practical, Necessary Steps

Senate Bill 36 and House Bill 239 take important, measured steps toward addressing these constraints. They allow for more efficient use of land that already has infrastructure, reduce unnecessary zoning barriers, and help align housing production with actual market demand.
These bills do not eliminate local input or environmental safeguards. They simply recognize that Maryland's current framework is not producing enough housing to meet the needs of its residents.

Conclusion :

As a REALTOR®, I see every day how Maryland's housing shortage affects real families—not in theory, but in practice. Without action to increase supply, affordability will continue to deteriorate, inflationary pressures will persist, and more residents will be forced to leave the communities they call home.

For these reasons, I strongly urge the Committee to support Senate Bill 36 and House

Bill 239.
Thank you for your time and consideration.

Respectfully,

Iryna Kopiy

Howard County, Maryland
Licensed REALTOR®

Corrected HB0239.HC HAC.Eng.Fav - Google Docs.pdf
Uploaded by: Jackie Eng
Position: FAV

Howard County
Housing Affordability Coalition

Testimony

House Economic Matters Committee
HB 239: Starter and Silver Homes Act of 2026
February 12, 2026

Chair Valderrama, Vice Chair Charkoudian and Members of the Committee,

The Howard County Housing Affordability Coalition is a broad-based alliance of residents, community groups and advocates committed to ensuring that Howard County remains a place where everyone has equitable access to safe and affordable housing. We strongly urge a favorable report on HB 239.

Our Coalition operates on a simple principle: Howard County's economic vitality is dependent upon access to jobs and housing that individuals and families can afford. Currently, our county faces a critical housing shortage that disproportionately impacts our most vulnerable neightbors–seniors trying to age in place, teachers, public safety officers, young adults starting their careers, and lower–wage workers who are essential to our local economy but are increasingly priced out of our community..

SB36 provides a necessary statewide framework to address this crisis by:

- **Diversifying the "Starter Home" Marke**t: By prohibiting the ban on townhomes and reducing minimum lot sizes to 5,000 square feet, this bill legalizes the "missing middle" housing that currently is absent from many of our residential zones. These smaller, more dense housing types are naturally more affordable and provide a crucial entry point for first-time homebuyers.
- **Creating Silver Home Options for Seniors**: Many seniors are "over-housed" in large single family homes because there is a lack of smaller, accessible options in their neighborhoods. This bill allows for the creation of smaller units that enables them to downsize without leaving their support networks, which in turn frees up larger homes for growing families.
- **Removing Regulatory Barriers to Inclusion**: For too long restrictive zoning and local land use

HB0239.HC HAC.Eng.Fav - Google Docs.pdf
Uploaded by: Jackie Eng
Position: FAV

Howard County
Housing Affordability Coalition

Testimony

House Economic Matters Committee
Senate Education, Energy and the Environment Committee Public Hearing
HB 239: Starter and Silver Homes Act of 2026
February 12, 2026

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HB 239 - Starter and Silver Homes Act of 2026 - FA

Uploaded by: James Campbell

Position: FAV

One Park Place | Suite 475 | Annapolis, MD 21401-3475
1-866-542-8163 | Fax: 410-837-0269
aarp.org/md | md@aarp.org | @aarpmd
facebook.com/aarpmd

HB 239 - Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)
House Economic Matters Committee
February 12, 2026
FAVORABLE

Good afternoon, Chair Valderrama, Vice Chair Charkoudian, and members of the House Economic Matters Committee. My name is Jim Campbell, president emeritus for AARP Maryland, chair of the AARP Maryland Veterans Committee, and a former state delegate.

AARP Maryland represents approximately 850,000 members in the state, and we would like to express our support for HB 239, known as the Starter and Silver Homes Act of 2026.

AARP is the largest nonprofit, nonpartisan organization representing the interests of Americans age 50 and older and their families. Key priorities of our organization include helping all Marylanders achieve financial and health security and supporting livable communities.

The Starter and Silver Homes Act of 2026 is a smart, balanced approach to expanding affordable, age-friendly housing in Maryland. It removes outdated barriers, delivers real cost savings and choices for older adults, and does so without compromising safety or historic character.

The bill removes exclusionary barriers that have historically limited the supply of affordable, age-friendly homes, especially for older adults seeking to downsize or age in place. It does this by setting clear, statewide limits on zoning restrictions for single-family homes, including townhouses, while preserving essential health and safety protections.

For example, by capping minimum lot size, the bill allows more homes per acre, reducing the land cost per home, which is a major driver of affordability. Removing minimum home size requirements likewise enables the creation of smaller, more manageable homes, reducing construction, heating, cooling, and maintenance costs.

Other provisions, like allowing townhouses and small-lot splits, increase the supply of modestly priced, fee-simple homes, which are ideal for older adults on fixed incomes or those seeking to downsize. Older homeowners will be able to subdivide lots, creating opportunities for family or caregivers to live nearby, or to monetize land for retirement needs.

AARP regularly hears from members across Maryland who are ready to downsize but cannot find smaller, affordable homes in the communities where they have long lived. Many are forced to move farther from family, health care, and social supports simply because their neighborhoods

allow only large, expensive homes. The Starter and Silver Homes Act addresses this gap by expanding options for modest, accessible housing.

In conclusion, AARP Maryland supports the passage of HB 239 and urges the committee to make a favorable report.

If you have any questions, please contact Sara Westrick at swestrick@aarp.org or by calling 410-310-0374.

MDE HB 239 SUP.pdf
Uploaded by: Jeremy D Baker
Position: FAV

The Maryland Department of the Environment
Secretary Serena McIlwain

House Bill 239
Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Position: Support
Committee: Economic Matters Committee
Date: February 12, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** HB 239 as amended**.**

Bill Summary

HB 239 would address Maryland's housing shortage by removing local zoning barriers that prevent the construction of smaller, more affordable starter and silver homes. HB 239 would prohibit local jurisdictions (counties and municipalities) from enforcing several common zoning restrictions in areas served by public water and sewer. This bill is a vital component of the state's strategy to meet its 2031 climate goals while ensuring sustainable, resilient community growth.

Position Rationale

Under the Climate Solutions Now Act, Maryland is mandated to reduce greenhouse gas emissions by 60% by 2031. Reaching this goal requires more than just clean energy; it requires a fundamental shift in how we build. HB 239 promotes housing density in areas already served by public water and sewer, which is one of the most effective tools for reducing Maryland's carbon footprint. By enabling smaller starter and silver homes in established areas, this bill reduces suburban sprawl and vehicle miles traveled VMT, directly cutting transportation emissions. Additionally, smaller, more compact homes, generally consume less energy for heating and cooling, supporting our broader Building Energy Performance Standards. HB 239 will prohibit restrictive lot size minimums in areas connected to public systems, ensuring the maximization of our existing water and wastewater investments rather than extending new, costly lines into sensitive environmental zones. HB 239 is more than a housing bill; it is a smart-growth bill providing a pathway to a more equitable and environmentally sustainable Maryland.

Accordingly, MDE asks for a **FAVORABLE** report for HB 239.

Contact: Alex Butler, Deputy Director of Government Relations
Phone: 443-695-7478, Email: alex.butler@maryland.gov

CHC Testimony HB239.pdf
Uploaded by: Jessamine Duvall
Position: FAV

Testimony in Support of House Bill 239
House Economic Matters Committee

Committee: House Economic Matters Committee
Bill: HB 239 – Starter and Silver Homes Act of 2026
Position: SUPPORT (FAVORABLE)
Testimony By: Jessamine Duvall, Columbia Housing Center

Dear Chair and Members of the Committee,

The Columbia Housing Center, Inc. (CHC) strongly supports **HB 239**, the **Starter and Silver Homes Act of 2026.** This legislation is a vital tool for developing inclusive, vibrant, and economically diverse communities that organizations like ours work every day to protect and expand.

Columbia and the surrounding communities in Howard County are consistently ranked among the best places to live in the country. This success is not accidental; it is rooted in Columbia's founding principles of intentional racial and economic integration and a commitment to housing variety.

However, as our community has become more desirable, our housing prices have increased significantly due to high demand and low supply. Today, we have reached a critical tipping point. **Housing prices in Howard County have skyrocketed to the point that a household must earn at least $80,000 per year just to afford the average monthly rent for a two-bedroom apartment.** This high barrier to entry is denying many people access to our high-opportunity community, effectively reversing the very values on which Columbia was founded and turning our vibrant, inclusive community into an exclusive one.

We support HB 239 because it addresses housing barriers by:

- **Legalizing Townhomes by Right:** Prohibiting the exclusion of townhomes in single-family zones allows for naturally occurring affordable housing that serves as an entry point for first-time buyers and an accessible option for seniors.
- **Modernizing Lot Requirements:** Limiting minimum lot sizes to 5,000 square feet and easing restrictive setbacks ensures that land is used efficiently, reducing the overall cost of new homes by an estimated 30%.
- **Supporting "Silver" Housing:** By allowing smaller, low-maintenance homes on smaller lots, we provide seniors the freedom to downsize within their own communities, freeing up larger family homes for the next generation.

The provisions in HB239 are exactly what Marylanders are asking for. Greater Greater Washington's recent Maryland Housing Survey (2025) indicates that a strong majority **(63%) of Marylanders believe the state government should be doing "more" to make housing more affordable**. The survey also indicates that **75% of Marylanders support making it easier to build new homes in our state to help lower costs** and **62% of Marylanders support allowing "missing middle" housing (like duplexes and apartments) in areas currently zoned only for single-family homes**. Lastly, this data indicates that **a majority (55%) of Marylanders support**

the state government requiring local governments to allow more housing if they fail to meet affordability needs.

Unfortunately, the local control of zoning regulations in Howard County has allowed a small, vocal minority of primarily wealthy, white residents to uphold restrictive rules that encourage the construction of McMansions that benefit the wealthiest residents and make it very challenging to construct moderately-priced housing that serves households with incomes below our Area Median Income. It's time for the state to step in and ensure that ALL Marylanders have an affordable home, and no one is left behind.

HB 239 is a necessary step to legalize more diverse housing types in residential zones—like townhomes and smaller-lot starter homes—that will ensure that Howard County remains multigenerational and accessible to all residents, regardless of their stage in life or income level.

We urge the Committee to issue a **FAVORABLE** report on HB 239.

Thank you for your time and consideration.

Respectfully submitted,



Jessamine Duvall
Executive Director
Columbia Housing Center

Health Care for the Homeless - HB 239 FAV - Starte

Uploaded by: Joanna Diamond

Position: FAV

HEALTH CARE FOR THE HOMELESS TESTIMONY
FAVORABLE
HB 239 – Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

House Economic Matters Committee
February 12, 2026

Health Care for the Homeless supports HB 239, which would prohibit jurisdictions in the state from excluding higher density housing through zoning laws and other arbitrary criteria. By allowing smaller, single-family homes on smaller lots, allowing townhouses in residential areas statewide, and making it easier to split up parcels of land to build more homes, this bill would increase housing options by allowing smaller, more affordable homes.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver integrated medical care, behavioral health services, dental care and harm reduction interventions for more than 11,000 people annually at multiple clinic sites in Baltimore City and Baltimore County and through a Mobile Clinic and Street Medicine team. We also support more than 800 highly vulnerable Baltimoreans in more than 550 units of permanent supportive housing.

We believe that everyone deserves a home they can afford in a stable and healthy community, but with our State's exorbitant housing costs, rental housing is unaffordable and homeownership is out of reach for too many Marylanders. 1 in 3 Maryland families are cost burdened by their monthly rent or mortgage payment, including 53% of Maryland renters who pay more than 30% of their income on rent.[1] Reforms proposed by HB 239 helps our State create higher density housing, which is desperately needed to address the affordable housing crisis.

By prohibiting local jurisdictions from adopting or enforcing arbitrary and exclusionary zoning provisions will make it possible to increase density and contribute to more equitable access to affordable housing for Marylanders. We urge a favorable report.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 11,000 Marylanders annually at sites in Baltimore City and Baltimore County.

Our Vision: Everyone is healthy and has a safe home in a just and respectful community.
Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.

For more information about our agency, visit www.hchmd.org.

[1] United States Census Bureau

For more information please contact Joanna Diamond at jdiamond@hchmd.org or 443-838-7867.

HB 239_MD Center on Economic Policy_FAV.pdf
Uploaded by: Kali Schumitz
Position: FAV

MDCEP
MARYLAND CENTER ON ECONOMIC POLICY

FEBRUARY 12, 2026

Additional Housing Choices Critical to Expanding Affordability

Position Statement Favorable for House Bill 239

Given before the House Economic Matters Committee

HB 239 is a practical, pro-housing bill that reduces exclusionary zoning barriers—particularly those that inflate costs, limit housing options, and lock families out of high-opportunity neighborhoods. HB 239 helps address Maryland's housing shortage by limiting the most exclusionary zoning rules. **For these reasons, the Maryland Center on Economic Policy respectfully requests that the House Economic Matters Committee issue a favorable report for HB 239.**

The bill restricts local jurisdictions from adopting or enforcing certain zoning provisions related to lot size, lot dimensions, setbacks, lot coverage, and design/architectural elements for certain single-family homes (with exceptions), and it prevents local bans on certain housing types in certain zones and certain subdivisions of certain lot types. Put plainly: HB 239 makes it harder to use zoning as a tool to block attainable homes—starter homes for working families and smaller, accessible homes for older adults looking to age in place.

Maryland's housing crisis requires a "more homes, more types, more places" strategy. Maryland's housing shortage is no longer abstract—it is showing up in rent burdens, homelessness risk, and households leaving the state. [i] Maryland's Department of Housing and Community Development (DHCD) reports that in more than half of Maryland counties, at least 50% of renters are cost-burdened, and that Maryland has a shortage of 275,000 rental units affordable to households earning 80% or less of Area Median Income—with increased impact on minority communities.

National data reinforce the scale of the affordability gap. The National Low Income Housing Coalition (NLIHC) finds that in Maryland, a renter must earn $39.15/hour to afford a modest two-bedroom at fair market rent without being cost-burdened—and that two-bedroom FMR is $2,036/month (about $81,434/year needed). [ii] That is far beyond what many essential workers earn, especially in regions where housing production has not kept pace with job growth and household formation.

Hb 239 matters not only because it increases housing supply, but because it pushes back against a land-use framework with a long history of exclusion. After explicit race-based zoning was struck down in Buchanan v. Warley (1917), jurisdictions across the country increasingly relied on "race-neutral" tools—like minimum lot sizes, bans on multifamily housing, and other restrictive zoning—to keep housing prices high and prevent lower-income households (disproportionately Black and Brown) from accessing certain neighborhoods.

The result has been predictable: restricted housing supply, higher prices, and persistent racial and economic segregation. Federal economic analysis has noted that exclusionary zoning has been used for decades to discriminate against people of color and to maintain high property prices, limiting access to opportunity. Peer-

reviewed research similarly documents zoning's role as a discriminatory policy tool and examines how zoning can deter minority residents through density restrictions.

Hb 239 is a key step toward a housing market that works for more Marylanders: it curbs exclusionary zoning practices, expands housing choice, and supports affordability and opportunity—especially for Black and Brown households and low- to moderate-income earners who have been priced out by design. For these reasons, the **Maryland Center on Economic Policy respectfully urges a favorable report on House Bill 239.**

Equity Impact Analysis: House Bill 239

Bill summary

HB 239 promotes housing affordability and choice by limiting the ability of local jurisdictions to use restrictive zoning rules that block the creation of modest, attainable homes. The bill prohibits local governments from adopting or enforcing certain zoning provisions—such as excessive minimum lot sizes, dimensional requirements, setback rules, lot coverage limits, and costly design or architectural mandates—for qualifying single-family homes, while allowing reasonable health and safety exceptions. SB 36 also prevents jurisdictions from banning specific housing types in appropriate zones and from prohibiting the subdivision of certain lots. Together, these reforms are intended to remove barriers to "starter homes" for first-time buyers and smaller "silver homes" for older adults, helping to increase housing supply, lower costs, and expand options for working families across Maryland.

Background

Maryland is facing a deep and growing housing affordability crisis driven in part by decades of restrictive local zoning practices that have limited the production of modest, attainable homes. Across much of the state, local rules such as large minimum lot sizes, excessive setback requirements, and bans on multifamily or smaller-scale housing have constrained supply and driven up costs, making it increasingly difficult for low- and moderate-income households to find stable housing. These policies are rooted in a long history of exclusionary land use practices that were designed to keep certain neighborhoods economically and racially homogenous, and their effects continue to fall hardest on Black and Brown communities and working-class families. At the same time, Maryland is experiencing a significant housing shortage and rapidly rising rents and home prices, while wages for many essential workers have not kept pace. SB 36 responds to these challenges by removing outdated zoning barriers that prevent the construction of smaller, more affordable homes and by expanding opportunities for starter homes and aging-in-place options in communities across the state.

Equity Implications

Maryland needs starter homes that first-time buyers can actually afford, and "silver" homes that allow older adults to downsize without leaving their community. After explicit race-based zoning was struck down in Buchanan v. Warley (1917), jurisdictions across the country increasingly relied on "race-neutral" tools—like minimum lot sizes, bans on multifamily housing, and other restrictive zoning—to keep housing prices high and prevent lower-income households (disproportionately Black and Brown) from accessing certain neighborhoods.

The result has been predictable: restricted housing supply, higher prices, and persistent racial and economic segregation. Federal economic analysis has noted that exclusionary zoning has been used for decades to discriminate against people of color and to maintain high property prices, limiting access to opportunity. Peer-reviewed research similarly documents zoning's role as a discriminatory policy tool and examines how zoning can deter minority residents through density restrictions.

For Black and Brown Marylanders—who have faced generations of structural barriers to homeownership, neighborhood choice, and wealth-building—zoning that blocks smaller, more attainable homes functions like a "silent gate." It limits entry into communities. DHCD's statewide assessment points to the growing older adult population and the need for more local housing options that support aging in place. SB 36 aligns with that reality by reducing zoning barriers that block smaller footprints and more flexible home designs.

Impact

House Bill 239 will likely **improve racial, health and economic equity** in Maryland.

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[i] Maryland Department of Housing and Community Development. (2025, July 24). *State of Maryland Releases 2025 Housing Needs Assessment* (press release).

[ii] National Low Income Housing Coalition. (2025). *Out of Reach 2025: Maryland—State Facts (PDF).*

Testimony in favor of Silver and Starter Homes HB0
Uploaded by: Kelli Rives
Position: FAV

Committee: **Economic Matters**

Testimony: **HB239 Silver and Starter Homes Act**

Organization: **Jewish Community Relations Council of Howard County, MD**

Submitting **Laura Salganik, Chair**

Position: **FAVORABLE**

Hearing Date: **February 12, 2026**

Dear Chair Valderrama, Vice Chair Charkoudian, and Committee Members:

The Jewish Community Relations Council is submitting this testimony in favor of the Silver and Starter Homes Act. The Act requires local governments to remove barriers to building more homes by prohibiting requirements for large lots to build single family homes and makes it easier to build more multi-family homes such as townhomes.

The Act only applies to homes with water and sewer lines already in place, and we think it is very important that additional infrastructure such as fire protection and schools be addressed in future years as these houses get built. However, we are in a housing crisis and need to get started now on fixing the problem.

According to the Maryland Comptroller's report of 2024, Maryland has a shortage of 100,000 houses, and this number continues to grow. This is a key factor in Maryland losing residents to other states through outmigration. If this continues, the loss of revenue to the state will make it difficult to fund public services and we may even lose a seat in Congress.

We support this bill because so many Marylanders are not able to afford homes near their jobs and families, and this is disproportionately affecting those with lower incomes as well as people of color.

We respectfully urge this committee to return a favorable report on SB0036.

KSchmidt HB239 Testimony.pdf
Uploaded by: Kristin Schmidt
Position: FAV

Good afternoon. My name is Rev. Kristin Grassel Schmidt, my pronouns are she/her, and I am Senior Minister of the Unitarian Universalist Church of Silver Spring, a proud member of the Maryland Just Power Alliance.

I am here today to urge you to pass HB239, the Starter and Silver Homes Act in order to help address the lack of affordable and attainable housing here in Maryland.

I urge you to pass this bill, not because it would solve the entire affordable housing crisis in Maryland. No single bill could possibly do that. But HB239 is a well-thought out approach to lower basic barriers and create a diversity of different kinds of more affordable housing.

When people come to visit my home, they almost always comment on what a nice neighborhood it is. My home happens to be in Olney, where apartment buildings, town homes, and single-family homes of varying sizes are intermingled. It is a fabulous community, in large part because it is a diverse community, where different kinds of housing and housing density exist alongside one another. This does not take anything away from the neighborhood, rather it enhances it. I love living in a town where I am not segregated according to how much money I can afford to pay each month toward my mortgage.

A poll done just last month by Greater Greater Washington suggests that most Marylanders agree. 69% of respondents supported allowing duplex housing to be built in residential areas, 66% supported allowing smaller single-family lots, and 64% supported allowing homeowners to decide for themselves if they want to divide up their property into two or three lots. None of these things are far-fetched, experimental approaches to a shortage of affordable housing. Some of the most desirable places to live in the entire country allow a greater diversity of housing types than Maryland does. The core components of this

bill are, quite frankly, the lowest possible hanging fruit, the barest minimum that we as Marylanders can do to begin taking responsibility for this problem which Maryland policies have created.

I was born in Maryland and I am a proud graduate of this state's public schools. Today, I serve a Maryland congregation of 230 members and my children are enrolled in Maryland elementary and middle schools. I have never been more proud to be a resident of Maryland than I am today. I love living in a state where public education and science-based public health policy are still valued, where democracy and equal rights are still cherished and defended.

But I am *not* proud that fewer and fewer people, and especially people of color, can afford to rent or buy homes here. I am *not* proud that so many people are compelled by the cost of living to move out of the great state of Maryland.

If we don't take action now, this trend will only get worse. If you and I continue to kick the can on affordable housing today, my children and many of your children and grandchildren may have to move out of Maryland tomorrow. If we don't take action to begin removing barriers to building affordable housing, this will be just one more huge structural problem we leave to the next generation to solve. I, for one, think our children and their children deserve far better.

In the meantime, we deserve better today. We can and should do better to shape public policy to give people more affordable housing options so that everyone who wishes can call Maryland home.

Thank you.

CHAI testimony HB239 Silver Starter 2026.pdf
Uploaded by: Lisa Budlow
Position: FAV

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Lisa K. Budlow
Chief Executive Officer

CHAI
Comprehensive Housing Assistance Inc.
STRONG COMMUNITIES FOR LIFE

Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)
Position: Favorable
February 12, 2026

Madam Chair, Madam Vice Chair and Members of the House Economic Matters Committee:

I write today to urge a favorable report on HB239, the Starter and Silver Homes Act of 2026, on behalf of CHAI. CHAI is a community-based nonprofit agency located in northwest Baltimore City and County. Over four decades of service, we have developed over 1,700 units of affordable housing primarily serving adults 62+. We also provide housing services and programs that promote social connection and engagement among our older neighbors. CHAI is an active member of both the Maryland Affordable Housing Coalition, which advocates for resources for affordable housing rental development, and LeadingAge Maryland, which unites nonprofit providers of aging services, including affordable housing communities and providers of housing with services.

CHAI's dual mission of strengthening both neighborhoods themselves and the neighbors who live there leads us to focus on lifting up both people and place. The Silver and Starter Homes Act of 2026 will promote housing opportunity for Maryland residents and prospective residents and strengthen Maryland neighborhoods, aligning it squarely with CHAI's mission. Housing provides the platform for people to pursue their life goals – whether to find jobs, improve their health, make community connections and so on – success in the pursuit of these goals depends on having a stable place to live. When there is insufficient attainable housing, people have two choices – they remain with uncertainty, compromising their other personal goals, or they move elsewhere to find a home that works for them to build their lives. If we want to retain and grow our population and support Marylanders in achieving quality of life, we must ensure an adequate supply of housing. Further, truly strong communities must offer various types of housing that meet the needs of diverse community members at every age and stage, each income level, and all circumstances they find themselves in. No one type – rental, homeownership, condo, townhouse or single-family home of any size – is the answer. We must offer choice. And to do so, we must enact policy that promotes housing production.

We believe HB 239 will do just that, and we urge a favorable report.

Respectfully submitted:
Lisa K. Budlow
Chief Executive Officer

HB 239 - Starter and Silver - FAV - REALTORS.pdf
Uploaded by: Lisa May
Position: FAV

House Bill 239 - Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Position: Support

On behalf of real estate professionals who work every day with homebuyers, sellers, and property owners in communities across the state, Maryland REALTORS® respectfully urge a favorable report on HB 239, the Starter and Silver Homes Act.

This legislation addresses one of the most pressing challenges facing Maryland today: the growing gap between the homes Marylanders need and the homes our regulatory framework allows to be built. Our members consistently hear the same concern from consumers across all regions and income levels: housing costs are simply too high. These conditions are not the result of market failure alone, but of policy choices that have constrained housing options and driven prices beyond the reach of many Maryland families.

The impact is especially acute for two growing segments of our population: young adults just beginning their careers and older Marylanders looking to downsize. 74 percent say there is too little housing available for young individuals who are just getting started, while 64 percent say there is too little housing for seniors who want to downsize but remain in their communities. These shortages are not theoretical—they show up every day in bidding wars, limited inventory, and families being forced to look farther from jobs, transit, and support networks.

HB 239 offers a practical, market-responsive solution by expanding the types of homes that can be built in areas already served by public water and sewer. Allowing smaller single-family homes on smaller lots removes regulatory mandates that artificially require larger, more expensive homes, even when there is clear demand for more modest options. Creating new homeownership options at these price points will help young families enter the market and give seniors the ability to downsize without leaving their neighborhoods

This legislation is a meaningful step toward restoring housing affordability, strengthening communities, and ensuring that Maryland remains a place where people at every stage of life can find a home that fits their needs and their budget. For these reasons, we strongly support HB 239 and respectfully request a favorable report.

For more information contact
lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org

MBIA Letter of Support HB 239.pdf
Uploaded by: Lori Graf
Position: FAV

MARYLAND BUILDING INDUSTRY ASSOCIATION
11825 West Market Place | Fulton, MD 20759 | 301-776-6242

February 10th, 2026

The Honorable Kriselda Valderrama
Chair, House Economic Matters Committee
230 Taylor House Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Support HB 239 Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

Dear Chair Valderrama,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **HB 239 Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026).**

This bill prevents local governments from imposing large lots on areas connected to public water and sewer systems, minimum home sizes, excessive setbacks, lot coverages, or design requirements on single-family homes. It also prevents them from banning townhouses in single-family zones and from blocking the subdivision of an existing single-family lot into up to three conforming lots. Homeownership is simply out of reach for a large portion of Maryland families. To put this in perspective, close to 75% of households in Maryland could afford to purchase the median-valued home in the year 2000. By 2022, that share had dropped to only 49%. MBIA believes the zoning reforms in this bill is exactly what our needs to address the 100,000-unit shortage and make home ownership attainable for young families and seniors looking to age in place.

Preventing local jurisdictions from requiring large homes on lots greater than 5,000 square feet in areas already served by public water and sewer will allow builders to construct smaller starter homes for families that would normally struggle to attain home ownership. Allowing smaller homes within existing communities will expand affordable housing options without impacting agricultural land. The bill modernizes outdated zoning rules that would make many of Maryland's older, affordable homes illegal to build under today's laws.

Our state does not have a lot of developable land left, so we need to make sure we are using it efficiently. Allowing townhouses in single-family zones is important to efficient land use because they provide compact, small-scale housing that increases supply without drastically changing existing communities. Townhouses are typically 25–30% less expensive than detached homes and are proven to expand affordable ownership opportunities for young families and seniors looking to downsize.

The bill also makes it easier to subdivide oversized residential parcels into smaller lots that are easier to build on, which streamlines a process that is unnecessarily restrictive. This reform complements the bill's provisions that allow the construction of smaller starter homes and townhouses, which will promote better use of existing residential land and increases in housing supply.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Economic Matters Committee

HB0239_Balakirsky_FAV.pdf
Uploaded by: Michael Balakirsky
Position: FAV

Testimony in Strong Support of Senate Bill 36 and House Bill 239

Dear Chair, Vice Chair, and Members of the Committee,

My name is Michael Balakirsky, and I am a Maryland property owner and resident of Howard County. I am also an economist and a practicing financial advisor. **I am submitting this testimony in strong support of Senate Bill 36 and House Bill 239.**

Maryland is facing a housing supply crisis that is no longer theoretical—it is measurable, structural, and economically damaging. According to national affordability rankings, Maryland is now among the eight least affordable states in the country. Within Maryland, Howard County is consistently one of the least affordable counties, placing extraordinary pressure on working families, young professionals, seniors, and employers alike.

From an economic standpoint, the core problem is simple: we do not have enough housing—and current zoning and land-use rules make it extremely difficult to produce more.

Severe Housing Shortage: Data, Not Opinion

The Maryland Association of Realtors regularly publishes housing inventory data that illustrates the depth of the shortage. In many Maryland counties, active housing inventory has fallen to one to two months of supply, compared to a historically balanced market of five to six months.

What is especially alarming is that this shortage persists:
- During the winter season, when demand is typically lower
- During a period of elevated mortgage interest rates, which should normally suppress demand

Despite these headwinds, inventory remains critically low. This tells us the problem is not cyclical—it is structural.

Demand Is Poised to Increase Further

Looking forward, the imbalance will worsen unless supply constraints are addressed. Mortgage/Interest rates are widely expected to decline over the next 12–24 months, while employment in central Maryland remains stable and growing, particularly in government, defense, healthcare, technology, and education.

As an economist, I can say with confidence: lower rates plus stable jobs equals higher housing demand. If supply remains artificially constrained, prices and rents will rise further SIGNIFICANTLY—pushing affordability even farther out of reach.

Housing Is the Primary Driver of Inflation

Housing costs—rent, home prices, and shelter services—are the largest single contributor to inflation. This is not a political statement; it is a statistical fact reflected in CPI data. Until housing supply is meaningfully expanded, inflation cannot be sustainably reduced, regardless of what happens with energy, food, or interest rates.

In other words: housing policy is inflation policy.

Zoning and Overregulation Are the Binding Constraint

Maryland does not suffer from a lack of demand, capital, or willingness to build. What we suffer from is overregulation:
- Highly restrictive zoning classifications
- Excessive minimum lot sizes
- Density caps unrelated to infrastructure realities
- Multi-layered approvals across zoning, planning, environmental, and political bodies

In counties like Howard County, the problem is compounded by the very limited amount of land served by public water and sewer. Large areas are effectively locked out of any meaningful housing production, even where environmental and infrastructure conditions would otherwise allow it.

When land is scarce and zoning restricts efficient use of that land, the result is inevitable: low supply, high prices, and exclusionary outcomes.

SB 36 and HB 239 Address the Real Constraint

Senate Bill 36 and House Bill 239 move Maryland in the right direction by reducing artificial zoning barriers, allowing more efficient use of already-served land, and enabling modest density increases where infrastructure already exists.

These bills do not eliminate local input. They do not force reckless development. What they do is restore balance between local control and statewide economic reality.

Conclusion:

Housing affordability is not just a housing issue—it is a cost-of-living issue, a workforce issue, an inflation issue, and an economic competitiveness issue.

As a resident, property owner, economist, and financial professional, I strongly urge this Committee to advance Senate Bill 36 and House Bill 239. Maryland cannot solve its affordability crisis without addressing supply, and supply cannot increase under the current regulatory framework.

Thank you for your time and consideration.

Respectfully,

Michael Balakirsky
Howard County, Maryland
Economist & Financial Advisor

MGA 2026 Testimony Bill HB0239 (Starter and Silver

Uploaded by: Michael Scepaniak

Position: FAV

Bill: HB0239

Bill Title: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Position: **Favorable**

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 HB0239.

Housing affordability has gradually and all at once become a top concern for Marylanders. [1] Younger residents/voters, in particular, are overwhelmingly feeling the effects of this in an acute way, with 75% of **all** Marylanders agreeing that there is too little housing for them. [2]

One of the principal reasons for this is that we are not allowing enough housing to be built, period. However, the dearth of housing is to be found most acutely at the smaller, cheaper end of the housing spectrum. Relatively affordable starter homes aren't being built here. This bill would be one step toward rectifying that.

Maryland is stronger when all of its communities include a wide range of housing options - of varying sizes, price points, ages, formats, and ownership options. Adding a diversity of housing options to our communities, especially these largely absent smaller, more affordable homes, means they can accommodate people as they move through different life stages and their housing needs change.

The zoning code reforms outlined in this bill are necessary for improving housing affordability in the state. They are a crucial step toward a gradual, broad-based densification of the low-density suburbs that dominate our residential communities. That increased density is a sign of the housing abundance (of smaller starter homes) we need. And that gradual trajectory will allow the state's municipalities to comfortably plan for any needed infrastructure investments, while being able to use the additional property taxes accrued by the resulting infill development to pay for those investments.

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 and large lots, are unaffordable to many prospective

residents. This bill will allow for the construction of smaller, more affordable homes statewide. It is these starter homes that we need the most.

The homes built will be more likely to seamlessly fit into the character of existing neighborhoods, more so than large multi-family buildings with imposing massing and sudden and daunting infrastructure demands - which are so often the target of blistering community opposition.

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.

We expect that a prime concern that people will have with this bill is that it will exacerbate parking contention. Please realize that when we choose to not build housing because of sensitivity over parking, what we are saying is that we are more sensitive to the pain of trying to find a place to park than we are sensitive to the pain of trying to find a place to live.

We would have preferred to see Maryland's counties make these zoning changes themselves, but they have not. And there isn't any reason to believe that they will do so anytime soon. As such, we believe that the bold actions called for in this bill are warranted.

We hope the committee finds these points helpful and convincing and we urge its members to **vote in favor of HB0239**. Thank you for your efforts and the opportunity for us to testify on this legislation.

BaltPOP - Baltimoreans for People-Oriented Places

References:

[1] Hallie Miller. The Baltimore Banner. "Poll: Maryland voters cite housing as top concern". February 12, 2025.
https://www.thebaltimorebanner.com/politics-power/state-government/maryland-housing-costs-poll-TCX7O2ZX5NELBFQYUBXD7VMKFE/

[2] Maryland REALTORS. "State Of Maryland Housing 2025". As of February 27, 2025.
https://www.mdrealtor.org/Portals/22/adam/Content/NbGwqQoHZ0-GWM27fpnrVA/Link/2350-MDR-LobbyDay-Infographic-2025-WEB-M.pdf

HB 239_HabitatChesapeake_Testimony.pdf
Uploaded by: Mike Posko
Position: FAV

Habitat for Humanity®
of the Chesapeake

Bringing people together to build homes, communities & hope

Testimony
Education, Energy and the Environment Committee
HB 239
Position: Support
FEBRUARY 12, 2026

Chair Valderrama and Vice-Chair Charkoudian,

Habitat for Humanity of the Chesapeake is the leading provider of affordable homeownership opportunities in Central Maryland. Since our founding 45 years ago, we have built or renovated over 800 homes in 26 communities across Baltimore City and Baltimore, Anne Arundel and Howard counties. This year, we are in active construction or pre-development in several neighborhoods in Baltimore, as well as on projects in Severn and Colombia. These include both new construction and intensive rehabilitation of long-vacant homes.

We support the goals of the Starter and Silver Homes Act, recognizing that it brings strategic attention to removing obstacles for land use to solve some of our current housing shortage. We applaud the chance to have more homeownership units in these efforts, and invite the chance for those to include homeownership affordability.

Increasing housing supply is a key priority for the state, and a key concern for Habitat for Humanity across its network. Please support this proposal to increase housing supply in key areas within the State.

Sincerely,

Mike Posko, CEO

Habitat for Humanity of the Chesapeake • 3741 Commerce Drive, Suite 309 • Baltimore, MD 21227
Phone: 410.366.1250 • Fax: 410.366.1310 • ReStore Donation Line: 410.633.0506 • habitatchesapeake.org

HB 239_Horizon Foundation_FAV.pdf
Uploaded by: Nikki Highsmith Vernick
Position: FAV

HORIZON FOUNDATION

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February 12, 2026

COMMITTEE: House Economic Matters Committee
BILL: HB 239 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)
POSITION: Support

The Horizon Foundation is the largest independent health philanthropy in Maryland. We are committed to a Howard County free from systemic inequities, where all people can live abundant and healthy lives. The Foundation is pleased to **support HB 239 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026).** This bill would lower minimum lot size requirements in local jurisdictions for areas connected to public water and sewer systems, making it easier to build townhomes and other smaller size and lower priced homes across the state.

During the Horizon Foundation's most recent strategic planning process that involved extensive community engagement, residents cited obtaining safe, affordable and high-quality housing as one of the biggest barriers to their ability to live a healthy and abundant life. For over a year, we have been working with local and statewide housing advocates and service providers to examine and develop solutions to this problem and to build a movement for housing justice in Howard County and in Maryland. Where we live impacts our quality of life and how healthy we are – and we all want to live in vibrant neighborhoods full of opportunity. But for many Howard County residents, our community is becoming an increasingly unaffordable place to live – and our housing system is a major reason why.

According to a recent report from the Comptroller's office, between 2019 and 2022, housing inventory dropped between 40% and 75% in every county in Maryland. During that same time period, median home prices increased by 26% in Howard County.[i] The median sales prices of a home in Howard County in April 2025 was $630,000 – much higher than the regional median sales price of $435,000. The middle market – homes in the $300,000 to $500,000 range – has essentially vanished in Howard County, pricing out young adults and working families from buying a home.[ii] That middle price range is still far too expensive for many families, and starter homes are virtually nonexistent in our community. In addition, Howard County's population of homeowners is significantly older than other communities; the lack of smaller homes available so they can downsize means that seniors are often stuck in homes they can no longer take care of or that no longer fit their needs.

10221 Wincopin Circle, Suite 200, Columbia, MD 21044
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The Comptroller's report also found that people are leaving this region and moving out of state because the cost of living has outpaced incomes. In fact, Maryland lost a total of 2.3 million residents to other states between 2010-2023 and has been losing a net average of 40,000 people per year to states with lower housing costs and more housing.[iii] If we do not make policy changes that makes quality, stable homes that people can afford more available for all, we will continue to lose residents, disrupting communities and reducing the state's tax base and its ability to pay for critical services.

Lowering the minimum lot size so more homes can be built and sold or rented at a lower price is an important part of the solution to this problem. Having more options like smaller starter homes and townhomes will help young adults who want to live independently but stay near their families, couples and smaller households looking to buy their first home and seniors looking to downsize. It also supports the working people of our state – our teachers, firefighters, police officers, hospital employees and more – by making it more affordable to live where they work. Overall, increasing the housing supply is an important part of driving down costs for everyone.

We want Howard County and the state of Maryland to be a place where quality, stable homes that people can afford are widely available. Investing in a housing system that works for everyone will improve our state's wellbeing and prosperity. For these reasons, the Foundation **SUPPORTS HB 239** and urges a **FAVORABLE** report. Thank you for your consideration.

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[i] https://www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/comptroller/SOTE.pdf

[ii] https://www.thebanner.com/community/housing/howard-county-real-estate-3LURTCXKVZFI3AJPXOO2Y74I6E/

[iii] https://marylandmatters.org/2025/10/21/high-housing-costs-are-driving-people-out-of-maryland-new-state-report-finds/

HB0239 - LOS - TSO Silver Starter Homes Act .pdf
Uploaded by: Patricia Westervelt
Position: FAV

February 12, 2026

The Honorable Kriselda Valderrama
Chair, Economic Matters Committee
230 Taylor House Office Building
Annapolis MD 21401

Re: Letter of Support – House Bill 239 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following letter of support for the Committee's consideration on House Bill 239.

High housing costs disproportionately impact younger adults entering the housing market and seniors aging the place, with these demographics making up 9 in 10 newly cost-burdened homeowners since 2019. HB 239 addresses the housing supply issue at the root of these disparities by enabling a greater diversity of housing options, including smaller and more affordable homes, to be built in Maryland.

MDOT and the Maryland Department of Housing and Community Development (DHCD) have a strong partnership in advancing Maryland's transit, economic development, housing, and climate goals through transit-oriented development (TOD). MDOT appreciates DHCD's work on Senate Bill 36, as MDOT views a mix of housing types as a critical component of TOD so as to support a range of affordability and density at transit adjacent sites. MDOT's efforts will benefit from greater flexibility to deliver more types of transit-oriented housing for Marylanders.

The Maryland Department of Transportation respectfully requests the committee grant House Bill 239 a favorable report.

Respectfully submitted,

David A. Zaidain
Chief, Real Estate and Transit-Oriented Development
Maryland Department of Transportation
410-865-1050

Testimony in support of HB0239 - Starter and Silve

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB0239_RichardKaplowitz_FAV
02/12/2026
Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON HB#/0239- POSITION: FAVORABLE

Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

TO: Chair Valderrama, Vice Chair Charkoudian and members of the Economic Matters Committee
FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of HB#/0239, Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

There is a housing affordability crisis in Maryland, this is a positive step we can take to address it in our state.

A starter home is defined as: [1] "Starter homes are smaller, more affordable homes designed to get first-time buyers into the housing market."

Based on the provided search results, a "silver home" most commonly refers to a residential building that has achieved **LEED Silver certification**. [2]

Here are the key details regarding LEED Silver homes:

- **Certification Level**
- **Scoring:**
- **Environmental Impact:** While lower than Gold or Platinum, a LEED Silver home takes significant steps to be more eco-friendly and energy-efficient than standard building code requirements.

This bill seeks to add to the housing stock in Maryland, by preventing their exclusion from it, starter homes and home that are more environmentally friendly as part of the housing mix in any county.

This will be accomplished by prohibiting local jurisdictions from adopting or enforcing certain zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for certain single-family homes; prohibiting local jurisdictions from prohibiting certain housing types in certain zones; and prohibiting local jurisdictions from prohibiting certain subdivisions of certain lot types.

There is a housing affordability and availability crisis in Maryland, this is a positive step we can take to address it in our state.

I respectfully urge this committee to return a favorable report on HB#/0239.

[1] https://realestate.usnews.com/real-estate/articles/what-is-a-starter-home
[2] Google AI Search "What is meant by a silver home"

2.12.26.HB239StarterSilverHomeAct.Fello.pdf
Uploaded by: Rylie Shewbridge
Position: FAV

February 12, 2026

Chair Kriselda Valderrama
House Economic Matters Committee
230 Taylor House Office Building
Annapolis, MD 21401

RE: SB36/HB239 – Land Use - Zoning – Limitations (Starter and Silver Homes Act of 2026)

Dear Chair Valderrama and Members of the Committee,

On behalf of Fello, we write in support of ***SB36/HB239 – Land Use - Zoning – Limitations (Starter and Silver Homes Act of 2026).***

Across Maryland, Fello is building communities where people belong. With a team of more than 650 employees, Fello supports over 5,000 people with disabilities each year – creating opportunities that empower people to live the lives they choose. From advancing equity and respect to expanding access and connection, inclusion is at the heart of everything we do. One powerful way this comes to life is through Fello Communities: beautiful, safe, and accessible rental housing that offers choice and stability for residents across income levels, from affordable to market-rate homes.

SB36/HB239 is a critical step in addressing Maryland's deepening housing shortage and expanding attainable housing options for young families, older Marylanders, essential workers, and first-time renters and buyers across our State.

We commend Governor Moore's leadership in confronting one of the most pressing challenges facing Maryland — the lack of affordable and attainable housing. Our State currently faces a housing gap where demand far exceeds supply, and without decisive action, this deficit continues to drive up costs and force Marylanders to seek housing elsewhere.

The Starter and Silver Homes Act removes unnecessary zoning barriers that can make it difficult — and expensive — to build smaller, more affordable homes and rental units. Under this bill, local jurisdictions would be prohibited from enforcing certain minimum lot sizes, setback requirements, lot coverage limits, and design restrictions that hinder the development of appropriately scaled housing options. It also ensures that smaller homes, townhouses, and accessory dwelling units can be built in areas zoned for single-family use, increasing housing density and helping to address the current shortage.

This legislation complements the Governor's broader Housing Growth and Affordability Agenda, which strategically pairs zoning reform with transit-oriented development and regulatory certainty measures. Together, these policies are designed to remove barriers, accelerate housing production,

and provide more Maryland families with affordable, accessible, and high-quality housing options.

The Starter and Silver Homes Act will:

- Expand housing options by allowing smaller single-family homes, townhouses, and rental units that cost significantly less to build and maintain.
- Support first-time buyers, working families, seniors, and renters who are seeking quality, affordable housing.
- Encourage smart growth by aligning land use policy with the economic and demographic realities facing Marylanders today.

By modernizing zoning laws and removing barriers to the creation of starter and silver homes and rental units, Maryland can make meaningful progress toward a more affordable, inclusive housing market that gives every resident a fair opportunity to thrive.

For these reasons, we respectfully urge a favorable report on SB36/HB239.

Sincerely,



Jonathon Rondeau
President & CEO

HB 239 FAV - St. John Properties.pdf
Uploaded by: Tom Coale
Position: FAV

Testimony in Support of House Bill 239

Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)
House Economic Matters Committee
Hearing: February 12, 2026

Position: FAVORABLE

Good afternoon, Chair and Committee Members:

I am submitting this testimony on behalf of St. John Properties, Inc. St. John Properties has invested in or developed over 3,000 residential units in Maryland, with an additional 2,000 units in their development pipeline as of February 2026.

St. John Properties strongly supports **HB 239** as a common-sense land use reform that will help Maryland meet its housing needs by modernizing zoning to allow a broader range of housing types, including townhomes, in areas currently limited to traditional single-family detached homes.

Why This Bill Matters

Maryland is facing a housing affordability and supply challenge: the state must produce tens of thousands more homes to keep up with population growth and economic demand. Adding smaller, more diverse housing forms — such as townhomes — is a proven strategy for expanding supply and lowering cost pressures on buyers and renters alike.

HB 239 takes an important step by updating zoning rules that currently restrict where townhomes and similar housing types can be built. Specifically, the bill would:

- Prohibit local jurisdictions from blocking townhouses in areas zoned for single-family residential use, enabling greater housing variety.
- Limit zoning provisions — like excessive minimum lot sizes and large setback requirements — that make it harder and more expensive to construct smaller homes.

This policy aligns with the broader goal of creating "missing middle" housing — a range of home types between low-density single-family houses and large apartment complexes — which many communities struggle to provide under current zoning.

The Case for Townhomes

Townhomes are a vital housing form for Maryland's future because:

1. Townhomes expand attainable homeownership
Townhouses typically cost less to build and buy than detached single-family homes, because they share walls and infrastructure and require smaller lots. This makes them a more attainable

option for first-time buyers, young families, and households priced out of traditional single-family markets.

2. They provide an appealing alternative to dense apartment living
For many Marylanders, especially those who want ownership and outdoor space, townhomes strike a balance: they offer a private entrance and often a small yard or garage, but at a lower price point and smaller footprint than detached houses.

3. Townhomes help communities grow without sprawl
Allowing townhomes within existing residential neighborhoods supports smarter growth and more efficient use of land. Rather than pushing development outward, this form of housing allows families to remain near job centers, schools, and services — reducing pressures on infrastructure and transportation systems.

Addressing Common Concerns

This bill does **not** remove essential safety standards or override necessary public health, building, or fire codes.

It also respects local context by exempting historic districts and certain agricultural or conservation lands.

Conclusion

Maryland's housing crunch will not be solved without expanding the supply and variety of housing options. HB 239 unlocks vital flexibility by allowing townhomes and similar homes to be built where they are currently prohibited and by removing outdated zoning barriers that make housing more expensive to build. Expanding access to townhomes helps Maryland families — from young buyers to empty nesters — find affordable, livable housing in communities they love.

For these reasons, we would urge a **FAVORABLE report** on HB 239.

HB 239 - FWA - MML.pdf
Uploaded by: Angelica Bailey Thupari
Position: FWA

TESTIMONY

COMMITTEE:	House Economic Matters	**DATE:**	February 12, 2026
POSITION:	Favorable with Amendments	**BILL:**	HB 239

The Maryland Municipal League shares the Administration's commitment to expanding access to safe and affordable housing. Municipalities recognize that housing affordability is essential to economic vitality, workforce stability, and community well-being. Local governments across Maryland are already actively advancing housing solutions through zoning reform, infrastructure investment, and partnerships tailored to their unique community contexts. However, the Starter and Silver Homes Act of 2026 advances this goal by substantially restricting historic and long-standing local zoning and land use authority, replacing locally adopted standards with uniform statewide mandates. These provisions would remove municipalities' ability to balance housing growth with infrastructure capacity, environmental constraints, public safety considerations, and fiscal realities without providing state investment or implementation support. The result is not a guarantee of expanded housing, but the erosion of locally accountable decision-making that has historically ensured growth occurs in a manner that is sustainable and equitable.

Local zoning authority is not a barrier to housing; it is the primary tool municipalities use to plan responsibly for housing alongside roads, water and sewer systems, schools, stormwater management, and emergency services. Preempting this authority without clear, dedicated funding or revenue authority for overdue infrastructure upgrades, service expansion, and long-term maintenance shifts significant costs and risks onto local governments and residents. When that authority is preempted without accompanying funding or revenue flexibility, the financial burden of infrastructure upgrades and service expansion falls to local governments and residents. Because municipalities rely heavily on property taxes to fund these investments, shifting costs downward can paradoxically undermine housing affordability by increasing the tax burden on existing homes. Housing affordability cannot be achieved by mandate alone; it requires coordinated investment, planning and training, and local voices.

The League is particularly concerned about the cumulative impact of multiple preemption provisions that, taken together, undermine comprehensive plans developed through years of public engagement and data-driven analysis at the direction of our state partners. Removing local authority without clear standards, funding commitments, or reasonable implementation timelines creates uncertainty for existing residents, potential developers, and municipalities alike and may ultimately slow, rather than accelerate, the production of housing.

While the League shares the goal of expanding housing options, several provisions raise concerns regarding municipal infrastructure capacity, fiscal sustainability, and the cumulative effect of preempting locally developed planning frameworks. The comments below are intended to explain how specific provisions of the bill would function in practice and to identify areas where targeted amendments are necessary to preserve local planning

authority, ensure infrastructure readiness, and align statewide housing goals with on-the-ground implementation realities.

Minimum Lot Size in Areas Served by Public Water and Sewer
The bill prohibits local zoning ordinances from requiring single-family homes to be built on lots larger than 5,000 square feet in areas served by public water and sewer. Taken together, the fixed 5,000 square-foot standard and the water-and-sewer applicability threshold raise significant concerns for municipalities.

Minimum lot size requirements are a core local planning tool used to calibrate residential density to infrastructure capacity, neighborhood context, and prior public investment. A uniform 5,000 square-foot cap replaces locally adopted standards with a statewide mandate that does not account for differences in system capacity, service constraints, or development patterns across jurisdictions. Even where public water and sewer exist, many municipal systems are constrained, segmented, or operating near capacity, and lot size standards are often used to manage incremental growth in ways that avoid costly system expansions or premature capital investments that municipalities may be required to finance upfront.

Limiting this mandate to areas served by public water and sewer concentrates its effects in municipalities and other already-developed communities where public infrastructure is in place and land is largely built out. These jurisdictions have limited remaining developable land. Because municipalities house approximately 25% of Maryland's population while occupying less than 5% of the state's land area, they must manage new development within existing neighborhoods and infrastructure networks, making them inherently denser and particularly sensitive to incremental increases in development.

While the bill does not preempt adequate public facilities ordinances, capacity remains a practical concern. Infrastructure costs - particularly for water, sewer, transportation, and stormwater - are borne upfront by municipalities, while revenue growth from new development accrues gradually and is more limited for municipalities that rely primarily on property tax revenue. In this context, minimum lot size standards function as an important tool for managing the timing, scale, and fiscal sustainability of growth. A one-size-fits-all mandate risks shifting infrastructure and service costs onto municipalities without sufficient flexibility to align development with local capacity and financial realities.

Minimum Lot Coverage and Building Dimension Standards
The bill prohibits local governments from setting minimum square footage or exterior dimension requirements for single-family homes. As drafted, this language broadly preempts local standards on home size and dimensions without regard to whether existing infrastructure can support additional development. For municipalities, this risks forcing denser development in areas with constrained water, sewer, or related systems, undermining local planning and capital investment decisions. Additionally, the prohibition on minimum lot coverage could be understood to interfere with interior building standards governed by state and local building codes, creating uncertainty as to whether state and local health, safety, and habitability requirements are unintentionally affected. Lot coverage standards also function differently for attached housing, and broad elimination of this tool removes an important safeguard municipalities rely on in single-family neighborhoods.

Maximum Lot Coverage for Single-Family Homes and Accessory Structures
The bill prohibits local governments from setting maximum lot coverage standards for single-family homes and accessory dwelling structures. Including accessory dwelling structures further strips municipalities of a key tool for managing the cumulative impacts of incremental development in built-out neighborhoods, where lot coverage limits help address stormwater, tree canopy loss, privacy, and neighborhood-scale impacts. As with minimum lot coverage, broad preemption is not targeted to where it would meaningfully increase housing supply and instead eliminates a core local planning safeguard.

Setback Requirements
The bill prohibits local governments from setting setbacks for single-family homes or accessory structures that exceed 10 feet in the front or rear and 5 feet on the sides. This rigid statewide standard overrides locally adopted setback requirements used to address fire access, stormwater management, drainage, privacy, and neighborhood context. Setback needs vary widely based on lot size, street design, infrastructure, and emergency access, and a uniform cap risks creating unintended site-specific impacts without a clear connection to increased housing production. Secondary and accessory structures often present distinct safety and drainage considerations, which this provision does not meaningfully account for.

Design and Architectural Standards
The bill prohibits local jurisdictions from mandating specific design, architectural, or aesthetic elements for single-family homes. Design standards are often tied to objective, non-aesthetic considerations such as building orientation, materials durability, streetscape continuity, and compatibility with historic or context-sensitive areas. Eliminating this authority removes one of the few remaining tools municipalities have to ensure new development fits safely and cohesively into existing neighborhoods. Without explicit grandfathering language, the provision could also call into question the enforceability of existing design guidelines that municipalities and developers have relied on for years, creating uncertainty for approved and pending projects.

Townhouse Mandate in Single-Family Zones
The bill prohibits local governments from banning townhouses in areas zoned for single-family residential use. This provision overrides locally adopted comprehensive plans and zoning maps developed through extensive public engagement, and effectively upzones established neighborhoods without regard to local resources or neighborhood context. Further, the bill's definition of "townhouse" includes units that may be part of a condominium, which raises additional concerns that stacked units or higher-density configurations could be permitted in areas not planned or designed to accommodate them.

Subdivision of Improved Lots
The bill prevents local governments from prohibiting the subdivision of an improved lot into three or fewer lots, subject to limited exceptions. This creates a statewide entitlement to subdivide lots in single-family zones regardless of local subdivision standards. Doing so overrides locally adopted review processes that evaluate neighborhood impacts and could allow incremental density increases to occur without adequate coordination, infrastructure planning, or public process.

Applicability, Exemptions, and Overrides
The bill limits its applicability by exempting agricultural land, conservation property, and historic districts designated on or before July 1, 2025. While these exemptions are important, as drafted they do not fully account for how land use regulation, infrastructure planning, and historic preservation function at the local level.

First, restricting the exemption for historic districts to those designated on or before July 1, 2025 undermines the purpose of local historic preservation programs. Municipal historic districts are established through deliberate public processes to protect cultural, architectural, and community resources over time. Conditioning the exemption on a fixed date could discourage future historic designations or call into question a municipality's ability to respond to new preservation needs.

Second, the bill assumes that areas served by public water and sewer are uniformly capable of supporting additional development. In practice, many municipalities are only partially served by water and sewer, contain legacy neighborhoods on septic systems, or operate constrained or segmented infrastructure networks. Applying the bill's mandates in these contexts risks forcing density where systems lack sufficient capacity or where extensions are not planned. These conditions are common across municipalities of all sizes and reflect practical infrastructure realities that uniform statewide mandates do not fully account for.

To address these concerns, the MML has submitted a set of substantive, good-faith amendment proposals (enclosed) to the Department of Housing and Community Development. These amendments are intended to meaningfully limit unintended municipal impacts and restore appropriate local discretion where necessary to ensure workable implementation.

For these reasons, the Maryland Municipal League respectfully requests a favorable report on House Bill 239 if amended to address the issues outlined above.

For more information relating to this piece of testimony, please contact:

Angelica Bailey Thupari: Director, Advocacy and Public Policy, angelicab@mdmunicipal.org

MML Amendments Silver.Starter.pdf
Uploaded by: Angelica Bailey Thupari
Position: FWA

MML Amendments to SB 36/HB 239 - Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

1) **Bill Provision: EXEMPTIONS.** Exempts agricultural land, conservation property, and historic districts designated on/before July 1, 2025
    - Problem 1: Limiting when and where a historic district may be determined with the intent of regulating land-use is contradictory to the purpose of this program.
        - Language: Strike "ON OR BEFORE JULY 1, 2025" [MACO #1]
    - Problem 2: Some municipalities are partially served by water/sewer, have legacy neighborhoods on septic, and/or have constrained or segmented systems.
        - Language: Add "(IV) AREAS THAT ARE NOT CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICEINT CAPACITY TO SUPPORT ADDITIONAL GROWTH OR NOT PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER WITHIN 5 YEARS." [MACo #2]
    - Problem 3: Urban-centric zoning mandates do not account for the infrastructure constraints many municipalities face, even where public water and sewer exist.
        - Proposal: Extend exemptions to all local governments, regardless of population size
        - Language: Add "(V)(1) A COUNTY WITH A POPULATION SMALLER THAN 150,000 RESIDENTS, NOT INCLUDING ANY RESIDENTS OF A MUNICIPAL CORPORATION LOCATED WITHIN THE COUNTY; AND (2) A MUNICIPAL CORPORATION." [MACo #3]
2) **Bill Provision: OVERRIDES.** These changes do not override building, fire, health, or safety codes that are necessary to address immediate threats, nor do they conflict with other state or federal laws.
    - Problem 1: As drafted, the bill is unclear about whether local adequate public facilities ordinances (APFOs) remain enforceable, creating uncertainty about whether municipalities can continue to pace development based on available infrastructure. Without explicit clarification, the language risks undermining locally adopted growth-management tools that are designed to prevent development from outpacing water, sewer, transportation, and school capacity.
        - Proposal: Expressly state that the bill does not override local APFOs or equivalent density limits or allocation systems, making clear that these long-standing growth-management tools remain intact. Removing the word "immediate" ensures local governments can address infrastructure constraints proactively, not only in crisis situations, and allows for consistent, predictable implementation.
        - Language:
            - Insert "ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUILIVANT, DENSITY LIMITS OR ALLOCATIONS" after "CODE" [MACo #9]
            - Strike "IMMEDIATE" [MACo #9]
    - Problem 2: Without explicit protection, municipalities risk losing critical tools used to meet state and federal environmental obligations and manage site-level impacts of increased density.
        - Proposal: Preserves municipalities' ability to address environmental impacts of development while allowing the bill's housing provisions to operate as intended.
        - Language: Add "THE PROVISIONS OF THIS SUBSECTION DO NOT SUPERSEDE APPLICABLE STORMWATER DRAINAGE OR CANOPY TREE PRESERVATION REQUIREMENTS IMPLEMENTED BY A LOCAL BODY TO ADDRESS ENVIRONMENTAL CONCERNS"
    - Problem 3: As drafted, the bill could be interpreted to preempt local onsite parking requirements, even where parking constraints are well-documented and directly affect neighborhood functionality,

safety, and access. Municipalities rely on parking studies to manage limited curb space and avoid spillover impacts, especially in built-out communities.

- Proposal: Clarify that locally adopted onsite parking requirements based on a parking study are not superseded by the bill. Requiring a waiver process preserves flexibility, ensuring parking standards can be adjusted where appropriate while maintaining data-driven local control.
- Language:
  - Add "THE PROVISIONS OF THIS SUBSECTION DO NOT SUPERSEDE APPLICABLE ONSITE PARKING REQUIREMENTS IMPLEMENTED BY A LOCAL BODY TO ADDRESS PARKING CONCERNS IDENTIFIED IN A PARKING STUDY.
  - Add "NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, A LOCAL LEGISLATIVE BODY OR PLANNING COMMISSION MAY ESTABLISH AND ADMINISTER A PARKING WAIVER OR MODIFICATION PROCESS THAT ALLOWS FOR REDUCTIONS OR ADJUSTMENTS TO ONSITE PARKING REQUIREMENTS BASED ON SITE-SPECIFIC CONDITIONS, DOCUMENTED PARKING NEEDS, OR OTHER OBJECTIVE CRITERIA."

3) **Bill Provision: 5K SQ FT.** Prohibits local zoning ordinances from requiring single-family homes to be built on lots larger than 5,000 sq ft in areas served by public water/sewer
   - Problem 1: Including the term "indirectly" creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.
     - Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
     - Language: "NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY" - remove "INDIRECTLY"
   - Problem 2: This provision disproportionately impacts municipalities because they are far more likely than counties to be served by public water and sewer, meaning the mandate largely overrides municipal zoning while leaving most county areas untouched. It removes a core local planning tool used to align density with infrastructure capacity, neighborhood character, and capital investment, effectively imposing a one-size-fits-all standard regardless of local conditions.
     - Proposal: Only apply to areas that are connected to public water and sewer with sufficient capacity to support additional growth.
     - Language:
       - On page 8, in line 29, after "ESTABLISHES," insert, "IN AREAS THAT ARE CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICEINT CAPACITY TO SUPPORT ADDITIONAL GROWTH;" [MACo #4]
       - On page 9, in lines 1-2, strike "IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS," [MACo #4]
4) **Bill Provision: LOT COVER MIN.** Prohibits local governments from setting minimum square footage or exterior dimension requirements for single-family homes.
   - Problem 1: Including the term "indirectly" creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.

        - Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
        - Language: "NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY" - remove "INDIRECTLY"
    - Problem 2: As drafted, this provision broadly preempts local standards on home size and dimensions without regard to whether existing infrastructure can support additional intensity of development. For municipalities, this risks forcing denser development in areas with constrained water, sewer, or related systems, undermining local planning and capital investment decisions.
        - Proposal: Tie the prohibition on minimum square footage and exterior dimensions to areas with documented public water and sewer capacity to support additional growth.
        - Language:
            - On page 8, in line 29, after "ESTABLISHES," insert, "IN AREAS THAT ARE CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICEINT CAPACITY TO SUPPORT ADDITIONAL GROWTH;" [MACo #4]
            - On page 9, in lines 1-2, strike "IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS," [MACo #4]
    - Problem 3: The minimum lot coverage prohibition could be misread to interfere with interior building standards that are governed by building codes, rather than zoning. This creates confusion about whether local and state building code requirements for health, safety, and habitability could be unintentionally preempted.
        - Proposal: Clarify that the prohibition applies only to exterior dimensions or size requirements, not to interior minimum requirements regulated in building code.
        - Language: Add "FOR PURPOSES OF THIS SUBSECTION, A PROHIBITION ON MINIMUM LOT COVERAGE, SIZE, OR DIMENSIONAL REQUIREMENTS SHALL APPLY ONLY TO EXTERIOR BUILDING DIMENSIONS REGULATED THROUGH ZONING AND SHALL NOT BE CONSTRUED TO SUPERSEDE OR LIMIT INTERIOR MINIMUM STANDARDS OR REQUIREMENTS ESTABLISHED UNDER APPLICABLE BUILDING CODES."
    - Problem 4: Lot coverage limits are an essential environmental and infrastructure tool for single-family neighborhoods, but they operate very differently for attached housing. Relief and solutions should be targeted to townhomes, where it actually increases housing supply, rather than broadly eliminating a safeguard municipalities rely on.
        - Proposal: Maintain lot coverage limits for single-family homes; if eliminated, do so only for townhomes.
        - Language: "THE PROHIBITION ON LOT COVERAGE MAXIMUMS UNDER THIS SUBSECTION SHALL APPLY ONLY TO TOWN HOUSES, AS DEFINED IN THIS SECTION, AND MAY NOT BE CONSTRUED TO LIMIT OR PREEMPT A LOCAL LEGISLATIVE BODY'S AUTHORITY TO ESTABLISH OR ENFORCE LOT COVERAGE REQUIREMENTS FOR SINGLE–FAMILY DETACHED DWELLINGS."
5) **Bill Provision: LOT COVER MAX.** Prohibits local governments from setting lot cover maximums for single-family homes and accessory dwelling structures
    - Problem 1: Including the term "indirectly" creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.

        - Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
        - Language: "NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY" - remove "INDIRECTLY"
    - Problem 2: As drafted, this provision broadly preempts local standards on home size and dimensions without regard to whether existing infrastructure can support additional intensity of development. For municipalities, this risks forcing denser development in areas with constrained water, sewer, or related systems, undermining local planning and capital investment decisions.
        - Proposal: Tie the prohibition on minimum square footage and exterior dimensions to areas with documented public water and sewer capacity to support additional growth.
        - Language:
            - On page 8, in line 29, after "ESTABLISHES," insert, "IN AREAS THAT ARE CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICEINT CAPACITY TO SUPPORT ADDITIONAL GROWTH;" [MACo #4]
            - On page 9, in lines 1-2, strike "IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS," [MACo #4]
    - Problem 3: Including accessory dwelling structures (ADUs) in the lot coverage prohibition unnecessarily strips municipalities of a key tool for managing the impacts of secondary units on small or constrained lots. Unlike primary homes, ADUs are often added incrementally in built-out neighborhoods, where lot coverage limits help address stormwater, tree canopy loss, privacy, and neighborhood-scale impacts.
        - Proposal: Remove accessory dwelling structures
        - Language: strike "AND ANY ACCESSORY DWELLING STRUCTURES."
    - Problem 4: Lot coverage limits are an essential environmental and infrastructure tool for single-family neighborhoods, but they operate very differently for attached housing. Relief and solutions should be targeted to townhomes, where it actually increases housing supply, rather than broadly eliminating a safeguard municipalities rely on.
        - Proposal: Maintain lot coverage limits for single-family homes; if eliminated, do so only for townhomes.
        - Language: "THE PROHIBITION ON LOT COVERAGE MAXIMUMS UNDER THIS SUBSECTION SHALL APPLY ONLY TO TOWN HOUSES, AS DEFINED IN THIS SECTION, AND MAY NOT BE CONSTRUED TO LIMIT OR PREEMPT A LOCAL LEGISLATIVE BODY'S AUTHORITY TO ESTABLISH OR ENFORCE LOT COVERAGE REQUIREMENTS FOR SINGLE–FAMILY DETACHED DWELLINGS."
6) **Bill Provision: SETBACKS**. Prohibits local governments from setting setbacks for single-family homes or accessory structures that exceed 10 feet in the front or rear, or 5 feet on the sides.
    - Problem 1: Including the term "indirectly" creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.
        - Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
        - Language: "NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION,

STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY" - remove "INDIRECTLY"

- Problem 2: This one-size-fits-all setback mandate overrides locally adopted standards used to address fire access, stormwater management, drainage, privacy, and neighborhood context. Setback needs vary widely based on lot size, street design, infrastructure, and emergency access, and a rigid statewide cap would create unintended site-specific impacts without meaningfully increasing housing supply.
  - Proposal: Tie the mandate to areas with documented public water and sewer capacity to support additional growth.
    - Language:
      - On page 8, in line 29, after "ESTABLISHES," insert, "IN AREAS THAT ARE CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICEINT CAPACITY TO SUPPORT ADDITIONAL GROWTH;" [MACo #4]
      - On page 9, in lines 1-2, strike "IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS," [MACo #4]
- Problem 3: Secondary buildings often have different safety, drainage, and neighborhood impacts than primary homes. The bill could unintentionally override setback standards that municipalities use to address fire access, stormwater, privacy, and lot constraints for accessory buildings in built-out neighborhoods.
  - Proposal: Remove accessory dwelling structures
  - Language: strike "AND ANY ACCESSORY DWELLING STRUCTURES."

7) **Bill Provision: DESIGN.** Prohibits local jurisdictions from mandating specific design, architectural, or aesthetic elements for single-family homes.
   - Problem 1: Including the term "indirectly" creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.
     - Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
     - Language: "NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY" - remove "INDIRECTLY"
   - Problem 2: Prohibiting local design and architectural standards removes one of the few tools municipalities have to ensure new single-family development fits safely and cohesively into existing neighborhoods. Design standards are often tied to objective concerns—such as building orientation, materials durability, streetscape continuity, and compatibility with historic or context-sensitive areas—not subjective aesthetics. Eliminating this authority can lead to development that creates safety issues, undermines prior planning investments, and generates neighborhood conflict without meaningfully increasing housing supply.
     - Proposal: Remove in its entirety
     - Language: strike page 9, lines 12-13. [MACo #6]
   - Problem 3: Without an explicit grandfathering provision, the bill could invalidate existing, duly adopted local design guidelines that municipalities and developers have relied on for years. This would undermine prior planning efforts, disrupt approved or pending projects, and create uncertainty about which standards remain enforceable.

        - Proposal: Grandfather existing design guidelines adopted before the bill's effective date, while preserving the bill's limitation on new, prescriptive design mandates. This approach protects settled expectations and prior investments without expanding local authority beyond what already exists.
        - Language: "NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, THIS SUBSECTION MAY NOT BE CONSTRUED TO SUPERSEDE OR INVALIDATE ANY DESIGN, ARCHITECTURAL, OR DEVELOPMENT GUIDELINES ADOPTED BY A LOCAL LEGISLATIVE BODY OR PLANNING COMMISSION ON OR BEFORE THE EFFECTIVE DATE OF THIS ACT."
8) **Bill Provision: TOWNHOUSE MANDATE.**
    - Prohibits local governments from banning townhouses in areas zoned for single-family residential use.
        - Problem: This overrides locally adopted comprehensive plans and public processes that balance density, infrastructure capacity, and neighborhood context, creating uncertainty and potential incompatibility in established neighborhoods.
            - Proposal: Remove this provision to preserve local authority to determine where attached housing is appropriate based on infrastructure, planning goals, and community input.
            - Language: Strike page 9, lines 14-18 in its entirety.
    - Definition of townhouse: a home that is part of a row of three or more attached homes, where each unit shares at least one wall with another unit, and is either on its own lot or part of a condominium.
        - Problem: Allowing stacked units, triplexes, and quadplexes forces significantly higher density and intensity into areas not planned or designed to accommodate it.
            - Proposal: Limit townhouses to traditional, ground-oriented attached housing that is more compatible with single-family neighborhoods and existing infrastructure.
            - Language: "TOWN HOUSE' MEANS A TYPE OF ATTACHED DWELLING CONSISTING OF A GROUP OF THREE OR MORE DWELLING UNITS, EACH ATTACHED TO AT LEAST ONE OTHER DWELLING UNIT BY A PARTY WALL THAT SERVES AS A VERTICAL BOUNDARY FOR BOTH UNITS. EACH TOWN HOUSE DWELLING UNIT SHALL EXTEND FROM THE GROUND TO THE ROOF, SHALL CONTAIN MULTIPLE FLOORS OR LEVELS, AND SHALL HAVE ITS OWN GROUND–LEVEL EXTERNAL ENTRANCE OR SHARE AN ENTRANCE ONLY WITH AN ADJACENT UNIT. THIS DOES NOT INCLUDE STACKED DWELLING UNITS OR ANY DWELLING UNIT LOCATED DIRECTLY ABOVE OR BELOW ANOTHER DWELLING UNIT."
9) **Bill Provision: SUBDIVISION**. Prevents local governments from prohibiting a property owner in a single-family residential zone from subdividing an improved lot into three or fewer lots, unless the lot was recently subdivided within the previous 3 years.
    - Problem 1: Including the term "indirectly" creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.
        - Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
        - Language: "NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION,

STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY" - remove "INDIRECTLY"

- Problem 2: Creates a statewide entitlement to subdivide lots in single-family zones, regardless of local subdivision standards or infrastructure constraints. It overrides locally adopted processes that evaluate access, utilities, stormwater, and neighborhood impacts, and could enable incremental density increases without adequate planning or coordination.
  - Proposal: Clarify that this provision will only be applicable to areas served by water and sewer. Areas served by septic systems cannot support increased density or development to the same extent as those served by water and sewer.
  - Language: On Page 9, in lines 23, after "USE" insert, "AND IS CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICEINT CAPACITY TO SUPPORT ADDITIONAL GROWTH" [MACo #8]

10) **Bill Provision: EFFECTIVE DATE.** Effective October 1, 2026.
    - Problem: This bill constitutes a significant shift. Local governments need time to change local ordinances, budgets, and otherwise plan as necessary.
      - Proposal: Change the effective date to October 1, 2027.

ShoreRivers.FWA.HB239.docx .pdf
Uploaded by: Annie Richards
Position: FWA

Testimony in Support WITH AMENDMENTS House Bill 239 - Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

February 10, 2026

To Chair Valderrama and Members of the Committee

Thank you for this opportunity to submit testimony in **SUPPORT WITH AMENDMENTS for HB239** on behalf of ShoreRivers. ShoreRivers is a river protection organization on Maryland's Eastern Shore with more than 2,000 members. Our mission is to protect Maryland's Eastern Shore waterways through science-based advocacy, restoration, education, and engagement.

ShoreRivers commends the intent of this bill to increase affordable housing across the State of Maryland, however we feel the current language in the bill, when applied broadly across all counties, will have more significant consequences for rural Eastern Shore counties and the sensitive landscape features found here. We stand with Arundel Rivers Federation, Chesapeake Legal Alliance, Waterkeepers Chesapeake, and other environmental partners in asking for the following amendments:

Clarify that lands within the Chesapeake and Atlantic Coastal Bay Critical Areas, forested lands suitable for forest interior dwelling species, and areas that are not currently connected to public water and sewer are EXEMPT. This amendment ensures that our most sensitive areas, such as the Critical Area, the largest forests with prescribed protections in the Forest Conservation Act (typically greater than 50 or even 100 acres in size), and areas outside of current public water and sewer service will not be unintentionally targeted for development as a result of this bill.

Strike impervious surface lot coverage language. This amendment strikes the bill's prohibition on counties setting maximum lot coverage limits. These coverage limits have always formed a key component of land use regulations that limits the proliferation of impervious surfaces, thus limiting land disturbance and pollution.

Finally, the Starter and Silver Homes Act limits and pre-empts local planning and previous public engagement regardless of existing jurisdictional or county zoning. This bill will upzone all land within existing and planned water and sewer areas, including **agricultural**, low density zoned lands, and or targeted conservation properties. On the Eastern Shore, this could result in sprawl instead of increasing density in targeted growth areas. **We therefore ask that all agricultural properties be exempt.**

Thank you for your consideration on this matter. ShoreRivers urges a favorable report with amendments.

Sincerely,
Annie Richards, Chester Riverkeeper on behalf of:

ShoreRivers
Scott Budden, Executive Director
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper
Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

shorerivers.org | 443.385.0511 | info@shorerivers.org

HB239 Testimony.pdf
Uploaded by: Brandon Russell
Position: FWA

Chair Valderrama, Vice Chair Charkoudian, and Distinguished Members of the Committee,

My name is Brandon Russell, and I am a resident of Maryland. I am writing in **opposition** to HB239 - Starter and Silver Homes Act, **unless it is amended**.

I support the intent of the bill to increase housing stock. However, the bill would override local control in a one-size-fits-all approach mandating certain zoning regulations across the state. Policy like this is not in the best interests of Marylanders. While many jurisdictions share the same challenges, very different conditions exist on the ground.

The reality is that local governments are in the best position to make decisions about local land use.

I urge **amending the bill** to include language that would avoid broad strokes, preserve local adequate public facilities decisions, and empower jurisdictions to make zoning decisions based on individual growth plans and input from local residents.

Thank you for your time and consideration.

Brandon Russell
Leonardtown, MD
brandon4stmarys@gmail.com

MCCF HB239-2.pdf
Uploaded by: Cheryl Gannon
Position: FWA

Testimony of Cheryl Gannon, President
Montgomery County Civic Federation
Maryland House Economic Matters Committee
HB 239, Starter and Silver Homes Act
February 12, 2026

Good afternoon, my name is Cheryl Gannon, and I am the President of the Montgomery County Civic Federation-- a 100-year-old non-profit umbrella organization of neighborhood civic and homeowner associations across Montgomery County. Thank you for the opportunity to testify today.

The MCCF acknowledges the projected future growth in Montgomery County population and supports providing equitable housing opportunities (both home ownership and rental) to current and future generations of residents. We endorse data driven proposals that will meet the needs of residents who struggle to afford housing, while protecting the environment and providing necessary infrastructure. We have a strong commitment to an inclusive planning process that includes resident voices in the future of their own communities.

We call on the Maryland General Assembly to work toward a strategic compromise on housing legislation that focuses on data driven affordability measures, public land use opportunity around transit, certainty in the market, and retaining local flexibility and discretion on how to meet overall county housing targets with measures that actually improve affordability, protect the environment and provide the necessary infrastructure.

In that regard, we appreciate the *Transit & Housing Opportunity Act of 2026* to unlock land around transit areas and create as many as 7,000 new homes. We also appreciate the *Housing Certainty Act of 2026* to create certainty in the market for developers. Both measures will unlock new opportunities for housing.

The stated goal of the *Starter and Silver Homes Act*, to create more affordable typologies in housing is an important goal. However, as structured, the bill will not necessarily increase affordability and in some cases will worsen the affordability problem, while doing damage to the environment, and ignoring critical infrastructure needs. The legislation amounts to a sweeping preemption of local control over planning and turns the planning process over to private developers to increase density in single family areas with no requirements for affordability, or environmental protection or infrastructure. This is the predictable result of slapping down one-size-fits-all land use rules, without guardrails, across a large and diverse state. Changes are needed to bring this legislation in line with stated affordability goals and local conditions.

Economic Development

<u>The state must refocus on economic development</u>. Stable, well-paying jobs are the key to affordability. Maryland's economic development record is lackluster. Developers have indicated in both the Montgomery County Planning Department's pipeline analysis and study of Pike and Rose development that job projections do not justify moving any faster on developing approved units. The Council of Government data shows that Montgomery County has enough zoned land now to accommodate future needs. The development pipeline in Montgomery County has many stalled approvals. Developers will build planned and approved housing when the job projections justify it. As an executive with Montgomery Housing Partnership said once in a public meeting—supply and demand works when supply exceeds demand and there are no developers that build in excess of

demand. That is a formula for bankruptcy. High interest rates and construction costs, and sluggish economic development stalls housing and a zoning free-for-all will not fix those problems.

The Maryland DHCD misunderstands the Austin TX example. Austin experienced a tech and jobs boom when Oracle, Apple, Tesla and others moved in and brought a spike in available jobs. Pandemic remote work brought new residents as well. But jobs were the underlying factor promoting housing construction. In response, the market overbuilt—not as a deliberate policy choice but as a miscalculation-- and there was a drop in rents that has now leveled off. But there were also failed projects—creating a literal ghost town for example of unfinished homes that sat rotting in the elements for several years until it was bulldozed by the city, and developer financial difficulties and bankruptcies. Maryland should aspire to the economic development of Austin, but not the chaotic miscalculations of housing and jobs. Housing follows jobs, and not the other way around.

Affordability

Affordability requires subsidy. The most critical housing needs in Montgomery County are concentrated among residents of low to moderate income who cannot afford or are challenged to afford market-rate housing. These residents will not be helped by new market rate housing. Affordable housing needs a subsidy, and a sweeping preemption of local control will not magically produce affordable housing.

There is no connection between untethered market rate housing and affordability. This bill has no affordability requirements. Even worse, the bill provides opportunity for developers to circumvent the workforce and affordable housing requirements under recently enacted legislation in Montgomery County. There is nothing to prevent developers from removing lower priced housing and replacing it with higher cost housing.

We have seen this locally and in other parts of the country. In Montgomery County, one example-- Preston Place in Chevy Chase, -- a project that removed replaced the historic, naturally occurring affordable Lake Apartments (66 dwelling units) with 63 luxury townhomes. Phase II will replace 67 naturally affordable 2- and 3-bedroom rental townhomes with 84 luxury townhomes. The county's Racial Equity and Social Justice review found that the University Blvd Corridor plan would have a moderately detrimental effect on communities of color as the naturally occurring affordable housing is replaced with new and more expensive market rate units.

We've seen this gentrification over the years in nearby Washington, DC in Shaw, the U Street corridor and Mt. Pleasant for example as density brought higher prices to these areas. The limitations of upzoning have been studied by economists in peer reviewed journals—A study of housing prices before and after 2010 upzoning in Nashville showed on average that the prices of the upzoned parcels increased by 11%–38% more than the unchanged parcels. The price of the upzoned parcels at the lower end of the distribution increased, while the price of the high-end parcels decreased. Similar results were found in studies of upzoning in NYC and Chicago where upzoning increased the value of upzoned properties. There is no credible policy study that supports the idea that upzoning reduces costs.

Infrastructure and Environment

Montgomery County must have adequate infrastructure to support growth. The Adequate Public Facilities Ordinance requires that new development is approved after determining that the

surrounding infrastructure, such as sidewalks, roads, and schools, can meet the needs of new residents, visitors, and students. Our water mains are 100 years old, and we have hundreds of breaks each winter. We just had a massive raw sewage spill into the Potomac River, transportation is underfunded, the schools have a multi-billion-dollar deficit just for maintenance of schools never mind new construction or educational programs. Considering the state's deficit and budget squeeze, the burden of keeping up with this unregulated upzoning plan proposed by the Governor will fall on taxpayers and local jurisdictions. The state should not be mandating anything if it cannot afford to underwrite the costs.

The expanded building envelope mandated by this bill will reduce green space and tree canopy on lots, which are important to the overall environment. Limiting the building envelope on a lot forces development to happen in one contained footprint, leaving the rest of the land to function like natural green space. Across a subdivision, that adds up to:

- Better stormwater control
- More trees
- More habitat
- Cooler neighborhoods
- Cleaner water

It's a subtle zoning tool, but environmentally, it's very powerful.

The state is already struggling to meet 5-year climate goals and increasing paved surfaces by allowing development over most of a lot will necessarily involve reducing green space and trees and accelerate existing stormwater runoff problems. Downtown Silver Spring for example is a NOAA designated heat island, and the trees of the surrounding community are essential to the environment. Clear cutting lots to build townhouse developments will create an environmental disaster. We do not have county rules about trees on single family zoned lots. Redefining muti-family developments to single family homes will mean that reviews of removing trees or planting new trees that would have applied through optional method will no longer be in place.

Local Control and Public Input

The bill must restore local control and restore public input into the Planning process. The bill treats developers as the only party with a voice or rights when developing multi-family property on single family lots. Yet it is taxpayers that will bear the burden of the costs, environmental degradation, congestion, traffic and other costs.

If the state-wide preemption in the Starter and Silver Homes bill were to be adopted, the opportunities for local jurisdictions to act creatively in addressing their housing needs, to adapt approaches to the characteristics and needs of their communities, and to learn from each other's experience what works well and what doesn't (and why), would be lost. This would be a substantial and damaging loss. The state can help (and even push) by defining the state-wide housing need and allocating the responsibility to address that need across the state's counties. But the best approaches are unlikely to be found (and large-scale mistakes may be made) if our counties do not have the opportunity to adopt different approaches suited to their specific situations and needs and to learn from each other's knowledge, expertise, and experiences.

In Maryland, the principle of local control over zoning is more than 100 years old. Yet, the Starter and Silver bill proposes to preempt this principle, which has supported steady economic growth, with a statewide zoning code. The assumption seems to be that what is good land use for Garrett County is good for Montgomery County, and what is good for Montgomery is good for St. Mary's. Geography alone tells us otherwise. Moreover, citizens know what level of government suits their housing needs best - county and municipal officials with granular knowledge and multi-neighborhood experience. The following "thought experiment" illustrates the value of the historical consensus on local control over the fundamentals of zoning: If a Republican Administration proposed this bill, would it receive any Democratic votes? If not, the bill cannot be sound housing policy.

Equity in Targets/Exemptions

Targets for new housing must be equitably spread across the state and within each county. Exemptions push the overall target numbers onto smaller areas within a county, increasing the burden on non-exempt communities to absorb the entire target. This creates equity issues which must be addressed head on. Exempting smaller counties, smaller municipalities and historic districts tends to shelter more expensive and wealthier communities at the expense of non-incorporated communities, including the less wealthy areas and communities of color. Ironically, the state is proving the point that one-size-fits-all measures don't work by carving out exemptions.

In conclusion, the bill should be limited to setting targets for counties and municipalities while retaining local control and current regulations and processes that include resident input into where and how the housing is developed, including appropriate placement of townhouses, setbacks and height limitations, density maximums, lot coverage limitations, tree and stormwater management, resident input into existing development review process, compatibility standards including design and architectural standards.

We agree with the MACO suggestion to take action to limit investors buying homes.

Additional funding is needed from the state to upgrade infrastructure including roads, schools and transportation. The state should undertake a review of the state of the infrastructure to determine the cost and scope of upgrades to water, sewer, roads and school maintenance and construction to support new housing. Montgomery County has an Adequate Public Facilities Ordinance that must be retained and funded.

The state should consider a study panel focused on policy levers to promote and subsidize affordable housing for target populations not served by this bill's focus on market rate construction and where the need is greatest. The primary causes of projects that are stalled are financing challenges, construction costs, and lack of job growth. The state should refocus on measures to get beyond these hurdles, including possible state and private partnerships on project financing. The state should increase its funding for subsidized housing and provide grants to localities to foster projects to meet the needs of workforce and income restricted housing.

Preempting local control over housing is not the answer and upzoning will not improve affordability.

HB0239_Councilmember_Deb_Jung_FWA.pdf
Uploaded by: Deb Jung
Position: FWA

Howard County Council

Deb Jung
Councilmember

District 4

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

HB239/SB036: Support with Amendments
House Economic Matters Committee

February 10, 2026

Dear Chair Valderrama, Vice Chair Charkoudian, and Committee Members:

Please accept this written testimony in SUPPORT WITH AMENDMENTS for HB 239/SB036. I represent District 4 on the Howard Couty Council and worked on the local implementation of the State required accessory dwelling unit regulations. Thanks to the flexibility of that State law, we adopted regulations that promote housing diversity, generate rental income for homeowners, and address the unique needs and characteristics of our County.

I support thoughtful efforts to address our housing challenges so that seniors on fixed incomes can age in place and young families can build generational wealth. I ask this Committee to include considerations of livability and local flexibility along with affordability during deliberations on this legislation.

HB239/SB036 requires three townhouse units or more on one lot. Our Howard County regulations determine density based on acreage not lots. Please consider terminology alignment for the sake of consistency.

HB239/SB036 adds townhouses to the definition of single-family housing. This means that townhomes will be by right in our rural districts where we do not have public water and sewer. Housing developments in these areas rely on private individual or shared septic systems that increase overall housing costs. Please evaluate the cost of private infrastructure on housing affordability in these rural areas.

HB239/SB036 reduces the minimum lot size to 5000 square feet, eliminates maximum lot coverage, and shrinks setbacks. A 5000 square foot lot could yield a 4000 square foot house with a 2000 square foot footprint. In Howard County, a 4000 square foot house could sell for $800,000 or more. Please evaluate if eliminating or decreasing lot coverage and setbacks results in smaller, more affordable homes.

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http://cc.howardcountymd.gov

Counties rely on maximum lot coverage to control stormwater runoff. Setbacks provide places to plant street trees and combat heat islands. Rear setbacks give children a place to play that isn't in a parking lot or street. Please consider the direct impact that these land use tools have on flood control, climate change, and pedestrian safety.

HB239/SB036 restricts design and aesthetics requirements. Columbia is an aesthetically cohesive community with both design covenants as well as socio-economic and housing diversity. Columbia pioneered the idea of a planned community with good social values. It continues to be a "garden for growing people." Please recognize the successes of these communities in Maryland and consider amendments that preserve their character and promote livability as well as affordability.

If amended, HB239/SB036 could respect the Counties' local zoning authority, avoid school overcrowding, and increase housing supply without undermining public infrastructure, environmental protections, or stormwater management in flood-prone areas.

Thank you for your time and consideration.



Deb Jung
Howard County Council
District 4

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Glen Echo Testimony - SSHA.pdf
Uploaded by: Dia Costello
Position: FWA

Town of GLEN ECHO

6106 Harvard Avenue • Glen Echo • Maryland 20812 • (301) 320-4041 • townhall@glenecho.gov

To: The Honorable Kriselda Valderrama
Chair, House Economic Matters Committee
Maryland House of Delegates

The Honorable Lorig Charkoudian
Vice Chair, House Economic Matters Committee
Maryland House of Delegates

Chair Economic Matters Committee

From: Hon. Dia Costello, Mayor, Glen Echo, Maryland

Date: February 10, 2026

Written Testimony for Starter and Silver Homes Act of 2026: HB0239

Thank you for the opportunity to provide testimony regarding Governor Moore's Starter and Silver Homes Act of 2026. My name is Dia Costello, and I am the Mayor of Glen Echo, a small municipality in Montgomery County.

I offer this testimony to support the goal of expanding housing options, while also seeking to ensure affordability, consideration for local zoning authority, smaller town infrastructure realities and environmental sensitivities.

I recognize the urgent need for more affordable housing, including smaller homes appropriate for first-time buyers and our older residents. These goals are important and shared; however, the Starter and Silver Homes Act, as currently drafted, presents significant challenges for a small town that lacks the scale and infrastructure of larger jurisdictions.

Affordability Outcomes Are Not Guaranteed
While the Act is intended to promote affordability, there is no guarantee that newly permitted housing types will result in homes that are truly affordable to first-time buyers or seniors without additional affordability requirements or incentives. In high-demand areas such as Glen Echo, market-rate development alone may not achieve the intended outcomes.

Loss of Local Zoning Authority – Potential Negative Consequences
The Act's statewide overrides on minimum lot size, housing type, and subdivision standards, limit our Town's ability to tailor land-use decisions specific to Glen Echo. Our homes have

Town of GLEN ECHO

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small lots and are quite close together. Reducing our zoning authority has the potential to make Glen Echo more vulnerable to overdevelopment. There are also increased safety concerns such as ensuring fire and rescue can readily gain access between houses. Lastly, preserving local zoning authority allows Glen Echo to protect its mature canopy trees, which play a critical role in stormwater management, climate resilience, and regional environmental health; their loss could have negative long-term impacts that cannot be easily reversed.

Infrastructure Capacity Vulnerability
The Town has older stormwater systems, water and sewer capacity. The Act encourages increased residential density without providing corresponding funding or assistance to assess or expand infrastructure capacity. This creates a risk that development could outpace a town's ability to safely and sustainably support it.

Community Character Considerations
Glen Echo has a distinct historic identity and neighborhood that residents value. While community character should never be used as a pretext to block housing, state-mandated changes may erode public trust. Community buy-in is essential to successful housing policy.

In closing, although my primary focus is on the needs of Glen Echo, I have concern for all small municipalities in the state. I am not asking to be exempt from the proposed Act; however, I believe the uniqueness of smaller municipalities must be considered in order to meet housing goals in ways that reflect local realities.

I respectfully urge the General Assembly to consider amendments that acknowledge the unique constraints of small towns while advancing shared statewide housing objectives.

In service,

Hon. Dia Costello
Mayor
Glen Echo, Maryland

cc: Sen. Sara Love, Del. Marc Korman, Del. Sarah Wolek, Del. Theresa Woorman, Councilmember Andrew Friedson

HB239_Cross_FavorableWithAmendments.pdf
Uploaded by: Dr Cashenna A Cross
Position: FWA

Testimony in Favor with Amendments
House Bill 239 – Starter and Silver Homes Act of 2026
Before the Economic Matters Committee

Position: Favorable with Amendments

Good afternoon Chair, Vice Chair, and distinguished members of the Committee.

My name is **Dr. Cashenna A. Cross**, City Councilwoman-at-Large for the City of Glenarden. I appear before you today in support of House Bill 239, the Starter and Silver Homes Act of 2026, with amendments to ensure that the bill expands housing opportunity without undermining municipal governance, infrastructure stability, or community trust.

Why This Bill Matters
Maryland faces a clear and urgent housing challenge. First-time homebuyers are priced out of ownership, seniors seeking to downsize lack attainable options, and workforce families struggle to remain in the communities they serve. HB 239 takes important steps by reducing exclusionary zoning barriers, allowing smaller attainable housing types, and encouraging efficient land use where infrastructure already exists.

Why Amendments Are Necessary
As drafted, HB 239 risks over-centralizing zoning authority, creating unintended consequences for municipalities—particularly small cities and fully built-out jurisdictions. Local governments are not barriers to housing; we are stewards of balance between growth and infrastructure, affordability and safety, and density and quality of life.

Proposed Amendment: Municipal First Authority
Municipalities must retain primary zoning authority within their corporate limits before county or State zoning authority is applied. This ensures infrastructure capacity is assessed, growth aligns with comprehensive plans, communities are protected from destabilizing mandates, and State housing goals are achieved through collaboration.

Why Municipal Authority Matters
Municipal governments are accountable for roads, public safety, code enforcement, and long-term fiscal sustainability. Bypassing municipal zoning authority can strain infrastructure, increase opposition, and erode public trust. Housing policy works best when the State sets the vision and local governments implement it responsibly.

A Balanced Path Forward
With amendments, HB 239 can expand starter and silver housing, respect home rule, encourage smart density, and build housing with communities—not against them. This is not about stopping housing. It is about doing housing right.

Closing
I respectfully urge a Favorable Report with Amendments on House Bill 239. Thank you for your leadership and commitment to housing opportunity balanced with local accountability.

Respectfully submitted,
Dr. Cashenna A. Cross
City Councilwoman-at-Large, Glenarden
571-719-8784

Testimony HB239 Elizabeth Joyce.pdf
Uploaded by: Elizabeth Joyce
Position: FWA

Testimony on HB 239, Starter and Silver Homes Act of 2026
House Economic Matters Committee
M. Elizabeth Joyce, District 20
February 12, 2026

Good afternoon, Chair Valderrama, Vice Chair Charkoudian, and Committee members. My name is Elizabeth Joyce from District 20. Thank you for the opportunity to testify today.

I support the intent of SB239 to make Maryland housing more affordable and abundant. But I respectfully suggest that significant amendments be made for the bill to meet its goals. My three main concerns include affordability, equity, and the lack of evidence to support this sweeping elimination of single-family zoning statewide.

Affordability: Why would allowing three townhomes on 5,000 square foot lots statewide lower the cost of housing by 30%? The median townhome in Maryland costs $415,000+ taxes and fees of up to $500 per month), which requires (depending on interest rates and down payments)an annual income of roughly $115-$150K. Yet the median income in MD (2023) was $94,584-$98,678. The bill is unlikely to meet this key goal.

Equity: By overriding most local regulatory authority, the bill denies jurisdictions the flexibility to enact their planning goals. Montgomery County, for example, has spent the last five years and millions of dollars enacting new legislation to meet goals similar to the Governor's. Our Planning Board will submit dozens of proposed amendments to this bill to give the County the flexibility to protect our legislation, infrastructure, and the environment. The Governor's recent (9/2/2025) executive order on housing proposed setting targets and working with the counties to meet them—a much better and more respectful approach.

Gentrification and displacement of current lower-income homeowners could also result from the bill. MC's Office of Legal Oversight reported that a bill less stringent than the Governor's could significantly displace minority and low-income homeowners, replacing them with much higher-income homeowners.

Also, exemptions now being proposed for (usually wealthier) historic districts, rural areas, and those with no public sewer and water systems, would shift the burden to larger jurisdictions with complex challenges. If this policy is sound, it should apply to all areas. Not only that—the bill creates an unfunded mandate for areas where it applies.

Lack of evidence: Impressive recent scholarship challenges the Governor's assumptions that zoning is the main reason for housing costs and that upzoning will solve the problem.

The COVID epidemic and the 2008-2009 financial collapse fundamentally altered the housing market (with investors purchasing large numbers of single-family homes rather than issuing mortgages. Mandating statewide “solutions” based on flawed assumptions would be unfortunate for the Governor, would-be homeowners, and those who have invested their life savings in their homes.

Thank you again for the opportunity to speak with you today.

SIGN-ON FWA HB0239.docx.pdf
Uploaded by: Elle Bassett
Position: FWA

Testimony in SUPPORT WITH AMENDMENTS of HB0239 – Silver and Starter Homes Act of 2026

Economic Matters
February 12, 2026

Dear Chair Valderrama and members of the Committee,

On behalf of the undersigned organizations, we thank you for the opportunity to submit testimony in **SUPPORT WITH AMENDMENTS of HB0239**.

We know 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 we strongly support the underlying goal of increasing affordable housing supply across the State of Maryland, HB0239, as written, 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, and our Chesapeake Bay restoration goals. As written, the bill would:

1) "Upzone" all acres of land within existing or planned sewer and water service areas, including agricultural and rural low-density lands, upon which houses may be built to the equivalent of R8 - a zoning category allowing for eight dwelling units per acre. There are many lots within both urban and rural areas across Maryland that have zoning below eight dwelling units per acre because local authorities have determined that the highest and best use of the underlying land is to remain predominantly undeveloped because of sensitive natural resources like forests or wetlands or prime agricultural soils;
2) Remove impervious surface area limits (lot coverage maximums) on all acres of land that could contain dwelling units across Maryland, regardless of whether the lands are inside or outside of a planned or existing sewer and water service area; and
3) Not require any of the new housing developed under the bill to be offered at affordable rates.

For these reasons, we urge the Committee to consider amending HB0239 in the following ways in order to adequately protect sensitive natural resources in both our urban and rural areas across Maryland:

Amendment 1: On page 8, line 26, after "ARTICLE", strike the period and insert, ";

(IV) LAND WITHIN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED UNDER § 8-1802 OF THE NATURAL RESOURCES ARTICLE;

(V) FORESTED LAND SUITABLE FOR FOREST INTERIOR DWELLING SPECIES; OR

(VI) AREAS THAT ARE NOT CURRENTLY CONNECTED TO PUBLIC WATER AND SEWER.

-This amendment ensures that our most sensitive areas, such as the Critical Area, the largest forests with prescribed protections in the Forest Conservation Act (typically greater than 50 or even 100 acres in size), and areas outside of current public water and sewer service will not be unintentionally targeted for development as a result of this bill. Local jurisdictions can still add sewer and water service in future years, thus opening up additional lands to this bill's provisions if they choose.

******If the above are adopted, then references to water and sewer in the remainder of the bill should be struck.******

Amendment 2: On page 9, line 6, strike in its entirety lines 6 and 7.

-This amendment strikes the bill's prohibition on counties setting maximum lot coverage limits. These coverage limits have always formed a key component of land use regulations that limits the proliferation of impervious surfaces, thus limiting land disturbance, avoiding future stormwater flooding from development, and avoiding future pollution to our rivers and the Chesapeake Bay.

Thank you for considering these amendments and working toward our shared goal of delivering land use solutions that work for our communities, our lands, our rivers, and our Chesapeake Bay.

Sincerely,

Elle Bassett, South, West, and Rhode Riverkeeper
Arundel Rivers Federation

Kathy Gramp, President
Advocates for Herring Bay

Taylor Swanson, Executive Director and Assateague Coastkeeper
Assateague Coastal Trust

Dr. Allison Colden, Maryland Executive Director
Chesapeake Bay Foundation

Evan Isaacson, Senior Attorney and Director of Research
Chesapeake Legal Alliance

Sara Caldes, Severn Riverkeeper
Chesapeake Rivers Association, Inc.

Marisa Olszewski, Community and Environment Manager
Maryland League of Conservation Voters

Brent Walls, Upper Potomac Riverkeeper and Program Director
Potomac Riverkeeper Network

Josh Falk, Executive Director
Scenic Rivers Land Trust

Annie Richards, Chester Riverkeeper
ShoreRivers

Robin Broder, Acting Executive Director
Waterkeepers Chesapeake

HB239WritTestimony0226.pdf
Uploaded by: Howard Schoenholtz
Position: FWA

HB 239

FWA

Howard D. Schoenholtz

5810 Ogden Court

Bethesda, MD 20816-1263

Chair Valderrama, Vice Chair Long, and members of the House Economic Matters Committee:

My name is Howard Schoenholtz, I am a 33-year resident of Bethesda, and I thank you for accepting my written testimony on the Starter and Silver Homes Act of 2026.

Noted land use attorney Michelle Rosenfeld recently described HB239 as "a stunningly sweeping preemption of local zoning." The bill as presently written would impose an unprecedented override of local zoning powers and effectively undermine the historical power and authority of local government over land use as well as the long-established and core principle of community residents' input into zoning.

As currently written, HB239 would essentially impose an unfunded mandate on local jurisdictions, because the bill does not mention infrastructure improvements that would be necessitated by greater density. The cost of those needed improvements would have to be borne by the local jurisdictions. Existing water and gas mains are already failing at an alarming rate even as they service our existing neighborhoods.

The Starter and Silver Homes Act seems to whole-heartedly embrace the concept that unlimited construction of townhouses throughout Maryland will solve the affordable housing crisis; in fact, the bill considers a grouping of three townhouses to be the equivalent of one single-family home, and that developers should be allowed to build townhouse triplets on lots that had been zoned for single-family homes by right. But the fact is that, with no requirements in the bill that this new development be affordable, townhouses selling at market rate is what will result. I think we can all agree that a townhouse selling for $1.2 million (Bethesda) or $600,000 (Prince Georges') is not affordable as a starter home nor a downsized home for seniors.

I understand the important issue Governor Moore and Secretary Day seek to address, namely the need for Maryland to increase the availability of moderately priced and low-income housing state-wide to attract and retain families and businesses. But I do not believe that the Starter and Silver Homes Act of 2026, as currently written, would achieve that goal.

I would therefor ask the members of the Economic Matters Committee to work with the general public, Secretary Jake Day, and the Governor's office to amend HB239 so that the bill can begin addressing the affordable housing crisis without imposing a one-size-fits-all "solution" that would essentially take the long-held concept of local land-use control and blow it up. Amendments should also explicitly make affordability requirements part of the bill; address the issue of infrastructure; insure that local jurisdictions have input into the setting of state-mandated housing production goals; and include a ten-year sunset provision so that the impact of the bill can be properly assessed.

Thank you for your time and attention.

HB 239 Land Use - Zoning - Limitations (Starter an

Uploaded by: Humna Sharif

Position: FWA

Thursday February 12, 2026

TO: Kriselda Valderrama, Chair Economic Matters Committee, and Committee Members

FROM: Humna Sharif, The Nature Conservancy, Climate Adaptation Manager; Cait Kerr, The Nature Conservancy, State Policy Manager

POSITION: Support with Amendments HB 239 Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

The Nature Conservancy (TNC) supports with amendments HB 239 Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026) introduced by Chair Valderrama at the request of the Department of Housing and Community Development. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering solutions that secure clean water, air, and healthy, secure living environments.

HB 239 makes important changes to zoning provisions to develop more housing units in the state. This bill would make it easier for denser residential unit development in parts of the state where it is currently difficult to do so. TNC supports the primary goal of this legislation to increase affordable housing supply across the State of Maryland.

However, in its current state HB 239, makes changes to land use policy that would negatively impact the health of sensitive habitats in Maryland and the health of the Chesapeake Bay. TNC recognizes that land use policy is closely intertwined with water policy, and increasingly with climate change policy in Maryland. With the interconnected nature of these issues in mind, we would like to request the following amendments to the bill language:

On page 8, line 26, after "ARTICLE", strike the period and insert, ";

(IV) LAND WITHIN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED UNDER § 8-1802 OF THE NATURAL RESOURCES ARTICLE;

(V) FORESTED LAND SUITABLE FOR FOREST INTERIOR DWELLING SPECIES; OR

(VI) AREAS THAT ARE NOT CURRENTLY CONNECTED TO PUBLIC WATER AND SEWER.

This amendment ensures that our most sensitive areas, such as the Critical Area, the largest forests with prescribed protections in the Forest Conservation Act (typically greater than 50 or even 100 acres in size), and areas outside of current public water and sewer service will not be unintentionally targeted for development as a result of this bill. Local jurisdictions can still add sewer and water service in future years, thus opening up additional lands to this bill's provisions if they choose. *If this amendment is adopted, then references to water and sewer in the remainder of the bill should be struck.*

Our second recommendation is to expand the definition of "sensitive areas" mentioned in the bill to be inclusive of the 500-year floodplain.

Current Maryland code references the 100-year floodplain in the definition of a "sensitive area" among other indicators (*page 3, line 15 of the bill text*). The terms 100-year floodplain and 500-year floodplain translate to a 1% and 0.2% chance of flooding in a given year, respectively. These terms also correspond to federal flood maps developed by the Federal Emergency Management Agency (FEMA). FEMA is responsible for mapping the nation's hazardous flood areas, including coastal areas susceptible to storm surge. Commonly used indicators of flood risk include a 100-year floodplain or a Special Flood Hazard Area, and 500-year floodplain or a Moderate Flood Hazard Area.

Flooding is a devasting and deadly consequence of climate change, and by mid-century Maryland will experience 1–1.5 feet of sea level rise measured from a 2000 baseline. This is twice the amount of sea level rise experienced in the previous century. By 2100, the state is expected to experience three feet of sea level rise. Rising sea levels contribute to increased flood events, even in the absence of storms. Maryland's low-lying coastal areas, including Eastern Shore counties, are particularly vulnerable to high tide flooding events that can range in severity from minor (disruptive or nuisance flooding leading to road closures and disrupting access to certain parts of town, often recurring), moderate (damaging), or major (destructive) for communities, residences, and infrastructure.

As our state continues to face increasingly harmful effects of climate change, especially in the form of flooding due to sea level rise and extreme precipitation, we need to carefully review where and how new development occurs to protect Maryland communities and property owners. Purchasing a home is the largest financial decision that many people make, and we want to make sure those homes are safe in the long term. TNC's reason for recommending the 500-year floodplain as an indicator of what comprises a "sensitive area" is to ensure that development slated for these areas does not put more communities or properties at risk of flooding.

Furthermore, a recent investigation by the Department of Homeland Security's Inspector General revealed that 58% of all FEMA flood maps are considered inaccurate or out-of-date. Inaccurate and out-of-date flood maps threaten communities' safety.[1] In the absence of dynamic and up-to-date flood maps, using the higher standard (500-year floodplain instead of the 100-year floodplain) allows Maryland to expand housing stock in the state and keep communities and families safe during flood events.

Creating an easier pathway to building new homes while building resilience to climate change are two interconnected challenges our state faces. These amendments are intended to ensure that the forward-thinking dense development is incentivized, while preventing harm to climate vulnerable communities and sensitive natural landscapes in the state. As our state pursues the goal of increasing affordable, accessible housing stock, we must give equal importance to resilience-building measures that will protect purchasers and communities by mitigating damage from climate change induced flooding in the long term. **Therefore, we urge a favorable report with amendments for HB 239.**

[1] https://www.nrdc.org/bio/joel-scata/femas-outdated-and-backward-looking-flood-maps

HB0239_DHCD_SUPPORT W AMD.pdf
Uploaded by: Jake Day
Position: FWA

Maryland
DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT

WES MOORE
Governor
ARUNA MILLER
Lt. Governor
JACOB R. DAY
Secretary
JULIA GLANZ
Deputy Secretary

DATE: **February 12, 2026**

BILL NO: **House Bill 239**

TITLE: **Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)**

COMMITTEE: **House Economic Matters Committee**

Letter of Support with Amendments

Description of Bill:
House Bill 239 requires local jurisdictions to cap minimum required lot sizes for single-family homes in areas served by public water and sewer systems to 5,000 square feet; prohibits the imposition of minimum square footage or exterior dimension requirements for a single-family home; prohibits the imposition of lot coverage maximums for a single-family home and any accessory structures; limits required setbacks for a single-family home to 10 feet in the front and rear and 5 feet on the sides; prohibits the imposition of design, architectural, or aesthetic elements for a single-family home, allows the placement of town houses in areas zoned for single-family residential use, and allows owners of existing improved lots to split their lots into up to three smaller lots, provided the new lots conform to local law.

Background and Analysis:
Maryland is facing a severe housing crisis, driven by chronic underproduction of housing, that has made homeownership unaffordable to many working Maryland families. In 2000, three-quarters of Maryland households could afford to purchase the median priced single-family home in the state. By 2022, fewer than half of the state's families could afford the median priced home. Between 2015 and 2022, the number of homes available for sale in the state dropped by 64%. The high cost of housing has a serious impact on Maryland's economy, causing many young adults to leave for neighboring, more affordable states and making it difficult for employers to attract workers, costing the state billions of dollars in economic activity and tax revenue. The lack of available affordable homes in the state also exacerbates the racial homeownership gap: 78% of white households in the state are homeowners, while only 54% of Black and Hispanic households are.

This affordability crisis is, in part, driven by local zoning codes that encourage – and, in some cases, require – that new single-family housing be built on unnecessarily large lots and with large dimensions that add to their cost and contribute to sprawl and *de facto* segregation. In many areas in jurisdictions such as Annapolis, District Heights, Towson, and Parkville, existing neighborhoods and homes would be illegal to build today because of these requirements. Land costs can comprise as much as 30% of the cost of a new single-family home and requiring the purchase of ¼ or ½ acre of land (or more), especially in high-land-value areas, significantly increases the cost of buying a home. Further, many local jurisdictions severely restrict the locations in which town houses – an inherently less expensive form of single-family housing – may be built. In Maryland, the median sale price of a town house is 32% less than that of a detached single-family home. A family needs a household income of at least $125,000 to afford the median detached single-family home,

but only $85,000 to afford the median town house. This difference means that there are over 120,000 current renter households in the state that could theoretically afford a town house than could afford a detached single-family home.

House Bill 239, the Starter and Silver Homes Act of 2026, addresses the affordability crisis and will allow more Maryland families to achieve homeownership by limiting required minimum lot sizes in areas served by public water and sewer systems to 5,000 square feet (about ⅛ of an acre), allowing the placement of town houses in locations where detached single-family houses are currently allowed, and eliminating or moderating restrictive requirements on new home construction such as setback requirements, dimension and lot coverage requirements, and design, architectural, and aesthetic requirements that can add to the cost of a new home. The bill also allows owners of existing improved lots to split their lots into up to three smaller lots, provided that the new lots conform to local law, to encourage more efficient use of land.

DHCD has been engaged with local jurisdictions and other stakeholders on this bill's provisions since fall 2025. After receiving feedback on the bill, DHCD has agreed to support friendly amendment language on the following points:

- Limiting the town house provisions of the bill to areas served or planned to be served by public water and sewer systems
- Clarifying that density limitations (typically in the form of units per acre maximums) may not be used to override the bill's minimum lot size provisions
- Allowing an "environmental design option" to protect sensitive areas subject to the bill's provisions
- Exempting critical areas and forested land suitable for forest interior dwelling species from the bill's provisions
- Exempting future designated historic districts from the bill's provisions, so long as existing primary structures in those districts are at least 50 years old at the time of designation
- Clarifying that the bill's provisions do not override adequate public facilities ordinances or other local equivalent
- Moving the effective date of the bill back to Jan. 1, 2027
- Clarifying that the bill's provisions do not override applicable consent decrees
- Clarifying the definition of zones that allow single-family detached homes in the context of where town houses may be placed
- Allowing local jurisdictions to require that building height and front setbacks be consistent with those in adjacent improved lots
- Allowing local jurisdictions to set lot coverage maximums of at least 75% of the usable area of a lot, after setbacks, for a single-family home and accessory structures
- Exempting areas outside Priority Funding Areas and Growth Tiers I, II and III from the bill's provisions; and
- Clarifying the definition of "town house" to exclude stacked units and duplexes

DHCD Position

The Maryland Department of Housing and Community Development respectfully requests a **favorable with amendments** report on HB 239.

Amendment #1: Limit town house provisions to areas served by water/sewer (DHCD)

On page 9, in line 18, after "use" insert "**, IF THE AREA IS CONNECTED OR PLANNED TO BE CONNECTED WITHIN THE NEXT FIVE YEARS TO PUBLIC WATER AND SEWER SYSTEMS**"

Amendment #2: Clarify that jurisdictions cannot circumvent lot size minimum cap through units/acre or other density limitations (DHCD)

On page 8, in line 29, after "indirectly" insert "**, INCLUDING THROUGH RESIDENTIAL DENSITY LIMITS, TYPICALLY MEASURED IN DWELLING UNITS PER ACRE, THAT ARE MORE RESTRICTIVE THAN THE REQUIREMENTS OF THIS PARAGRAPH**"

Amendment #3: "Environmental Design Option" (Sierra Club)

On page 10, after line 2, insert:

"**(F) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE OWNER OF A PARCEL THAT CONTAINS ONE OR MORE SENSITIVE AREAS AS DEFINED IN § 1-101(O) OF THIS ARTICLE MAY ELECT AN ENVIRONMENTAL DESIGN OPTION TO CONCENTRATE THE TOTAL ALLOWABLE RESIDENTIAL DENSITY FOR THE PARCEL INTO A SINGLE PRINCIPAL RESIDENTIAL BUILDING, INCLUDING ATTACHED UNITS, LOCATED ON THE PORTION OF THE PARCEL WITH THE LEAST ENVIRONMENTAL CONSTRAINTS, PROVIDED THAT:**

(I) THE DEVELOPMENT SITE FOR THE PRINCIPAL BUILDING AVOIDS OR MINIMIZES IMPACTS TO SENSITIVE AREAS;

(II) ALL IMPACTED SENSITIVE AREAS ON THE PARCEL ARE PRESERVED IN PERPETUITY THROUGH AN EASEMENT OR OTHER PROTECTIVE MECHANISM ALLOWABLE UNDER LOCAL LAW;

(III) THE TOTAL NUMBER OF DWELLING UNITS IN THE SINGLE PRINCIPAL BUILDING DOES NOT EXCEED THE MAXIMUM NUMBER OF UNITS OTHERWISE PERMITTED FOR THE PARCEL UNDER APPLICABLE DENSITY STANDARDS; AND

(IV) THE PRINCIPAL BUILDING IS DESIGNED IN COMPLIANCE WITH APPLICABLE BUILDING, HEALTH, SAFETY, AND FIRE CODES.

(2) A LOCAL JURISDICTION MAY ADOPT PROCEDURES TO IMPLEMENT THIS ENVIRONMENTAL DESIGN OPTION CONSISTENT WITH THIS SECTION, BUT MAY NOT IMPOSE MINIMUM LOT SIZE REQUIREMENTS, SETBACKS, OR DESIGN STANDARDS THAT WOULD EFFECTIVELY PROHIBIT ITS USE FOR PARCELS QUALIFYING UNDER THIS SUBSECTION."

Amendment #4: Exempt all critical areas, forested land suitable for forest interior dwelling species, and all areas not currently connected to water/sewer (Arundel Rivers, Maryland League of Conservation Voters, Chesapeake Legal Alliance, Shore Rivers) (compromise)

On page 8, in line 24, strike "or".

On page 8, after line 26, insert: "**;**

(IV) LAND WITHIN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED IN § 8-1802 OF THE NATURAL RESOURCES ARTICLE; OR

(V) FORESTED LAND SUITABLE FOR FOREST INTERIOR DWELLING SPECIES, AS DEFINED IN § 5-1607(C)(1)(III) OF THE NATURAL RESOURCES ARTICLE."

On page 9, in line 1, after "connected" insert "**WITHIN THE NEXT FIVE YEARS"**

Amendment #5: Remove the time restriction on when a historic district may be determined by a local jurisdiction (MACo, MML, M-NCPPC) (compromise)

On page 8, in line 21, after "article" strike "on or before July 1, 2025" and substitute "**:**

1. ON OR BEFORE JULY 1, 2025; OR

2. IN WHICH ALL EXISTING PRIMARY STRUCTURES AT THE TIME OF SUCH DESIGNATION WERE AT LEAST 50 YEARS OLD."

Amendment #6: Specific clarification that legislation does not override local APFO (MACo/MML/M-NCPPC)

On page 9, in line 29, after "codes" insert "**, ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT**"

Amendment #7: Shifting the effective date back (MACo, MML, M-NCPPC) (compromise)

On page 11, in line 23, strike "October 1, 2026" and substitute "**JANUARY 1, 2027**"

Amendment #8: Prohibits legislation from conflicting with local Consent Decrees (City of Westminster)

On page 10, in line 2, after "regulations" insert "**, OR APPLICABLE CONSENT DECREES OR ORDERS**"

Amendment #9: Aligning definition of single-family residential use with local zoning law (City of Westminster)

On page 8, in line 4, strike "the construction and placement of".

On page 8, in line 5, strike "is allowed by right under local law" and substitute "**ARE EXPRESSLY CLASSIFIED IN THE LOCAL ZONING LAW AS A PERMITTED BY-RIGHT USE**".

Amendment #10: Providing that single-family homes must have consistent height to adjacent improved lots (City of Westminster)

On page 9, in line 5, after "home" insert "**, EXCEPT THAT A LEGISLATIVE BODY MAY REQUIRE THAT BUILDING HEIGHT BE CONSISTENT WITH BUILDINGS ON ADJACENT IMPROVED LOTS**".

Amendment #11: Adding average building setback line of adjacent lots to front and rear setbacks provision (City of Westminster)

On page 9, in line 10, strike "and rear setbacks, 10 feet; and" and substitute "**SETBACKS, 10 FEET OR THE AVERAGE BUILDING SETBACK LINE OF ADJACENT IMPROVED LOTS, WHICHEVER IS GREATER;**

2. FOR REAR SETBACKS; 10 FEET; AND".

On page 9, in line 11, strike "2." and substitute "**3.**"

Amendment #12: Striking lot coverage maximums, building setbacks, and building element requirement preemptions from the bill (Somerset/Chevy Chase Village/MML) (compromise)

On page 9, in line 6, after "maximums" insert: "**OF LESS THAN 75% OF THE AVAILABLE LOT AREA, AFTER SUBTRACTING SETBACKS,"**

Amendment #13: Exempt areas outside of PFAs and that are not in public water and sewer tiers 1,2, and 3 (M-NCPPC)

On page 8, in line 24, strike "or".

On page 8, in line 26, after "Article" insert: "**;**

(IV) AREAS THAT ARE:

1. OUTSIDE OF ANY PRIORITY FUNDING AREA, AS DEFINED IN TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

2. OUTSIDE OF GROWTH TIERS I, II, AND III AS ADOPTED IN ACCORDANCE WITH TITLE 1, SUBTITLE 5 OF THE LAND USE ARTICLE."

Amendment #14: Exclude stacked units, duplexes, etc. from the definition of townhome (MML)

On page 4, in line 15, after "wall" insert "**THAT SERVES AS A VERTICAL BOUNDARY**"

On page 4, in line 16, strike "and".

On page 4, after line 16, insert:

"**(2) EXTENDS FROM THE GROUND TO THE ROOF;**

(3) CONTAINS MULTIPLE FLOORS OR LEVELS;

(4) HAS ITS OWN GROUND-LEVEL EXTERNAL ENTRANCE, OR SHARES AN ENTRANCE ONLY WITH AN ADJACENT UNIT;

(5) IS NOT LOCATED DIRECTLY ABOVE OR BELOW ANY OTHER DWELLING UNIT; AND"

On page 4, in line 17, strike "(2)" and substitute "**(6)**"

FINAL HB 239_SB36 Starter.Silver Homes Act 2026_Po
Uploaded by: James Hunt
Position: FWA

THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

POSITION STATEMENT

Bill: HB 239/SB 36 Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

Position: Support with Amendments **Date:** February 12, 2026

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Senior Government Affairs Analyst

Dear Chair Kriselda Valderrama,

The Prince George's County Planning Board has voted to support this bill with amendments.

What this Bill Does. This bill prohibits local jurisdictions from adopting or enforcing certain zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for certain single-family homes. This bill also seeks to prohibit local jurisdictions from prohibiting certain housing types in certain zones. Furthermore, the bill prohibits local jurisdictions from prohibiting certain subdivisions of certain lot types.

M-NCPPC General Comments. M-NCPPC appreciates Governor Moore's continued focus on addressing Maryland's housing crisis. HB 239 / SB 36 reflects a growing recognition that the State must expand opportunities for starter homes, diversify housing types, and reduce regulatory barriers that limit supply. M-NCPPC strongly supports efforts that meaningfully increase housing availability and affordability for Maryland residents.

Office of the General Counsel
6611 Kenilworth Avenue, Suite 200, Riverdale, Maryland 20737
301.454.1670 tel.

For these reasons, M-NCPPC offers conditional support for HB 239 / SB 36. We support the bill's overarching goal of expanding housing options and reducing barriers to starter homes.

We offer the following comments:

- Regarding the minimum lot size language, water and sewer service areas do not correspond to desired growth areas in our counties. Consider using alternative geographies more consistent with long-standing state and county sustainable growth policies.
- Clarify the scope of preemption to ensure that environmental, safety, and infrastructure-related standards remain intact.
- Preserve local authority to manage growth in a manner consistent with adopted master plans.
- Allow reasonable design and development standards that ensure compatibility and quality.
- Provide implementation timelines that allow jurisdictions to update zoning ordinances, conduct infrastructure analysis, and engage communities.

M-NCPPC stands ready to work with the bill sponsors, the General Assembly, and partner jurisdictions to refine this legislation so that it advances Maryland's housing goals while maintaining the planning tools necessary to support complete, connected, and resilient communities.

Bill Amendments to Consider

1. **On page 8, after line 26,** add (V) (1) A COUNTY THAT MEETS THE FOLLOWING STANDARD: THE AVERAGE NUMBER OF THE COUNTY'S HOUSING UNITS APPROVED OVER A ROLLING THREE-YEAR PERIOD EXCEEDS THE NUMBER OF THE ANNUAL HOUSING UNITS NEEDED, BASED ON ANNUAL HOUSING DATA FROM THE COUNTY'S PLANNING DEPARTMENT.

2. **On page 8, in lines 21 and 22, strike**, "**ON OR BEFORE JULY 1, 2025**".

    - Limiting when and where a historic district may be determined with the intent of regulating land-use is contradictory to the purpose of this program. Historic areas created in the future should remain exceptions. However, there may need to be language that assures this provision is not used to abrogate the intent of the law.

3. **On page 8, after line 26, add that this subsection would not apply to:**

   (IV) AREAS THAT ARE OUTSIDE PRIORITY FUNDING AREAS OR NOT IN PUBLIC WATER AND SEWER TIERS 1, 2 OR 3.

   - This addition will support sustainable growth policies and address concerns regarding development on well and septic as well as the concerns counties have shared regarding impacts on rural areas.

4. On page 9, in lines 1-2, strike "**IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS,**"

   i. The proposed amendment above would clarify that only areas in the PFA with water and sewer are subject to this subsection.

5. **On page 9, lines 8-11, strike in their entirety.**

   i. County setbacks are largely guided by state mandates and good governance programs such as stormwater regulations and considerations for utilities. These requirements will conflict with such provisions and will apply a one-size-fits-all mandate without on-the-ground considerations.

6. **On page 9, in lines 12-13, strike in their entirety.**

   i. County requirements on design are guided by a variety of considerations, including health and safety, neighborhood inclusion, and community input. For example, design requirements in many communities ensure that affordable housing does not unnecessarily stand out or draw attention to residents of different income brackets, fostering a stronger sense of community.

7. **On page 9, in line 29 after "CODES,"** insert, "**ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT, DENSITY LIMITS OR ALLOCATIONS,"**. In line 30, strike "**IMMEDIATE**".

   a. **Clarifies that these provisions do not override local adequate public facility ordinances and ensure clear implementation. On page 11, in line 22 beginning with "That" through "2026" in line 23, strike and substitute,** "**That this Act shall take effect July 1, 2027.**"

      i. The effective date should be July 1, 2027 to allow additional time for Counties to adjust any relevant plans or zoning regulations.

FINAL HB 239_SB36 Starter.Silver Homes Act 2026_Po
Uploaded by: Jordan Baucum Colbert
Position: FWA

THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

POSITION STATEMENT

Bill: HB 239/SB 36 Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

Position: Support with Amendments **Date:** February 12, 2026

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Senior Government Affairs Analyst

Dear Chair Kriselda Valderrama,

The Montgomery County Planning Board has voted to support this bill with amendments.

What this Bill Does. This bill prohibits local jurisdictions from adopting or enforcing certain zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for certain single-family homes. This bill also seeks to prohibit local jurisdictions from prohibiting certain housing types in certain zones. Furthermore, the bill prohibits local jurisdictions from prohibiting certain subdivisions of certain lot types.

M-NCPPC General Comments. M-NCPPC appreciates Governor Moore's continued focus on addressing Maryland's housing crisis. HB 239 / SB 36 reflects a growing recognition that the State must expand opportunities for starter homes, diversify housing types, and reduce regulatory barriers that limit supply. M-NCPPC strongly supports efforts that meaningfully increase housing availability and affordability for Maryland residents.

Office of the General Counsel
6611 Kenilworth Avenue, Suite 200, Riverdale, Maryland 20737
301.454.1670 tel.

For these reasons, M-NCPPC offers conditional support for HB 239 / SB 36. We support the bill's overarching goal of expanding housing options and reducing barriers to starter homes.

We offer the following comments:

- Regarding the minimum lot size language, water and sewer service areas do not correspond to desired growth areas in our counties. Consider using alternative geographies more consistent with long-standing state and county sustainable growth policies.
- Clarify the scope of preemption to ensure that environmental, safety, and infrastructure-related standards remain intact.
- Preserve local authority to manage growth in a manner consistent with adopted master plans.
- Allow reasonable design and development standards that ensure compatibility and quality.
- Provide implementation timelines that allow jurisdictions to update zoning ordinances, conduct infrastructure analysis, and engage communities.

M-NCPPC stands ready to work with the bill sponsors, the General Assembly, and partner jurisdictions to refine this legislation so that it advances Maryland's housing goals while maintaining the planning tools necessary to support complete, connected, and resilient communities.

Bill Amendments to Consider

1. **On page 8, in lines 21 and 22, strike**, "**ON OR BEFORE JULY 1, 2025**".

    - Limiting when and where a historic district may be determined with the intent of regulating land-use is contradictory to the purpose of this program. Historic areas created in the future should remain exceptions. However, there may need to be language that assures this provision is not used to abrogate the intent of the law.

2. **On page 8, after line 26, add that this subsection would not apply to:**

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(IV) AREAS THAT ARE OUTSIDE PRIORITY FUNDING AREAS OR NOT IN PUBLIC WATER AND SEWER TIERS 1, 2 OR 3.

- This addition will support sustainable growth policies and address concerns regarding development on well and septic as well as the concerns counties have shared regarding impacts on rural areas.

3. On page 9, in lines 1-2, strike "**IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS,**"

- The proposed amendment above would clarify that only areas in the PFA with water and sewer are subject to this subsection.

4. **On page 9, lines 8-11, strike in their entirety.**

- County setbacks are largely guided by state mandates and good governance programs such as stormwater regulations and considerations for utilities. These requirements will conflict with such provisions and will apply a one-size-fits-all mandate without on-the-ground considerations.

5. **On page 9, in lines 12-13, strike in their entirety.**

- County requirements on design are guided by a variety of considerations, including health and safety, neighborhood inclusion, and community input. For example, design requirements in many communities ensure that affordable housing does not unnecessarily stand out or draw attention to residents of different income brackets, fostering a stronger sense of community.

6. **On page 9, in line 29 after "CODES,"** insert, "**ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT, DENSITY LIMITS OR ALLOCATIONS,"**. In line 30, strike "**IMMEDIATE**".

- Clarifies that these provisions do not override local adequate public facility ordinances and ensure clear implementation.

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301.454.1670 tel.

7. **On page 11, in line 22 beginning with "That" through "2026" in line 23, strike and substitute,** "**That this Act shall take effect July 1, 2027.**"

    - The effective date should be July 1, 2027 to allow additional time for Counties to adjust any relevant plans or zoning regulations.

Office of the General Counsel
6611 Kenilworth Avenue, Suite 200, Riverdale, Maryland 20737
301.454.1670 tel.

HB239-FWA-AdvocatesForHerringBay.pdf
Uploaded by: Kathleen Gramp
Position: FWA

Advocates for Herring Bay (AHB)[1]
Regarding HB 239 —Starter and Silver Homes Act of 2026
Stephen Marley, February 10, 2026
Favorable with amendments

The Advocates for Herring Bay (AHB) support efforts to increase affordable housing in an environmentally sound manner. Maryland can achieve those dual goals by taking a holistic approach to HB 239, one that balances the state's housing needs with its longstanding commitments to sustain the Chesapeake Bay and other ecologically valuable resources.

In our view, HB 239 needs to be amended to prevent unintended adverse effects on the environment that would result from provisions limiting the authority of local lawmakers to adopt and enforce standards for certain town house developments. Illustrative text for such amendments is provided in Attachment 1 on page 3. Our four major concerns are:

1. HB 239 allows high-density development in ecologically valuable areas. HB 239 as introduced would allow town house development on most of the state's residential properties. Its provisions apply to all tracts that are allowed to have a house—including farms—unless the parcel is protected by an agricultural or environmental conservation easement or located in an existing historic district. AHB urges the Committee to amend Subsection (E)(2) to exclude geographic areas cited in state laws as environmental priorities, including:

- *The Chesapeake and Atlantic Coastal Bays Critical Area,* consistent with state laws and multi-state agreements targeting that buffer zone for conservation purposes; and
- *Areas without currently available public sewer and water capacity*, consistent with the state's statutory goal of reducing nitrogen loads by avoiding growth in areas served by septic systems.[2] Areas without sewer also host much of Maryland's Habitat Conservation Network.

2. HB 239 creates development rights without regard to the environmental features of individual parcels, including those served by sewer. Subsections (E)(4) and (E)(5) grant owners of residential properties the right to subdivide and develop up to three lots on their parcel without setting aside ecologically valuable acreage. Parcel-level protections are needed to safeguard vital natural resources and reduce uncertainty and conflicts about the extent of the new property rights. Thus, AHB urges the Committee to amend Subsection (E)(2) to exempt:

- *Sensitive areas*, which by law include wetlands, streams and their buffers; floodplains; steep slopes; key habitats; and resources intended for or in need of protection;[3] and
- *Forests listed as a priority for retention and protection* under Maryland's Forest Conservation Act, which addresses important urban as well as rural resources.[4]

3. HB 239 risks exacerbating flooding and stormwater runoff. Subsection (E)(3) bars localities from setting any upper limit on "lot coverage" for single-family homes. That open-ended provision may have the unintended effect of deregulating lot coverage, allowing all single-family residences—not just the town houses authorized by this bill—to have 100 percent of their parcel covered by hard, impervious surfaces. Unless amended, enacting HB 239 could increase

[1] The Advocates for Herring Bay, Inc. (AHB) is a community-based environmental group in Anne Arundel County.
[2] See the sewer planning tiers established under Sustainable Growth and Agricultural Preservation Act of 2012.
[3] e Land Use Article, §1-101(o).
[4] See Natural Resources Article §5-1607(c).

flood risks across the state by significantly reducing the acreage available for natural, vegetative buffers that absorb and manage rainfall and stormwater runoff.

AHB recommends taking a two-pronged approach, tailoring any increase in lot coverage to the incremental amounts needed to accommodate town houses added by HB 239 while retaining an upper limit pegged to the jurisdiction's lot coverage limit for town house zoning districts. As shown in Attachment 2, that upper limit in Anne Arundel County currently would be 75 percent.

4. HB 239 creates regulatory uncertainty for environmental protections by barring local actions "notwithstanding any other law." The sweeping scope of the "notwithstanding" clauses in Subsection (E) casts doubt on the authority of local governments to enforce environmental laws that apply to town house development. While the bill says that state laws will remain in effect, it does not say who will perform those functions.[5]

Clarifying the Committee's intent is important because Maryland currently relies on local governments to implement the state's forest conservation, stormwater, and other land-use related laws.[6] To avoid litigation and lapses in enforcement, AHB urges the Committee to amend the bill to expressly confirm that the provisions in HB 239 do not supersede state or local implementation of our environmental laws.

In closing, solving challenges like affordable housing will require holistic, innovative approaches that address Maryland's diverse needs and priorities. Supplementing the bill's regulatory measures with market-based incentives like transferable development rights may offer additional opportunities for managing potential impacts. AHB appreciates the Committee's leadership on these complex issues and thanks you for considering our views.

Attachment 1: Illustrative text for amendments to HB 239 proposed by AHB
Attachment 2: Anne Arundel County lot coverage allowances for residential zoning districts

[5] Subsection (E)(6) states that the provisions in HB 239 do not apply if they conflict with other state or federal laws. It is not clear at this time whether state or local agencies would be responsible for implementing those laws.
[6] See Maryland Department of Legislative Services Fact Sheet: Regulation of Land Use in the State, January 2025.

Attachment 1
Illustrative text for amendments proposed by the Advocates for Herring Bay to HB 239, the Starter and Silver Homes Act of 2026, as introduced

<u>Exempt areas:</u> insert on page 8, after line 26:

(IV) land within the Chesapeake and Atlantic Coastal Bays Critical Area, as defined in the Natural Resources Article, §8-1802;

(V) areas without currently available public sewer and water capacity;

(VI) sensitive areas, as defined in the Land Use Article, §1-101(o), or

(VII) forests designated as priority for retention and protection under Natural Resources Article §5-1607(c).

<u>Lot coverage:</u> on page 9, strike lines 6 and 7 and insert:

(*III) Lot coverage limits for lots created for town houses under the authorities in this Subsection that would differ from the lot coverage allowed for similarly sized single-family lots, provided that the cumulative lot coverage may not exceed the lot coverage allowed on land zoned for town house development in that jurisdiction.*

<u>Regulatory uncertainty</u>: On page 10, line 1, renumber existing (II) as (III) and insert new (II) to read as follows:

(II) Do not supersede applicable environmental laws or regulations, including state and local implementation of laws related to:

1. *Environmentally sensitive areas, Land Use Article, Section 101(o)),*
2. *Forest conservation, Natural Resources Article, Subtitle 16,*
3. *Water management, including stormwater, Environment Article, Title 4,*
4. *All other applicable environmental protections in state law.*

Attachment 2

Anne Arundel County lot coverage allowances for residential zoning districts

Anne Arundel County Lot Coverage Percentages

Source: https://www.aacounty.org/planning-and-zoning/zoning-administration/zoning-classifications-guide

Extracted: January 31, 2026

Zoning District	Characteristics	Allowable Density per sq feet unless specified	Minimum Lot Size (sq. feet)	Lot coverage percent
RA	Agriculture-very low density	1 per 20 acres	40,000	25%
RLD	Low-density rural	1 per 5 acres	40,000	25%
R-1	Low-density suburban	1 per 40,000 sq. feet	40,000	50%
R-1 - duplex	Low-density suburban	1 per 15,000 sq ft., side by side	30,000	50%
R-2 - no sewer	Low-medium density-suburban	1 per 20,000 sq. feet	20,000	60%
R-2 - with sewer	Low-medium density-suburban	2.5 per acre	10,000	60%
R-5 - no sewer	Low-medium density-urban	5 per acre	10,000	65%
R-5 - with sewer	Low-medium density-urban	5 per acre	5,000	65%
R-10	Townhouse, etc.-medium density	10 per acre	na	75%
R-15	Townhouse, etc.-higher density	15 per acre	na	75%
R-22	Apartments - higher density	22 per acre	na	75%

HB 239 - MoCo_Elrich_FWA (GA 26).pdf
Uploaded by: Marc Elrich
Position: FWA

OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

February 12, 2026

TO: The Honorable Kriselda Valderrama
Chair, Economic Matters Committee

FROM: Marc Elrich
County Executive

RE: House Bill 239: *Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)*
Support with Amendments

I am writing to express my support for House Bill 239, *Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026),* with amendments that reflect my commitment to achieving the Administration's goals of increasing the availability and affordability of housing throughout the State and my belief that these goals can be best accomplished by preserving Montgomery County's local zoning authority and land use decisions made through our master plan process. I believe that the amendments outlined below reflect a balanced approach to pursuing our shared goals for increasing availability and affordability of housing while at the same time preserving local zoning and land use authority.

AMENDMENT 1

On page 8, in lines 21 and 22, strike "**ON OR BEFORE JULY 1, 2025**".

Rationale

This deletion is necessary to preserve a local jurisdiction's ability to create future historic preservation districts.

AMENDMENT 2

On page 8, after line 26, insert:

"(IV) A COUNTY THAT MEETS THE FOLLOWING STANDARD: THE NUMBER OF THE COUNTY'S HOUSING UNITS APPROVED EXCEEDS THE NUMBER OF THE ANNUAL HOUSING UNITS NEEDED OVER A ROLLING THREE-YEAR PERIOD, AS

DETERMINED BY THE COUNTY'S REGIONAL PLANNING COUNCIL, BASED ON ANNUAL HOUSING DATA FROM THE COUNTY'S PLANNING DEPARTMENT."

Rationale

The Metropolitan Washington Council of Governments has developed forecasting models based on zoning data provided by planning agencies throughout the region. These forecasts, updated from time to time, have proven to be historically accurate and indicate that Montgomery County's housing production is in line with the latest forecast. Adoption of this amendment would give deference to our County and other jurisdictions that meet or exceed housing production needs through their planning processes.

AMENDMENT 3

On page 8, after line 26, insert:

"(V) AREAS THAT ARE NOT CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH OR NOT PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER WITHIN FIVE YEARS."

Rational

This amendment addresses concerns regarding development in areas served by well and septic as well as rural areas.

AMENDMENT 4

On page 9, strike lines 8 through 13.

Rationale

Adoption of one-size-fits-all mandates restricting the County's right to establish setbacks and design, architectural, and aesthetic standards unnecessarily and adversely impacts the County's ability to meet stormwater requirements and undermines good principles of community planning. It also increases environmental risk associated with too much impermeable surface and insufficient tree coverage, creating increased stormwater management and heat issues.

AMENDMENT 5

On page 9, in line 29 after the first comma, insert "**ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT, DENSITY LIMITS OR ALLOCATIONS**"; and in line 30 strike "**IMMEDIATE**".

Rationale

These changes are necessary to allow the orderly development of affordable housing set forth in our planning process.

AMENDMENT 6

On page 11, strike beginning with "That" in line 22 through "October 1, 2026" in line 23 and substitute "That this Act shall take effect July 1, 2027".

Rationale

This will provide the time necessary to adjust any relevant plans or zoning laws.

In Montgomery County, we are cognizant of the multiple factors that go into building affordable housing. Studies have shown that simply replacing existing small single-family homes with townhouses, duplexes, or triplexes does not produce more affordable units and, in many cases, replaces an existing affordable home with one costing $1,000,000 or more. This problem persists because of the absence of specific requirements for affordability. For that reason, in addition to the specific amendments outlined above, I strongly recommend tying the density increases that are required in the bill to affordability. Absent such an amendment, we may get more market-rate housing while affordability remains elusive.

Adopting the amendments outlined above will enhance the County's ability to provide affordable, equitable, and climate-resilient communities while contributing positively to the goal of increasing both availability and affordability of housing. I respectfully request that the House Economic Matters Committee vote favorably on House Bill 239 with these amendments.

cc: Members of the Economic Matters Committee

HB239 - MDLCV SUPPORT WITH AMENDMENTS - Starter an
Uploaded by: Marisa Olszewski
Position: FWA

MARYLAND LEAGUE OF CONSERVATION VOTERS

Maryland LCV Board of Directors

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30 West Street, Suite C
Annapolis, MD 21401
Phone: 410-280-9855

www.mdlcv.org

February 12, 2026

SUPPORT WITH AMENDMENT

HB239: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Chair Valderrama and Members of the Committee:

The Maryland LCV supports House Bill 239 with amendment. This legislation is taking strides to solve one of our state's major challenges – increasing opportunities for affordable housing. Maryland LCV has long supported smart growth principles and, this bill, strives to adopt density in appropriate, developable areas, which is an important tool for advancing not only smart growth, but also housing affordability, and climate resilience. We appreciate the Department's willingness to accept targeted amendments to this legislation to ensure provisions in the bill do not create unintended consequences for our ecologically sensitive lands, nor land preservation goals.

Maryland faces dual and interconnected challenges—addressing a need to build differentiated housing stock, while protecting the natural resources critical to the health of our communities and our state as a whole. Increasing density in already-developable areas can help address both. Thoughtfully planned, higher density development can reduce sprawl, lower vehicle miles traveled, and limit the need to extend costly infrastructure into undeveloped areas. These outcomes benefit not only the economy, but also air quality, water quality, and climate goals.

At the same time, Maryland LCV believes strongly that increased density should not come at the expense of ecologically sensitive areas, including wetlands, forests, floodplains, and critical habitats. These lands provide irreplaceable environmental services—protecting drinking water, mitigating flooding, sequestering carbon, and supporting biodiversity.

In addition to clarifying protected areas, the first proposed amendment also ensures areas most appropriate for conservation, not development, do not inadvertently assume a higher cost by being listed as higher density eligible, when, in fact, they are inappropriate for development. The second proposed amendment clarifies stormwater control provisions to maintain protected water quality, while still allowing for development in designated growth areas.

Maryland LCV is grateful to the Department of Housing and Community Development for their acceptance of the attached amendments and urges the House Economic Matters Committee to issue a favorable on House Bill 239.

PROPOSED AMENDMENTS FOR THE NEXT GENERATION ENERGY ACT

On page 8, in line 24, strike “or”.

On page 8, after line 26, insert: “;

(iv) land within the chesapeake and atlantic coastal bays critical area, as defined in § 8-1802 of the Natural Resources Article; or

(v) forested land suitable for forest interior dwelling species, as defined in § 5-1607(c)(1)(iii) of the Natural Resources Article.”

On page 9, in line 1, after “connected” insert “within the next five years”

MARYLAND LEAGUE OF CONSERVATION VOTERS

HB0239-ECM_MACo_SWA.pdf
Uploaded by: Michael Sanderson
Position: FWA

House Bill 239

Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

MACo Position: **SUPPORT WITH AMENDMENTS**

To: Economic Matters Committee

Date: February 12, 2026

From: Dominic J. Butchko & Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS** HB 239 **WITH AMENDMENTS**. This bill makes several changes to the land use article, including: allowing for the construction of townhouses in all single-family zones; eliminates local ability to meaningfully establish new historic districts; limits single family lot sizes to 5000 square feet; eliminates lot coverage maximums; establishes 10 foot rear and front setbacks and 5 foot side setbacks; eliminates the authority to set design, architectural, or aesthetic standards; and authorizes the unlimited subdivision of any lot where a single family home may be built. Counties have multiple application and implementation concerns, if this bill advances.

For the past three years, Maryland's counties and the General Assembly have shared a clear priority: expanding the supply of affordable housing. That commitment is reflected in major recent actions, including the Housing Expansion and Affordability Act of 2024 (HB 538/SB 484) and legislation authorizing Accessory Dwelling Units (ADUs) statewide in 2025 (HB 1466/SB 891). MACo played a pivotal role in advancing these—and many other—housing measures during this period. That work culminated in MACo's 2026 legislative initiative bill, the Building Affordably in My Back Yard (BAMBY) Act, a county-backed comprehensive and pragmatic path forward to meet the current moment. Counties welcome tools to help advance housing at all levels, where it fits within their infrastructure capacity.

In 2026, the Administration has introduced HB 239 as a component of a broad housing initiative. Counties—key implementation partners—remain committed to working with the Administration to expand housing opportunities. However, as drafted, HB 239 raises significant concerns about unintended consequences and practical implementation at the local level. **The amendments outlined on the following pages are intended to strengthen the bill, ensuring its smooth administration, and reducing operational and fiscal risks for communities.**

If the Committee agrees to advance the central policies of HB 239, a central question to be considered is: to what portions of Maryland should it properly apply? The bill as introduced is universal. Anticipated amendments would reference current public water and sewer. Counties would suggest that sewer *capacity* is a more suitable trigger, but also suggest that non-municipal areas of rural counties be excluded. If the bill is to advance, the Committee should carefully weigh these options – in this bill, as well as in other pro-housing legislation.

As the frontline actor in land use – and housing policy – counties remain committed to working with the Administration in advancing comprehensive housing solutions. The amendments included on the following pages are critical in nature, without which HB 239 will likely have severe operational and fiscal consequences for Maryland's counties and communities. For this reason, if the Committee adopts the central tenets of HB 239, then MACo urges the Committee to amend HB 239 to remedy these concerns, and issue a **FAVORABLE WITH AMENDMENTS** report.

MACo Proposed Amendments for HB 239

Amendment #1 *- Limiting when and where a historic district may be established based on an assumption it is being used to regulate land use contradicts the program's core purpose. Historic districts exist to preserve significant places and community character, and concerns about misuse should be addressed through clearer criteria—not broad restrictions.*

On page 8, in lines 21 and 22, strike "**ON OR BEFORE JULY 1, 2025**".

Amendment #2 *– As drafted this bill would authorize townhomes to be built on well and septic within rural areas. This violates state health regulations and creates a serious public health hazard. This amendment clarifies that these provisions only apply in areas with adequate public water and sewer capacity that can support additional growth.*

On page 8, after line 26, insert "**(IV) AREAS THAT ARE NOT CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH OR NOT PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER WITHIN 5 YEARS.".**

On page 8, in line 29, after "**ESTABLISHES,**" insert, "**IN AREAS THAT ARE CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH;**"

On page 9, in lines 1-2, strike "**IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS,**"

On page 9, in line 18, after "**USE**" insert, "**AND IS CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH OR ARE PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS WITHIN 5 YEARS.**"

On Page 9, in line 23, after "**USE**" insert, "**AND IS CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH**"

(amendments continue on next page)

Amendment #3 – *The affordable housing challenges in rural Maryland are fundamentally different from those in the urban/suburban core. Without significant infrastructure investment, urban-centric mandates can exacerbate strains that many counties are already struggling to manage. This amendment refocuses the legislation on areas with sufficient capacity to accommodate additional growth.*

On page 8, after line 26, insert,

"**(V) (1) A COUNTY WITH A POPULATION GREATER THAN 150,000 RESIDENTS, NOT INCLUDING ANY RESIDENTS OF A MUNICIPAL CORPORATION LOCATED WITHIN THE COUNTY; AND**

(2) A MUNICIPAL CORPORATION. ".

Amendment #4 - *County setbacks are largely guided by state mandated policies such as stormwater regulations and considerations for utilities. These requirements will conflict with such provisions and will apply a one-size-fits-all mandate without on-the-ground considerations, creating conflicting policy directions and complicating implementation.*

On page 9, lines 8-11, strike in their entirety.

Amendment #5 *- County requirements on design are guided by a variety of considerations, including: health and safety, neighborhood inclusion, and community input. Design requirements in many communities ensure that affordable housing does not unnecessarily stand out or draw attention to residents of different income brackets, fostering a strong sense of community.*

On page 9, lines 12-13, strike in their entirety.

Amendment #6 *- Clarifies that these provisions do not supersede county Adequate Public Facilities Ordinances (APFOs), preserving the ability of local governments to ensure schools, roads, water and sewer, and other essential infrastructure can support new development. This also provides clearer implementation guidance by confirming that growth management and public facility capacity standards remain in effect alongside the bill's new requirements.*

On page 9, in line 29 after "**CODES,**" insert, "**ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT, DENSITY LIMITS OR ALLOCATIONS,**".

In line 30, strike "**IMMEDIATE**".

(amendments continue on next page)

Amendment #7 - *Counties recognize the seriousness of the challenges Maryland faces and the need for bold action. However, several provisions in this bill could limit counties' ability to respond to future, unforeseen growth pressures, and implementation will require substantial time to update local codes, regulations, and—in some cases—zoning. Counties therefore recommend a sunset provision to allow the State to evaluate effectiveness over time and identify any unintended consequences.*

On page 11, in line 22 beginning with "That" through "2026" in line 23, strike and substitute, "**That this Act shall take effect July 1, 2027, and shall remain effective for a period of 10 years. With no further action required by the General Assembly, this section shall be abrogated and of no further force and effect.**"

Amendment # 8 *- As an alternative approach, counties request that the provisions of this legislation be tied to their ability to meet locally approved housing targets. Several jurisdictions have invested significantly in assessing local housing needs and establishing jurisdiction-specific targets. This amendment builds on that work and creates a performance-based incentive for counties that successfully meet those targets.*

On page 8, after line 26, add **(IV) A COUNTY THAT MEETS THE FOLLOWING STANDARD: THE AVERAGE NUMBER OF THE COUNTY'S HOUSING UNITS APPROVED OVER A ROLLING THREE-YEAR PERIOD EXCEEDS THE NUMBER OF THE ANNUAL HOUSING UNITS NEEDED, BASED ON ANNUAL HOUSING DATA FROM THE COUNTY'S PLANNING DEPARTMENT.**

HB0239-ECM-SWA.pdf
Uploaded by: Nina Themelis
Position: FWA

BRANDON M. SCOTT
MAYOR

Office of Government Relations
88 State Circle
Annapolis, Maryland 21401

HB 0239

February 12, 2026

TO: Members of the Economic Matters Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: House Bill HB 0239 Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

POSITION: Support with Amendments

Chair Valderrama, Vice Chair Charkoudian members of the committee, please be advised that the Baltimore City Administration (BCA) **supports with amendments** House Bill (HB) 039.

In its current form HB 239, Starter and Silver Homes Act of 2026, would prohibit local jurisdictions from issuing minimum lot size requirements over 5,000 sq. ft., having lot coverage maximums for single family dwellings (SFD) and any accessory structures; having front and rear yard setbacks more than 10' or side yard setbacks more than 5' and prohibits design, architectural, or aesthetic elements for a single–family homes. The bill requires jurisdictions to allow townhomes anywhere that is zoned for single-family dwellings and jurisdictions will no longer be able to enforce subdivision regulations for subdivisions into three or fewer lots.

Although this bill was not designed with Baltimore City specifically in mind, the BCA supports the idea of increasing density and allowing developers to create smaller properties which may lead to the production of additional affordable housing units that serve as starter homes. Baltimore is already moving in this direction, the City Council is currently considering City Council Bill *25-0066 Zoning – Housing Options and Opportunity* which seeks to increase the supply of affordable housing in Baltimore City by ending single-family zoning and permitting the conversion of single-family homes into multi-family homes of up to 4 units in residential zoning districts R-1-A through R-8.

We have several major redevelopment initiatives underway in Baltimore City which include single family dwelling units, that are in the planning/predevelopment phase and where the developer has identified and/or entered into a purchase agreement with a specified homebuilder. We want to ensure that the proposed additional single-family language will NOT impact any current projects in Uplands, Park Heights, Tivoly Eco-village or Broadway East.

We support an amendment being put forth by the Maryland Association of Counties to remove setbacks and design requirements. We believe that each jurisdiction is capable of determining appropriate lot size requirements, what homes should look like (aesthetic design review) and how we divide (subdivision). If these requirements move forward as a part of the statewide legislation, this could potentially disrupt work already in progress.

The BCA supports the idea of creating more additional affordable housing units and starter housing through increased density. For these reasons, the BCA respectfully requests a **support with amendments** report on HB 0239.

GAN testimony on HB239.pdf
Uploaded by: Paul Christensen
Position: FWA

Growth Action Network
of Anne Arundel County, Inc.
P.O. Box 748 • Arnold, MD 21012 • www.growthaction.net

Testimony of Growth Action Network of Anne Arundel County
Regarding HR239/SB36 —Land Use—Zoning—Limitations
Favorable with amendments

Growth Action Network of Anne Arundel County (GAN)is a coalition of community and civic associations, environmental groups, green businesses, and individuals. GAN has about 55 individual members and 30 member organizations. Our member organizations have a total membership exceeding 20,000 Anne Arundel County citizens.

Although the bill needs several amendments, GAN supports development of affordable housing and recognizes there is an immense amount of legislative and citizen interest in legislation that addresses housing affordability. The GAN position on bills SB36/HB239 is support with necessary amendments.

These issues are left unresolved by the bill and need to be addressed:

1. Although the bill is being promoted as a means of increasing affordable housing, it contains no requirement that the potentially enormous number of new homes it would permit will, in fact, be affordable.
2. In its current form, the bill would dramatically increase the number of building lots in the State by overriding minimum lot size requirements in the zoning code. It is unclear, however, whether the bill would also eliminate other development regulations such as requirements for adequate schools, transportation, recreation areas, open space, stormwater management, and parking.
3. The bill has the potential to dramatically increase the amount of impervious surface in the County, with potential adverse impacts on the Chesapeake Bay and its tributaries.

We must also recognize that projects advanced by (SB36/HB239) will create significant demands on public infrastructure, environmental resources, and the quality of life for current residents of host jurisdictions. Local governments and residents would be well served by independent analysis of such impacts. Identification, quantification and planning to provide adequate facilities need to be prepared, and a means to assure the successful implementation of these plans be established. Many Maryland local jurisdictions have planning commissions/boards that should be charged with this responsibility, and every jurisdiction should confirm their capacity to do so.

We request amendments to the bill similar to these:

1. Identify and record housing developments that require any provision of the bill to enable construction.

2. Require that housing identified in (1) above be affordable to households making less than 100% of the Area Median Income (AMI).
3. Exempt those areas of the State that are
    a. in the Critical Area,
    b. Sensitive areas, as defined in the Land Use Article 1-101(o) which by law include wetlands, streams and their buffers; floodplains; steep slopes; key habitats; and resources intended for or in need of protection;

        Or

        Forests listed as a priority for retention and protection under Maryland's Forest Conservation Act
    c. areas identified by the State or federal government as a priority for future conservation acquisitions, such as Rural Legacy Areas or the federal Southern Maryland Woodlands National Wildlife Refuge
    d. currently are not served by public water and sewer or do not have additional capacity
4. Require that each jurisdiction establish a committee to evaluate fiscal impacts of development enabled by the bill and identify appropriate revenue sources as needed.
5. Include a 5-year sunset clause to acknowledge the broad impact of the bill and the potential for significant unforeseen consequences.

In our view these amendments would significantly strengthen the bill and minimize outstanding issues, GAN appreciates the Committee's leadership in resolving the complex issues associated with this bill.

Paul Christensen
Chair, Communications Committee
Growth Action Network
comms@growthaction.net

Paul Christensen,

2026-02-07 SB36 HB239 February 2026.pdf
Uploaded by: Phyllis Edelman
Position: FWA

Bill: HB239

FWA

Phyllis R. Edelman

5810 Ogden Court

Bethesda, MD 20816

Dear Economic Matters Committee Chair Valderrama, Vice Chair Charkoudian and Committee Members:

I am a resident of District 16 in Montgomery County, and I am writing to you because HB239, the Starter and Silver Bill should not be approved as it is currently written.

I take issue with this bill for several reasons.

1. **HB239 is vague and broad, assuming that "one size fits all" for the counties in the state.** With 23 counties and 1 independent city, with populations that range from nearly 1.1 million in Montgomery County to less than 20,000 in Kent County, it is illogical and irresponsible to pass "one size fits all" legislation to eliminate single-family home zoning.

   Last year in Montgomery County, the Planning Department proposed similar "one size fits all" legislation with its attainable housing bill. The result was that even within our one county this type of legislation was seen as unworkable given the different conditions in our agricultural reserve compared to our urban centers of Silver Spring and Bethesda.

2. **HB239 wrests a considerable amount of land use control from our local entities – counties and incorporated communities -- to the state**, which is one step removed from local residents and our everyday concerns. If there are problems that arise with infrastructure as a result of letting developers build townhouses in every area zoned for single-family homes, do homeowners complain to state or local authorities? Do you really want the headaches that arise brought to the state level?

3. **HB239 does not address the need for low and moderate income housing, which is our state's most pressing need.** This bill relies on the abundance theory – if you build enough of any kind of housing eventually there will be the "trickle-down" effect, so that some of the expensive housing will fall in price to be affordable for lower income levels. Decades ago, when Ronald Reagan was president, many of us learned that this "trickle down" theory does not work. It will not provide for those who need housing the most –

the unhoused, and lower and middle-income residents who struggle every day to keep a roof over their heads.

Relying on private developers to build an abundance of housing that will be available for those at lower income levels is unrealistic. This bill doesn't take into consideration costs that builders have – building supplies, labor, land and financing – all of which are very high. Speculative building is very risky for private developers, and it is unlikely this bill will result in thousands of new units at lower and middle-income levels being built.

4. **HB239 does not take into consideration the infrastructure needed to support infill townhouses in many of our communities.** In a brand-new community, a builder can provide the infrastructure needed for multiple-family homes, but in many of our older single-family home communities, our infrastructure is also old and was never built to support multiple-family homes. This bill does not consider the water, sewage, electricity, gas, roads, schools, and emergency service needs that are required for multiple-family buildings.

   In the last month alone, WSSC reported there were more than 40 water main breaks and leaks across Montgomery and Prince George's counties according to a report on WTOP. Multiplied by the other 21 counties in the state, there were probably hundreds of breaks around the state. In addition, there are areas of the state that don't have public water, but rely on wells. Can these properties support multi-family homes?

5. **HB239 does not take into consideration environmental concerns.** Our extremely cold winter weather this year is evidence of climate change, despite our current federal administration denying it exists. Maryland's contribution to that climate change will be increased in HB239 if setbacks for multi-family structures are decreased to 10 feet for front and rear, and five feet for side setbacks. Many of the single-family home properties targeted in this bill have old growth trees and other greenery that will be destroyed. Destroying green space will add to air pollution, will create more impervious surfaces and ultimately add to water pollution, especially in sensitive areas like the Chesapeake Bay.

   Recently, a sewage pipeline collapse between the Potomac River and the Clara Barton Parkway caused 420 million gallons of sewage containing *e. coli* and other harmful bacteria to flow into the Potomac River and ultimately when the weather thaws, make its way into the Chesapeake Bay. Is the state prepared for other sewage line collapses if HB239 is passed without consideration of infrastructure support?

Based on a quick read of the Internet, 70-80% of Americans prefer to live in single-family homes. Therefore, it doesn't make sense to replace single-family homes with townhouses. In addition to considering amendments to HB239 that speak to the issues above, common sense dictates that there are other means to achieve the State's goal of increasing housing stock without eliminating single-family home zoning, including:

1. **Encouraging the building of more housing, particularly low and moderate-income housing, should be the goal of the Governor's housing bill.** To achieve this, the housing production targets published by the Department of Housing and Community Development on January 1, 2026, should be more granular at the county level, delineating the amount of low- and moderate-income housing each county needs in the next four years.

   Instead of having the state dictate the abolition of single-family home zoning, in favor of townhouses everywhere, the DHCD could oversee county fulfillment of housing target goals. In particular, if low and moderate-income housing goals are met two years in a row, the DHCD could step in with appropriate recognition and rewards.

2. **Incentives for builders *and* prospective low- and middle-income homeowners should be offered.** Builders are often given incentives for building multi-family dwellings – more density if a larger percentage of moderately-priced housing is included or tax abatements for extended periods of time if they increase density on county-owned land. Besides giving builders incentives for building denser dwellings, the state should consider tax credits for mortgage interest to be given directly to residents to help them buy homes. Help could extend for maybe 5 or 10 years – just until a homeowner increases their earnings and can afford the mortgage payments on their own.

I greatly understand the need for more housing in our state and the Governor's desire to increase the housing stock quickly and significantly. As my comments above indicate, HB239, the Starter and Silver Homes Act of 2026 will neither reach his intended goal nor provide builders with the incentives needed to provide housing for those most in need--low and moderate income residents.

Sincerely,

Phyllis R. Edelman

Phyllis R. Edelman
5810 Ogden Court
Bethesda, MD 20816

2026.02.10 SS Act.testimony.FINAL.pdf
Uploaded by: Richard Tabuteau
Position: FWA

CHEVY CHASE VILLAGE
ESTABLISHED 1890

TO: The Honorable Kriselda Valderrama, Chair
Members, House Economic Matters Committee
The Moore-Miller Administration

FROM: Chevy Chase Village Board of Managers

DATE: February 10, 2026

RE: **Favorable with Amendments** - Starter and Silver Homes Act: HB 239/SB 36

Dear Chair Valderrama:

Please accept this written testimony from Chevy Chase Village, a municipal corporation located in Montgomery County, in strong support of the bill amendments filed yesterday by the Maryland Municipal League (MML). Most significantly, the amendments exempt municipal corporations from the bill, and the justifications in support of that exclusion are compelling.

We share MML's overriding concerns about preemption of local control over land use and development decisions, historically one of the most central functions of local government. The cumulative additional adverse effects of the bill as proposed include:

a. Upzoning density for townhouse development "by right" will burden existing neighborhoods not planned for these densities. Serious public safety concerns include exacerbated flooding in older neighborhoods that lack adequate stormwater controls, and further limiting first responder access to homes on already overparked narrow local streets.

b. The "one-size-fits-all" approach undercuts local government's investment in time, funding and public process to develop comprehensive plans, adopted pursuant to state planning mandates. Adopting this bill will widely erode public confidence in future planning efforts.

c. Materially scaling back current setback and lot coverage limitations will, in our view, incentivize developers to build oversized single-family detached homes in our jurisdiction, an outcome at odds with the stated purpose of the bill.

d. Last year the General Assembly adopted HB 1167/SB 36 (136-1 in the House; 44-0 in the Senate) which clarified that municipalities in Montgomery County have authority to enforce local building standards in housing projects with four or fewer units. That bill led to our support for a Montgomery County workforce housing bill that includes our community. This bill would effectively nullify that achievement along with our own housing efforts.

e. We have no assurance that municipal revenue will be adequate to support increased burdens on public services (local policing, road maintenance, snow/trash removal) or increased administrative burdens (*e.g.*, increased permit review, administrative hearings, judicial appeals, and related necessary training), potentially exposing us to monetary liability.

We urge adoption of the MML amendments, starting with an exemption for municipal corporations.

CHEVY CHASE VILLAGE
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Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
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VILLAGE MANAGER
SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUELLEN M. FERGUSON

Civic Letter re. The Starter and Silver Homes Act

Uploaded by: Rohit Khanna

Position: FWA

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:

- **<u>Substantial reduction of building setbacks:</u>**
    - **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 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

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

Jorgensen Khanna critique of Comptroller Report.pd

Uploaded by: Rohit Khanna

Position: FWA

SUMMARY

Upzoning Maryland: Ideological Choices Rather Than Good Policymaking

A Critique of the Comptroller of Maryland's Housing & the Economy Report and its Support for the Starter and Silver Homes Act

by Dr. Erika A. Jorgensen & Rohit Khanna[1]
February 8, 2026

- The Maryland Comptroller's October 2025 report on housing and the economy[2] serves as the underlying policy analysis in support of the proposed Starter and Silver Homes Act (SB36/HB239) now in front of the Maryland legislature. Unfortunately, pervasive weaknesses in the analysis and data presented in the Comptroller's Report undermine the validity of its policy conclusions.
- A key point is that the report most often compares pre-pandemic years to the pandemic and soon after. The pandemic years are outliers and should not be used to project Maryland's future.

Is Maryland losing large numbers of residents, and is it because of high housing costs?

No, net outmigration is actually modest. During 2017-2019, about 0.4% of Maryland's population left each year, and the United Van Lines Annual Survey for 2025 assesses Maryland to be a 'balanced' state for domestic moves. The pandemic years were anomalies. And the Comptroller's Report itself shows net outmigration falling by half between 2023 and 2024.

People are moving out of Maryland for jobs or to be near family. The Comptroller's Report provides no evidence on why people are leaving Maryland. It speculates that the reason must be housing costs since those departing during 2020-2022 are younger and lower income than in pre-pandemic years. Surprisingly, the Report fails to consider the impact of remote work, which accounted for the bulk of increased interstate migration nationwide during the pandemic years, according to the Federal Reserve Bank of St. Louis. The United Van Lines Annual Survey for 2025, which does record reasons for moving, reports that 30% of Marylanders departing in 2025 left because of a job and that the same share relocated to be closer to family. Less than 3% cited cost as a reason for their move.

Outmigration is not leading to falling state income, a shrinking economy, and a declining state. Conclusions based on pandemic era data should be set aside. And according to the Center on Budget and Policy Priorities, calculations of lost income because of migration using IRS data are deeply flawed, especially because many moves are for retirement.

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[1] Dr. Erika Jorgensen holds a PhD in Economics from Harvard University as well as degrees from Oxford University and Williams College. She was an Economic Adviser at the World Bank where she worked for 30 years as a macroeconomist analyzing economic policies and advising governments around the world. Dr. Jorgensen has lived in Bethesda MD since 2007. Rohit Khanna had a 30-year career at the United Nations and the World Bank, working on environment, energy, and climate finance programs and projects with governments in Africa, East Asia, Middle East and North Africa, Latin America and the Caribbean regions. Mr. Khanna retired from the World Bank as Manager for Global Energy Programs, and in that role oversaw or financed most of the Bank's analytical work in the energy sector. He has a Masters Degree in Public Administration from The American University.

[2] www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/research/housing-economy-print.pdf

Are housing costs in Maryland too high? Are housing prices rising so fast that something must be done?

Housing prices are barely holding flat in real terms, and a buyers' market is emerging. The State of Maryland's own property tax assessments show dramatically lower residential price increases, plummeting over the last two years (to about 4% annual growth while inflation averaged 3.2 %). The median price of homes sold in Maryland in 2025 rose by 2.6% (less than inflation), and the number of units sold fell by 3.1%, according to the Maryland Association of Realtors, which has reported that a buyers' market is already in early stages.

Does Maryland's housing demand exceed supply, and is there a shortage of housing in Maryland?

Maryland's housing market, like those across the nation, is recovering from the unprecedented impacts of the pandemic era, and Maryland has now been hit with large job losses. Maryland's renter vacancy rates exceeded the national average in 2023 and, as of 2024, stood at about the same as those in New York, Virginia, North Carolina, District of Columbia, and Pennsylvania. Maryland's rental vacancy rates fall within the 5-8% band that define a balanced rental market, according to HUD.[3] Homeowner vacancy rates were very similar across the 12 states used for comparison in the Report.[4] This already weakening demand will be compounded dramatically by recent international immigration restrictions and federal layoffs (with 25,000+ jobs lost in Maryland in 2025).

Are Maryland's building costs leading to too little supply?

Building costs are high in Maryland. Compared to national averages, wages are higher, and land is more expensive because Maryland has the 4th highest median household income and is the 6th most densely populated state. Moreover, Marylanders rightfully expect high quality infrastructure and environmental protections. Yet, somehow, Maryland's median house prices as of July 2025 are 16th in the nation, so housing is actually cheaper in Maryland than might be expected!

It's no surprise that zoning and land use regulations would be stricter in Maryland, a densely populated and very wealthy state, than elsewhere. The point of zoning is not restriction but planning. Density needs to be planned in coordination with physical, social, and environmental infrastructure (including roads and parking, water and stormwater systems, electricity, public schools, and tree cover and greenspace). Once infrastructure is in place, density cannot exceed infrastructure capacity without undermining quality of life. Ramping up density in established single-family neighborhoods will accelerate deterioration and replacement costs of that infrastructure. Loss of tree canopy alone will create heat islands and diminish local air quality.

[3] US Department of Housing and Urban Development.

[4] Much of the Report's analysis focuses on a cohort of 12 states: Maryland, the top eight states where Maryland residents are moving to (Florida, Pennsylvania, North Carolina, Texas, Virginia, South Carolina, West Virgina, and Delaware), and the top three states where new Maryland residents are coming from (District of Columbia, New York, and New Jersey).

Do the Report's conclusions make sense?

Whether you will be persuaded by this Report depends on whether, <u>first</u>, you believe the story about surging outmigration, a shrinking tax base, and imminent economic decline; <u>second</u>, you accept that it is housing regulation that has caused a shortage of affordable homes in Maryland; and <u>third</u>, that somehow pre-empting single-family zoning is the magical costless solution.

Trickle-down benefits from upzoning are too small and too slow. Recent research shows that even under very optimistic assumptions, it will take decades for deregulation-driven supply expansion to generate widespread affordability. Just as importantly, new research confirms supply constraints including zoning are unimportant in explaining housing prices. Instead, the real problems in the housing market must be addressed: oligopoly in the homebuilding sector and income inequality. Upzoning will not create homes in Maryland that are 30 percent less expensive and cannot solve housing affordability as evidenced by experience across the US. In the meantime, local communities will bear the cost of erratic profit-driven building that imposes economic, environmental, and social costs on established neighborhoods.

Detailed Critique of the Comptroller of Maryland's Housing & the Economy Report and its Support for the Starter and Silver Homes Act

> "With fewer homes available and high interest rates locking out new generations of homebuyers, too many young families and seniors are left with few viable options to call Maryland home," said Maryland Department of Housing and Community Development Secretary Jake Day. "The Starter and Silver Homes Act of 2026 would expand housing choices by enabling homes that are up to 30 percent less expensive than what's currently available, unlocking homeownership for more Maryland families." (from Governor Moore Announces Housing Growth and Affordability Agenda for 2026 Legislative Session , 1/6/2026)

> "For cost-burdened households, trickle-down benefits from deregulation will be insufficient and too slow." (Buchholz, Maximilian, et al. "Inequality, Not Regulation, Drives America's Housing Affordability Crisis.")

> "By providing rigorous analysis and data-driven insights, . . . this report aims to support evidence-based solutions that increase affordability and strengthen economic opportunity for all Marylanders." (from Letter from the Comptroller, in Comptroller of Maryland, State of the Economy Series: Housing & The Economy, October 2025).

The Comptroller of Maryland's October 2025 report on housing and the economy[5] serves as the underlying policy analysis in support of the proposed Starter and Silver Homes Act (SB36/HB239) now in front of the Maryland legislature. This bill significantly limits local zoning authority over single-family residential development, with the express goal of increasing housing supply, affordability, and flexibility—particularly for starter homes and "silver" (downsizing/aging-in-place) housing. The bill preempts local zoning controls to allow small lots with minimal setbacks and high lot coverage, and it allows townhouses in all single-family zones.

The proposed legislation represents a major policy change. Any such change should be supported by high quality data, careful analysis, and an assessment of the benefits and costs of such change relative to other options. Unfortunately, pervasive weaknesses in the analysis and data presented in the Comptroller's Report undermine the validity of its policy conclusions. This note will lay out the most important weaknesses in the Report, following the structure of the report itself.

Is Maryland losing large numbers of residents, and is it because of high housing costs?

The Report claims Maryland has lost large numbers of residents to other states, with the most severe losses post-pandemic, but net outmigration is actually modest. Indeed, Maryland has had net domestic outmigration for many years, but it has been balanced by international in-migration, leaving the net impact on Maryland's population very small. The Report focuses on domestic movements, which US Census estimates' average for 2017-2019 show as about 0.4% of the population leaving the state each year pre-pandemic (which some

[5] www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/research/housing-economy-print.pdf

might not describe as "large"). Moreover, the United Van Lines Annual Survey for 2025 assesses Maryland to be a 'balanced' state for domestic moves.[6]

The Report claims outmigration has recently gotten dramatically worse, but the pandemic years are extreme outliers that cannot predict future trends. The Report tries to heighten concerns about migration by comparing 2021-2023 to an earlier period (2011-2019), presenting in bold font that almost half of outmigration occurred in the most recent three years. The pandemic years are outliers in so many ways that it is irresponsible to propose policy conclusions based on those years. Importantly, remote work allowed people to move closer to family or to cheaper housing locations temporarily.[7] And the report's own Figure 1 on population change from US Census estimates shows net outmigration falling by half between 2023 and 2024.

The Report speculates about what is driving outmigration, with no actual evidence. First, the Report is over-reliant on American Community Survey (ACS) one-year data on state-to-state moves, which are small samples and increasingly error prone since 2020, and it presents a false precision by failing to report statistical error bars. Second, they have no data on why people left the state. The Report's Figure 4 shows that during 2010-2023, Marylanders moved to Florida and also to Pennsylvania. The Report jumps to the conclusion that a lower cost of living is motivating moves. Then, using IRS Statistics of Income (SOI) Migration Data, the Report argues that younger and lower income residents are now leaving the state (during 2020-2022 compared to the historical norm of those age 55 and over and higher income departing). Since the share of wealthier individuals (income over $100,000)[8] decreased (from 74% to 54% of all outmigration), they just make up out of the air that it must be housing costs driving people out of Maryland (and importantly, during 2020-22). To quote the Report, "This finding suggests that pre-pandemic, taxes and other factors may have been more prominent drivers of migration decisions, while more recently, housing affordability and overall cost of living are having a greater effect." Or maybe many, many other reasons. Crucially, they don't consider the likely impact of remote work, which for most US government jobs continued until spring 2024 (and, according to researchers at the Federal Bank of St. Louis, accounts for much of the rise in interstate migration across the US during 2020-2022). Third, the United Van Lines Annual Survey for 2025, which does record reasons for moving, reports that 30% of Marylanders departing in 2025 left because of a job and the same share to be closer to family. Less than 3% cited cost as a reason for their move.

A final warning from the Report tries to tie outmigration to falling state income, raising the specter of a shrinking economy and a declining state; but, again, this conclusion rests entirely on the pandemic years as well as overstating likely net effects. The Report

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[6] https://www.unitedvanlines.com/newsroom/2025-national-movers-study. United Van Lines is the largest moving company in the US. It publishes data each January comparing inbound moves to outbound moves for each state, excluding any states with fewer than 250 moves. This data (166,000 moves in 2025) is only a subset of all moves, since it is only those using large moving trucks, but typically, its findings are matched by government-issued data once it becomes available. https://taxfoundation.org/data/all/state/state-migration-trends/

[7] Much of the rise in interstate migration during 2020-2022 can be attributed to the growing share of workers that are doing their jobs from home, according to Bick, A., Blandin, A., Marks, C., Mertens, K., & Hannah Rubinton. (2024, November 21). Why Do WFH Workers Move? Federal Reserve Bank of St. Louis On the Economy Blog. https://www.stlouisfed.org/on-the-economy/2024/nov/why-do-wfh-workers-move

[8] Measured as Adjusted Gross Income.

notes that Maryland had the 7th highest net AGI loss from 2021 to 2022, according to IRS SOI migration data. First, yet again, conclusions based on pandemic era data should be set aside. Second, the Center on Budget and Policy Priorities has concluded that income migration claims based on IRS data are deeply flawed. The lost income is based on previous year earnings. People leaving a state do not take their income (and their job) with them. Further, many departures are for retirement, so IRS previous-year income is not a good measure of current-year income.[9]

Are housing costs in Maryland too high? Are housing prices rising so fast that something must be done?

The Report focuses on housing costs compared to those in states to which residents are moving, but not only is the Report's analysis flawed, housing costs are quickly moderating in Maryland. First, it is not clear why the Report (drawing on Department of Housing and Community Development analysis) depends on American Community Survey (ACS) data on Maryland housing prices. As noted above, ACS Survey one-year data are small samples and increasingly error prone since 2020. This data is not high quality for a small state such as Maryland. Instead, what do we see in the state's own property assessments?

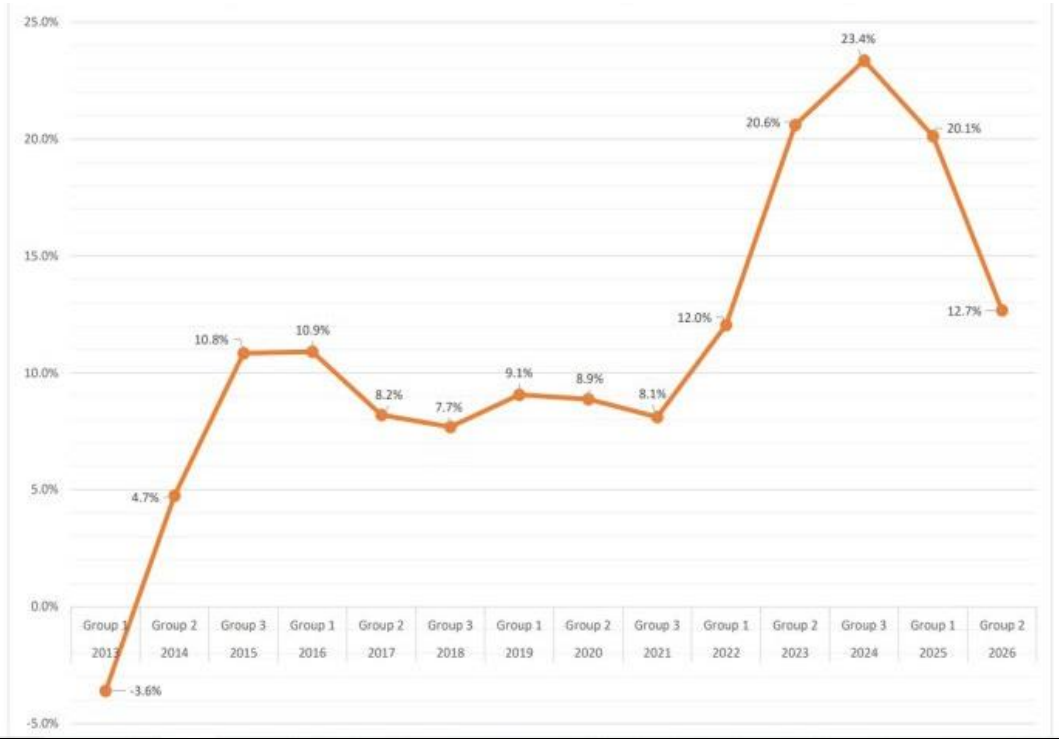
Housing prices are barely holding flat in real terms, and a buyers' market is emerging. Property tax assessment increases, while still rising in nominal terms, have plummeted over the last two years (to about 4% annual growth while inflation averaged 3.2 % , and this does not consider that deceleration in housing prices implied by the drop in 3-year averages). (See Figure 1). Interestingly, the State Department of Assessments and Taxation (SDAT) does not seem to be on the same page as the Governor. "Property values are still rising, but at a more sustainable pace," said SDAT Director Bob Yeager. "After the rapid increases seen during the post-COVID recovery, this moderation is an important step toward balancing household wealth growth with housing affordability."[10] Also, the Maryland Association of Realtors 2025 report shows that the median price of homes sold in Maryland in 2025 rose by 2.6% (less than inflation) and units sold fell by 3.1%."The story I see in these numbers is that the market is shifting toward the buyer," said Denise Lewis, 2026 President of Maryland Realtors. "We're not yet in a true 'buyer's market' as sales are down while prices continue to rise, but the movement in that direction is becoming increasingly clear."[11]

[9] Mazerov, Michael. "State 'Income Migration' Claims Are Deeply Flawed." Center on Budget and Policy Priorities. October 20, 2014. https://www.cbpp.org/research/state-income-migration-claims-are-deeply-flawed

[10] https://thebaynet.com/maryland-property-values-continue-rising-but-at-slower-pace-sdat-says/.

[11] https://www.mdrealtor.org/news/august-2024-housing-stat

Figure 1. Change in Maryland Statewide Property Tax Assessments (2013-2026)



Note: Combined residential and commercial assessments. For 2026, residential assessments rose by 13.2% and combined by 12.7%.

Source: Maryland State Department of Assessments and Taxation data tables.

Does Maryland housing demand exceed supply, and is there a shortage of housing in Maryland?

The Report claims that demand exceeds supply, but housing prices have flattened as Maryland's housing market recovers from the unprecedented impacts of the pandemic era. As the Report admits, population growth and job creation drive demand for housing, but then it goes on to claim that Maryland is also suffering from slower economic growth because higher housing prices drive outmigration (see rebuttal of all these points above). First and most importantly, Maryland's housing prices are now recovering from the unprecedented impacts of the pandemic era, and a buyers' market is underway. Second, this dampening of demand will be compounded dramatically by recent international immigration restrictions and federal layoffs (with 25,000+ jobs lost in Maryland in 2025).

The Report claims that low vacancy rates also demonstrate excess demand, but the data show Maryland exceeding the national rate in 2023 and performing about the same as many other states in 2024. Homeowner vacancy rates were very similar across all 12 states,[12]and Maryland's 2024 vacancy rate of 0.6% is also very close to the national rate of 1.0%.

[12] Much of the Report's analysis focuses on a cohort of 12 states: Maryland, the top eight states where Maryland residents are moving to (Florida, Pennsylvania, North Carolina, Texas, Virginia, South Carolina, West Virgina, and

The story of rental vacancy rates is more complicated. In 2024, Maryland, New York, Virginia, North Carolina, District of Columbia, and Pennsylvania all had renter vacancy rates of 6-7% and the national rate was 6.8%. But in 2023, the US rate was 6.5% and Maryland stood at 7.3%, above the national average. In any case, it should be noted that the US Department of Housing and Urban Development describes a 5-8% vacancy rate as a balanced rental market, so we were and still are in a balanced rental market.

Are Maryland's building costs leading to too little supply?

Building costs are high in Maryland because wages are higher and land is expensive. Maryland is densely populated (the 6th most densely populated state), making land more expensive. Its residents are wealthy (median household incomes are 4th in the nation), so wages are higher and demand is higher for bigger, fancier houses. But Maryland's median house prices as of July 2025 are 16th in the nation, so housing is actually cheap in Maryland!

Building costs are high in Maryland because Marylanders expect high quality infrastructure and environmental protections. First, have you heard of those new-built towns in Arizona that have to truck in water because they did not coordinate infrastructure with the local town? Have you seen the homes in Pennsylvania where the water was flammable because of unregulated gas fracking? Those homes are much cheaper than homes in Maryland, Second, the Report notes that new infrastructure is expensive. But money cannot be saved by piggy-backing on existing infrastructure if that infrastructure is already at its limit, as it is in many established neighborhoods. Third, the Report seems to criticize the practice of charging developers for the extension or improvement of infrastructure made necessary by their development. Does the Comptroller think it's more fair for the whole community to have to subsidize private developers?

It is no surprise that zoning and land use regulations would be stricter in Maryland, a densely populated and very wealthy state, than elsewhere. First, despite Maryland's more restrictive regulations, ranked 6th according to the Report, median house prices put the state in 16th place. Second, most importantly, the Report seems to deny the whole point of zoning, which is not restriction but planning. Density needs to be planned in coordination with physical, social, and environmental infrastructure (including roads and parking, water and stormwater systems, electricity, public schools, and tree cover and greenspace). Once infrastructure is in place, density cannot exceed infrastructure capacity without undermining quality of life. Ramping up density in established single-family neighborhoods will accelerate deterioration and replacement costs of that infrastructure. Third, the Report's assumptions that building infill will make a lot of money for developers is probably true, but for it to reduce climate pollution, for example, requires pre-existing public transport infrastructure. Does cutting down all the trees in an established neighborhood to jam in more buildings and create a local heat sink help Maryland meet its climate goals?

The Report exhaustively reviews Maryland's many regulations related to housing, but single-family zoning does not appear. First, the Report correctly notes that regulations are worth reviewing and, perhaps, streamlining to reduce their time cost. Second, the Report admits

Delaware), and the top three states where new Maryland residents are coming from (District of Columbia, New York, and New Jersey).

that local governments need the revenue from development fees and taxes to support necessary infrastructure. Third, the Report weaves mention of affordable housing through the text seemingly to cast aspersions on current local regulations and taxes. The problem is that building more units will not reach deep enough to help families who are most cost-burdened, because their incomes are too low to afford any profitable market-rate housing, regardless of land use regulations.

The Report's conclusions and policy recommendations

Whether you will be persuaded by this Report depends on whether you believed the story about surging outmigration, a shrinking tax base, and imminent economic decline. First, one must set aside the Report's incorrect claims about outmigration and about high housing prices before considering the costly and irreversible policy changes proposed. Second, as an aside relevant for the whole report, please stop citing the very shoddy and unprofessional analysis coming out of Pew if you want your analysis taken seriously. (See Box 1 on problems with the July 2026 Pew web article). Third, the final section of the Report makes some amazing leaps in logic about what people want and the easy, costless ways to get it.

The Report claims, without much of any evidence, that it is regulation of density that has caused a shortage of affordable homes in Maryland and then lists proposals to expand housing supply. First, building with higher density on empty land near transit, if other necessary infrastructure is in place or planned, makes sense. Second, housing targets, frequently revised in the face of new data, can be useful as long as localities have flexibility in how to meet them. Third, it is good the Report gives credit to Montgomery and Anne Arundel Counties for their ongoing revisions to housing regulations in ways responsive to local conditions. These policies, rather than kneejerk deregulation, are shaped to local communities and constraints.

The Report's final call for the State to pre-empt local zoning for single-family neighborhoods is the wrong recommendation to achieve affordability: trickle-down benefits from upzoning are too small and too slow. First, recent research makes clear that even a dramatic, deregulation-driven supply expansion would take decades to generate widespread affordability. "Even a major positive shock to housing supply – sustained year after year – would take decades to meaningfully ameliorate residents' affordability challenges."[13] If housing stock were to expand at a very fast rate of 1.5% per year (a rate achieved only by the top 10% of commuting zones during 2000-2020), it would take between 16 (very optimistic) to 106 (more realistic) years to reach affordability[14] through supply expansion for 6 high-cost markets.[15] Second, even leading supply-side scholars such as NYU law professor Vicki Been acknowledge that the market is unlikely to provide housing that is affordable to the poor. And it is odd that those who malign "trickle down" economics seem to accept the "filtering" argument that more

[13] Sitaraman, Ganesh and Serkin, Christopher, Post-Neoliberal Housing Policy (April 23, 2025). U. Pa. L. Rev. (forthcoming), Vanderbilt Law Research Paper No. 5227899, Available at SSRN: https://ssrn.com/abstract=5227899 or http://dx.doi.org/10.2139/ssrn.5227899

[14] For today's median 1-bedroom unit to become affordable to a worker without college education and affordability defined as 30% of household income.

[15] Buchholz, Maximilian, et al. "Inequality, Not Regulation, Drives America's Housing Affordability Crisis." OSF Preprints. 17 Jan. 2026. doi.org/10.31235/osf.io/95trz_v1.

market-driven supply of housing for higher income groups will eventually benefit lower income earners.

Proposals for upzoning ignore the fundamental structural issues in housing markets that arose in the aftermath of the 2008 financial crisis and drive the housing affordability crisis. As noted by researchers at Vanderbilt Law School, "after the crash, home building dried up, leading to mergers and a new oligopoly in the homebuilding sector …. The large homebuilders are financiers that borrow cheaper than real developers and use that cheap credit to speculate in land ….Because they are large and have significant access to capital, they can hold property for long periods of time – waiting to maximize their profits without engaging in construction."[16] Developers mitigate risks and maximize profits by trying to time the market so that not too much supply comes online at once. At the same time, for individuals without strong credit, tightened mortgage lending standards made purchasing a home more difficult.

None of these problems have to do with zoning but rather with income inequality. First, the variation in prices between housing markets cannot be explained by variations in zoning restrictions but mostly by income. A recent Federal Reserve Bank of San Francisco paper studied the impact of supply constraints including zoning on housing prices and concluded that "housing supply constraints are quantitatively unimportant in explaining rising housing costs across US cities."[17] The research found that differences in supply constraints among municipalities could not account for increases in housing prices or housing quantity in response to increased demand; what mattered was rising incomes. In other words, much of the variation can be explained by higher wages, especially among highly skilled, high-income earners. Second, rising income inequality has led to an affordability crisis for the bottom 50%. Across the US, including in Maryland, wages for the top 25% are rising faster than housing prices, reducing their housing costs relative to income. Meanwhile, housing costs are increasing for the bottom 50%. New housing supply, often in expensive infill projects, tends to cater to higher income groups, worsening the affordability crisis for lower-income earners.

Upzoning will not create homes in Maryland that are 30 percent less expensive, as claimed in Governor Moore's announcement, and cannot solve housing affordability as evidenced by experience across the US. First, new townhouses are unlikely to drive down the price of housing: a preliminary review of new townhouses listed for sale in Montgomery County found the median price to be 40% above the December 2025 median sales price of existing single-family houses. (See Box 2 for examples across the US on the poor track record of upzoning, and Box 3 on why Austin is a bad example.) Second, the root cause of affordability problems is the mismatch between distribution of incomes and the distribution of housing (too many households with low incomes and too few homes priced within their means), not an overall

[16] Sitaraman, Ganesh and Serkin, Christopher, Post-Neoliberal Housing Policy (April 23, 2025). U. Pa. L. Rev. (forthcoming), Vanderbilt Law Research Paper No. 5227899, Available at SSRN: https://ssrn.com/abstract=5227899 or http://dx.doi.org/10.2139/ssrn.5227899

[17] Louie, Schuyler, John Mondragon, and Johannes Wieland. 2025. "Supply Constraints Do Not Explain House Price and Quantity Growth Across U.S. Cities." Federal Reserve Bank of San Francisco Working Paper 2025-06. https://doi.org/10.24148/wp2025-06

shortage of units. In Montgomery County, for example, the Council of Governments (COG)-derived targets required 75% of new housing to be affordable for those making 60% of the area median income. There is no upzoning strategy that can achieve this -- certainly not one that has no affordability mandates.

Box 1. Pew on Gentrification: It only counts as evidence if you show your work

Pew Charitable Trusts published an online article in July 2025 titled "New Housing Slows Rent Growth Most for Older, More Affordable Units." The article provides ammunition to advocates for upzoning by claiming that new housing of any kind ends up *helping* lower-income families the most, rather than raising the threat of gentrification, which *harms* lower-income families.

But here's the thing. The figures and tables of econometric results are great at bamboozling the uninitiated. **If Pew was serious or confident about their work, there would be a background paper setting out their methods, data, and results.** Instead, we can only guess, based on the short article and sloppy "Technical Annex." **What we can conclude is that Pew's empirical findings are purposely exaggerated and have questionable validity.**

First, the Pew article claims the poor were hurt most by rising rents over the last 7 years and that more housing kept rents lower, based on their analysis of 'neighborhoods'(zip codes).

- Using data for 2017-2024, **the difference in rent increases between richer and poorer neighborhoods was trivial**, at about 2 percentage points. Given the sloppiness of the technical annex and the lack of a real report, it is impossible to know how this regression was set up, but most probably the dependent variable was % change in average rent from October 2017 to October 2024. The regression finds that lowest quartile (zip code) rents increased by 10% more than the highest quartile rents over 7 years. To illustrate what this might mean, average US rents rose by 51% from 2017 to 2024 according to Zillow. If this were the rate for the richest zip code quartile, then rents in the poorest quartile would have risen by 56% over 7 years, or 8% each year rather than 6%.
- **Other factors show up as far more important for rising rents.** The most powerful driver of rents in Pew's own regression results was the share of residents working from home in 2017, pushing up rents by 141%! But a higher share working from home in 2023 meant a neighborhood had lower rent growth. **What does this mean? It is probably nonsense but should raise questions about this whole endeavor and its pseudoscientific air.**
- **Cities that added more new units had lower rent increases** (rent increases were cut in half) **but adding more new units in the neighborhood itself** (the zip code) **had almost no impact. Why?** Claiming that "housing markets are regional" seems to counter much of their justification in analyzing zip codes as the most relevant housing markets. **Again, their technical analysis falls short.**
- The extraordinary nature of the pandemic years makes this seven years a terrible period from which to draw medium- to long-term conclusions. **The "controls" for COVID are laughable.**
- Although there is no model written down, it is difficult to understand why causal statements are being made without any supply shocks in the regression table, with a mish mash of time periods and geographic units, and data from different sources.

Second, the Pew article claims that building any kind of housing reduces rent the most for poorer families.

- Even if you want to trust Pew's econometrics, **Class C (lowest quality) buildings had rent increases that were just 4% less than for Class A**, e.g., if Class A rents rose by 6%, then rents in Class C rose by 5.8%! **Another trivial result**.

- Just 7% of the variation in rents is explained by the model. That is, **they have no idea what made rents go down more or less across cities.**
- In the 11 metro areas in the article, **the apartment supply "boom" was not driven by upzoning because the cities did not upzone**, It either was not a strategy adopted or was adopted so late in the study period that it would not have had much impact on supply. The chart is dominated by Austin's falling rents, but Austin did not upzone during this period.

Source: www.pew.org/en/research-and-analysis/articles/2025/07/31/new-housing-slows-rent-growth-most-for-older-more-affordable-units

Box 2. Upzoning Does Not Solve Housing Affordability: Examples from across the US

- ✓ A University of Virginia study of Charlottesville found significant underdevelopment of parcels under current zoning despite it being a small, high-demand city experiencing high housing costs. That finding suggests that zoning classification may not be the primary constraint on housing supply. ("Underdevelopment Despite Upzoning - University of Virginia School of Law")
- ✓ Montgomery County's analysis of its housing pipeline identified economic factors as the primary barrier to development of permitted units. It explains why, in Montgomery County, White Flint remain undeveloped, despite its prime location near Metro.
- ✓ *The Economist* noted that Los Angeles and Atlanta have practically identical zoning restrictions but quite different prices.
- ✓ Houston, the poster child of unrestricted zoning, ranks second worst amongst 50 metropolitan areas in availability of affordable rental homes for low-income people.
- ✓ Loosely-zoned Nashville, despite a building boom, still cannot produce enough housing and lower prices.
- ✓ Washington DC produced housing at rates on par with North Carolina, South Carolina, and Texas, without upzoning. In fact, it easily topped upzoned cities such as Portland OR, Spokane, and Minneapolis.

Box 3. Stop Talking About Austin: The primary drivers of housing prices in Austin were intense population growth driven by tech sector expansion, pandemic-era remote work demand for larger homes, and low interest rates. Not upzoning!

The Austin, Texas, housing market experienced one of the most dramatic boom-and-bust cycles in the United States over the last 10 years (2016–2026), shifting from a super-charged, rapid-growth environment to a significant, correction-driven buyer's market.

A growing Texas economy during 2011-18, with jobs rising faster than in the rest of the US, supported explosive population growth, generating high demand for housing. On the supply side, building costs were pushed up by a lack of skilled construction workers and secondarily by rising land prices and additional government regulations in Texas' largest metropolitan areas. Rising building costs undermined profitability of entry-level housing. During.2016–2019, Austin was already a top destination, experiencing consistent population growth, tech expansion (Apple,

Tesla), and steady home value appreciation that outpaced many peer cities. Demand began outstripping supply, leading to a consistent tightening of inventory.

Then, during 2020–mid 2022, the pandemic triggered a "Zoomtown" effect. Remote workers and tech transplants rushed to Austin, driving home prices up over 60% in this short period. Homes were selling within days for well over asking price, often to cash buyers. Median home prices in the Austin metro peaked at over $550,000 in May 2022.

Then, the combination of record-high prices, significantly rising mortgage rates, and a slowdown in migration caused the market to crash in late 2022 and 2023. Austin recorded the largest home price drop in the country, falling more than 11% from its 2022 peak. By late 2025, median home prices had fallen to roughly $435,000–$439,000 (a roughly 18%–23% drop from the 2022 peak). Active listings soared to six-year highs, shifting the power heavily to buyers.

In parallel, there was a massive building boom of apartments, unmatched in the rest of Texas or the rest of the country. Now, with the drop in demand, rents in the Austin area dropped for three consecutive years (2023–2025). However, nearly half of renters remain cost-burdened (more than 30% of income spent on rent and utilities) and almost a quarter are severely cost-burdened (more than 50% of income spent). Why? Because the rental market is segmented, and the building of luxury apartments did not have significant impact on low-end apartment rents.

As of early 2026, the market is continuing a "correction" phase, but with a slower pace of decline, characterized by high inventory and more moderate price adjustments. Zoning reforms enacted in May 2025 to reduce lot sizes but in the face of already falling home prices and elevated inventory levels so impact is uncertain.

Over the last decade, Austin transformed from a high-growth, moderately priced city to one of the most expensive in Texas. It is now undergoing a painful but normalizing correction to improve affordability and restore balance. While housing supply was important, the primary drivers of housing prices in Austin were intense population growth driven by tech sector expansion, pandemic-era remote work demand for larger homes, and low interest rates.

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Uploaded by: Rohit Khanna
Position: FWA

Testimony on HB0239 – The Starter and Silver Homes Act
February 12, 2026

My name is Rohit Khanna; I am a Member of the Somerset Town Council.

The Town of Somerset appreciates the productive discussions we have had with the Department of Housing and Community Development on the Starter and Silver Homes Bill. However, we continue to have reservations about the bill. We share the objective of promoting smaller homes across Maryland; but this bill is not fit for its purpose.

Our concerns are outlined in the letter we signed with 11 other municipalities in Montgomery County which I have attached to my written testimony. In summary,

- We object to the virtual elimination of authority granted to municipalities and counties to determine building regulations within their jurisdictions.
- A rigid one-size-fit-all model of townhouses is inappropriate for our already-compact, century-old towns and does not consider the provision of infrastructure required for this higher level of density.
- Looser setbacks and elimination of lot coverage limits are likely to have the perverse outcome of encouraging larger homes.
- The exclusive focus on market-rate housing means that developers can side-step county-level zoning incentives for affordability.

Recent research from Georgetown and Vanderbilt Universities conclude that housing deregulation without policy direction invariably benefits higher income earners at the expense of low-income earners – precisely the population struggling most with affordability. (see attachment)

A better, more progressive alternative would have been a bill based on partnership between the State and local governments, rather than preemption, with:

- The State and local governments agreeing on targets.
- Local governments being required to develop housing growth plans, with affordability provisions.
- The State deploying “carrots and sticks” to incentivize ambition at the local level.

The recent Connecticut legislation and the bi-partisan housing bills being considered by Congress have adopted this approach.

If you must proceed with this bill, we request the sensible amendment proposed by the Maryland Municipal League and the Maryland Association of Counties to exempt municipal corporations, which is particularly relevant to small towns like Somerset.

Thank you.

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Uploaded by: Rohit Khanna
Position: FWA

A Progressive Approach to Housing

Rohit Khanna[1]

Proposals for addressing the housing affordability crisis that focus primarily on upzoning ignore the fundamental structural issues in housing markets and obscure the many other causes of the affordability crisis.[2] Housing markets have many imperfections, because of which supply does not respond well to demand – and prices do not necessarily decline with increased supply (see appendix 1).

What then are the structural factors driving the housing affordability crisis?

Most important has been the impact of the 2008 financial crisis.

A report by the American Economic Liberties Project[3] concluded that: "Due to a series of federal policy choices that began in the late 1970s and accelerated in the wake of the Great Financial Crisis, smaller homebuilders—generally speaking, any privately-held builder that makes under 500 closings per year —have had increasing difficulty accessing capital as the number of local financing sources has dwindled …. As a result, the number of homebuilders has fallen since the Great Financial Crisis and remains well below early 2000s levels …. At the same time, publicly-traded homebuilders — who now lead every major regional market — have apparently responded to Wall Street earnings expectations by hoarding land and establishing price floors for their homes, instead of building enough to meet demand. Although various other factors, such as construction costs and high interest rates, have also constrained homebuilding, this financing gap between smaller homebuilders and publicly traded national giants is a significant part of why, by some estimates, America is short nearly 4 million homes."

As noted by Serkin & Sitaraman, "after the crash, home building dried up, leading to mergers and a new oligopoly in the homebuilding sector …. The large homebuilders are financiers that borrow cheaper than real developers and use that cheap credit to speculate in land ….[4] Because they are large and have significant access to capital, they can hold property for long periods of time – waiting to maximize their profits without engaging in construction." Developers mitigate risks and maximize profits by trying to time the market so that not too much supply comes online at once. At the same time, for individuals without strong credit, tightened mortgage lending standards made purchasing a home more difficult.

<u>None of these problems have to do with zoning.</u>

That is why variation in prices between markets cannot be explained by variations in zoning restrictions. One recent paper studied the impact of supply constraints, like zoning, on

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[1] Rohit Khanna had a 30-year career at the United Nations and the World Bank, working on environment, energy, and climate finance programs and projects with governments in Africa, East Asia, Middle East and North Africa, Latin America, and the Caribbean regions. Mr. Khanna retired from the World Bank as Manager for Global Energy Programs, and in that role oversaw or financed most of the Bank's analytical work in the energy sector. He has a master's degree in public administration from The American University.

[2] See *Post-Neoliberal Housing Policy*, Christopher Serkin & Ganesh Sitaraman, Vanderbilt University, 2025.

[3] 20251014-aelp-capitalcrunch-execsum-v3.pdf

[4] Matt Stoller, It's the Land, Stupid: How the Homebuilder Model Constrains Housing Supply, BIG (Aug. 15, 2024), https://www.thebignewsletter.com/p/its-the-land-stupid how-the-homebuilder.

housing prices and concluded that "housing supply constraints are quantitatively unimportant in explaining rising housing costs across U.S. cities." [5] The paper found that differences in supply constraints among municipalities could not account for increases in housing prices or housing quantity in response to increased demand; what mattered was rising incomes.

In other words, much of the variation can be explained by higher wages, especially among highly skilled, high-income earners. Wages for the top 25% are rising faster than housing prices, reducing their housing costs relative to income. Meanwhile, housing costs are increasing for the bottom 50%. New housing supply, often in expensive infill projects, tends to cater to higher income groups, worsening the affordability crisis for lower-income earners. The claim that the Starter and Silver Homes Bill would result in home prices that would be 30% lower is hollow.

Leading supply-side scholars like NYU law professor Vicki Been acknowledge that the market is unlikely to result in housing that is affordable to the poor. A recent Georgetown University study[6] of six metropolitan areas where newly built housing made up a larger share of the market than the national average concluded that:

- Newer housing stock in these metropolitan areas primarily consisted of small units in large multifamily buildings for the rental market or large single-family homes for homeowners and largely served moderate- and higher-income households.
- Even in areas where the supply of new housing units grew, the share of units serving lower-income renters decreased or stagnated.
- Rent growth was generally higher for units serving households with the lowest incomes when compared to those serving higher-income households.

"The report illustrates that addressing housing instability for lower-income households requires comprehensive strategies that go beyond a reliance on market-rate supply."

It is odd that those who malign "trickle down" economics seem to accept the "filtering" argument that more market-driven supply of housing for higher income groups will eventually benefit lower income earners.

The root cause of affordability problems then is the mismatch between distribution of incomes and the distribution of housing (too many households with low incomes and too few homes priced within their means), not an overall shortage of units. In Montgomery County, for example, the COG-derived targets required 75% of new housing to be affordable for those making 60% of the area median income. There is no up-zoning strategy that can achieve this -- certainly not one that has no affordability mandates.

The Progressive Way Forward

A truly progressive housing strategy would be anchored in mixed income social housing – effectively a "public option" for housing – combined with a package of fiscal and policy interventions, driven by locally-determined housing targets and zoning policies.

Mixed Income Housing

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As noted by Serkin & Sitaraman, "The most effective way of guaranteeing affordable and workforce housing is to have more direct government involvement in housing markets ….

A housing market that is entirely incentivized around short-term profit accumulation is incapable of meeting the housing needs of working-class people. (Center for Social Housing: "The Only Way to Solve the Fundamentals of the Housing Crisis ...")

While Maryland has several demand-side programs to assist first-time homebuyers and renters, it lacks programs to boost home building, beyond administering federal programs such as the Low-Income Housing Tax Credit. And demand-side measures in an inelastic market like housing, without adequate measures to boost supply, puts upward pressure on prices.

The Maryland Affordable Housing Trust provides small grants mostly to non-profits for rehabilitation projects. By comparison, since 2015 Washington DC has invested $1.4 billion into the Housing Production Trust Fund (HTPF), which is DC's primary tool for financing affordable housing development.

A recent study by the Center for Public Enterprise[7] describes how "state governments across the country are working with their Housing Finance Agencies to capitalize housing investment funds and pilot a new class of supply-focused investment programs: subordinate and quickly revolving debt or equity investments with below-market interest rates that can fill strategic financing gaps in mixed-income projects helping to jumpstart housing production." (See appendix 2)

Massachusetts has capitalized its program at $50 million from the state with $50 million local match; New York's fund was capitalized at $100 million from the state and $115 million from private lenders; Michigan plans $75 million using state funds, combined with taxable bonds and philanthropy.

Maryland already has a model that could be scaled up state-wide: Montgomery County's highly regarded Housing Production Fund (HPF), which uses a very efficient leverage model to finance mixed-income social housing. One option would be for the State to establish a revolving loan fund for smaller homebuilders, administered by local or regional banks and credit unions.[8]

Fiscal and Policy Measures

The State should adopt fiscal measures and policies that incentivize the construction, retention, and enable the ownership, of smaller starter homes. Reducing the minimum lot size is a useful first step. The menu of options could include:

- Authorizing a county or municipality to establish zones within which to apply annual tax on properties zoned residential or mixed use that are not being developed to meet authorized uses or densities.
- Authorizing counties to impose transfer and recordation taxes either at a single uniform rate or through a progressive rate structure, with state law setting maximum allowable rates to ensure consistency.

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[7] A-new-class-of-supply-focused-housing-investment-programs_CPE_web.pdf

[8] 20251014-aelp-capitalcrunch-execsum-v3.pdf

- Establishing a loan guarantee program for first-time home buyers earning up to double the area median income, thereby reducing the mortgage costs for borrowers.
- Allowing factory-built homes to be titled as real property, following HUD/Fannie Mae/Freddie guidelines.
- State antitrust enforcers should use their existing authorities to scrutinize transactions that would exacerbate trends toward concentration in the homebuilding industry.

As proposed by the Maryland Association of Counties, revenues generated by fiscal measures should be dedicated to affordable housing initiatives, school construction, or other purposes related to housing development.

Local Housing Targets

Successful housing strategies inevitably require strong government leadership and direction guided by targets. Rather than mandating top-down targets and how local governments address housing affordability, Maryland might consider Connecticut's approach, which requires local governments to create their own housing growth plans with targets and provides them incentives.

If Connecticut's local governments create these plans or take certain steps to add more housing near train and bus stations or in downtowns, they will have access to a new state fund and can get more state reimbursement for what they spend on school construction.[9]

This approach would enable both community members and local decision-makers to better contextualize, understand, and respond to the housing shortage at a more local level by implementing **land-use changes that are planned locally through area master plans**. These decisions must be guided by thorough evaluations of infrastructure, social and environmental impacts, and school capacity, along with active community participation in developing a shared vision for neighborhoods that reflect local conditions.

[9] What to know about the CT housing bill passed in special session

Appendix 1

- A University of Virginia study of Charlottesville found significant underdevelopment of parcels under current zoning despite it being a small, high-demand city experiencing high housing costs. That finding suggests that zoning classification may not be the primary constraint on housing supply. ("Underdevelopment Despite Upzoning - University of Virginia School of Law")
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- Loosely zoned Nashville, despite a building boom, still cannot produce enough housing and lower prices.
- Washington DC produced housing at rates on par with North Carolina, South Carolina, and Texas, without upzoning. In fact, it easily topped upzoned cities such as Portland (OR), Spokane, and Minneapolis.
- In Seattle, upzoned areas saw new multi-family structures that were cheaper than "McMansions" but more expensive (and smaller) than the "naturally occurring affordable homes" that they replaced. And the overall impact was to reduce the supply of single-family homes.

Appendix 2

The Center for Public Enterprise notes that the benefits to the HFA of these types of programs are threefold:

- Develop new project pipelines. A powerful use for these types of tools is unsticking stalled market-rate projects. HFAs can pull forward housing production on existing projects that are fully entitled but would otherwise be stuck waiting for private equity or other gap financing, thereby speeding up the production of housing in the state and adding affordability without needing LIHTC. These tools can also provide an offramp for unsuccessful LIHTC applicants, providing an alternate pathway for projects that would otherwise wait years for funding. (“A-new-class-of-supply-focused-housing-investment-programs_CPE_web”) (“A-new-class-of-supply-focused-housing-investment-programs_CPE_web”)
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- Addressing a broader range of housing needs. "These programs unlock affordability through mixed-income production, with a significant portion of developments serving households above 60% AMI all the way up to market rate, meeting goals for housing production across the income spectrum." (“A-new-class-of-supply-focused-housing-investment-programs_CPE_web”) (“A-new-class-of-supply-focused-housing-investment-programs_CPE_web”)

testimony2.pdf
Uploaded by: Rohit Khanna
Position: FWA

A Progressive Approach to Housing

Rohit Khanna[1]

Proposals for addressing the housing affordability crisis that focus primarily on upzoning ignore the fundamental structural issues in housing markets and obscure the many other causes of the affordability crisis.[2] Housing markets have many imperfections, because of which supply does not respond well to demand – and prices do not necessarily decline with increased supply (see appendix 1).

What then are the structural factors driving the housing affordability crisis?

Most important has been the impact of the 2008 financial crisis.

A report by the American Economic Liberties Project[3] concluded that: "Due to a series of federal policy choices that began in the late 1970s and accelerated in the wake of the Great Financial Crisis, smaller homebuilders—generally speaking, any privately-held builder that makes under 500 closings per year —have had increasing difficulty accessing capital as the number of local financing sources has dwindled …. As a result, the number of homebuilders has fallen since the Great Financial Crisis and remains well below early 2000s levels …. At the same time, publicly-traded homebuilders — who now lead every major regional market — have apparently responded to Wall Street earnings expectations by hoarding land and establishing price floors for their homes, instead of building enough to meet demand. Although various other factors, such as construction costs and high interest rates, have also constrained homebuilding, this financing gap between smaller homebuilders and publicly traded national giants is a significant part of why, by some estimates, America is short nearly 4 million homes."

As noted by Serkin & Sitaraman, "after the crash, home building dried up, leading to mergers and a new oligopoly in the homebuilding sector …. The large homebuilders are financiers that borrow cheaper than real developers and use that cheap credit to speculate in land ….[4] Because they are large and have significant access to capital, they can hold property for long periods of time – waiting to maximize their profits without engaging in construction." Developers mitigate risks and maximize profits by trying to time the market so that not too much supply comes online at once. At the same time, for individuals without strong credit, tightened mortgage lending standards made purchasing a home more difficult.

<u>None of these problems have to do with zoning.</u>

That is why variation in prices between markets cannot be explained by variations in zoning restrictions. One recent paper studied the impact of supply constraints, like zoning, on

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[1] Rohit Khanna had a 30-year career at the United Nations and the World Bank, working on environment, energy, and climate finance programs and projects with governments in Africa, East Asia, Middle East and North Africa, Latin America, and the Caribbean regions. Mr. Khanna retired from the World Bank as Manager for Global Energy Programs, and in that role oversaw or financed most of the Bank's analytical work in the energy sector. He has a master's degree in public administration from The American University.

[2] See *Post-Neoliberal Housing Policy*, Christopher Serkin & Ganesh Sitaraman, Vanderbilt University, 2025.

[3] 20251014-aelp-capitalcrunch-execsum-v3.pdf

[4] Matt Stoller, It's the Land, Stupid: How the Homebuilder Model Constrains Housing Supply, BIG (Aug. 15, 2024), https://www.thebignewsletter.com/p/its-the-land-stupid how-the-homebuilder.

housing prices and concluded that "housing supply constraints are quantitatively unimportant in explaining rising housing costs across U.S. cities." [5] The paper found that differences in supply constraints among municipalities could not account for increases in housing prices or housing quantity in response to increased demand; what mattered was rising incomes.

In other words, much of the variation can be explained by higher wages, especially among highly skilled, high-income earners. Wages for the top 25% are rising faster than housing prices, reducing their housing costs relative to income. Meanwhile, housing costs are increasing for the bottom 50%. New housing supply, often in expensive infill projects, tends to cater to higher income groups, worsening the affordability crisis for lower-income earners. The claim that the Starter and Silver Homes Bill would result in home prices that would be 30% lower is hollow.

Leading supply-side scholars like NYU law professor Vicki Been acknowledge that the market is unlikely to result in housing that is affordable to the poor. A recent Georgetown University study[6] of six metropolitan areas where newly built housing made up a larger share of the market than the national average concluded that:

- Newer housing stock in these metropolitan areas primarily consisted of small units in large multifamily buildings for the rental market or large single-family homes for homeowners and largely served moderate- and higher-income households.
- Even in areas where the supply of new housing units grew, the share of units serving lower-income renters decreased or stagnated.
- Rent growth was generally higher for units serving households with the lowest incomes when compared to those serving higher-income households.

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- Establishing a loan guarantee program for first-time home buyers earning up to double the area median income, thereby reducing the mortgage costs for borrowers.
- Allowing factory-built homes to be titled as real property, following HUD/Fannie Mae/Freddie guidelines.
- State antitrust enforcers should use their existing authorities to scrutinize transactions that would exacerbate trends toward concentration in the homebuilding industry.
- Incentivizing homebuilders to build "starter" and "silver" homes on undeveloped parcels of State and County land, so that density and required infrastructure can be planned.

As proposed by the Maryland Association of Counties, revenues generated by fiscal measures should be dedicated to affordable housing initiatives, school construction, or other purposes related to housing development.

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Successful housing strategies inevitably require strong government leadership and direction guided by targets. Rather than mandating top-down targets and how local governments address housing affordability, Maryland might consider Connecticut's approach, which requires local governments to create their own housing growth plans with targets and provides them incentives.

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HB239_SB36 DHCD Housing Bill - MD Labor Written Te
Uploaded by: Secretary Portia Wu
Position: FWA

Maryland
DEPARTMENT OF LABOR

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45 Calvert Street
Annapolis, Maryland 21401
443-401-5129

MARYLAND DEPARTMENT OF LABOR TESTIMONY ON HOUSE BILL 239

TO: Economic Matters Committee Members
FROM: Maryland Department of Labor
DATE: February 12, 2026
BILL: Starter and Silver Homes Act of 2026

MD LABOR POSITION: SUPPORT WITH DEPARTMENT AMENDMENTS

The Maryland Department of Labor (MD Labor) supports HB239, the Starter and Silver Homes Act, an investment in Maryland that will ensure our skilled workforce can *stay* in our State and contribute to the economy.

MD Labor spends millions of dollars annually preparing workers for in-demand occupations; however, if Maryland's workforce, especially young people under the age of 35, cannot afford to purchase a home here, they will move to locations with more affordable options, taking their talent with them.

In 2022 alone, 8,000 more Marylanders under the age of 35 left the State rather than staying here, a process known as outmigration. Those former Marylanders earned $422,887,000 in income that they took with them to their new States. (See Appendix A for more details.) Many of these individuals *would have* stayed in Maryland—and paid taxes if they had been able to find housing that was 1) within their budget and 2) appropriately sized to meet their needs.

HB239 will incentivize construction of affordable, moderately-sized housing, including townhomes, that will encourage Maryland's young workers to stay in the State and contribute to the economy.

Over **half (53.4%)** of the population loss in Maryland among people ages 17-34 years old is a **direct result** of the unavailability of housing (See Appendix B for more details). Similarly, nearly half **(44.9%)** of the individuals in this age group identified their commute in Maryland as a reason for leaving the State, a direct consequence of housing not being built near where our young Marylanders work.

Maryland's young workforce is skilled and dedicated to providing vital public services to our communities; however, the median price of a home in Maryland is far outpacing the median wages of Maryland's workers. As a result, our essential public servants, including firefighters, teachers, and nurses, are unable to afford single family homes in the communities they serve.

Statewide, the median price of a single family detached home is $518,100, while the median firefighter only makes $70,580. The median price for a townhome, however, is 32% lower than a single family home, at only $352,000, much more affordable for the median firefighter. (See Appendix C for more details.)

HB239 removes unnecessary burdens that prevent the construction of these more affordable dwellings, including townhomes, and will lead to more of Maryland's workforce being able to afford to stay in the State and contribute to our economy.

The Department respectfully requests that the Committee issue a **Favorable with Amendments** report on HB239, as explained by DHCD. For questions, please contact Andrew Fulginiti, at **Andrew.Fulginiti@maryland.gov.**

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Appendix A: Maryland Revenue Loss from Outmigration, 2022

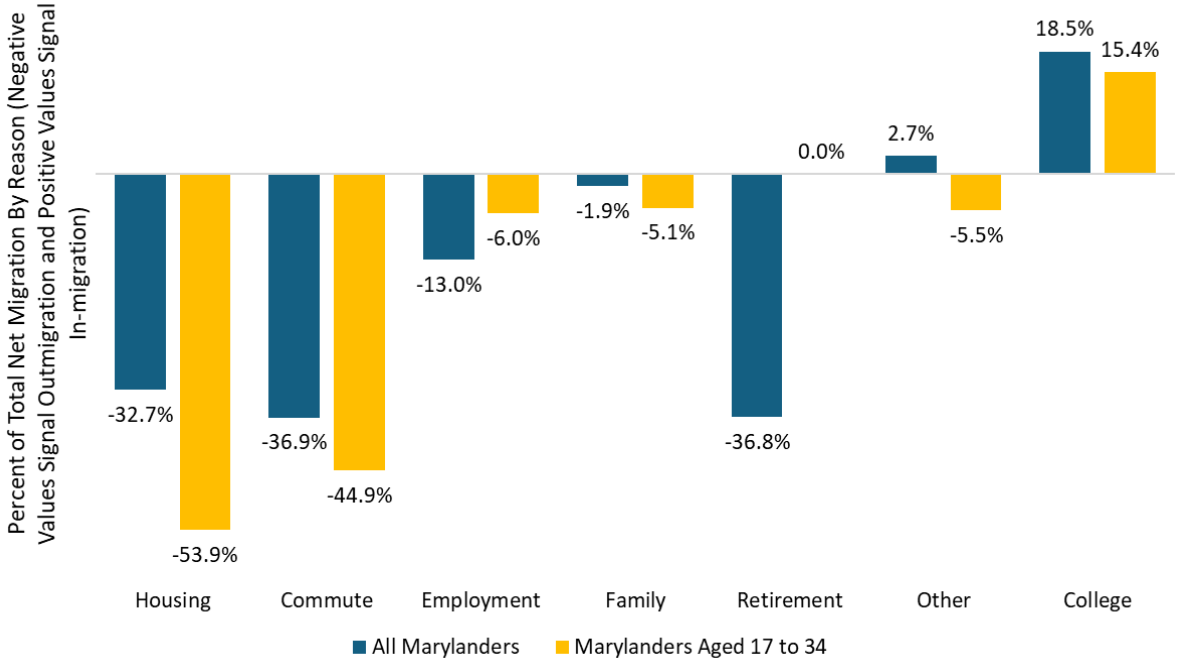
Income	Migration From Maryland in 2022 (Residents Aged Under 35)	Migration to Maryland in 2022 (Residents Aged Under 35)	Net Migration in 2022 (Residents Aged Under 35)	Adjusted Gross Income Change From Domestic Migration for Residents Aged Under 35 in 2022
$1 under $10,000	5,419	4,603	-816	-$3,162,000
$10,000 under $25,000	12,487	11,126	-1,361	-$18,382,000
$25,000 under $50,000	20,187	18,756	-1,431	-$55,573,000
$50,000 under $75,000	12,466	11,257	-1,209	-$82,255,000
$75,000 under $100,000	7,881	6,597	-1,284	-$95,608,000
$100,000 under $200,000	10,029	8,081	-1,948	-$161,652,000
$200,000 or more	2,597	2,579	-18	-$6,255,000
Total	**71,066**	**62,999**	**-8,067**	**-$422,887,000**

Source: MD Labor, Labor Market Information (LMI) Division

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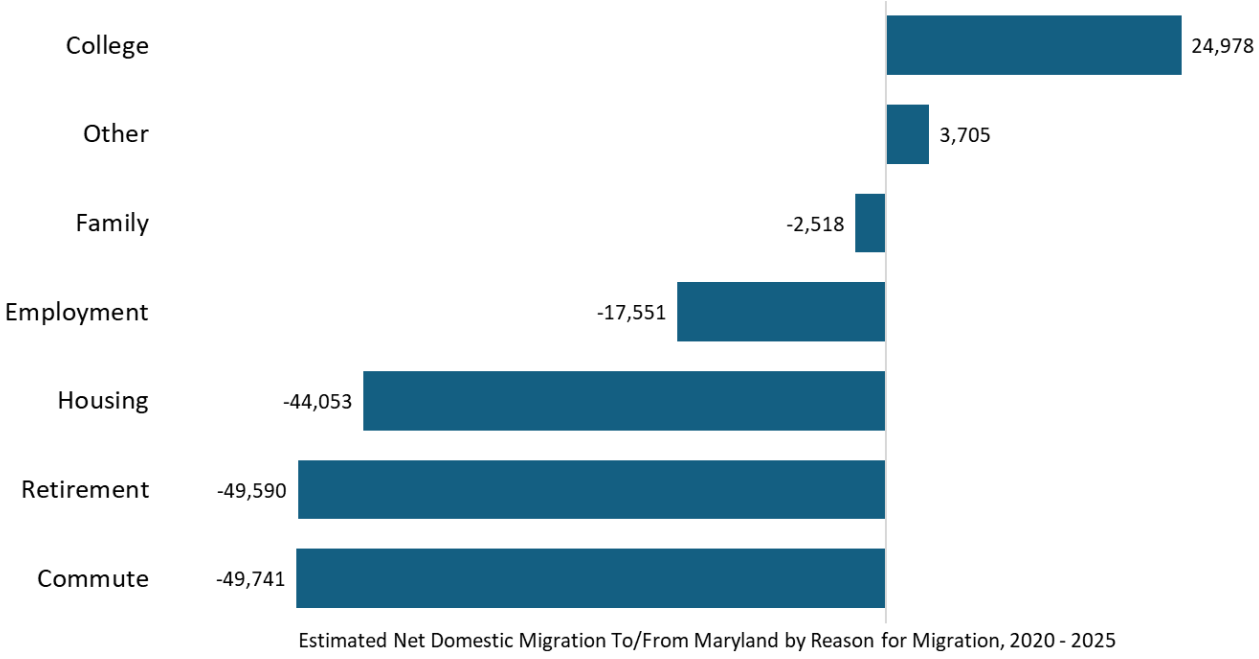
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Appendix B
Percentages of Maryland's Total Net Migration By Reason, 2020-2025



Source: MD Labor, Labor Market Information (LMI) Division

Net Maryland Migration by Reason, 2020-2025



Source: MD Labor, Labor Market Information (LMI) Division

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Appendix C: Median Maryland Home Prices vs. Median Public Service Salaries, 2025

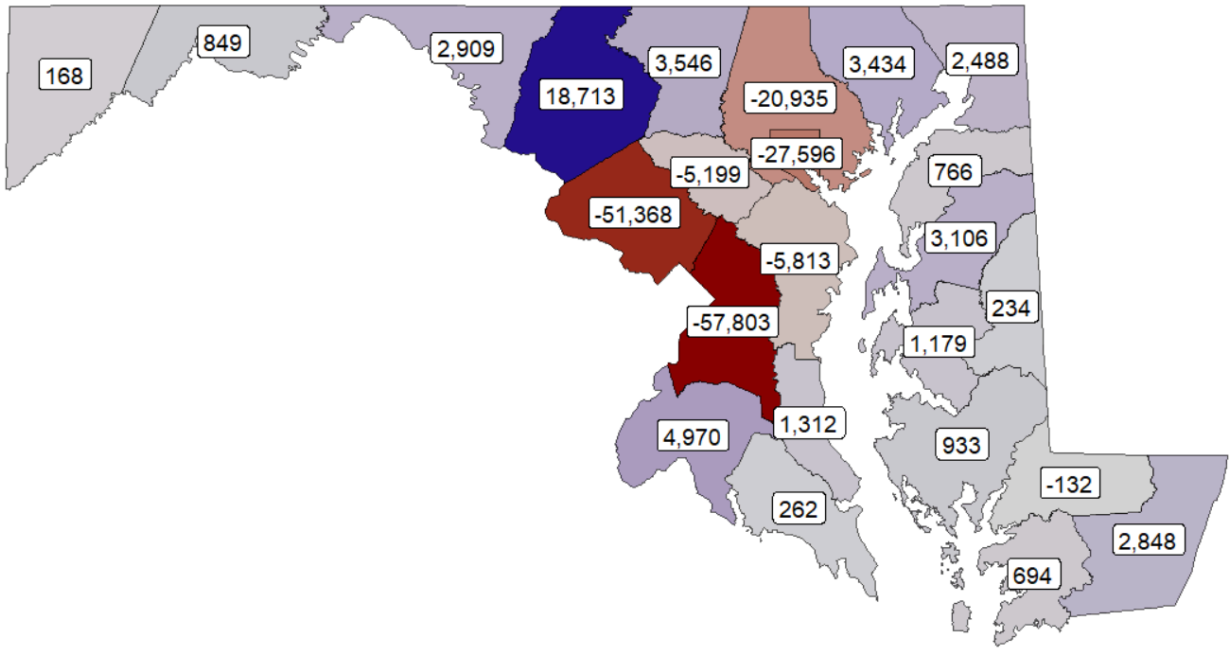
Jurisdiction	Median Sales Price Single Family Detached (December 2025)	Median Sales Price Townhome (December 2025)	Percent Difference	Median Firefighter Salary, 2024	Median Elementary Teacher Salary, 2024	Median Nurse Salary, 2024
Maryland	$509,000	$366,000	-28.1%	$70,580	$74,720	$96,830
Anne Arundel	$525,000	$457,000	-13.0%	$68,973	n/a	$94,878
Baltimore City	$318,000	$220,000	-30.8%	$82,211	$61,669	$100,366
Baltimore County	$401,000	$300,000	-25.2%	n/a	$74,431	$97,248
Calvert	$502,000	$418,000	-16.7%	$67,101	$74,598	$90,780
Dorchester	$295,000	$273,000	-7.5%	$61,709	$65,094	$84,927
Frederick	$580,000	$425,000	-26.7%	$51,527	$76,059	$86,675
Howard	$780,000	$473,000	-39.4%	n/a	$75,219	$94,050
Montgomery	$755,000	$520,000	-31.1%	$77,704	$64,887	$101,803
Prince George's	$480,000	$440,000	-8.3%	$64,807	$76,081	$101,019
Washington	$320,000	$240,000	-25.0%	$46,142	$63,501	$87,177

Source: MD Labor, Labor Market Information (LMI) Division

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Appendix D: Maryland Net Migration by County, 2020-2024



Source: MD Labor Labor Market Information (LMI) Division

HB239_COG_SWA.pdf
Uploaded by: Therese Hessler
Position: FWA

February 4, 2026

House Economic Matters Committee

Position: Support w/amendments

HB239 - Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

The City of Gaithersburg appreciates the General Assembly's efforts to expand housing options and reduce regulatory barriers to housing development. We support the overall intent of this legislation and respectfully submit the following comments and proposed amendments to ensure that its implementation aligns with environmental resilience, infrastructure capacity, housing affordability, and local planning best practices.

Eliminating maximum lot coverage requirements can conflict with environmental and sustainability objectives. Minimum lot coverage standards help preserve residential open space, which is typically planted with trees and contributes significantly to local and statewide canopy goals.

Maryland's no-net-loss policy seeks to maintain the State's current 40% tree canopy. According to the City's Environmental and Sustainability Element of the 2009 Master Plan (adopted 2015), approximately 45.97% of Gaithersburg's tree canopy is located on private residential land.

Eliminating lot coverage maximums could undermine these goals and increase impervious surfaces, leading to higher stormwater fees for homeowners—an outcome that would work against housing affordability.

Suggested amendment:

If eliminating lot coverage maximums is necessary, limit this change to townhouses only and maintain a maximum lot coverage of at least 50% for single-family detached homes.

Most residential zones in Gaithersburg already require minimum front and rear yard setbacks of 10 feet. The proposed changes would primarily affect the R-A, R-90, RB, and R-H zones.

Suggested amendment:

If establishing maximum allowable minimum setbacks is required, require a 20-foot minimum front and rear setback to preserve neighborhood character and functionality.

With respect to side yard setbacks, impacts would be limited to the R-A, R-6, and R-H zones. The City is generally comfortable with the proposed maximum side yard setbacks.

However, the bill also applies setback standards to accessory structures, such as sheds and detached garages, which do not contribute to housing supply.

Suggested amendment:

Remove references to accessory structures from the setback provisions. If the intent is to address accessory dwelling units (ADUs), note that these were addressed in HB 1466 (2025), and local jurisdictions are not required to comply with that law until October 1, 2026. If accessory structures remain in this bill, jurisdictions should be granted corresponding deadline relief.

The bill's definition of "townhouse" could be interpreted to include stacked condominiums (two-over-two), triplexes, or quadplexes, which were not the intended housing types contemplated.

Suggested amendment:

Revise the definition of townhouse to align more closely with the City's definition:

Dwelling, Townhouse: A type of single-family attached dwelling consisting of three or more units, each attached by a party wall serving as a vertical boundary, with each unit extending from ground to roof, no unit located above another, and each unit having its own ground-floor entrance or sharing an entrance with only an adjacent unit.

The bill prohibits lot coverage limits for accessory structures such as sheds and detached garages, which do not increase housing supply.

Suggested amendment:

Remove this prohibition or revise it to apply only to accessory dwelling units (ADUs).

The bill prohibits jurisdictions from restricting subdivision of improved lots into three or fewer lots without regard to access or Adequate Public Facilities Ordinance (APFO) standards.

Suggested amendment:

Clarify that newly created lots must comply with local subdivision requirements, have adequate access to a public or private street, and meet APFO standards.

Additionally, to align with the bill's goal of streamlining development:

Suggested amendment:

Allow residential and mixed-use subdivision applications to be reviewed and approved at the administrative level, rather than requiring Planning Commission approval under §5-201 of the Land Use Article. This would reduce delays while maintaining consistency with local standards.

The bill prohibits local jurisdictions from adopting regulations that establish restrictions "directly or indirectly."

Suggested amendment:

Remove the word "indirectly", as it is overly broad and subjective and could unintentionally invalidate reasonable local regulations.

The bill prohibits minimum square footage requirements, though building codes already establish minimum interior space standards.

Suggested amendment:

Clarify that this prohibition applies only to exterior dimensional requirements and does not preempt interior minimum standards established under building codes.

The City currently enforces design guidelines regulating architectural and aesthetic elements for single-family homes.

Suggested amendments:

Allow grandfathering of existing design guidelines.

Permit Planning Commissions to establish reasonable design standards during site plan review or when developers voluntarily incorporate design elements into their projects.

The bill states that it does not supersede codes necessary to address "immediate threats" to public safety.

Suggested amendment:

Remove the reference to "immediate threats." Building, fire, and safety codes are inherently designed to protect public health, safety, and welfare and should remain fully enforceable without qualification.

The City of Gaithersburg supports the intent of this legislation and believes that, with the amendments outlined above, it can advance housing goals while preserving environmental sustainability, infrastructure capacity, and local planning integrity. We respectfully urge the

Committee to consider these amendments and move the bill forward in a balanced and effective manner.

Thank you.

Oppose HB 239 on the Starter and Silver Homes Ac

Uploaded by: Adam Rybczynski

Position: UNF

CITY COUNCIL

OF

HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2026-02

Introduced by Council President Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTIONS 33 AND 34 OF THE CITY CHARTER TO EXPRESS FORMAL OPPOSITION TO SENATE BILL 36 AND HOUSE BILL 239 (THE STARTER AND SILVER HOMES ACT OF 2026)

WHEREAS, the Maryland General Assembly is considering Senate Bill 36 and House Bill 239, which seek to prohibit local jurisdictions from adopting or enforcing certain zoning provisions related to lot size, dimensions, setback requirements, lot coverage, and design elements; and

WHEREAS, SB 36 and HB 239 would mandate that any area connected to public water and sewer cannot require a minimum lot size greater than 5,000 square feet, effectively overriding Havre de Grace's existing R-1 and R-2 residential zoning district standards; and

WHEREAS, the Act would remove the City's ability to approve townhomes as a conditional use in areas where the construction of detached single-family homes is permitted by right; and

WHEREAS, the Act would further prohibit the City from placing maximum lot coverage limits on single-family homes; and

WHEREAS, these cross-filed bills would grant property owners the legal right to subdivide improved lots, up to three smaller parcels, bypassing traditional Planning Department, Planning Commission and/or Board of Appeals review and approvals, which will negate carefully considered local density controls which protect citizens from overcrowded schools, excess traffic congestion, overburdened water and sewer treatment systems, and excessive runoff to the Chesapeake Bay due to increased impervious surfaces, which will negatively impact livability standards; and

WHEREAS, the Mayor and City Council find that such state-level preemption of local land use law, which has served this State well for many decades, is a direct challenge local government authority over local land use policy and its knowledge of how such development impacts the citizens and the City's limited resources; and

WHEREAS, the 2025 Envision Havre de Grace Comprehensive Plan was recently adopted to provide a thoughtful strategy for revitalization and growth for people of all economic means, a strategy that would be fundamentally undermined by the mandates in SB 36 and HB 239.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE:

1. The Mayor and City Council of Havre de Grace hereby formally oppose Senate Bill 36 and House Bill 239; and

2. The Mayor and City Council of Havre de Grace hereby strongly urge the Senate Education, Energy, and the Environment Committee to give SB 36 an UNFAVORABLE REPORT; and

3. The Mayor and City Council of Havre de Grace hereby strongly urge the House Economic Matters Committee to give HB 239 an UNFAVORABLE REPORT; and

4. The Mayor shall transmit this resolution and any adjoining testimony to the Senate Education, Energy, and the Environment Committee, and the House Economic Matters Committee.

ADOPTED by the City Council of Havre de Grace, Maryland this 20th day of January, 2026.

SIGNED by the Mayor and attested by the Director of Administration this 20th day of January, 2026.

ATTEST:

Christopher Ricci
Director of Administration

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE

William T. Martin
Mayor

Introduced: 1/20/2026
Passed/Adopted: 1/20/2026

Effective Date: 1/20/2026

HB239 Alan_Davis.pdf
Uploaded by: Alan Davis
Position: UNF

Members of the Maryland General Assembly
Education, Energy, and the Environment Committee

Re: Written Testimony in Opposition to the Starter and Silver Homes Act (SB36/HB239)

Chair, Vice Chair, and Members of the Committee:

I urge you to reject the Starter and Silver Homes Act. This bill is based on faulty assumptions, overrides local planning authority, and will not deliver the affordable housing it promises. It is unnecessary and misguided, resting on the incorrect premise that increasing housing supply requires allowing condominiums and townhomes in established single-family neighborhoods statewide. This "Hail Mary" approach would impose sweeping change without evidence and would destabilize communities, infrastructure, and environmental protections across Maryland.

The Act is premised on a false narrative of severe out-migration and a housing shortage driven by zoning. Maryland's own data show otherwise. Recent migration patterns were largely pandemic-era anomalies. Housing prices are moderating in real terms, vacancy rates fall within balanced ranges, and market conditions are shifting toward buyers. Enacting permanent, statewide zoning preemption based on distorted or outdated data is irresponsible policymaking.

The bill's core mechanism—statewide preemption of single-family zoning—is a blunt instrument. It strips counties and municipalities of their ability to plan responsibly for schools, transportation, stormwater, environmental protection, and public safety. It replaces coordinated planning with mandate. Density would be imposed without regard to whether roads, schools, utilities, parking, or stormwater systems can accommodate it. That is not housing policy; it is the abandonment of planning.

Despite its name, this bill will not produce "starter" or "silver" homes. Market reality is clear: replacing single-family homes with townhouses does not create affordability. It removes naturally occurring affordable housing and replaces it with higher-priced units beyond the reach of first-time buyers, working families, or seniors on fixed incomes. New townhouses routinely sell for more than existing single-family homes, and multi-level designs are poorly suited for aging in place. The bill contains no affordability requirements and no credible cost analysis supporting claims of price reductions.

The Act also ignores the real drivers of Maryland's affordability challenges: income inequality, high construction and financing costs, and consolidation in the homebuilding industry. These factors—not zoning—limit the production of homes at prices people can afford. Maryland already has tens of thousands of fully approved but unbuilt housing units. The problem is not permission to build; it is the inability of the market to profitably deliver housing at affordable price points. Compounding this problem, real estate tax assessments have risen dramatically over the past decade, far outpacing inflation and increasing housing costs statewide. Zoning changes will not offset the embedded costs imposed by state and local taxes and fees.

Finally, this legislation disregards ongoing, good-faith local efforts to expand housing through targeted, infrastructure-aware reforms. It undermines programs that incentivize or require

affordability and replaces them with a one-size-fits-all mandate that benefits developers and investors while shifting long-term costs and risks onto local communities.

In short, the Starter and Silver Homes Act is misnamed, misguided, and counterproductive. It weakens local governance, accelerates gentrification, and fails to address affordability. I respectfully ask the Committee to reject this bill and pursue housing solutions grounded in sound data, local flexibility, infrastructure planning, and genuine affordability.

Sincerely,

Alan Davis

HB239 remove single family zoning 2-2026.pdf
Uploaded by: Barbara Sollner-Webb
Position: UNF

I am Barbara Sollner-Webb, past long-term President and current zoning committee chair or the West Laurel Civic Association (WLCA). The WLCA represents 1800 residences, mainly in Prince George's County but some in Montgomery County, and we wish to testify against HB239. Implementation of HB239 would devastate the character of our community, which is partly on ¼ acre, partly on ½ acre and partly on considerable larger lots. By increasing the permitted density to 8 units per acre, the number of residences in West Laurel could increase by about 4-fold. Even getting part-way to that end would create an inordinate strain on the local schools, on the road system and on other public services. It could turn our tree-filled rural residential neighborhood into a very dense hodgepodge of residences, including townhouses, that would then be largely devoid of trees, which would have been chopped down to make way for the additional residences – so, much less attractive to us and much more subject to global worming. And critically, since parking is already very strained in much of our community – as in many older residential communities in the state – it would create an unworkable nightmare by the parking of all the vehicles of all the newly permitted residents. Additionally, it would very likely be to the determent of the tax base of the county, hence create a burden on all the current tax-payers in the county. HB239 seems to provide no upside to the current residents' quality of life, except for those who are developers who could make a killing. Please, vote against HB239.

HB 239 CCCFH Testimony.docx - Google Docs.pdf
Uploaded by: Barbara Zektick
Position: UNF

TESTIMONY IN OPPOSITION

STARTER & SILVER HOMES ACT

CITIZENS COORDINATING COMMITTEE ON FRIENDSHIP HEIGHTS

FEBRUARY 12, 2026

The Citizens Coordinating Committee on Friendship Heights (CCCFH) is an umbrella organization that represents 18 communities and 20,000 residents in southwest Montgomery County — District 16 — on land use, housing and infrastructure development issues.

Although CCCFH is committed to the creation of truly affordable housing throughout Maryland and supports approaches recommended in the recently proposed Housing Certainty Act and the Transit Oriented Development Act, we strongly oppose the Starter and Silver Homes Act, House Bill 239. We oppose the legislation for the following reasons:

1)The legislation broadly pre-empts local zoning for single-family neighborhoods, preventing the crafting of decisions tailored to local requirements. Moving single-family zoning to the state level ignores the diversity among Maryland counties and municipalities and overlooks community needs. Substitution of state for local decision-making on zoning eliminates community input, neighborhood-specific master planning and decision-making by local elected officials.

It is especially ironic that the bill would permit townhomes by right in almost every single-family neighborhood in Maryland. This approach was considered by Montgomery County and rejected in 2025 after a series of County listening sessions revealed overwhelming public opposition. CCCFH suspects that House Bill 239 will be equally unpopular statewide.

2)The legislation will create infrastructure, and environmental problems. Existing single-family neighborhoods were designed by civil engineers for single-family densities. Roads and water and sewer systems in these neighborhoods are not designed for townhouse occupancies. Enactment of the bill will accelerate the deterioration of infrastructure in single-family neighborhoods, requiring costly replacements by the taxpayers. To avoid an explosion in local infrastructure expenses, reject House Bill 239.

The Starter and Silver Homes Act is bad for the environment. Increasing density in existing single-family neighborhoods statewide will create extensive stormwater management problems, loss of tree canopy, heat islands and traffic-induced climate emissions in areas with little or no mass transit. These outcomes undercut Maryland's sustainability agenda.

Increased density, including townhomes and multi-family housing, is appropriately located close to mass transit, including the rail-centered development zones proposed by Governor Moore — not in existing single-family communities.

3)The legislation will not produce the affordable housing needed to address Maryland's housing crisis. House Bill 239 does not contain affordability requirements. The market prices of new, unsubsidized townhomes track and typically exceed the prices of the single-family homes they replace. In Montgomery County, new townhomes are retailing for $800,000 and up as of 2026, with prices exceeding $1 million in some parts of Rockville and North Bethesda. Prices in southwest Bethesda start in the $1.5 million range and some recently completed townhomes are listing for close to $2 million. This is not affordable housing.

An October 2025 impact analysis performed by Montgomery County's Office of Legislative Oversight found that new single-family upzoning requirements limited to major roads "could have a negative impact on racial equity and social justice (RESJ) in Montgomery County" and "could disproportionately displace existing Black and Latinx homeowners for the development of market-rate housing units that primarily benefits White, Asian, and Pacific Islander community members."

The mandated statewide upzoning of existing single-family neighborhoods can be expected to produce similar results: the replacement of smaller, older, less-expensive single family units with more expensive townhomes, accelerating the displacement of moderate-income homeowners and homeowners of color.

Conclusions. The Starter and Silver Homes Act is highly flawed and should be defeated. The legislation ignores the diversity of Maryland's counties and municipalities, eliminates community input and overrides local decision-making. The legislation will accelerate infrastructure deterioration and environmental degradation, problems that will be costly and difficult to correct. Most importantly, the legislation will not make housing in Maryland more affordable and is likely to result in the displacement of moderate-income families and homeowners of color.

Worthwhile proposals to address Maryland's housing crisis are on the table, including the Housing Certainty Act and the Transit Oriented Development Act. The Starter and Silver Homes Act is not among them. CCCFH respectfully urges the Economic Matters Committee to reject the Starter and Silver Homes Act.

Rush Testimony on HB239.pdf
Uploaded by: Barney Rush
Position: UNF

The Town of Chevy Chase

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.

4301 Willow Lane • Chevy Chase, Maryland 20815 • 301/654-7144 • Fax 301/718-9631 • townoffice@townofchevychase.org
www.townofchevychase.org

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:

- **<u>Substantial reduction of building setbacks:</u>**
    - **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 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

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

HB 239 Starter & Silver Homes Act.pdf
Uploaded by: Brigitta MULLICAN
Position: UNF

OPPOSE House Bill 239 ~ Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Testimony by Brigitta Mullican, Rockville, MD 20852 ~ LD-17 2/10/26

The Starter and Silver Homes Act is deeply flawed. It undermines local decision-making, threatens infrastructure and environmental sustainability, and fails to ensure affordability. I respectfully urge you to reject the current version of this legislation and instead pursue housing policies that emphasize partnership, flexibility, and genuine affordability.

The proposed Starter and Silver Homes Act (Senate Bill 36 / House Bill 239) is detrimental to Maryland's communities and will not meaningfully increase housing affordability. I strongly oppose this legislation in its current form and urge the General Assembly to pursue policies in which the state works collaboratively with local governments rather than imposing mandates to increase housing supply statewide. This issue is important to me, and it will be on top of voter's mind in the 2026 elections.

As a Maryland resident, I am committed to expanding genuine housing affordability across our state. There are many constructive pathways to achieve this goal, including:

1) Statewide preemption of local zoning

The bill broadly overrides local zoning for single-family neighborhoods, eliminating community input, neighborhood-scale planning, and decisions by locally elected officials. Maryland's counties and municipalities differ widely in infrastructure, housing stock, environmental conditions, and community priorities; statewide zoning mandates ignore this diversity.

Other states, including Connecticut and New Jersey, allow local governments flexibility in meeting housing needs through various compliance pathways such as mixed-income construction or rehabilitation of existing affordable housing. Maryland should adopt a similarly collaborative approach rather than imposing sweeping zoning overrides.

2) Infrastructure and environmental impacts

Existing single-family neighborhoods were engineered for low-density development. Roads, water systems, sewers, and stormwater infrastructure many already aging are ill-equipped to accommodate townhouse-scale density. This bill risks accelerating infrastructure deterioration, resulting in significant taxpayer costs.

In addition, statewide density increases in low-transit areas could worsen stormwater runoff, tree canopy loss, heat islands, and traffic-related emissions. These outcomes run counter to Maryland's environmental and climate goals.

3) Failure to deliver affordability

The Starter and Silver Homes Act contain no affordability requirements. Evidence suggests that newly built, unsubsidized townhomes frequently cost more than existing single-family homes.

A recent comparison by CCCFH, a Maryland land-use advocacy group, examined 121 new townhomes across seven counties and found higher median prices in five of them: Baltimore (+21%), Charles (+13%), Dorchester (+18%), Montgomery (+41%), and Prince George's (+9%).

Without affordability mandates or subsidies, the bill is unlikely to improve housing access in existing neighborhoods and may instead raise prices.

4) Risk of displacement and gentrification

An October 2025 analysis by Montgomery County's Office of Legislative Oversight found that similar upzoning proposals along major roads could negatively affect racial equity and social justice, potentially displacing Black and Latinx homeowners in favor of market-rate development that disproportionately benefits higher-income residents.

Mandated statewide upzoning could produce similar effects throughout Maryland by replacing smaller, older homes with more expensive units—placing moderate-income homeowners and homeowners of color at increased risk of displacement.

Testimony on HB 239.pdf
Uploaded by: Charles Hendricks
Position: UNF

My name is Charles Hendricks, and I am the mayor of Laytonsville, a town of some 750 residents in northern Montgomery County that was incorporated in 1892. My town has exercised zoning authority since 1958, but that has not stymied the town's contribution to the housing stock of our area. The town has grown rapidly in recent years. Since 2010 it has increased its number of housing units from 120 to 217, a growth of 81%, or an average increase of over 5% per year over the last 16 years. Yet we are a well-planned community of distinctive neighborhoods with single-family-homes of widely varying sales prices built on lots of various sizes along with an assortment of multi-family rental units.

I do not object to the state putting pressure on local governments to facilitate the construction of more housing units, but I believe that zoning preemption should not be applied until localities are given a chance to adjust their zoning ordinances to achieve the state's housing goals. I also believe that local governments should be allowed to retain some residential neighborhoods without town houses so long as the jurisdictions meet state housing construction goals.

The Department of Housing and Community Development document "2030 Housing Production Targets for the State of Maryland" provides housing unit construction goals for each year up to 2030. I recommend that you adopt a trigger mechanism in which localities would be given until 2028 to meet the state's housing construction approval goals for them and that failure to meet those goals by the end of 2028 or any succeeding year would trigger the type of zoning preemption envisioned by this bill over a gradually increasing percentage of the local jurisdiction's area. I would suggest authorizing state preemption over 20% of the local jurisdiction in the first year of non-compliance and increasing that by 20% in each successive year in which the goals are not met. Local jurisdictions should be given control over which area is subject to the preemption, understanding that, if they do not select a developable area, successive goals will likely fail to be met and the preempted area will keep growing until it reaches 100%. I also suggest that the housing growth goals for each jurisdiction proposed by DHCD be reviewed and approved or modified by the legislature.

I agree with the proponents of this legislation that achieving an adequate stock of housing is essential, but I also believe that the state has ways to promote the building of that housing in cooperation with counties and municipalities without subverting local community planning.

Written Testimony (OPPOSE) — HB0239 & SB36 (Starte

Uploaded by: Christopher Miller

Position: UNF

Office of the Mayor
City of Taneytown
Christopher G. Miller, Mayor

TO: Whom It May Concern
FROM: Mayor Christopher G. Miller
DATE: 2/10/2026
SUBJECT: Written Testimony (OPPOSE) — HB0239 & SB36 (Starter & Silver Homes Act)

Written Testimony (OPPOSE) — HB0239 & SB36 (Starter & Silver Homes Act)

Bill(s): HB0239 / SB36 – Starter & Silver Homes Act of 2026
Position: OPPOSE
Submitted by: Mayor Christopher G. Miller, City of Taneytown

Chair, Vice Chair, & Members of the Committee:

My name is Christopher G. Miller and I serve as Mayor of the City of Taneytown.

I submit this in opposition to HB0239 and SB36.

Let me start by saying this clearly: I understand that Maryland has a housing issue. People are struggling. Young families are priced out. Seniors are stuck in homes that don't fit their needs anymore. The general consensus being we need a better mix of housing solutions.

But these bills don't solve that problem.

What these bills do is strip local governments of the ability to govern locally & that's not an accident. Municipalities have elected leaders, planning commissions, and citizen boards for a reason. Residents trust them to protect the interests of the community, manage growth responsibly, and match development to infrastructure reality.

HB0239/SB36 is a direct attack on that system. This is not "housing policy." This is state preemption.

These bills tell local jurisdictions what we can & can't do with basic zoning standards, lot size, setbacks, coverage, design standards and more. It's essentially the State saying:
"Your community standards don't matter. Your local process doesn't matter. Your local capacity doesn't matter."

Look; if you take away local control, you're not making housing more affordable, you're just making it easier to build more units wherever it's easiest and most profitable. Community should shape community & this is a direct attack on that concept.

This doesn't fix affordability; it just pressures density

The housing crisis isn't just that "there aren't enough homes." It's that the homes being built are priced out of reach for average people.

So what happens when you force more density by right?

Developers sell more units, at whatever the market will bear, and local communities are left holding the bag for:

- traffic impacts
- school crowding
- water/sewer and treatment capacity
- stormwater burdens
- public safety response times
- the general quality of life impacts residents deal with every day

This is how you get more houses without getting more affordable housing & this is how you set municipalities up for failure.

Municipalities are already overburdened & infrastructure is not theoretical

Small municipalities aren't sitting on endless capacity. We operate in reality: staffing limits, treatment limits, permit limits, aging systems, and regulatory constraints that don't care what year a bill passes.

If the State wants more housing units, fine; but then the State needs to show up with:

- real infrastructure investment
- real transportation investment
- real school planning coordination
- and real funding to support the systems that growth depends on

Without that, this is just a mandate that shifts cost & consequences onto municipalities and residents.

Taneytown example: traffic & the bypass

In Taneytown, we've been working toward a bypass for decades, roughly 40 years, to address traffic and safety. Something we've repeatedly asked for help on.

Traffic is not just an inconvenience for us. It's a public safety issue. It affects response times. It affects kids walking. It affects neighborhoods being used as cut-throughs. We are trying to solve that problem the right way.

Now imagine the State tells us we have to accept additional density, while limiting our ability to address local concerns and manage concurrency.

That doesn't help us. It makes our core problems worse & takes away local ability to shape our future.

People have a right to local governance

This is the part that should matter to everyone, regardless of what town you live in:

People have a right to be governed locally.
- That's why municipalities exist. That's why residents elect councils and mayors. That's why we have planning commissions and citizen boards.

That shouldn't be stripped away for something as short-sighted as pushing density to create the appearance of "housing solutions," while not actually delivering affordability.

If the State wants results, work with municipalities, don't override them

If Maryland wants real progress, here's what partnership looks like:

- help fund zoning rewrites & modernization where communities want it
- provide technical assistance & planning support
- fund water/sewer/roads/stormwater needed for growth
- expand affordability tools that actually reduce cost for residents
- respect APFO-style growth management tools so infrastructure keeps up

That's how you deliver results for people. Not by preempting local government and telling communities to deal with the consequences.

HB0239 and SB36 don't solve affordability, and they do real damage to local governance and responsible growth.

For those reasons, I respectfully request an unfavorable report on HB0239 and SB36.

Respectfully,

Christopher G. Miller
Mayor of Taneytown

HB239 and SB36.pdf
Uploaded by: Cindy LaFollette
Position: UNF

Dear Members of the State House and Senate,

While I commend the state for wanting to expand housing options, I am strongly opposed to House Bill 0239 and Senate Bill 036, as I do not believe they will achieve the goal of affordability and will, instead, create long-term, irreversible damage to our schools, infrastructure, environment, communities, and to affordability itself.

The bills, as written, reek of republican- and investor-based agenda wrapped in liberal buzzwords and ideology, and I am ashamed of any democrat who would vote for them. Special interest lobbies are selling us a dream, no, make that a nightmare, at our own expense.

I have testified at great length in Howard County about its adoption of CB3-2026 (ZRA218) under HB1466, and would question why we need to create these additional bills that would further diminish local legislation in regard to land usage. If these bills should go forth, which I strongly oppose, we must include the following amendments as I recommended to our local planning board and county council:

1. **Local legislation MUST have oversight into their land use and management**. **WE MUST HAVE GUARDRAILS. ONE SIZE DOES NOT FIT ALL.** We have areas across the state with flood risk; mountains; protected parks, wetlands, and green spaces; our Bay; parking concerns; lack of sidewalks for our children to walk safely to school; general infrastructure such as transportation, aging power lines, sewer, and septic ... this list goes on and local legislature must be able to determine what is best for its own growing populations
2. **Local legislation MUST have the right to impose setback requirements** based on capacity, safety, and regional conditions. This for fire and policy, walkability, power lines, flood-prone areas, mountains, railway lines, environmentally sensitive areas, historic preservation, rivers ... streams ... specimen trees.
3. **We MUST, MUST, MUST HAVE OWNER OCCUPANCY.** Otherwise, investors will come in, purchase single-family homes, and convert them into duplex of triplexes, or even worse, build detached ADUs, subdivide, and build more duplexes and triplexes. We have seen how investor-driven development overwhelms our schools and infrastructure with no reasonable way to solve the problem. "Just move the kids," is what we are told time and time again, and that burden falls on our Boards of Education, who should be focusing on educating our children, not fixing trickle-down problems that the state creates.
4. **We MUST protect our schools and our children**. We must require hefty and palpable fees for building in areas where schools are overcrowded and density is a concern!

WE cannot run unplanned and unchecked. These bills, as written, strip every reasonable protection in place. We cannot allow for larger, more expensive homes built on small lots closer together ... and we KNOW this is what will happen and that this will further increase pricing for both rents and homeownership. Housing density will not create a supply and demand because it

will require us to build faster without consideration and ignores realities such as construction costs, loan interest rates, our fragile ecosystem, schools, roads, public-use buildings …

These bills do not seek to create affordable HOMEOWNERSHIP, which is the best way to build stable communities and keep investments IN the community. But rather, these bills introduce ways for large-scale investors to buy up land and build god only knows what on it. Here in Howard County, we have a tendency to do that and we have faced serious consequences because of it, such as the floods in 2016 that affected more than just our beloved Main Street, and then again in 2018, when we lost a colleague and friend who was beloved and recognized across the state of Maryland.

We have seen here in Howard County how fast construction continues to price families out of places to live. Howard Hughes has been gobbling up the city of Columbia with minimum rates of $2400 for a 2BR apartment, building in overcrowded schools zones and triggering stressful and expensive “emergency” school redistrictings.

I would also look to the rapid development along the Route 1 corridor in College Park and Riverdale, where I lived while working in Washington. Home prices skyrocketed as development increased at an alarming rate, and height, and now traffic is worse than ever and **students are being priced out of place to live**. And those prices will only continue to go up …

This is NOT affordable housing ... this is favoring special interest lobbies. We should instead be targeting underutilized spaces and revitalizing areas that have little life left in them as opposed to sweeping changes that have zero planning or oversight. And we should be focusing on home voucher programs that help the marginalized to afford homes instead of just paying the rent.

Lastly, please explain to me how does this actually create housing choice when we take away the right to choose?

Again, I repeat, HB0239 and SB036, as written, reek of republican- and investor-based agenda wrapped in liberal buzzwords and ideology, and I am ashamed of any democrat who would vote for them. Special interest lobbies are selling us a dream, no, make that a nightmare, at our own expense.

Yours in Advocacy,
Cindy LaFollette
Howard County Resident, Districts 1 and 9B

HB239 Starter Housing Act - GCCA.pdf
Uploaded by: Daniel Wilhelm
Position: UNF

Greater Colesville Citizens Association
PO Box 4087
Colesville, MD 20914
February 10, 2026

Maryland General Assembly
House Economic Matters Committee

Re: HB0239, Starter and Silver Homes Act

Dear Maryland Legislator:

The Greater Colesville Citizens Association (GCCA) represents 3500 single-family and townhouse households around the intersection of Randolph Rd and New Hampshire Ave in eastern Montgomery County. GCCA urges the legislature to oppose bill HB239 as it is written.

The bill, if enacted as presently written, it would eliminate most zoning for single-family detached housing in the county and state because the zoning could no longer require that the minimum lot size to exceed 5000 sq ft. That limit applies throughout state, even in more rural areas. If implemented everywhere, the state would become urban. We agree with current county policy that Montgomery County needs a range of housing sizes and we are sure that would apply across the state

The bill would not eliminate existing single-family development but any owner of such a property would be able to subdivide it by right into three lots. There is nothing to prevent a developer from purchasing a single-family house and replacing it by right with three townhouses. Thus, there would be no public review or review by the Planning Board, other than the creation of lots (without any meaningful restrictions).

The bill would likely create townhouse development that is not compatible with adjacent single-family detached housing in that the bill substantially reduces the set-back requirements and eliminates lot coverage requirements. Thus, essentially, the entire lot can be covered with a building.

The bill appears to eliminate any requirement for on-site parking or that the site be served by public transportation. With very small lots being proposed, residents will surely need to park on existing public roads. Most residential roads serving R60 (6000 sq ft) and R90 (9000 sq ft) zoned lots are already congested with parked vehicles or are too narrow to accommodate any parking. This bill will just exacerbate this problem. In a number of cases, the resulting parked vehicles would hinder the passage of larger vehicles, like fire, trash and buses (both school and public).

The bill fails to consider issues related to stormwater management and open space.

We agree that there is a shortage of affordable, starter housing, but this bill does nothing to address the affordable issue. Much of the current affordable problem is the

result of government regulation, especially fees. Montgomery County currently has a task force investigating fees, especially impact taxes.

The legislation needs to be amended to focus development where infrastructure exists or identified in county plans. We urge the state to follow the vision in the Thrive Montgomery 2050 general plan that focuses development in designated activity centers and along major roads that will be served with premium transit (Metrorail, Purple Line and BRT/Flash). Montgomery County recently approved legislation to focus development in these areas, much like the proposed bill, but focused where wanted and infrastructure can accommodate.

In short, the bill as written largely eliminates the zoning ordinance as it relates to single-family detached housing and opens Pandora's box for creating new problems or increasing existing problems. There are already large numbers of lots that could be built under existing zoning but it is not occurring on many of those lots, largely due to it being uneconomical. The legislature needs to address the affordability issue and focus change where infrastructure can support it.

GCCA urges opposes bill HR239 as written and urges it be modified.

Daniel L. Wilhelm
GCCA President

HB 0239 David Barnes Testimonyfor ECA UNF 2-10-26

Uploaded by: David Barnes

Position: UNF

Edgemoor Citizens Association
P.O. Box 30459
Bethesda, MD 20824-0459
www.edgemoorcitizens.org

February 10, 2026

House Economic Matters Committee
Maryland General Assembly
230 Taylor House Office Building
Annapolis, Maryland 21401

Delegate Valderrama and Members of the Committee:

I'm submitting this written testimony on behalf of the Edgemoor Citizen's Association, a community association in Bethesda, to express our opposition to the Starter and Silver Homes Act (HB 0239), as presented. Although we would gladly support efforts to advance affordable housing in Maryland, this pending legislation is not the answer. It takes the extraordinary approach of removing local control over key zoning issues and fails to address (or make clear that local jurisdictions have authority to address) the many adverse consequences of upzoning by right, including demands on schools and other infrastructure needs, as well as storm water and other environmental concerns. It also undercuts local efforts to encourage the construction of workforce housing based on the unique needs of, and challenges facing, each community.

Among other troubling provisions, the legislation would impose state-wide zoning rules that:

- require counties to allow townhouses by right on any property or lot zoned for single family homes;
- prohibit jurisdictions from mandating lot sizes of more than 5,000 square feet, thereby shrinking current minimum lot sizes;
- prohibit jurisdictions from establishing front and back setbacks for construction on single family lots of more than 10 feet, or side setbacks on such lots of more than 5 feet, thereby shrinking currently required setbacks;
- prohibit jurisdictions from mandating maximum lot coverage rules or limits on exterior dimensions of structures; and
- allow subdivision of lots, by right, into up to 3 separate lots.

Through these provisions, the legislation would preempt counties from addressing local infrastructure demands as well as environmental or fiscal impacts of new development

through local zoning, a Master Plan Process or other means. The legislation would take away opportunities for local public input, thereby excluding those most knowledgeable about their neighborhoods, and about community resources, needs and capacities. Further, the legislation fails to recognize the diversity across the state, from urban to rural and everything between. Neither does it take into account the opportunities that exist already on vacant land for further housing development of the kinds described -- development that can be accomplished without the draconian zoning changes in the proposed legislation.

Moreover, the legislation includes no requirement that any affordable housing is constructed as a condition for the right to increase density. This is particularly troubling because there is no support for what seems to be an underlying premise that more densely-packed neighborhoods will necessarily yield affordable housing and not simply be a windfall for developers and builders. Indeed, available evidence -- including from other communities that have tried upzoning by right -- casts significant doubt on this underlying premise. For example:

- One of the few detailed studies of the effect of upzoning found that, in Chicago, "the short-term, local-level impacts...are higher property prices but no additional new housing construction." See Urban Affairs Review, 56(3), 758-789, https://journals.sagepub.com/doi/10.1177/1078087418824672.
- A study of how upzoning activity was associated with neighborhood demographic change in New York City between 2000 and 2010 found that it "is positively and significantly associated with the odds of a census tract becoming whiter, suggesting that neighborhood upzonings might accelerate, rather than temper, gentrification pressures in the short term." See ScienceDirect, Volume 103, April 2021, 105347, https://doi.org/10.1016/j.landusepol.2021.105347.
- In a presentation to the Montgomery County Civic Federation, former Minneapolis Planning Commission member Alissa Pier discussed the results of Minneapolis' upzoning efforts. She cautioned that increased density may not yield more affordable housing; that Minneapolis generated very few new housing units through tri-plex upzoning; and, instead,that this upzoning was a boon for developers, who "gobbled up" properties, left them vacant, and speculated that they would become more valuable over time. See https://www.youtube.com/watch?v=Vs29L9nzDKg at 1:09:06-1:12:23.
- Even proponents of upzoning in Minneapolis have conceded that little additional housing was created through upzoning to permit duplex and triplex units in single family neighborhoods, that the vast majority (87%) of new housing units were in apartment buildings with 20 or more units, and that only 1% of new housing was in buildings with two to four units. See https://www.pew.org/en/research-and-analysis/articles/2024/01/04/minneapolis-land-use-reforms-offer-a-blueprint-for-housing-affordability. Thus, the experience in Minneapolis does not support the Starter and Silver Homes Act, as presented.

In addition, as noted in an article this month in the Washington Post (https://www.washingtonpost.com/business/2026/02/01/yimby-housing-afforsdability/), more recent studies further undercut claims that upzoning will address affordable housing needs, which is the theory underlying so-called "trickle-down" housing:

- A study published in January 2026, titled *Inequality, Not Regulation, Drives America's Housing Affordability Crisis,* concludes based on "empirical evidence" that "links between regulation and supply, and between supply and prices, are weak at best." See https://osf.io/preprints/socarxiv/95trz_v1
- A study published in 2025 by the National Bureau of Economic Research, titled *Supply Constraints Do Not Explain House Price and Quantity Growth Across U.S. Cities*, "challenges the standard view that supply constraints explain rising house prices across cities and suggests that efforts to relax measured housing constraints may have negligible effects on house prices and quantities." See https://www.nber.org/system/files/working_papers/w33576/w33576.pdf

Further, taking the extreme approach of removing local control over critically important zoning issues risks unintended consequences, including exacerbating school over-crowding in areas that are already unable to meet demands, addressing significant groundwater challenges and undermining existing and future efforts to encourage workforce housing through the local zoning process or other means. As just two examples:

- Decreasing setback requirements and eliminating lot coverage limits would permit developers to build larger homes with more impervious coverage to maximize profits, thereby exacerbating storm water management challenges and the removal of additional trees without any increase in affordable housing.
- Under Montgomery County's 2025 workforce housing zoning text amendment, increased density (through duplexes, triplexes, townhouses, and apartment buildings) is now permitted along corridors that are master-planned for at least 100 feet in width and have three existing travel lanes, but only if the project meets requirements to include a certain number of workforce housing units (i.e., units affordable to households with incomes up to 120% of area median income). Yet, under the statewide legislation, developers could side-step this process and increase density by right without any increase in workforce housing, thereby undermining local efforts to address affordable housing needs in a manner that works best for the community.

There is no question about the need to increase the supply of affordable housing (and workforce housing) in Maryland. However, a one-size-fits-all approach that preempts localities from addressing the unique attributes and challenges of their communities by considering the specific needs and circumstances of those communities is not the answer. There are many ways that the state of Maryland can help localities meet these housing needs, but this state-wide zoning mandate is not one of them. Rather, it would

be a substantial impediment on the ability of localities to achieve progress on the housing goals we all share.

We urge rejection of the Starter and Silver Homes Act absent major changes to address the above concerns.

Thank you for the opportunity to submit testimony.

David Barnes

David Barnes
President, Edgemoor Citizens Association

Housing and Economic Matters HB 0239 2-10-26 - Fin
Uploaded by: David Barnes
Position: UNF

Edgemoor Citizens Association
P.O. Box 30459
Bethesda, MD 20824-0459
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February 10, 2026

House Economic Matters Committee
Maryland General Assembly
230 Taylor House Office Building
Annapolis, Maryland 21401

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Moreover, the legislation includes no requirement that any affordable housing is constructed as a condition for the right to increase density. This is particularly troubling because there is no support for what seems to be an underlying premise that more densely-packed neighborhoods will necessarily yield affordable housing and not simply be a windfall for developers and builders. Indeed, available evidence -- including from other communities that have tried upzoning by right -- casts significant doubt on this underlying premise. For example:

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be a substantial impediment on the ability of localities to achieve progress on the housing goals we all share.

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Thank you for the opportunity to submit testimony.

David Barnes

David Barnes
President, Edgemoor Citizens Association

2026 HB0239 Final Written.pdf
Uploaded by: Ellen Throop
Position: UNF

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Vice Chair, Delegate Lorig Charkoudian
lorig.charkoudian@house.maryland.gov
231 Taylor House Office Building
Annapolis, Maryland 21401

Re: HB 0239
Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)
Position: OPPOSE
Hearing Date: February 12, 2026

Dear Chairperson Valderrama, Vice Chairperson Charkoudian, and Members of the Economic Matters Committee:

This letter is submitted on behalf of the Maryland Legislative Action Committee ("MD-LAC") of the Community Associations Institute ("CAI"). CAI represents individuals who reside in and professionals who work with condominiums, homeowners associations, and cooperatives throughout the State of Maryland. MD-LAC is writing today to voice its opposition to the passage of the proposed HB 0239 due to our numerous concerns, which are discussed below.

As drafted, the bill would restrict local jurisdictions from adopting or enforcing zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for single family homes. It would also prevent local jurisdictions from prohibiting certain types of housing in zones designated for single family homes, and from prohibiting the subdivision of certain types of lots. These restrictions will negatively impact community associations, which are required for most subdivisions, including detached condominium units,

Maryland Legislative Action Committee
Post Office Box 6636
Annapolis, Maryland 21401

condominium townhomes and single family attached and detached dwelling units, without consideration of the private covenants, usage of common areas and common facilities, neighborhood compatibility, and/or other adverse indirect impacts on infrastructure, etc.

While the MD-LAC appreciates the need for increased housing within the State of Maryland, HB 0239 does not account for jurisdictions and/or individual communities that already experience issues with population density, including traffic congestion, limited parking, safety considerations and overcrowded schools. However, the State should focus its efforts to promote the development of additional housing upon future communities, rather than seeking to interfere in existing contractual relationships between a property owner and its community association.

There are over 7,100 existing community associations in the State of Maryland. Over 1 million people currently live in those associations. Condominium associations date back to the 1970s. Homeowners associations have existed in Maryland since the early 1920s, and the Maryland HOA Act was enacted to bring consistency to those associations and ensure individual owners' rights. While there is an exemption in HB 0239 for subdivisions that were created within the last three years, the MD-LAC is concerned about the impact of this Bill on those community associations that were formed more than three years ago and have been successfully operating for decades.

These communities were developed by zoning and engineering professionals who considered a specific population density, as well as the impact of the anticipated population of new homeowners upon traffic, schools, parking, facilities, both within and around the community, and other infrastructure. Disregarding existing maximum density restrictions will result in the mass expansion of the number of residents within a community. The proposed HB 0239 also does not take into consideration the specific aspects of the 7,100 existing communities with unique and complex zoning elements, stemming in part from the various and distinctly different codes and regulations imposed by the 23 counties in the State. The bill, as proposed, despite the well-intended goal, will be nearly impossible to implement given the diversity among local governments.

There is also a concern about the conflicts that might be created. HB 0239 will more than likely result in significant disputes between counties, community associations and residents with the creation of new housing structures, the future occupants of which will use common areas, such as parking, common amenities and facilities. Furthermore, it is unclear whether the future owners of these new housing structures should contribute to the currently mandated insurance and reserves for communities.

The aforesaid impact could not only delay implementation of the new law as jurisdictions try to implement it, but also lead to protracted litigation among those parties directly impacted. It will also be catastrophic to the model of community association governance. Accordingly, we ask that you consider exempting any existing subdivision that (1) is subject to a condominium regime; or (2) is subject to a homeowners' association; or, (3) is otherwise already subject to restrictive covenants.

Maryland Legislative Action Committee
Post Office Box 6636
Annapolis, Maryland 21401

For all of the foregoing reasons, the MD-LAC respectfully requests that the Committee give HB 0239 an **unfavorable** report.

We are available to answer any questions the Committee Members may have. Please feel free to contact Lisa Harris Jones, lobbyist for the MD-LAC, at 410-366-1500 or email at lisa.jones@mdlobbyist.com. You may also contact Igor Conev, Chair of the MD-LAC at 443- 614-2787, or by e-mail at igor@ocmannproperties.com, or Ellen Throop, Member MD-LAC at 703-790-1911, or by e-mail at ethroop@reesbroome.com.

Sincerely,

Ellen Throop *Igor Conev*

Member, CAI MD-LAC Chair, CAI MD-LAC

CAI is a national organization dedicated to fostering vibrant, competent, harmonious community associations for over 53 years. Its members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to common interest associations. As part of its mission, CAI advocates for legislative and regulatory policies that support responsible governance and effective management. As part of this purpose, state Legislative Action Committees represent CAI members before state legislatures and agencies on issues such as governance, assessment collection, insurance, and construction defects.

Maryland Legislative Action Committee
Post Office Box 6636
Annapolis, Maryland 21401

Jorgensen Khanna critique of Comptroller Report.pd

Uploaded by: Erika Jorgensen

Position: UNF

Written Statement in Opposition to HB239

SUMMARY

Upzoning Maryland: Ideological Choices Rather Than Good Policymaking

A Critique of the Comptroller of Maryland's Housing & the Economy Report and its Support for the Starter and Silver Homes Act

by Dr. Erika A. Jorgensen & Rohit Khanna[1]
February 8, 2026

- The Maryland Comptroller's October 2025 report on housing and the economy[2] serves as the underlying policy analysis in support of the proposed Starter and Silver Homes Act (SB36/HB239) now in front of the Maryland legislature. Unfortunately, pervasive weaknesses in the analysis and data presented in the Comptroller's Report undermine the validity of its policy conclusions.
- A key point is that the report most often compares pre-pandemic years to the pandemic and soon after. The pandemic years are outliers and should not be used to project Maryland's future.

Is Maryland losing large numbers of residents, and is it because of high housing costs?

No, net outmigration is actually modest. During 2017-2019, about 0.4% of Maryland's population left each year, and the United Van Lines Annual Survey for 2025 assesses Maryland to be a 'balanced' state for domestic moves. The pandemic years were anomalies. And the Comptroller's Report itself shows net outmigration falling by half between 2023 and 2024.

People are moving out of Maryland for jobs or to be near family. The Comptroller's Report provides no evidence on why people are leaving Maryland. It speculates that the reason must be housing costs since those departing during 2020-2022 are younger and lower income than in pre-pandemic years. Surprisingly, the Report fails to consider the impact of remote work, which accounted for the bulk of increased interstate migration nationwide during the pandemic years, according to the Federal Reserve Bank of St. Louis. The United Van Lines Annual Survey for 2025, which does record reasons for moving, reports that 30% of Marylanders departing in 2025 left because of a job and that the same share relocated to be closer to family. Less than 3% cited cost as a reason for their move.

Outmigration is not leading to falling state income, a shrinking economy, and a declining state. Conclusions based on pandemic era data should be set aside. And according to the Center on Budget and Policy Priorities, calculations of lost income because of migration using IRS data are deeply flawed, especially because many moves are for retirement.

---

[1] Dr. Erika Jorgensen holds a PhD in Economics from Harvard University as well as degrees from Oxford University and Williams College. She was an Economic Adviser at the World Bank where she worked for 30 years as a macroeconomist analyzing economic policies and advising governments around the world. Dr. Jorgensen has lived in Bethesda MD since 2007. Rohit Khanna had a 30-year career at the United Nations and the World Bank, working on environment, energy, and climate finance programs and projects with governments in Africa, East Asia, Middle East and North Africa, Latin America and the Caribbean regions. Mr. Khanna retired from the World Bank as Manager for Global Energy Programs, and in that role oversaw or financed most of the Bank's analytical work in the energy sector. He has a Masters Degree in Public Administration from The American University.

[2] www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/research/housing-economy-print.pdf

Are housing costs in Maryland too high? Are housing prices rising so fast that something must be done?

Housing prices are barely holding flat in real terms, and a buyers' market is emerging. The State of Maryland's own property tax assessments show dramatically lower residential price increases, plummeting over the last two years (to about 4% annual growth while inflation averaged 3.2 %). The median price of homes sold in Maryland in 2025 rose by 2.6% (less than inflation), and the number of units sold fell by 3.1%, according to the Maryland Association of Realtors, which has reported that a buyers' market is already in early stages.

Does Maryland's housing demand exceed supply, and is there a shortage of housing in Maryland?

Maryland's housing market, like those across the nation, is recovering from the unprecedented impacts of the pandemic era, and Maryland has now been hit with large job losses. Maryland's renter vacancy rates exceeded the national average in 2023 and, as of 2024, stood at about the same as those in New York, Virginia, North Carolina, District of Columbia, and Pennsylvania. Maryland's rental vacancy rates fall within the 5-8% band that define a balanced rental market, according to HUD.[3] Homeowner vacancy rates were very similar across the 12 states used for comparison in the Report.[4] This already weakening demand will be compounded dramatically by recent international immigration restrictions and federal layoffs (with 25,000+ jobs lost in Maryland in 2025).

Are Maryland's building costs leading to too little supply?

Building costs are high in Maryland. Compared to national averages, wages are higher, and land is more expensive because Maryland has the 4th highest median household income and is the 6th most densely populated state. Moreover, Marylanders rightfully expect high quality infrastructure and environmental protections. Yet, somehow, Maryland's median house prices as of July 2025 are 16th in the nation, so housing is actually cheaper in Maryland than might be expected!

It's no surprise that zoning and land use regulations would be stricter in Maryland, a densely populated and very wealthy state, than elsewhere. The point of zoning is not restriction but planning. Density needs to be planned in coordination with physical, social, and environmental infrastructure (including roads and parking, water and stormwater systems, electricity, public schools, and tree cover and greenspace). Once infrastructure is in place, density cannot exceed infrastructure capacity without undermining quality of life. Ramping up density in established single-family neighborhoods will accelerate deterioration and replacement costs of that infrastructure. Loss of tree canopy alone will create heat islands and diminish local air quality.

[3] US Department of Housing and Urban Development.

[4] Much of the Report's analysis focuses on a cohort of 12 states: Maryland, the top eight states where Maryland residents are moving to (Florida, Pennsylvania, North Carolina, Texas, Virginia, South Carolina, West Virgina, and Delaware), and the top three states where new Maryland residents are coming from (District of Columbia, New York, and New Jersey).

Do the Report's conclusions make sense?

Whether you will be persuaded by this Report depends on whether, first, you believe the story about surging outmigration, a shrinking tax base, and imminent economic decline; second, you accept that it is housing regulation that has caused a shortage of affordable homes in Maryland; and third, that somehow pre-empting single-family zoning is the magical costless solution.

Trickle-down benefits from upzoning are too small and too slow. Recent research shows that even under very optimistic assumptions, it will take decades for deregulation-driven supply expansion to generate widespread affordability. Just as importantly, new research confirms supply constraints including zoning are unimportant in explaining housing prices. Instead, the real problems in the housing market must be addressed: oligopoly in the homebuilding sector and income inequality. Upzoning will not create homes in Maryland that are 30 percent less expensive and cannot solve housing affordability as evidenced by experience across the US. In the meantime, local communities will bear the cost of erratic profit-driven building that imposes economic, environmental, and social costs on established neighborhoods.

Detailed Critique of the Comptroller of Maryland's Housing & the Economy Report and its Support for the Starter and Silver Homes Act

> "With fewer homes available and high interest rates locking out new generations of homebuyers, too many young families and seniors are left with few viable options to call Maryland home," said Maryland Department of Housing and Community Development Secretary Jake Day. "The Starter and Silver Homes Act of 2026 would expand housing choices by enabling homes that are up to 30 percent less expensive than what's currently available, unlocking homeownership for more Maryland families." (from Governor Moore Announces Housing Growth and Affordability Agenda for 2026 Legislative Session , 1/6/2026)

> "For cost-burdened households, trickle-down benefits from deregulation will be insufficient and too slow." (Buchholz, Maximilian, et al. "Inequality, Not Regulation, Drives America's Housing Affordability Crisis.")

> "By providing rigorous analysis and data-driven insights, . . . this report aims to support evidence-based solutions that increase affordability and strengthen economic opportunity for all Marylanders." (from Letter from the Comptroller, in Comptroller of Maryland, State of the Economy Series: Housing & The Economy, October 2025).

The Comptroller of Maryland's October 2025 report on housing and the economy[5] serves as the underlying policy analysis in support of the proposed Starter and Silver Homes Act (SB36/HB239) now in front of the Maryland legislature. This bill significantly limits local zoning authority over single-family residential development, with the express goal of increasing housing supply, affordability, and flexibility—particularly for starter homes and "silver" (downsizing/aging-in-place) housing. The bill preempts local zoning controls to allow small lots with minimal setbacks and high lot coverage, and it allows townhouses in all single-family zones.

The proposed legislation represents a major policy change. Any such change should be supported by high quality data, careful analysis, and an assessment of the benefits and costs of such change relative to other options. Unfortunately, pervasive weaknesses in the analysis and data presented in the Comptroller's Report undermine the validity of its policy conclusions. This note will lay out the most important weaknesses in the Report, following the structure of the report itself.

Is Maryland losing large numbers of residents, and is it because of high housing costs?

The Report claims Maryland has lost large numbers of residents to other states, with the most severe losses post-pandemic, but net outmigration is actually modest. Indeed, Maryland has had net domestic outmigration for many years, but it has been balanced by international in-migration, leaving the net impact on Maryland's population very small. The Report focuses on domestic movements, which US Census estimates' average for 2017-2019 show as about 0.4% of the population leaving the state each year pre-pandemic (which some

[5] www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/research/housing-economy-print.pdf

might not describe as "large"). Moreover, the United Van Lines Annual Survey for 2025 assesses Maryland to be a 'balanced' state for domestic moves.[6]

The Report claims outmigration has recently gotten dramatically worse, but the pandemic years are extreme outliers that cannot predict future trends. The Report tries to heighten concerns about migration by comparing 2021-2023 to an earlier period (2011-2019), presenting in bold font that almost half of outmigration occurred in the most recent three years. The pandemic years are outliers in so many ways that it is irresponsible to propose policy conclusions based on those years. Importantly, remote work allowed people to move closer to family or to cheaper housing locations temporarily.[7] And the report's own Figure 1 on population change from US Census estimates shows net outmigration falling by half between 2023 and 2024.

The Report speculates about what is driving outmigration, with no actual evidence. First, the Report is over-reliant on American Community Survey (ACS) one-year data on state-to-state moves, which are small samples and increasingly error prone since 2020, and it presents a false precision by failing to report statistical error bars. Second, they have no data on why people left the state. The Report's Figure 4 shows that during 2010-2023, Marylanders moved to Florida and also to Pennsylvania. The Report jumps to the conclusion that a lower cost of living is motivating moves. Then, using IRS Statistics of Income (SOI) Migration Data, the Report argues that younger and lower income residents are now leaving the state (during 2020-2022 compared to the historical norm of those age 55 and over and higher income departing). Since the share of wealthier individuals (income over $100,000)[8] decreased (from 74% to 54% of all outmigration), they just make up out of the air that it must be housing costs driving people out of Maryland (and importantly, during 2020-22). To quote the Report, "This finding suggests that pre-pandemic, taxes and other factors may have been more prominent drivers of migration decisions, while more recently, housing affordability and overall cost of living are having a greater effect." Or maybe many, many other reasons. Crucially, they don't consider the likely impact of remote work, which for most US government jobs continued until spring 2024 (and, according to researchers at the Federal Bank of St. Louis, accounts for much of the rise in interstate migration across the US during 2020-2022). Third, the United Van Lines Annual Survey for 2025, which does record reasons for moving, reports that 30% of Marylanders departing in 2025 left because of a job and the same share to be closer to family. Less than 3% cited cost as a reason for their move.

A final warning from the Report tries to tie outmigration to falling state income, raising the specter of a shrinking economy and a declining state; but, again, this conclusion rests entirely on the pandemic years as well as overstating likely net effects. The Report

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[6] https://www.unitedvanlines.com/newsroom/2025-national-movers-study. United Van Lines is the largest moving company in the US. It publishes data each January comparing inbound moves to outbound moves for each state, excluding any states with fewer than 250 moves. This data (166,000 moves in 2025) is only a subset of all moves, since it is only those using large moving trucks, but typically, its findings are matched by government-issued data once it becomes available. https://taxfoundation.org/data/all/state/state-migration-trends/

[7] Much of the rise in interstate migration during 2020-2022 can be attributed to the growing share of workers that are doing their jobs from home, according to Bick, A., Blandin, A., Marks, C., Mertens, K., & Hannah Rubinton. (2024, November 21). Why Do WFH Workers Move? Federal Reserve Bank of St. Louis On the Economy Blog. https://www.stlouisfed.org/on-the-economy/2024/nov/why-do-wfh-workers-move

[8] Measured as Adjusted Gross Income.

notes that Maryland had the 7th highest net AGI loss from 2021 to 2022, according to IRS SOI migration data. First, yet again, conclusions based on pandemic era data should be set aside. Second, the Center on Budget and Policy Priorities has concluded that income migration claims based on IRS data are deeply flawed. The lost income is based on previous year earnings. People leaving a state do not take their income (and their job) with them. Further, many departures are for retirement, so IRS previous-year income is not a good measure of current-year income.[9]

Are housing costs in Maryland too high? Are housing prices rising so fast that something must be done?

The Report focuses on housing costs compared to those in states to which residents are moving, but not only is the Report's analysis flawed, housing costs are quickly moderating in Maryland. First, it is not clear why the Report (drawing on Department of Housing and Community Development analysis) depends on American Community Survey (ACS) data on Maryland housing prices. As noted above, ACS Survey one-year data are small samples and increasingly error prone since 2020. This data is not high quality for a small state such as Maryland. Instead, what do we see in the state's own property assessments?

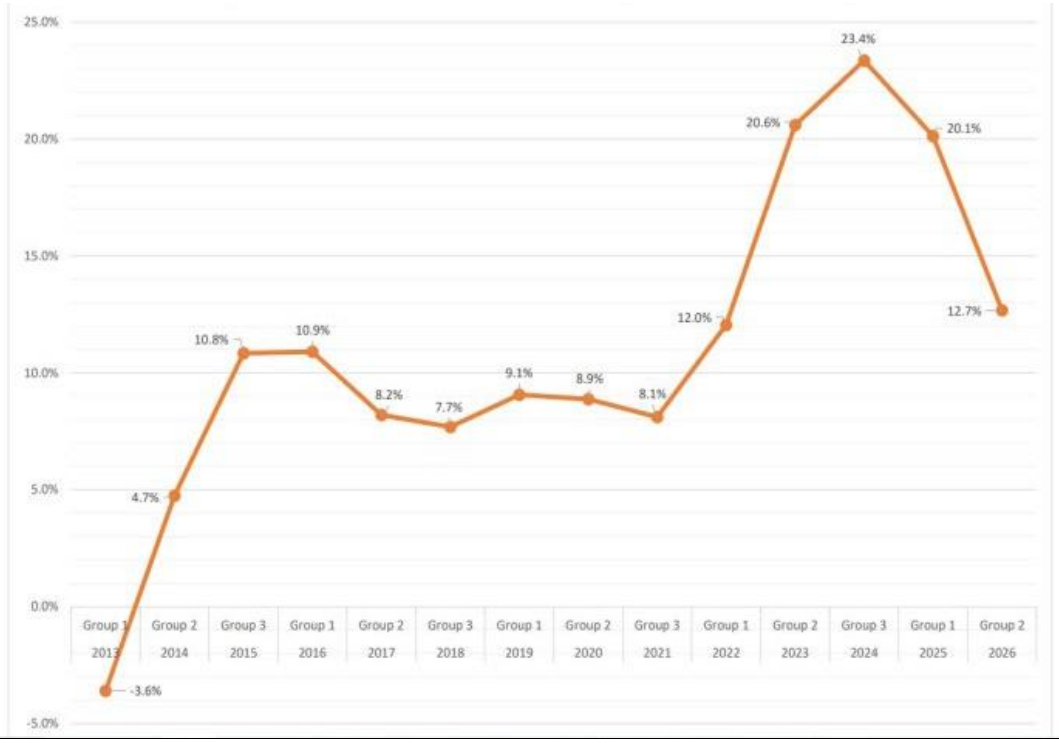
Housing prices are barely holding flat in real terms, and a buyers' market is emerging. Property tax assessment increases, while still rising in nominal terms, have plummeted over the last two years (to about 4% annual growth while inflation averaged 3.2 % , and this does not consider that deceleration in housing prices implied by the drop in 3-year averages). (See Figure 1). Interestingly, the State Department of Assessments and Taxation (SDAT) does not seem to be on the same page as the Governor. "Property values are still rising, but at a more sustainable pace," said SDAT Director Bob Yeager. "After the rapid increases seen during the post-COVID recovery, this moderation is an important step toward balancing household wealth growth with housing affordability."[10] Also, the Maryland Association of Realtors 2025 report shows that the median price of homes sold in Maryland in 2025 rose by 2.6% (less than inflation) and units sold fell by 3.1%."The story I see in these numbers is that the market is shifting toward the buyer," said Denise Lewis, 2026 President of Maryland Realtors. "We're not yet in a true 'buyer's market' as sales are down while prices continue to rise, but the movement in that direction is becoming increasingly clear."[11]

[9] Mazerov, Michael. "State 'Income Migration' Claims Are Deeply Flawed." Center on Budget and Policy Priorities. October 20, 2014. https://www.cbpp.org/research/state-income-migration-claims-are-deeply-flawed

[10] https://thebaynet.com/maryland-property-values-continue-rising-but-at-slower-pace-sdat-says/.

[11] https://www.mdrealtor.org/news/august-2024-housing-stat

Figure 1. Change in Maryland Statewide Property Tax Assessments (2013-2026)



Note: Combined residential and commercial assessments. For 2026, residential assessments rose by 13.2% and combined by 12.7%.

Source: Maryland State Department of Assessments and Taxation data tables.

Does Maryland housing demand exceed supply, and is there a shortage of housing in Maryland?

The Report claims that demand exceeds supply, but housing prices have flattened as Maryland's housing market recovers from the unprecedented impacts of the pandemic era. As the Report admits, population growth and job creation drive demand for housing, but then it goes on to claim that Maryland is also suffering from slower economic growth because higher housing prices drive outmigration (see rebuttal of all these points above). First and most importantly, Maryland's housing prices are now recovering from the unprecedented impacts of the pandemic era, and a buyers' market is underway. Second, this dampening of demand will be compounded dramatically by recent international immigration restrictions and federal layoffs (with 25,000+ jobs lost in Maryland in 2025).

The Report claims that low vacancy rates also demonstrate excess demand, but the data show Maryland exceeding the national rate in 2023 and performing about the same as many other states in 2024. Homeowner vacancy rates were very similar across all 12 states,[12]and Maryland's 2024 vacancy rate of 0.6% is also very close to the national rate of 1.0%.

[12] Much of the Report's analysis focuses on a cohort of 12 states: Maryland, the top eight states where Maryland residents are moving to (Florida, Pennsylvania, North Carolina, Texas, Virginia, South Carolina, West Virgina, and

The story of rental vacancy rates is more complicated. In 2024, Maryland, New York, Virginia, North Carolina, District of Columbia, and Pennsylvania all had renter vacancy rates of 6-7% and the national rate was 6.8%. But in 2023, the US rate was 6.5% and Maryland stood at 7.3%, above the national average. In any case, it should be noted that the US Department of Housing and Urban Development describes a 5-8% vacancy rate as a balanced rental market, so we were and still are in a balanced rental market.

Are Maryland's building costs leading to too little supply?

Building costs are high in Maryland because wages are higher and land is expensive. Maryland is densely populated (the 6th most densely populated state), making land more expensive. Its residents are wealthy (median household incomes are 4th in the nation), so wages are higher and demand is higher for bigger, fancier houses. But Maryland's median house prices as of July 2025 are 16th in the nation, so housing is actually cheap in Maryland!

Building costs are high in Maryland because Marylanders expect high quality infrastructure and environmental protections. First, have you heard of those new-built towns in Arizona that have to truck in water because they did not coordinate infrastructure with the local town? Have you seen the homes in Pennsylvania where the water was flammable because of unregulated gas fracking? Those homes are much cheaper than homes in Maryland, Second, the Report notes that new infrastructure is expensive. But money cannot be saved by piggy-backing on existing infrastructure if that infrastructure is already at its limit, as it is in many established neighborhoods. Third, the Report seems to criticize the practice of charging developers for the extension or improvement of infrastructure made necessary by their development. Does the Comptroller think it's more fair for the whole community to have to subsidize private developers?

It is no surprise that zoning and land use regulations would be stricter in Maryland, a densely populated and very wealthy state, than elsewhere. First, despite Maryland's more restrictive regulations, ranked 6th according to the Report, median house prices put the state in 16th place. Second, most importantly, the Report seems to deny the whole point of zoning, which is not restriction but planning. Density needs to be planned in coordination with physical, social, and environmental infrastructure (including roads and parking, water and stormwater systems, electricity, public schools, and tree cover and greenspace). Once infrastructure is in place, density cannot exceed infrastructure capacity without undermining quality of life. Ramping up density in established single-family neighborhoods will accelerate deterioration and replacement costs of that infrastructure. Third, the Report's assumptions that building infill will make a lot of money for developers is probably true, but for it to reduce climate pollution, for example, requires pre-existing public transport infrastructure. Does cutting down all the trees in an established neighborhood to jam in more buildings and create a local heat sink help Maryland meet its climate goals?

The Report exhaustively reviews Maryland's many regulations related to housing, but single-family zoning does not appear. First, the Report correctly notes that regulations are worth reviewing and, perhaps, streamlining to reduce their time cost. Second, the Report admits

Delaware), and the top three states where new Maryland residents are coming from (District of Columbia, New York, and New Jersey).

that local governments need the revenue from development fees and taxes to support necessary infrastructure. Third, the Report weaves mention of affordable housing through the text seemingly to cast aspersions on current local regulations and taxes. The problem is that building more units will not reach deep enough to help families who are most cost-burdened, because their incomes are too low to afford any profitable market-rate housing, regardless of land use regulations.

The Report's conclusions and policy recommendations

Whether you will be persuaded by this Report depends on whether you believed the story about surging outmigration, a shrinking tax base, and imminent economic decline. First, one must set aside the Report's incorrect claims about outmigration and about high housing prices before considering the costly and irreversible policy changes proposed. Second, as an aside relevant for the whole report, please stop citing the very shoddy and unprofessional analysis coming out of Pew if you want your analysis taken seriously. (See Box 1 on problems with the July 2026 Pew web article). Third, the final section of the Report makes some amazing leaps in logic about what people want and the easy, costless ways to get it.

The Report claims, without much of any evidence, that it is regulation of density that has caused a shortage of affordable homes in Maryland and then lists proposals to expand housing supply. First, building with higher density on empty land near transit, if other necessary infrastructure is in place or planned, makes sense. Second, housing targets, frequently revised in the face of new data, can be useful as long as localities have flexibility in how to meet them. Third, it is good the Report gives credit to Montgomery and Anne Arundel Counties for their ongoing revisions to housing regulations in ways responsive to local conditions. These policies, rather than kneejerk deregulation, are shaped to local communities and constraints.

The Report's final call for the State to pre-empt local zoning for single-family neighborhoods is the wrong recommendation to achieve affordability: trickle-down benefits from upzoning are too small and too slow. First, recent research makes clear that even a dramatic, deregulation-driven supply expansion would take decades to generate widespread affordability. "Even a major positive shock to housing supply – sustained year after year – would take decades to meaningfully ameliorate residents' affordability challenges."[13] If housing stock were to expand at a very fast rate of 1.5% per year (a rate achieved only by the top 10% of commuting zones during 2000-2020), it would take between 16 (very optimistic) to 106 (more realistic) years to reach affordability[14] through supply expansion for 6 high-cost markets.[15] Second, even leading supply-side scholars such as NYU law professor Vicki Been acknowledge that the market is unlikely to provide housing that is affordable to the poor. And it is odd that those who malign "trickle down" economics seem to accept the "filtering" argument that more

[13] Sitaraman, Ganesh and Serkin, Christopher, Post-Neoliberal Housing Policy (April 23, 2025). U. Pa. L. Rev. (forthcoming), Vanderbilt Law Research Paper No. 5227899, Available at SSRN: https://ssrn.com/abstract=5227899 or http://dx.doi.org/10.2139/ssrn.5227899

[14] For today's median 1-bedroom unit to become affordable to a worker without college education and affordability defined as 30% of household income.

[15] Buchholz, Maximilian, et al. "Inequality, Not Regulation, Drives America's Housing Affordability Crisis." OSF Preprints. 17 Jan. 2026. doi.org/10.31235/osf.io/95trz_v1.

market-driven supply of housing for higher income groups will eventually benefit lower income earners.

Proposals for upzoning ignore the fundamental structural issues in housing markets that arose in the aftermath of the 2008 financial crisis and drive the housing affordability crisis. As noted by researchers at Vanderbilt Law School, "after the crash, home building dried up, leading to mergers and a new oligopoly in the homebuilding sector …. The large homebuilders are financiers that borrow cheaper than real developers and use that cheap credit to speculate in land ….Because they are large and have significant access to capital, they can hold property for long periods of time – waiting to maximize their profits without engaging in construction."[16] Developers mitigate risks and maximize profits by trying to time the market so that not too much supply comes online at once. At the same time, for individuals without strong credit, tightened mortgage lending standards made purchasing a home more difficult.

None of these problems have to do with zoning but rather with income inequality. First, the variation in prices between housing markets cannot be explained by variations in zoning restrictions but mostly by income. A recent Federal Reserve Bank of San Francisco paper studied the impact of supply constraints including zoning on housing prices and concluded that "housing supply constraints are quantitatively unimportant in explaining rising housing costs across US cities."[17] The research found that differences in supply constraints among municipalities could not account for increases in housing prices or housing quantity in response to increased demand; what mattered was rising incomes. In other words, much of the variation can be explained by higher wages, especially among highly skilled, high-income earners. Second, rising income inequality has led to an affordability crisis for the bottom 50%. Across the US, including in Maryland, wages for the top 25% are rising faster than housing prices, reducing their housing costs relative to income. Meanwhile, housing costs are increasing for the bottom 50%. New housing supply, often in expensive infill projects, tends to cater to higher income groups, worsening the affordability crisis for lower-income earners.

Upzoning will not create homes in Maryland that are 30 percent less expensive, as claimed in Governor Moore's announcement, and cannot solve housing affordability as evidenced by experience across the US. First, new townhouses are unlikely to drive down the price of housing: a preliminary review of new townhouses listed for sale in Montgomery County found the median price to be 40% above the December 2025 median sales price of existing single-family houses. (See Box 2 for examples across the US on the poor track record of upzoning, and Box 3 on why Austin is a bad example.) Second, the root cause of affordability problems is the mismatch between distribution of incomes and the distribution of housing (too many households with low incomes and too few homes priced within their means), not an overall

[16] Sitaraman, Ganesh and Serkin, Christopher, Post-Neoliberal Housing Policy (April 23, 2025). U. Pa. L. Rev. (forthcoming), Vanderbilt Law Research Paper No. 5227899, Available at SSRN: https://ssrn.com/abstract=5227899 or http://dx.doi.org/10.2139/ssrn.5227899

[17] Louie, Schuyler, John Mondragon, and Johannes Wieland. 2025. "Supply Constraints Do Not Explain House Price and Quantity Growth Across U.S. Cities." Federal Reserve Bank of San Francisco Working Paper 2025-06. https://doi.org/10.24148/wp2025-06

shortage of units. In Montgomery County, for example, the Council of Governments (COG)-derived targets required 75% of new housing to be affordable for those making 60% of the area median income. There is no upzoning strategy that can achieve this -- certainly not one that has no affordability mandates.

Box 1. Pew on Gentrification: It only counts as evidence if you show your work

Pew Charitable Trusts published an online article in July 2025 titled "New Housing Slows Rent Growth Most for Older, More Affordable Units." The article provides ammunition to advocates for upzoning by claiming that new housing of any kind ends up *helping* lower-income families the most, rather than raising the threat of gentrification, which *harms* lower-income families.

But here's the thing. The figures and tables of econometric results are great at bamboozling the uninitiated. **If Pew was serious or confident about their work, there would be a background paper setting out their methods, data, and results.** Instead, we can only guess, based on the short article and sloppy "Technical Annex." **What we can conclude is that Pew's empirical findings are purposely exaggerated and have questionable validity.**

First, the Pew article claims the poor were hurt most by rising rents over the last 7 years and that more housing kept rents lower, based on their analysis of 'neighborhoods'(zip codes).

- Using data for 2017-2024, **the difference in rent increases between richer and poorer neighborhoods was trivial**, at about 2 percentage points. Given the sloppiness of the technical annex and the lack of a real report, it is impossible to know how this regression was set up, but most probably the dependent variable was % change in average rent from October 2017 to October 2024. The regression finds that lowest quartile (zip code) rents increased by 10% more than the highest quartile rents over 7 years. To illustrate what this might mean, average US rents rose by 51% from 2017 to 2024 according to Zillow. If this were the rate for the richest zip code quartile, then rents in the poorest quartile would have risen by 56% over 7 years, or 8% each year rather than 6%.
- **Other factors show up as far more important for rising rents.** The most powerful driver of rents in Pew's own regression results was the share of residents working from home in 2017, pushing up rents by 141%! But a higher share working from home in 2023 meant a neighborhood had lower rent growth. **What does this mean? It is probably nonsense but should raise questions about this whole endeavor and its pseudoscientific air.**
- **Cities that added more new units had lower rent increases** (rent increases were cut in half) **but adding more new units in the neighborhood itself** (the zip code) **had almost no impact. Why?** Claiming that "housing markets are regional" seems to counter much of their justification in analyzing zip codes as the most relevant housing markets. **Again, their technical analysis falls short.**
- The extraordinary nature of the pandemic years makes this seven years a terrible period from which to draw medium- to long-term conclusions. **The "controls" for COVID are laughable.**
- Although there is no model written down, it is difficult to understand why causal statements are being made without any supply shocks in the regression table, with a mish mash of time periods and geographic units, and data from different sources.

Second, the Pew article claims that building any kind of housing reduces rent the most for poorer families.

- Even if you want to trust Pew's econometrics, **Class C (lowest quality) buildings had rent increases that were just 4% less than for Class A**, e.g., if Class A rents rose by 6%, then rents in Class C rose by 5.8%! **Another trivial result**.

- Just 7% of the variation in rents is explained by the model. That is, **they have no idea what made rents go down more or less across cities.**
- In the 11 metro areas in the article, **the apartment supply "boom" was not driven by upzoning because the cities did not upzone**, It either was not a strategy adopted or was adopted so late in the study period that it would not have had much impact on supply. The chart is dominated by Austin's falling rents, but Austin did not upzone during this period.

Source: www.pew.org/en/research-and-analysis/articles/2025/07/31/new-housing-slows-rent-growth-most-for-older-more-affordable-units

Box 2. Upzoning Does Not Solve Housing Affordability: Examples from across the US

- ✓ A University of Virginia study of Charlottesville found significant underdevelopment of parcels under current zoning despite it being a small, high-demand city experiencing high housing costs. That finding suggests that zoning classification may not be the primary constraint on housing supply. ("Underdevelopment Despite Upzoning - University of Virginia School of Law")
- ✓ Montgomery County's analysis of its housing pipeline identified economic factors as the primary barrier to development of permitted units. It explains why, in Montgomery County, White Flint remain undeveloped, despite its prime location near Metro.
- ✓ *The Economist* noted that Los Angeles and Atlanta have practically identical zoning restrictions but quite different prices.
- ✓ Houston, the poster child of unrestricted zoning, ranks second worst amongst 50 metropolitan areas in availability of affordable rental homes for low-income people.
- ✓ Loosely-zoned Nashville, despite a building boom, still cannot produce enough housing and lower prices.
- ✓ Washington DC produced housing at rates on par with North Carolina, South Carolina, and Texas, without upzoning. In fact, it easily topped upzoned cities such as Portland OR, Spokane, and Minneapolis.

Box 3. Stop Talking About Austin: The primary drivers of housing prices in Austin were intense population growth driven by tech sector expansion, pandemic-era remote work demand for larger homes, and low interest rates. Not upzoning!

The Austin, Texas, housing market experienced one of the most dramatic boom-and-bust cycles in the United States over the last 10 years (2016–2026), shifting from a super-charged, rapid-growth environment to a significant, correction-driven buyer's market.

A growing Texas economy during 2011-18, with jobs rising faster than in the rest of the US, supported explosive population growth, generating high demand for housing. On the supply side, building costs were pushed up by a lack of skilled construction workers and secondarily by rising land prices and additional government regulations in Texas' largest metropolitan areas. Rising building costs undermined profitability of entry-level housing. During.2016–2019, Austin was already a top destination, experiencing consistent population growth, tech expansion (Apple,

Tesla), and steady home value appreciation that outpaced many peer cities. Demand began outstripping supply, leading to a consistent tightening of inventory.

Then, during 2020–mid 2022, the pandemic triggered a "Zoomtown" effect. Remote workers and tech transplants rushed to Austin, driving home prices up over 60% in this short period. Homes were selling within days for well over asking price, often to cash buyers. Median home prices in the Austin metro peaked at over $550,000 in May 2022.

Then, the combination of record-high prices, significantly rising mortgage rates, and a slowdown in migration caused the market to crash in late 2022 and 2023. Austin recorded the largest home price drop in the country, falling more than 11% from its 2022 peak. By late 2025, median home prices had fallen to roughly $435,000–$439,000 (a roughly 18%–23% drop from the 2022 peak). Active listings soared to six-year highs, shifting the power heavily to buyers.

In parallel, there was a massive building boom of apartments, unmatched in the rest of Texas or the rest of the country. Now, with the drop in demand, rents in the Austin area dropped for three consecutive years (2023–2025). However, nearly half of renters remain cost-burdened (more than 30% of income spent on rent and utilities) and almost a quarter are severely cost-burdened (more than 50% of income spent). Why? Because the rental market is segmented, and the building of luxury apartments did not have significant impact on low-end apartment rents.

As of early 2026, the market is continuing a "correction" phase, but with a slower pace of decline, characterized by high inventory and more moderate price adjustments. Zoning reforms enacted in May 2025 to reduce lot sizes but in the face of already falling home prices and elevated inventory levels so impact is uncertain.

Over the last decade, Austin transformed from a high-growth, moderately priced city to one of the most expensive in Texas. It is now undergoing a painful but normalizing correction to improve affordability and restore balance. While housing supply was important, the primary drivers of housing prices in Austin were intense population growth driven by tech sector expansion, pandemic-era remote work demand for larger homes, and low interest rates.

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Brookeville, MD 20833
District 14

TESTIMONY IN OPPOSITION TO HB 239, Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)
February 12, 2026, 1:00 p.m.

TO: Chair Valderrama & Members of the Economic Matters Committee
FROM: Farnaz Edwards

Chair and Members of the Economic Matters Committee:
My name is Farnaz Edwards, I live in Brookeville, Maryland, and I am writing to oppose HB 239, Land Use Zoning Limitations.

While the stated intent of HB 239—to expand housing opportunities—is laudable, I respectfully oppose this bill because it unduly restricts local zoning authority, threatens the character and stability of existing communities, and may produce unintended negative consequences for infrastructure and public services. HB 239 prohibits local jurisdictions from adopting or enforcing a broad set of zoning provisions, including: minimum lot size and dimensions, setback requirements, lot coverage limits, and architectural standards of single-family homes.

This legislation represents a one-size-fits-all mandate that removes crucial local control over land use. Historically, local governments and planning commissions have been best positioned to balance housing growth with infrastructure capacity, environmental protection, preservation of historic neighborhoods, and community character. These decisions reflect the needs and values of local residents—whether in Prince George's County, Montgomery County, or rural jurisdictions across Maryland. HB 239 risks straining infrastructure and services, leading to traffic congestion, school overcrowding, stormwater management challenges and higher costs for taxpayers. While expanding housing options is critical, solutions should empower local communities rather than override them.

For these reasons, I urge you to **oppose HB 239** to preserve local land use authority.
Thank you for your consideration.

Respectfully submitted,
Farnaz Edwards

Testimony in Opposition of HB239 - 2026.pdf
Uploaded by: Jacob Martz
Position: UNF

Town of Sharpsburg
106 East Main Street
P.O. Box 368
Sharpsburg, MD 21782
Phone: 301-432-4428
townofsharpsburg@comcast.net
http://sharpsburgmd.com/

February 10, 2026

Honorable Chairman and Members of the Committee:

The Town of Sharpsburg wishes to join with municipalities throughout the State of Maryland in expressing our sincerest opposition to HB0239; a bill which, if enacted, would strike at the heart of the very concept of municipal self-governance, a principle under which incorporated municipalities in Maryland have operated since their founding.

While the stated broader objective of increasing affordable housing throughout the State may seem like a virtuous endeavor at first blush, it must be understood that zoning - particularly at the municipal level - is not a one-size-fits-all formula; and the passage of such sweeping legislation which groups very disparate communities under one overarching regulatory paradigm, irrespective of their individual circumstances, may result in insidious and unforeseen consequences, some of which may actually contravene the underlying intent of the bill.

Not only would this legislation sow increasing distrust of the State among localities by eviscerating locally implemented comprehensive plans and zoning initiatives across the region, as well as establish a dangerous precedent that the answer to State woes lies in chipping away at municipal autonomy and self-determination, but it may also have the adverse effect of artificially inflating values of current properties, placing them even farther out of reach of homebuyers, and incentivizing speculation by third-party investors that would only serve to stifle individual home ownership.

This legislation is an attack on the very essence of local community self-governance, and undermines the spirit of municipal partnership that was pledged by the current administration. The Town of Sharpsburg categorically opposes any and all efforts to diminish municipal autonomy, and instead encourages partnership over policy to address needs and achieve objectives in a mutually beneficial fashion. As such, we therefore urge an unfavorable report on the aforementioned bill.

Respectfully,

Jacob Martz
Vice Mayor, on behalf of the Mayor and Council
Sharpsburg, Maryland

Dear Maryland Legislature.pdf
Uploaded by: James Nealis
Position: UNF

Dear Maryland Legislature,

Now you are proposing a ban on housing developments comprised of single-family, detached homes. How intrusive does government have to be in our lives? You now want to force us into clustered, cramped developments that are a mix of townhouses, apartments, and maybe just 1 or 2 single detached homes. People DON'T want to live that way – the American dream has always been a nice house on a nice lot with room for the kids to play, the dog to run, or the owner to have his own vegetable garden, flower gardens, etc. Leave the American dream alone and get back to doing something relevant – get our schools up to par, keep our roads in good condition, lock up the worst among us so we can feel safe – and otherwise, stay OUT of our lives. Stop trying to manipulate and control us. Thank you.

Town of Berwyn Heights Letter of Opposition - HB02

Uploaded by: Janee Toy

Position: UNF

Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000

MAYOR
Tiffany Papanikolas

COUNCIL MEMBERS
Edgar Moctezuma (Mayor Pro Tem)
David Wolfinger
Roger Gaines
Chris Brittan-Powell

Friday February 13th, 2026

The Honorable Mark Chang
Chair, House Economic Matters Committee
House Office Building, Room 231
6 Bladen Street Annapolis, Maryland 21401

RE: Letter of Opposition – HB 0239 / SB 0036 – Starter and Silver Homes Act of 2026

Dear Chair Chang, and Members of the Committees:

On behalf of the Mayor and Town Council of the Town of Berwyn Heights, we respectfully submit this letter in strong opposition to HB 0239 / SB 0036, the Starter and Silver Homes Act of 2026.

The Town of Berwyn Heights supports policies that expand housing opportunities and address affordability challenges throughout Maryland. However, this legislation contains provisions that undermine the fundamental authority of municipalities to manage local zoning and land use decisions, a power that is foundational to responsible municipal governance. Zoning is not simply a regulatory function—it is directly tied to infrastructure planning, transportation systems, environmental conditions, public safety, and municipal fiscal stability. Berwyn Heights, like many built-out municipalities, must carefully balance growth with existing infrastructure limitations, stormwater capacity, roadway design, and community character.

This bill's statewide zoning mandates represent a one-size-fits-all approach that does not account for the unique conditions of individual municipalities. Local governments are best positioned to determine how and where housing growth should occur, based on comprehensive local plans and direct community input. Berwyn Heights urges the General Assembly to pursue housing policy through partnership, not preemption. Maryland should prioritize tools that assist local governments, including planning support, technical assistance, incentives, and funding mechanisms that enable municipalities to modernize zoning codes in ways that reflect local needs and conditions.

For these reasons, the Mayor and Town Council of Berwyn Heights respectfully urge the Committees to issue an Unfavorable Report on HB 0239 / SB 0036. Thank you for your consideration.

Respectfully,

Tiffany Papanikolas, Mayor

CC: District 22 State Delegation

HB 239.pdf
Uploaded by: Jerry Garson
Position: UNF

Seven Locks Civic Association, Inc.
8308 Raymond Lane
Potomac, MD 20854-3729

February 14, 2026

Comments on Maryland House Bill 239 for the 2026 session.

The proposed construction of 3 or more attached flammable wood town houses in single family house zoning areas is dangerous and can cause deaths. These town homes will be taller than most adjoining houses. If the lots are large enough you could build 9 or more connected town houses, made of mostly wood that can start a large high temperature fire and help burn many adjacent houses.

Will the bill require the builder of these 3 new townhouses to pay for the immediate neighboring houses adjoining the new town houses with metal roofs so as to reduce the chance of major fires spreading from these large wooden town houses.

Fires in suburban areas like many parts of Maryland have, will get out of control can cause major problems when high winds are present and Maryland should not allow the construction of large wooden structures in single family zoned areas. We are having many more high wind events in Maryland because of climate changes that are occurring.

The California fires destroyed more than 16,000 homes, businesses, and other buildings, in addition to thousands of automobiles. The largest fires, the Palisades and Eaton fires, produced the costliest damage, in part because they cut across suburban landscapes. The Palisades Fire reduced much of the suburb of Pacific Palisades to ash, destroying 6,837 structures and claiming 12 lives. The Eaton Fire burned large parts of the unincorporated community of Altadena in Los Angeles, including 9,414 structures, and caused the deaths of 18 people. In both areas, numerous injuries were reported among both residents and first responders.

How much will the nearby single family detached houses have to pay in additional fire insurance or automobile comprehensive insurance with this increase in fire risk caused by the construction of large number of wooden town houses that can be built within 5 feet of the adjoining property line.

The bill does not require lighting rods or cinderblock or concrete construction between adjoining units. We have seen many fires that start in one town house unit and then spread to adjoining wooden town houses.

Page 4 of the bill item (s) “TOWN HOUSE” MEANS A DWELLING UNIT CONSTRUCTED IN A ROW OF 3 THREE OR MORE ATTACHED DWELLING UNITS, WHERE EACH DWELLING UNIT: (1) SHARES AT LEAST ONE COMMON WALL WITH AN ADJACENT DWELLING UNIT; AND (2) (I) IS LOCATED ON AN INDIVIDUAL LOT OR PARCEL;

Why would we keep the current fire codes when adding large burnable buildings next to small buildings which were not constructed expecting large burnable buildings to be built adjacent to them.

Page 9 of the bill item (6) THE PROVISIONS OF THIS SUBSECTION: (I) DO NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE CODES, OR PUBLIC HEALTH AND SAFETY REGULATIONS THAT ARE NECESSARY TO ADDRESS IMMEDIATE THREATS TO PUBLIC SAFETY; AND SENATE BILL 36 (II) APPLY TO A LEGISLATIVE BODY ONLY TO THE EXTENT THAT THEY DO NOT CONFLICT WITH OTHER STATE OR FEDERAL LAWS OR REGULATIONS.

SRA Oppose HB 239.pdf
Uploaded by: jesse iliff
Position: UNF

Severn River ~ASSOCIATION~

It's a New Day at SRA!

Committee: **House Economic Matters**
Legislation: **HB 239**
Position: **OPPOSE**
Date: **February 12, 2026**

Dear Chair Valderrama, Vice Chair Charkoudian, and Members of the Committee:

Thank you for the opportunity to testify in opposition to HB239, the *Starter and Silver Homes Act of 2026*. Notwithstanding the salutary goal of expanding housing opportunities, the Severn River Association believes this bill's broad preemption of local zoning authority is at odds with the considerable effort and money that Marylanders have put towards protecting our natural resources. Further, by opening the door to intensified sprawl development, this bill attempts to address housing needs in the most inefficient way possible, increasing long-term infrastructure expenses for citizens without any guarantee of increasing housing affordability, and discouraging redevelopment of urban land that is in desperate need of redevelopment. For these reasons, we request an unfavorable report.

1. HB239 would incentivize increased density even in areas with sensitive natural resources

Like other counties, citizens and local officials in Anne Arundel County spend significant time considering, debating and adopting local zoning and environmental regulations that address the priorities of the citizens who live there. HB239 would cast those efforts aside, trampling on the notion of local governance. By usurping local authority over lot size, lot coverage, and related standards, HB239 would encourage higher-density development even in or near areas where local governments currently use zoning to protect wetlands, forests, and shoreline buffers.

Anne Arundel County's Plan2040 is just one example of carefully considered, citizen-led land use policies that would be effectively gutted by this bill. Plan2040 identifies the Jabez Branch watershed—one of the county's highest-quality tributaries to the Severn River—as a priority conservation area and proposes the creation of a **Jabez Branch Resource Conservation Overlay Zone** to limit impervious surface, protect steep slopes, and restrict development intensity in order to preserve water quality and forest cover of a beloved environmental treasure used by hikers, bird watchers and fisherman from Anne Arundel County and beyond.[1] The overlay is designed to function as a targeted land-use tool that relies on **lot coverage limits and setback requirements** to prevent fragmentation of sensitive habitat and to maintain the ecological integrity of the watershed. HB239 would directly undermine the implementation of this overlay by **preempting the very zoning mechanisms— lot coverage controls and setbacks from sensitive environmental features—that the County must use to enforce it**. As a result, the bill would effectively prevent Anne Arundel County from carrying out a

[1] Plan2040 Volume I Anne Arundel County General Development Plan | Anne Arundel County Government p. 28 (Policy NE 1.4)

core environmental protection strategy in its state-certified General Development Plan, jeopardizing one of the region's most important high-quality stream systems and contradicting the County's long-term watershed restoration commitments. Citizens of Anne Arundel, through government and non-government organizations such as SRA, have already invested millions of dollars and countless work hours towards restoring the Jabez Branch. All of that would be placed in jeopardy by the type of intensive development that HB239 would permit (and encourage) in this watershed.

Jabez Branch is but one example among hundreds throughout Anne Arundel County of environmental harm and loss of valuable recreational opportunity that HB239 could cause. Anne Arundel is far from the only local jurisdiction to have such localized protective plans in place for the benefit of its environmentally sensitive areas. Notable additional examples from Montgomery County, Prince George's County, Talbot County, Howard County, and Frederick County are presented below. All of these State-certified comprehensive plans rely on local zoning to effectuate their policy goals, including protection of sensitive natural resources, and all would be directly undermined by passage of HB239.

- **Montgomery County – Thrive Montgomery 2050 (General Plan)[2]**
  - "Many of Thrive Montgomery 2050's policies and practices cannot be implemented with a one-size-fits all approach. Area master plans will help refine and implement them at a scale tailored to specific neighborhoods." (p.157)
  - "Implementation of Thrive Montgomery 2050 will occur over several decades and will require changes in master plans, zoning and building codes, subdivision regulations, the adequate public facilities ordinance and many other county rules and processes…" (p.155)
  - "...flexible residential zoning should allow more people to live closer to work, increase the walkability of neighborhoods, and limit the development footprint on the environment." (p.137)
- **Prince George's County – Plan 2035 (General Plan)[3]**
  - "As suggested in LU 11.2, the new zoning ordinance includes a new class of Rural and Agricultural Zones and use regulations that support and will help provide land for forestry." (p.31)
  - Section 27-61600 "Green Building Standards" of the new the (sic) zoning ordinance removes barriers and helps ensure a minimum degree of green building features are included in development projects within the County. When the new zoning ordinance is implemented, it should lead to more green building features in development projects." (p.46)

[2] montgomeryplanning.org/wp-content/uploads/2023/06/THRIVE-Approved-Adopted-Final.pdf
[3] Plan-2035.pdf

- **Talbot County- Comprehensive Plan**[4]
  - "The County should continue a restrictive approach toward the use of land over which it has zoning authority, and new development should be of a controlled nature and channeled into the most appropriate areas and discouraged in others." (p. 2-3)
  - "The upland portions (non-Critical Area) of Talbot County's western necks are zoned Western Rural Conservation (WRC)...These narrow land areas have few routes to inland parts of the County. Flooding, traffic and other road obstructions have demonstrated legitimate cause for concern, should development overcome the capacity for safe transit through these areas. Conserving the agriculture, forestry, recreational and resource conservation uses that form the character of these areas is a high priority." (p. 2-14)
- **Howard County – PlanHoward 2030 / HoCo By Design (2023 Update)**[5]
  - "Additionally, an overlay district may be an appropriate approach to further protect watersheds with unique conditions or resources, as well as the Green Infrastructure Network." (p.EH-19)
  - "The Zoning Regulations include a Density Exchange Overlay (DEO) District for the RC and RR Districts, which provides an opportunity and incentive to preserve significant blocks of farmland and rural land in the West." (id)
- **Frederick County – Livable Frederick Master Plan**[6]
  - "…the following protection measures are used by the county to address the protection of natural resources and the sensitive areas. Waterbody Buffer Ordinance: A countywide waterbody buffer ordinance (contained within the Zoning Ordinance) was adopted in 2008 that applies to all perennial and intermittent streams in the county, excluding the municipalities. The ordinance is applied at the subdivision review stage and regulates construction and grading activities on new residential, commercial and industrial subdivision lots." (p.57)
  - "Wetlands and flooding soils (soils with characteristics of temporary inundation) are regulated in the Floodplain District section of the Zoning Ordinance. Development, impervious surfaces, grading, or in-filling is not permitted in wetlands or the FEMA 100-year floodplain. A specified setback is required from all wetlands." (id)
  - "The Resource Conservation (RC) Zoning District is applied throughout the county, with the largest portion comprised of the forestlands on and around Catoctin Mountain, South Mountain and Sugarloaf Mountain. The RC Zone limits new residential subdivision lots to 10 acres in size and prohibits development on slopes of 25% or more." (p.58)

2. HB239 does nothing to ensure adequate infrastructure to support the development it enables

[4] 2016CompPlan.pdf
[5] howardcountymd.gov/sites/default/files/2025-01/HcBD_Chps_Appendices_Web_Reduced.pdf
[6] Livable-Frederick-Master-Plan---Adopted-Plan

HB239 would prohibit local jurisdictions from enforcing minimum lot sizes larger than 5,000 square feet for certain single-family homes in areas served by public water and sewer, the adequacy of which is often insufficient. Notably, the bill contains no requirement that other critical infrastructure—such as roads, schools, stormwater systems, or public safety services—be adequate to support the additional housing units that could result from these zoning changes. Maryland jurisdictions have historically used Adequate Public Facilities Ordinances (APFOs) and related growth-management tools to link development approvals to the capacity of public facilities. APFOs tie the timing or scale of development to the availability of infrastructure such as schools, roads, and sewer systems, and can delay or phase projects when facilities are inadequate. The General Assembly authorized local governments to adopt APFOs in the late 1970s and many counties use them to direct growth to areas where infrastructure exists or is planned.

HB239, however, focuses narrowly on loosening zoning standards without any parallel requirement that growth be coordinated with infrastructure capacity or APFO-type safeguards, merely stating that such growth be directed to areas where public water and sewer systems exist or are "planned" (without defining what level of planning would be required to meet the threshold). HB239 thus decouples land-use intensification from infrastructure planning and presents significant failure risk for the infrastructure that must meet the demands of unplanned increases in population density.

Maryland's 2025 infrastructure report card underscores that many drinking water and wastewater systems are aging, underfunded, and increasingly vulnerable, noting that the state's infrastructure is "at a critical juncture" and must balance growth with environmental and public-safety concerns. Allowing additional density by right, without ensuring that roads, schools, stormwater systems, and emergency services can handle the increased demand, risks exacerbating congestion, school overcrowding, and flooding—especially in communities already struggling with these issues.

This is especially concerning given that Maryland's infrastructure and ecosystems are already under strain from growth and coastal pressures, as documented in the state's 2025 infrastructure report card, which highlights the interaction between built infrastructure and the Chesapeake Bay's delicate ecosystem.[7] The bill precludes local control over minimum lot sizes in areas "connected or planned to be connected to public water and sewer systems." The American Society of Civil Engineers (ASCE) infrastructure report card for Maryland notes the following concerning facts regarding the State's public water and sewer systems:

- Public Drinking Water:
    - "Many of the state's water mains exceed 50–75 years in age, and over 40% are past their intended service life." (p.22)
    - "...many small and rural systems continue to struggle with limited staffing, outdated equipment, and insufficient financial resources." (id)

[7] Maryland | ASCE's 2025 Infrastructure Report Card

- "Maryland's 89 surface water systems and more than 3,000 groundwater systems vary widely in condition. In older urban areas such as Baltimore City and Prince George's County, water mains frequently experience breaks and leaks, leading to service disruptions and increased maintenance costs; for example, during temperature drops, Baltimore City experiences dozens of water main breaks each week." (p.23)
- "While some utilities have adopted asset management practices to monitor and prioritize infrastructure upgrades, many systems lack comprehensive plans or digital tools to track condition, performance, and/or maintenance needs." (id)
- "Maryland's long-term funding needs approach $10 billion, and many utilities – particularly in rural and underserved areas – lack the revenue base to support necessary upgrades. The gap between available funding and infrastructure needs remains a significant barrier to progress." (p.24)

- Public Wastewater:
  - "Despite improvements in water quality, Maryland still faces considerable challenges, such as minimizing sanitary sewer overflows [and] tackling leaks from aging urban infrastructure…" (p.84)
  - "The deteriorating condition of aging sewer infrastructure leads to inevitable failures that result in inflated treatment costs, penalties for non-compliance, and increased instances of sewer overflow events, which limit recreational water use and fishing." (p.85)
  - "The condition of collection systems and WWTPs across Maryland varies greatly. Sanitary sewer systems generally fall behind the operational state of treatment facilities. Larger WWTPs usually have better conditions than smaller systems, while privately operated systems serving smaller developments, such as mobile home parks, often show signs of neglect." (id)
  - "Affordability is crucial when planning the implementation and enforcement of regulations and the schedule. However, many smaller utilities frequently encounter challenges relying on general funds to cover significant maintenance expenses." (p.87)
  - "Projected capital costs for Maryland's wastewater infrastructure over the next two decades range from $10 billion to $12 billion." (id)

HB239 would remove local jurisdictions' ability to restrict or accommodate growth according to their own particular needs and infrastructure capacity with a one-size-fits-all preemption of key zoning tools, and risks undermining decades of state-local partnership in protecting the Bay and other sensitive natural resources.

Another key infrastructure component that will be strained by HB239's conversion of green spaces to impervious surfaces is stormwater management. The ASCE report card notes the following facts regarding the State's stormwater infrastructure:

- "Maryland continues to face challenges related to water quality, aging infrastructure, and the growing impacts of climate change. Statewide compliance with stormwater regulations is estimated to cost more than $7 billion, with much of the financial burden falling on local jurisdictions." (p.66)
- "...in Maryland, the annual number of extreme precipitation events (i.e., two inches or more of rainfall) averaged 2.5 days per year in 2005-2020 versus 1.8 days per year during the preceding 55 years. This is concerning because current infrastructure is not capable of containing water from increasingly frequent heavy storms." (p69-70)
- "In order to continue leading in the stormwater sector, Maryland should…Continue local-led asset management efforts in order to effectively maintain stormwater infrastructure." (p.71)
- "Work closely with local representatives and legislators in vulnerable counties, cities, and towns to assess and understand the biggest threats on a local scale and to create activities and solutions that will mitigate the risks related to stormwater events." (id)

3. HB239 does not guarantee that increased housing inventory will be lower-priced or affordable

HB239 is framed as the "Starter and Silver Homes Act of 2026," and its stated purpose is to remove zoning barriers that can hinder the development of "starter" and "silver" homes—single-family homes or townhouses intended for one household. The bill's provisions limiting local authority over minimum lot size, minimum home size, lot coverage, and certain design standards, and prohibiting local bans on specified housing types in certain zones appears intended to increase supply of housing, with the latent assumption that increased supply would drive down costs. Unfortunately, it is not at all clear that the increased supply this bill *might* achieve would have the hoped-for result.

Notably, nothing in HB239 requires that the additional housing units enabled by these changes be affordable to low- or moderate-income households, or even priced below prevailing market rates. The bill does not include income-targeting, price caps, inclusionary zoning requirements, or other mechanisms that would guarantee affordability outcomes. It simply removes certain local regulatory constraints and leaves pricing decisions entirely to the market.

Research and experience in many high-demand markets show that increasing allowable density alone does not automatically produce lower-priced housing, particularly when land values are high and there are strong incentives to build larger or higher-end units. Without explicit affordability provisions, developers may choose to build more expensive homes on smaller lots, resulting in more units but not necessarily more *attainable* housing for Maryland's workforce, seniors on fixed incomes, or first-time homebuyers.

In effect, HB239 asks communities to accept significant, permanent changes to local land-use patterns and potential environmental and infrastructure impacts without any assurance that the resulting housing will be meaningfully more affordable.

Conclusion

HB239 is one of the most sweeping state interventions in local zoning authority in recent years, targeting core tools that counties and municipalities use to manage growth, protect sensitive resources, and align development with infrastructure capacity.

By broadly limiting local control over lot size, lot coverage, and related standards, the bill would incentivize increased density even in or near environmentally sensitive areas that depend on zoning for protection. By decoupling land-use intensification from infrastructure planning, it risks overburdening roads, schools, drinking water, wastewater, and stormwater systems already under strain. Finally, by omitting any affordability requirements, it offers no guarantee that the additional housing it enables will actually be lower-priced or accessible to those most in need.

For these reasons, we respectfully urge the Committee to issue an unfavorable report on HB239.

Respectfully submitted,

Jesse L. Iliff
Executive Director
Severn River Association
jesse@severnriver.org

HB 239 2026 Hurewitz Unfavorable.pdf
Uploaded by: Joel Hurewitz
Position: UNF

HB239
Land Use - Zoning - Limitations
(Starter and Silver Homes Act of 2026)

Testimony of Joel Hurewitz
Columbia, MD
Economic Matters Committee
Hearing Date February 12, 2026

Position: Unfavorable

I wish to express my opposition to HB239. The bill will deprive local jurisdictions of the ability to zone single-family homes in areas with public water and sewer.

It will allow developers to redevelop single-family neighborhoods into town house communities without regard to adequate public facilities including schools, hospitals, traffic and on-street parking.

Furthermore, what practical purpose does the 3 year limitation in lines 25-26 on page 9 serve? Apparently, to redevelop a property, a developer need only wait until 3 years have elapsed.

HB0239_Roberts_UNF.pdf
Uploaded by: John Roberts
Position: UNF

Written Testimony (Oppose / Amend HB 239 – Starter and Silver Homes Act of 2026)

Chair Delegate Valderrama, Vice Chair Delegate Charkodian, and Members of the Committee:

I am a Howard County resident (Ellicott City/Columbia), writing to urge an **unfavorable report or major amendments** to HB 239.

Maryland does need more housing. But HB 239 does not simply promote housing production—it **centralizes residential zoning authority at the state level to a degree that goes well beyond what any other state has adopted**, while simultaneously stripping away many of the local tools used to manage neighborhood compatibility and infrastructure impacts.

States such as California, Oregon, and Washington have pursued aggressive housing reforms. But even those states—often cited as models—have taken **narrower approaches**: legalizing duplexes or small multifamily housing, allowing lot splits, or streamlining approvals, while **retaining meaningful local authority over setbacks, lot coverage, building form, and design standards**. None has imposed statewide numeric caps on setbacks and lot size while also barring local design or aesthetic controls across all single-family zones.

HB 239 goes further. In areas where detached single-family homes are allowed, it would prohibit local governments from enforcing lot sizes above 5,000 square feet (in sewered areas), setbacks above 10 feet front/rear and 5 feet side, minimum home dimensions, lot-coverage limits, or even "design, architectural, or aesthetic" standards. It would also make townhouses effectively mandatory in single-family zones and significantly limit local authority over lot subdivision.

Supporters sometimes point to Japan as a justification for this level of state control. But Japan's success rests on a **very different model**: nationally standardized zoning categories combined with **clear, predictable form and volume controls**—such as floor-area ratios, building-coverage limits, and light-and-air rules. Japan centralizes *use*, but relies heavily on **form regulation** to ensure livable outcomes. HB 239 centralizes power while **eliminating many of the very form-based tools that make growth publicly acceptable**.

In older, sewered suburbs like mine, this bill would predictably accelerate teardown-and-infill and lot splitting, while sharply limiting local ability to manage impacts on stormwater, tree canopy, walkability, traffic safety, and school capacity. It also risks inequity: neighborhoods with private covenants or strong HOAs will preserve character, while covenant-light neighborhoods absorb disproportionate change.

If the General Assembly wishes to enact statewide housing reform, it should do so with precision rather than preemption by default. At minimum, HB 239 should be amended to:

1. preserve reasonable local authority over form-based standards tied to infrastructure, safety, and environmental management;

2. allow calibration based on infrastructure capacity and adopted local plans; and

3. focus mandatory upzoning on transit corridors and activity centers rather than blanket overrides of single-family zoning statewide.

For these reasons, I respectfully request an **unfavorable report or substantial amendments** to HB 239.

Sincerely,
John O. Roberts
Ellicott City / Columbia

HB0239_Roberts_UNF.pdf
Uploaded by: John Roberts
Position: UNF

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Sincerely,
John O. Roberts
Ellicott City / Columbia

WMCA Testimony on HB0239 Starter and Silver Homes

Uploaded by: Karin Bolte

Position: UNF

Testimony of Wildwood Manor Citizens Association

before the House Economic Matters Committee

on

The "Starter and Silver Homes Act of 2026" (HB0239)

February 12, 2026

The Wildwood Manor Citizens Association (WMCA) urges you to oppose HB0239, the "Starter and Silver Homes Act of 2026." WMCA represents more than 500 homes located in Bethesda in Montgomery County.

WMCA opposes the bill for the following reasons:

HB0239 Inappropriately Preempts Local Zoning Authority

HB0239 would set a very bad precedent by allowing the State to override local zoning authority and residents' input into zoning decisions. Montgomery County has made great strides in building more affordable housing and is best positioned to determine appropriate zoning and land use policies for the County. As part of the recent release of Montgomery Planning's *Community Trends Report*, Carrie McCarthy, Research & Strategic Projects Division Chief explained: "Successful planning requires a deep knowledge of the conditions in different communities across the county and the recognition that solutions may not be a one-size-fits-all approach."[1] While one-size-fits-all zoning is not appropriate in Montgomery County, it is even less appropriate for our diverse State as a whole.

Montgomery County Residents Overwhelmingly Opposed the Elimination of Single-Family Zoning

Due to overwhelming public opposition, the Montgomery County Council rejected the *Attainable Housing Strategies Initiative* (AHSI), which – like HB0239 – would have eliminated single-family zoning throughout the County in order to allow the construction of duplexes, multiplexes, and small apartment buildings in single-family neighborhoods.

In testimony opposing the AHSI, residents expressed their concerns about the negative impact of increased population density on the environment, schools, infrastructure, transportation, stormwater management, public safety, and adequate public facilities and services. These same concerns extend to HB0239. Montgomery County residents

[1] Montgomery Planning. (2026, January 22). *Montgomery Planning releases in-depth analysis of the county's growth* [Press Release]. https://montgomeryplanning.org/montgomery-planning-releases-in-depth-analysis-of-the-countys-growth/

strongly oppose upzoning proposals that interfere with the integrity of single-family neighborhoods.

HB0239 will Overtax our Infrastructure and Create Environmental Problems

As WMCA previously testified on the Attainable Housing Strategies Initiative and ZTA 25-02, WMCA is very concerned about the negative impact of increased population density on the environment, schools, infrastructure, transportation, stormwater management, public safety, and adequate public facilities and services. Specifically:

HB0239 Will Overtax the Water Supply and Sewer Systems

WMCA has significant concerns about the negative impact of increased population density on Wildwood Manor's and County neighborhoods' water supply and sewer systems. Montgomery County's aging infrastructure was designed to handle the density of our single-family neighborhoods, not a significantly increased population.

According to Lyn Riggins, spokesperson for the Washington Suburban Sanitary Commission, "approximately 40% of the water mains in the WSSC Water system are more than 50 years old."[2] Wildwood Manor, whose pipes are 70+ years old, recently had a water main break on Rossmore Drive due to the persistent cold temperatures. In addition to disruption, pipe repairs also require road repairs, creating a double whammy of taxpayer expenses.

With regard to the sewer system, the DC-Maryland-Virginia area is keenly aware of the environmental devastation caused by broken sewage infrastructure, as the January 2026 collapse of a major sewer line has resulted in "an estimated 40 million gallons of untreated sewage spilling into the Potomac, daily."[3]

In addition to our aging sewer system, WMCA is also concerned about maintaining adequate water capacity to serve our neighborhood. In expressing his concern about upzoning's impacts on infrastructure during the 11/19/2024 staff briefing on the AHSI, Montgomery County Councilmember Will Jawando noted that "if your house was built before 1993, you have these skinny pipes that are less than an inch. . . and that impacts the water capacity."[4] This is the case in Wildwood Manor, where most of the houses were built in the 1950's.

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[2] Griffin, E. "Wisconsin Avenue lanes reopen after downtown Bethesda water main repair." *Bethesda Today*, 7 January 2025, https://bethesdamagazine.com/2025/01/07/wisconsin-avenue-water-main-repair/

[3] Hruby, P. "More Bad News: A `Small Geyser' of Poop Water Is Flooding Into the Potomac River." *Washingtonian,* 27 January 2026, https://washingtonian.com/2026/01/27/more-bad-news-a-small-geyser-of-poop-water-is-flooding-into-the-potomac-river/?vgo_ee=%2Ff0aMNdHlVwqhVlFV6VAfJzPMfMeV7SNnMfeXU2xNlYiV5zf%3A5R4cbOzaYqz76nTuchV2eySvAXscemNv

[4] Montgomery County Council. (2024, November 19). *Council Session* [Video]. 1:09:20 – 1:09:32 minutes. Available at: https://montgomerycountymd.granicus.com/player/clip/17674?view_id=169&redirect=true

HB0239 Will Exacerbate the Inadequacy of Montgomery County's Stormwater Management System

As with the water supply and sewer systems, WMCA has significant concerns about the negative impact of increased density and loss of pervious surfaces under HB0239 on Montgomery County's stormwater management system. WMCA's concerns are heightened by the fact that the County's current stormwater management code does not even address lot-to-lot drainage for three- and four-unit multiplex buildings.[5]

Ineffective stormwater management can have many negative consequences, including flooding of homes and businesses. As Montgomery County Executive Elrich noted, "the County stormwater system will have to be upgraded because the outdated system is not equipped for the impacts of climate change. . . Our sewers are often not large enough for the volume of water and ultimately fail to move the water fast enough which causes flooding."[6] The inadequacy of Montgomery County's stormwater management system will only be exacerbated by increases in population density that will be generated under HB0239.

HB0239 Will Harm the Environment by Leading to a Loss of Tree Canopy and Pervious Cover

Montgomery County neighborhoods benefit from mature trees that not only provide beauty, shade, and animal habitat, but also improve air quality and decrease stormwater runoff. As the County's Climate Change Officer Sarah Kogel-Smucker noted: "Tree canopy is incredibly important to Montgomery County. Trees are climate superheroes that remove carbon pollution from our atmosphere while providing the shade needed to withstand hotter temperatures."[7]

Unfortunately, between 2014 and 2018 (the latest years for which data is available), Montgomery County lost 5,784 acres of tree canopy, reducing the percentage of tree canopy cover from 48.6% to 46.7%.[8] HB0239 will only exacerbate this troubling trend.

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[5] Montgomery Planning. (2025). *CLIMATE ASSESSMENT FOR ZTA 25-02, WORKFORCE HOUSING – DEVELOPMENT STANDARDS* (hereinafter "*Climate Assessment for ZTA 25-02")*, p. 5. Available at: https://montgomeryplanning.org/wp-content/uploads/2025/03/CA-ZTA-25-02-WH-DevStandards.pdf

[6] Elrich, M. (2024, August 9). *County Executive Marc Elrich Weekly Update Message 08.09.2024* [Video]. 9:36 – 12:12 minutes. YouTube. https://www.youtube.com/watch?v=2AYJ92e3acc&t=2s

[7] Griffin, E. "County trees threatened by climate change, development, invasive plants and bugs (hereinafter "County trees threatened")." *MoCo 360*, 10 May 2024, https://moco360.media/2024/05/10/county-trees-threatened-by-climate-change-development-invasive-plants-and-bugs/#:~:text=According%20to%20the%20tree%20canopy,the%20county's%20climate%20change%20officer.

[8] Metropolitan Washington Council of Governments. (April 2024). *CONSERVING TREES AND FORESTS IN METROPOLITAN WASHINGTON*, p.29. Available at: file:///Users/Karin/Downloads/Conserving_Trees_combined_rpt_web041024v2.pdf

HB0239 Will Exacerbate School Overcrowding in the Walter Johnson and Other School Clusters

WMCA is concerned that increasing population density in Wildwood Manor and other nearby neighborhoods through townhouse construction will exacerbate school overcrowding in the Walter Johnson cluster.

Walter Johnson High School (WJHS) is currently at 133.6% capacity,[9] North Bethesda Middle School (NBMS) is at 103.5%,[10] and Ashburton Elementary School (Ashburton ES) offered a Change of School Assignment (COSA) option[11] to families in order to address overcrowding at the elementary school level. There simply is not enough space in the Walter Johnson cluster schools to accommodate more students that would be generated under HB0239.

While WJHS would thankfully be under capacity if a modified version of Woodward Boundary Study Option B is implemented in the 2027-2028 school year as recently recommended by Montgomery County Public Schools Superintendent Taylor,[12] NBMS would be at 91.8% capacity in 2031-32.[13] This estimate is based on current assumptions and does not address dramatically increased population density that might occur as single-family homes in the WJ cluster are allowed to turn into 3 townhouses. It is easy to see that it wouldn't be long before NBMS is again over capacity. Furthermore, Ashburton ES would remain over capacity until a boundary study is conducted to address overcrowding at the elementary school level. That boundary study won't be able to account for possible 1-to-3 turnover in neighborhood homes rather than 1-to-1.

HB0239 Fails to Take into Consideration the Dense Development that Has Already Been Approved Along and Near Old Georgetown Road and Other Areas of Montgomery County and the State

By proposing to allow by-right townhouse development in single-family neighborhoods, HB0239 fails to consider the dense development that has already been approved along and near the Old Georgetown Road corridor:

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[9] Montgomery County Public Schools. (2025, October 24). *Woodward Option B Data Tables* (hereinafter "Woodward Option B"), p. 1. Available at: https://drive.google.com/file/d/1oArFYgC_oD8I798hzzyyo3JzwyJPyT4h/view

[10] Id.

[11] Montgomery County Public Schools. *Ashburton Elementary School*. Available at: https://www.montgomeryschoolsmd.org/schools/ashburtones/

[12] Taylor, T. (2026 February 5). *Superintendent's Recommendation: Reopening of Charles W. Woodward High School and Expansion of Northwood High School* [PowerPoint slides], p. 20. Available at: efaidnbmnnnibpcajpcglclefindmkaj/https://go.boarddocs.com/mabe/mcpsmd/Board.nsf/files/DQZPAX63BCF7/$file/Rec%20Secondary%20Prog%20Analysis%20Boundary%20Studies%20260205%20PPT.pdf

[13] Woodward Option B, p. 1.

- The 53.4 acre Rock Spring Centre property at the NW corner of the intersection of Old Georgetown Road and Rock Spring Drive is zoned Commercial Residential for mixed-use high-rise development.[14]

- The approved mixed-use development at Montgomery Mall would include 717 multi-family residential units.[15]

- The Grandview by Erickson Senior Living on 33 acres on Fernwood Road[16] has been approved for up to 1,300 dwelling units for senior adults, 210 assisted living/memory care units, 50 skilled nursing units, and 5,300 square feet of commercial uses.[17]

- Democracy Center, which was approved by the Planning Board on 1/16/2025, would include a seven-story, 386 residential unit building in the Rock Spring area near Rockledge Drive, Fernwood Road, and Westlake Terrace.[18]

- ZTA 25-02, which became effective on November 1, 2025, allows duplexes, triplexes, townhouses, and apartment buildings in the R-40, R-60, R-90, and R-200 zones for properties that abut Montgomery County's corridor roads.[19]

The Old Georgetown Road/Democracy Boulevard corridors and neighborhoods cannot accommodate the additional residential development that would result from HB0239.

Despite its Intentions, HB0239 Will Not Reduce Housing Costs

Despite its intent to increase affordable housing, evidence does not support the contention that HB0239 will reduce housing costs. Urban Institute researchers who studied upzoning reforms throughout the country between 2000 and 2019 found "no statistically significant evidence that additional lower-cost units became available or

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[14] Montgomery County Planning Board. MCPB Item No. 7-28-2022. *ROCK SPRING CENTRE: PRELIMINARY PLAN AMENDMENT NO. 11998092C, REGULATORY EXTENSION REQUEST #7; SITE PLAN AMENDMENT NOS. 82003036C, 82004017C, 82009003A, REGULATORY EXTENSION REQUEST #5*, p.2. Available at: https://montgomeryplanningboard.org/wp-content/uploads/2022/07/Rock-Spring-Centre-Extension-Request-7-FINAL.pdf

[15] Montgomery County Planning Board. MCPB Item No. 3-26-2020. *ELP at Rock Spring, Local Map Amendment H-135*, p. 3. Available at: https://montgomeryplanningboard.org/wp-content/uploads/2020/03/A_H-135-ELP-Rock-Spring-Staff-Report_FINAL.pdf

[16] The Grandview by Erickson Senior Living website. Available at: https://www.ericksonseniorliving.com/the-grandview?utm_source=google&utm_medium=local&utm_campaign=TGB

[17] Montgomery County Planning Board. MCPB Item No. 21-074. (2021, July 27), Preliminary Plan No. 120210040, ELP Bethesda at Rock Spring, Date of Hearing: July 1, 2021 [Resolution], p. 2. Available at: https://montgomeryplanningboard.org/wp-content/uploads/2021/07/ELP-Bethesda-at-Rock-Spring-Preliminary-Pln-No.-120210040-MCPB-No.-21-074-07012021.pdf

[18] Bethesda Today. Griffin, E. (2025, January 20). *Housing development approved for North Bethesda office park*. Available at: https://bethesdamagazine.com/2025/01/20/housing-386-units-approved-north-bethesda/

[19] Montgomery Planning. *Zoning Text Amendment (ZTA) 25-02: Workforce Housing—Development Standards Implementation*. Available at: https://montgomeryplanning.org/development/zoning/zoning-text-amendment-zta-25-02-workforce-housing-development-standards-implementation/

moderated in cost in the years following reforms."[20] In New York, "up-zoning did increase supply, but it did not drive down prices."[21] Similarly, a study of upzoning in Chicago over a 5 year period found "that the short-term, local-level impacts of upzoning are higher property prices but no additional new housing construction."[22]

Instead of HB0239, the State Should Consider and Pursue Other Effective Ways to Increase Workforce and Affordable Housing

WMCA notes that HB0239 has no affordability requirements. Instead of inappropriately preempting local zoning authority by passing HB0239, WMCA urges the Committee to consider other effective ways to address Maryland's need for workforce and affordable housing units. The *Transit Oriented Development Act*, which would allow rail-centered development, is a promising solution that has already been implemented in Montgomery County. The *Housing Certainty Act* also holds promise. Other options for consideration include the following:

- "Implement strategies and policies to accelerate the construction of unbuilt pipeline units to meet [the State's] housing goals;"[23]

- Like Atlanta has done,[24] conduct an inventory of all publicly owned land to identify opportunities to build workforce and affordable housing;

- Consider increasing the percentage of required Moderately Priced Dwelling Unit (MPDU) units, adjusting the MPDU income requirements, requiring that MPDU units reflect the mixture of unit sizes available in the project, and ensuring that projects replacing projects meeting MPDU requirements at least maintain the percentage of affordable units;[25]

- Establish a No Net Loss of Naturally Occurring Affordable Housing (NOAH) policy. Where NOAH exists in older multifamily developments slated for redevelopment, policymakers should seek to ensure that replacement projects

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[20] Stacy, C., Davis, C., Freemark, Y. S., Lo, L., MacDonald, G., Zheng, V., & Pendall, R. (2023). *Land-use reforms and housing costs: Does allowing for increased density lead to greater affordability?* Urban Studies, 60(14), 2919-2940. https://doi.org/10.1177/00420980231159500

[21] Charles, J. Brian. "Will Up-Zoning Make Housing More Affordable?" *Governing*, 17 June 2019, https://www.governing.com/archive/gov-zoning-density.html

[22] Freemark, Y. (2020). *Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction*. Urban Affairs Review, 56(3), 758-789. https://doi.org/10.1177/1078087418824672

[23] Govoni L. (2025, February 27). "Montgomery County's Development Pipeline." *The Third Place Blog*. Available at: https://montgomeryplanning.org/blog-design/2025/02/montgomery-countys-development-pipeline/

[24] Blakeley, K. "Atlanta Gets Creative With Affordable Housing in a Bid To Meet Goal of Creating 20,000 Homes." *Realtor.com News & Insights*, 10 February 2025, https://www.realtor.com/news/trends/atlanta-georgia-affordable-housing-city-land/

[25] Montgomery County Civic Federation. "MCCF Resolution on Priorities and Approaches for Housing Policy and Legislation.". *Civic Federation News*, June 2024, p. 17. Available at: https://www.montgomerycivic.org/files/CFN202406-P.pdf

will include affordable units at least equivalent in number, size, and rental cost to those currently available. The State should pursue anti-displacement initiatives in vulnerable communities;[26]

- Adopt policies to promote more home ownership opportunities in new developments; and

- other innovative affordable housing strategies.

Conclusion

WMCA urges you to oppose HB0239 to allow townhouse development in single-family zones, an approach that Montgomery County has already considered and rejected. The State should not override local zoning authority and risk harming the environment, overwhelming the State's infrastructure and stormwater management systems, overcrowding schools, and other negative effects by passing HB0239. Instead, the State should consider other effective ways to address the need for workforce and affordable housing. Thank you for your consideration of WMCA's concerns and recommendations.

Submitted by:

Karin Bolte, President
Wildwood Manor Citizens Association, Inc.

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[26] Id. at pp. 17-18.

Opposition to House Bill 239_Senate Bill 36.pdf
Uploaded by: Kathy Broughton
Position: UNF

To Whom It May Concern,

I am writing to **oppose** the proposed Maryland legislation (**House Bill 239/Senate Bill 36**) that would allow the subdivision of single-family residential lots into up to three residential units, permit townhouses on these lots, reduce required setbacks to ten feet in the front and rear and five feet on the sides, and lower minimum lot sizes to 5,000 square feet.

While I understand the goal of increasing housing availability, this legislation takes a sweeping approach that risks creating overcrowding and placing significant burdens on already strained public resources in communities across Maryland, particularly in my county—Howard County.

Allowing multiple residential units and townhouses on lots originally designed for single-family homes would dramatically increase population density without corresponding investments in infrastructure. Many neighborhoods in Howard County are already experiencing crowded roads, limited parking, and aging stormwater and utility systems. This proposal would intensify those pressures and diminish overall neighborhood safety and livability.

Of particular concern is the impact on public schools and healthcare facilities. Many schools in Howard County are already operating at or near capacity, with crowded classrooms, limited staffing, and strained resources. Increasing residential density at this scale will inevitably add more students without a clear plan or funding to expand schools, hire educators, or improve facilities. Health care will also suffer a crushing blow. The Howard County General Hospital, in particular its Emergency Department, has long passed its tipping point with dangerously long wait times. Additional population density will further stretch the services the hospital provides, potentially affecting response times and quality of care.

The proposed reductions in setbacks and minimum lot sizes also raise serious quality-of-life and environmental concerns. Ten-foot front and rear setbacks and five-foot side setbacks significantly reduce green space, limit stormwater absorption, and increase impervious surface coverage. These changes increase the risk of flooding, reduce privacy, and erode the character of residential neighborhoods.

Housing affordability is a serious and complex issue, but it requires targeted solutions that balance growth with infrastructure capacity and community well-being. This legislation risks overcrowding neighborhoods and overwhelming essential services without ensuring that the new housing created will be affordable or sustainable.

For these reasons, I urge you to **oppose this legislation**.

Thank you for your time, I appreciate your consideration of my concerns.

Sincerely,
Kathy Broughton, Howard County Resident

Seat Pleasant Testimony House Bill 239.pdf
Uploaded by: kelly porter
Position: UNF

Testimony House Bill 239
Committee: Economic Matters

Position: Unfavorable

Chairwoman Valderrama, and Members of the Committee,

The City of Seat Pleasant respectfully submits this testimony in opposition to House Bill 239.

While the City recognizes and supports the urgent need to expand housing opportunities across Maryland, House Bill 239 relies on broad state preemption of local land use standards in a manner that risks undermining coordinated planning, infrastructure readiness, and community-scale implementation—particularly in small municipalities that serve important regional functions.

Development decisions within the City of Seat Pleasant have impacts that extend beyond municipal boundaries. Changes in density, zoning, and development patterns directly affect traffic circulation, public safety response times, pedestrian safety, and the delivery of essential services for both residents and visitors. As a municipality that functions as part of a larger regional network within Prince George's County, Seat Pleasant must ensure that growth is carefully aligned with infrastructure capacity and service availability.

For a city like Seat Pleasant—where infrastructure systems, road networks, stormwater management, and public facilities must accommodate both local residents and broader countywide activity—state preemption of local planning authority could accelerate development without the necessary coordination of services and capital improvements. Housing growth that is not paired with infrastructure investment risks placing additional strain on already limited municipal resources and could create unintended consequences for quality of life and public safety.

The City supports increasing the supply of housing, including housing options that serve seniors, workforce households, and first-time homebuyers. However, Seat Pleasant believes these goals are best achieved through enabling legislation that strengthens local and county planning efforts rather than through preemptive mandates that remove discretion from those responsible for managing on-the-ground impacts. Sustainable housing production is most successful when paired with infrastructure investment, service planning, and meaningful community engagement—not when detached from them.

Municipal governments bear responsibility for addressing the real-world consequences of development, including public works demands, emergency service coverage, code

enforcement, and maintenance of public spaces and amenities. When decision-making authority is shifted upward without corresponding responsibility or resources, municipalities are left to manage outcomes they did not shape and may not have the capacity to support.

For these reasons, the City of Seat Pleasant respectfully urges the Committee to vote unfavorably on House Bill 239 as currently drafted. The City encourages the General Assembly to pursue housing solutions that strengthen coordination among the State, counties, and municipalities while preserving the ability of local governments to plan responsibly for growth and ensure that development is aligned with infrastructure and service capacity.

Thank you for your consideration.

Mayor Kelly Porter

HB 239_ Leanne Tobias .pdf
Uploaded by: Leanne Tobias
Position: UNF

LEANNE TOBIAS

WRITTEN TESTIMONY IN OPPOSITION

STARTER & SILVER HOMES ACT

FEBRUARY 12, 2026

I am Leanne Tobias, a decades-long resident of Bethesda and a retired commercial real estate investment fund manager and consultant with substantial expertise in market rate housing, affordable housing and the financing and development of sustainable real estate. While I'm submitting this testimony in my personal capacity, I also chair CCCFH, the Citizens Coordinating Committee on Friendship Heights, which represents 18 neighborhoods and 20,000 residents in Montgomery County on land use, housing and infrastructure issues.

As a long-time Maryland resident, I am committed to genuine housing affordability throughout our state. There are numerous state and local pathways to achieve this, including approaches recommended in Governor Moore's Transit Oriented Development Act and Housing Certainty Act. Unfortunately, the Starter and Silver Homes Act is not among them. ***Upzoning single-family neighborhoods for market-rate construction will not reduce housing prices, will not help Marylanders who are having trouble buying a home, and detracts attention and resources from effective solutions.***

Here's why the Starter and Silver Homes Act ***won't work***:

1)***Real estate is priced according to the market value of similar properties nearby and newly built homes are typically more expensive than existing homes***. Even if new townhomes have smaller lots than nearby single-family homes, they have more efficient layouts, similar square footage and living space and updated features. As a result, new townhome prices track and frequently exceed the prices of nearby single-family homes.

This is currently true in much of Maryland. A new CCCFH median price comparison of a sample of 121 new townhomes to existing single-family homes in 7 Maryland counties found that ***new townhomes were more expensive in 5 of the 7 counties reviewed by a range of 9% to 41% (Baltimore, +21%; Charles +13%; Dorchester +18%; Montgomery +41%; Prince George's +9%).*** Median new townhome and existing single-family home prices were about the same in Anne Arundel County. In Harford County, the median new townhome price was 4% less expensive than the median-priced existing home. While additional in-depth research is necessary, these results indicate that upzoning single-family neighborhoods will not materially reduce housing prices for new buyers, seniors, and working families throughout Maryland.

2)***Real estate equity investors demand substantial returns, so the private sector will not build homes for moderate-income and lower-income families without subsidy.*** As of 2026, organizations that invest up front in residential real estate (largely pension funds, insurance companies and private equity funds) require returns in the high teens to low twenties, for an

average of roughly 20%. As a result, private developers build luxury housing, which commands the higher rents or sale prices necessary to achieve the required returns. This holds true for all market-rate real estate, including townhomes, apartments and condominiums, and single-family developments. ***The need to generate financial returns in the 20% range means that housing that is affordable for low- to moderate-income Marylanders won't be built without subsidy, a result that won't be changed by upzoning single-family neighborhoods.***

A January 2026 study from Georgetown University's Center for Poverty and Inequality confirms that building market rate housing is unlikely to help low-income families. The study examines 2015-2023 housing trends in ***six metropolitan areas*** (Atlanta, Dallas, Houston, Phoenix, Seattle and Washington, DC) ***with higher housing growth than the national average***. ***Over the eight years studied, the share of units occupied by higher income households increased, while the share of units occupied by lower income households declined or stayed flat.***

So if upzoning single-family neighborhoods won't work, what is the answer? A number of alternative approaches make sense:

•***Partner with local governments to upzone vacant and under-developed land for townhome and other missing middle construction***. While townhomes are the same price or ***more expensive*** than ***existing*** single-family homes, they are ***cheaper*** than ***new*** single-family construction. Build townhomes on designated redevelopment sites or on undeveloped land – but not on existing single-family sites where they don't reduce housing prices.

•***Subsidize the construction of affordable housing for moderate- to lower-income buyers and renters, including starters and silvers***. One creative approach is donating surplus publicly-owned sites for affordable housing construction. This strategy has been applied successfully in Montgomery County and is a centerpiece of Governor Moore's Transit-Oriented Development legislation. Governor Moore's proposal to designate these sites as enterprise zones is an excellent idea.

•***When fiscally feasible, use state funds to provide low-cost equity capital for new, mixed-income housing***. This mechanism replaces the 20% equity supplied by private investors with state-supplied equity requiring a return of under 10%. The lowered return requirements allow the owner to lease or sell a portion of the finished units at affordable rates. Montgomery County's Housing Production Fund has implemented this approach. If enacted at the state level, this strategy has the advantage of allowing Maryland to earn a financial return by increasing the inventory of affordable housing.

•***Expand Maryland's efforts to make mortgages less expensive***. As Maryland policy innovators have proposed, create a pilot program to guarantee and/or buy down the interest rate on privately-issued mortgage loans for first-time buyers who have encountered difficulty in purchasing a home. The state would establish a dedicated fund designed to reduce lenders' risk, capped per borrower and per year to limit state liability. This strategy could be

administered in conjunction with downpayment assistance and other mortgage affordability support already being implemented by the Department of Housing and Community Development through the Maryland Mortgage Program.

As currently written, the Starter and Silver Homes Act will <u>not</u> reduce housing prices and will <u>not</u> help Marylanders who are having trouble buying or renting a home. Defeat this highly flawed proposal and turn to <u>effective solutions</u> that will make housing more affordable for the people of Maryland.

HB 239 Testimony of Lloyd Guerci Feb 2026.pdf
Uploaded by: Lloyd Guerci
Position: UNF

Economic Matters Committee
Bill Hearing on
HB0239, the Starter and Silver Homes Act of 2026
Thursday, February 12, 2026

I'm Lloyd Guerci, a retired federal employee who has lived in Washington, DC area for over 52 years and in Montgomery County for over 30 years. I oppose HB0239, the Starter and Silver Homes Act.

First, the Starter and Silver Homes Act would impose a sweeping override of local zoning powers and effectively undermine the longstanding power and authority of counties and some cities over land use, as well as the core principle of community residents' input into zoning. I object in principle to this fundamental change.

Second, the bill's impact would be far reaching and negative. In Montgomery County alone, Single-Family Zones (Residential Detached Zones) represent 53 percent of developable parcels. As now written, HB0239 would change many zoning standards and master plans along with procedures currently in place in Montgomery County. The substantive land use standards were adopted over time, in some cases in broad zoning code rewrites, after detailed examinations and reexaminations of the facts, including what revisions to the zoning code would achieve and any unintended consequences, such as to local neighborhoods. HB0239 would trash that extensive work of elected county officials, without a sound basis, including without a valid assessment of what would likely be brought about, what would be lost and the adverse ramifications. Moreover, the Starter and Silver Homes Act ignores recent Montgomery County efforts such as *More Housing Now*, which already creates opportunities for expanded and affordable housing.

More particularly, the Starter and Silver Homes Act implicitly rejects consideration of important local conditions. It is rigidly close-minded and arbitrarily precludes taking into account matters generally considered in planning. Its Procrustean approach irretrievably eliminates consideration of capacity for and impacts of additional residential buildings in single family neighborhoods, including infrastructure and services. The bill ignores capacity constraints of and problems relating to, among others:

- Schools
- On-street parking
- Roads and traffic, including safety
- Environmental concerns, flooding and stormwater systems (with climate change stormwater is an increasing problem)

This bill would create very real problems. As to schools, for example, the nearest elementary school to my home, Somerset School, was first constructed in 1928 and has been rebuilt. It is constrained by a lot of 3.76 acres including for playing fields – the smallest in the Montgomery County system, and less than generally required for an elementary school. It has been over capacity. The School Board said there is no room for an addition or relocatable classrooms.

To provide a feel for the real-world parking problems, consider the block where I live. There are 27 houses on this block, which is roughly 750 feet long. If consistent with HB0239 each house became three townhouses, there would be 81 residential units on this block. There is

more. There are 28 on-street parking spaces on this block, all on one side (the block was platted about 120 years ago and the street is narrow). In general, the vast majority of these spaces are occupied at night. When a private school at one end of my street has an event for parents, no on-street parking spaces are available, even next to fire hydrants. What would happen if there were 81 residential units on the block? There would be social problems. See, Prince George's Co. residents fed up with neighborhood parking problems - WTOP News (3/28/2025).

And consider this. Adjoining our neighborhood is Norwood Park, a very old park. The primary vehicle route to this M-NCPPC park is Norwood Drive. Norwood Park does not have adequate parking for moderate and high use periods. HB0239 does not provide for consideration of and is callously indifferent to already highly strained parking situations such as this.

Traffic safety is not simply ignored by the Starter and Silver Homes Act; it is undercut. Under existing Montgomery County procedures, in the master plan process, residents can and do speak at hearings to safety concerns such as to children playing. These pleas would be to no avail in the regime that would be imposed by the bill.

In short, under HB0239, overwhelming density could be added, even where infrastructure is stressed, but attendant problems would not be considered. This is the antithesis of planning.

Third, the bill's name -the Starter and Silver Homes Act - is at best a misnomer and more fairly viewed as misleading. For the most part, the bill would provide neither starter homes nor homes well-suited for aging people. For the Washington DC metropolitan area, a Washington Post article on Arlington, Virginia's experience provides a typical example of the economics of replacement of a single-family house with townhouses. *See*, Va. appeals court says Arlington can eliminate single-family-only zoning - The Washington Post June 25, 2025]:

> Alex Wilson, a developer who owns several properties in Arlington. . . . converting two single-family homes into missing-middle housing.
>
> … his plans for one missing-middle property — a run-down Cape Cod in the Claremont neighborhood he had bought for $570,000 and turned into a semidetached duplex, each half of which he expects to sell for about $1.2 million.

In the above example, a starter home is eliminated and townhouses priced beyond the financial reach of most people are built. And townhouses, with their multilevel stairs, are problematic for aging (silver) people.

One might hope that the above unsatisfactory (and apparently unintended) consequence gives rise to a new homeowner, albeit one financially very well off. But even that cannot be assumed. The occupant could just as easily be a renter in hedge fund - owned properties

In short, the Starter and Silver Homes Act is a blunt cudgel, applied sweepingly, that is unlikely to result in affordable housing and likely will reduce naturally occurring affordable housing (NOAH) and increase gentrification.

Fourth, the Starter and Silver Homes Act seemingly is premised in part on an assumption that a root cause of housing problems simply is an insufficient supply of buildable lots, which would be satisfactorily increased by demolishing single-family homes and building three townhomes in their places. There has not been an adequate diagnosis of a critical underlying housing constraint which broadly is demand at price points, and specifically there is not enough demand at price points for market rate housing to justify construction by the development sector. The underlying problem stems in substantial part from incomes that are inadequate to purchase homes. This results in limited demand at price points of the actual market.

The shortfall in demand at price points is reflected in the "Pipeline" of unbuilt projects-- an inventory of development projects that have been approved by but not completely built or built at all, even though there have been approvals. The large development pipeline has been noted many times by Montgomery County Executive Marc Elrich. Also, as noted in an October 2025 Montgomery County Planning Department Report, estimates from September 2025 show that in Montgomery County there are roughly 26,900 unbuilt units with initial Planning approvals and 13,200 that have all Planning approvals needed to move forward. Development Pipeline Analysis. Prince George's County, that report noted, had 48,542 900 unbuilt units with initial Planning approvals. Elements that constrain construction of new units include interest rates, construction costs, weak demand/ job growth and policies, in the multifamily sector. Montgomery Planning Pipeline Report*, infra*, pp. 8-9. The same applies to single family units.

Inasmuch as income is not going up enough to give rise to construction of very large numbers of residences, wouldn't it be nice if the Starter and Silver Homes Act were a magic wand that would reduce the price of the residences so that people in existing income bands could buy them? That seems to be a predicate hope of HB0239. It is unrealistic at least in magnitude. The costs of construction of a house include acquisition of an existing lot and building, demolition and disposal, design fees, site preparation and utility connection, labor, materials, general contractor fees /builder markup. *See*, Mid-Range Custom Home Construction Costs – Howard County, Maryland 2025 – Innovative Building Services. While smaller new residences would cost less than larger new houses, the Moore Administration does not say what homes would cost under their bill or at what income levels they would be affordable. It does not deal with the real-world facts as in the Arlington, VA example above. The Administration does not provide a breakdown of costs and say which costs would go down and how much under HB0239. Common sense dictates that under this bill notions of substantial cost reductions, to bring costs of a residence to a level that many can afford, are unrealistic. Most of the public would be deceived if they thought that this bill would benefit them, instead of some developers, well-off people and investors.

In view of the above, the Committee should set aside the Governor's Starter and Silver Homes Act of 2026 and meet with the Maryland Association of Counties (MACo) on what would work. Their Building Affordably in My Back Yard Act (BAMBY) deserves serious consideration. *See*, BAMBY Act Drops, Session of Housing Takes Shape – Conduit Street

Opposition to House Bill 239.pdf
Uploaded by: Mayor Celina Benitez
Position: UNF

Office of The Mayor Celina Benitez

1 Municipal Place, Mount Rainier, Maryland 20712 Telephone: (301) 985-6585 MountRainierMD.org

February 12, 2026
Re: opposition to House Bill 239

Chair Valderrama, Vice-Chair Charkoudian, and Members of the Economic Matters Committee:

On behalf of the City of Mount Rainier, we respectfully submit this testimony in **opposition to House Bill 239, as written**. While the City supports efforts to expand housing options across Maryland, HB 239 further removes municipalities from land use decision-making through state-level preemption and would undermine the limited but critical role cities play in shaping development outcomes.

In Prince George's County, municipalities do not hold primary zoning authority, with the exception of the City of Laurel. Instead, zoning and land use decisions are made at the county level. However, municipalities like Mount Rainier have historically played a **significant and meaningful role in shaping county zoning regulations** through extensive community engagement, municipal advocacy, and participation in county-led planning processes. These efforts require substantial time, resources, and coordination to ensure that local voices are heard and reflected in county policy.

HB 239 would take municipalities further out of the equation by imposing **state-level preemptive zoning mandates**, regardless of the collaborative processes currently in place between counties and municipalities. Even within a system where zoning authority already rests primarily with the county, this bill eliminates opportunities for municipal input and refinement, replacing them with one-size-fits-all standards that do not account for local conditions.

Mount Rainier is concerned that this approach disregards the realities municipalities must manage when new housing is introduced. Cities are responsible for addressing the downstream impacts of development, including increased demands on public works, stormwater infrastructure, street maintenance, insurance coverage, and other city services and amenities. These operational and fiscal responsibilities fall on municipalities, even when they lack final authority over zoning decisions. HB 239 would further disconnect decision-making from responsibility.

For these reasons, the City of Mount Rainier urges the Committee to **withhold a favorable report on HB 239, as written**, and instead pursue housing legislation that strengthens collaboration, expands local input, and equips municipalities and counties with tools to increase housing supply in a way that is responsive to local needs.

Thank you for the opportunity to provide testimony and for your consideration of municipal perspectives. Please feel free to contact me at 301.985.6585 or via email MayorBenitez@MountRainierMD.org if you have any questions.

Respectfully submitted,

Celina R. Benitez

Mayor Celina Benitez, City of Mount Rainier

Oppose HB0239 Zoning.pdf
Uploaded by: Nancy Shih
Position: UNF

I strongly oppose HB0239 – Starter and Silver Homes Act

Weakens community planning
Local officials use zoning to manage traffic, school capacity, safety, and neighborhood design. This bill limits their ability to plan responsibly.

Undermines home rule principles
Maryland traditionally allows counties and municipalities to govern land use locally. This bill shifts power to the State level.

Please vote Unfavorable to HB0239!

Nancy Shih

Howard County

HB0239_City of Salisbury_written testimony.pdf
Uploaded by: Nicholas Voitiuc
Position: UNF

City of Salisbury

February 10, 2026

To: House Government, Labor and Elections Committee
Of the State of Maryland

Subject: **RE: HB 0239 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)**
Written Testimony -Unfavorable

Dear Honorable Members of this Committee:

On behalf of the City of Salisbury, I am forwarding written testimony for your consideration against the proposed bill. We do not support the State setting limitations on zoning where the impact will serve to nullify plans required by the State that jurisdictions have created with the input of their communities to determine where and how they want to grow, what growth is appropriate for the existing infrastructure, and the vision for their communities into the future. This "one size fits all" approach to growing the State's housing supply is an affront to the very foundations of planning and zoning in the State and the Country that will have unplanned consequences.

Our contention is that the bill:

1. Disenfranchises residents of meaningful planning of their communities.
2. Weakens or nullifies existing Comprehensive Plans and Plans in process that have carefully considered where and how growth should occur based on the conditions of the individual jurisdiction.
3. Will create a significant financial burden to rewrite Comprehensive Plans and zoning codes.
4. Have unplanned impacts to City infrastructure including water and sewer capacity, school capacity, traffic, availability of street parking, and emergency services including medical, fire and police.

While we acknowledge the housing crisis, this should not be used as an excuse to undo the visions for the future and plans we created with our communities by limiting the ability of our zoning codes to have development standards that bring the plans to fruition.

Department of Infrastructure & Development
125 N. Division St., #202 Salisbury, MD 21801
410.548.3170
www.salisbury.md

City of Salisbury

HB0239 – Land Use – Zoning – Limitations (Starter and Silver Homes act of 2026)
City of Salisbury Written Testimony - Unfavorable
February 10, 2026

We do not support the State setting limitations on zoning for local jurisdictions as proposed in HB0239. The State has, and generally must have, a "one size fits all" approach but this is not an appropriate approach for planning at the local level. There is more than a century of case law in the United States upholding local approach to land use restrictions. The US Department of Commerce created the Standard City Planning Enabling Act in 1928. The State adopted laws allowing for local zoning authority in 1927 and planning authority in 1933. Granting local authority for planning and zoning is an acknowledgement that land use decisions are best made and planned for at the local level by Commissions and residents that understand the unique conditions of their communities.

The adoption of HB0239 would be an overreach of State power that would continue to undo nearly a century of planning and zoning at the local level in the State.

1. Local Comprehensive Plans will be weakened and will need to be rewritten, with the citizens that had participated in their creation effectively having been silenced.
2. The costs of rewriting plans and significantly updating zoning codes will be a substantial burden with no mechanism for funding those costs imposed upon municipalities.
3. The law will have unplanned impacts to City infrastructure including but not limited to:
    - water and sewer capacity,
    - school capacity,
    - traffic,
    - availability of street parking, and
    - emergency services including medical, fire and police services.

The City, County and Board of Education have created plans to address capacity and population growth for public services, but this change would require all of these plans to be reconsidered.

Building homes on smaller lots with less side setbacks would greatly reduce or eliminate on-street parking, while reducing available lot area for onsite parking, which is particularly concerning for areas like the City of Salisbury where reliable public transportation is not yet developed or feasible and most residents are car dependent. This may also create public safety concerns with area less visible from the street and more opportunity for the spread of fire from one house to another. Local zoning regulations help address these issues.

We ask that the Committee not support this bill for the reasons set forth above. Local jurisdictions and their residents should determine where and how they want to grow, what growth is appropriate for the existing infrastructure, and the future vision for their communities.

If you have any questions, please feel free to contact me at 410-548-3170, or send an email to bjackson@salisbury.md.

2026Feb10 HB 239 Oppose Starter and Silver Homes A

Uploaded by: Pam Meister

Position: UNF

Board of County Commissioners

Joseph A. Vigliotti, President
Michael R. Guerin, Vice President
Thomas S. Gordon III
Kenneth A. Kiler
Susan W. Krebs

Carroll County Government

225 North Center Street
Westminster, Maryland 21157
410-386-2043; 1-888-302-8978
fax 410-386-2485
MD Relay 711/800-735-2258

February 10, 2026

Delegate Kriselda Valderrama
Chair, Economic Matters Committee
230 Taylor House Office Building
Annapolis, Maryland 21401

Dear Chair Valderrama and Members of the House Economic Matters Committee,

On behalf of the Board of Carroll County Commissioners, we respectfully submit this letter in opposition to **HB 239: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026).**

Carroll County shares the State's interest in expanding housing availability. However, the approach proposed in this legislation, through broad prohibitions on local zoning authority, undermines the flexibility local governments rely on to respond effectively to housing needs in a way that reflects actual local conditions.

Local zoning is not arbitrary. It reflects years of comprehensive planning that considers infrastructure capacity, water and sewer availability, environmental conditions, public facilities, and the character of established communities. These factors vary significantly across jurisdictions. **Housing solutions that may be workable in one area may be infeasible or disruptive in another.**

In Carroll County, for example, many residential areas rely on private wells and septic systems or are constrained by limited public water and sewer capacity. Local zoning standards are calibrated to those realities. A uniform prohibition on local zoning tools does not account for these conditions and could create development pressure that existing infrastructure cannot support.

If the objective were solely to increase housing supply, local jurisdictions already possess the authority to adjust zoning where appropriate. The challenge is not reluctance, but feasibility. Local governments must balance growth with infrastructure, environmental protection, and community integrity.

The legislation also risks unintended consequences. When local governments lose targeted zoning tools, they may be forced to pursue broader, less precise code changes simply to retain control over growth patterns. That outcome would not improve housing availability and could lead to greater disruption for existing communities.

For these reasons, the Board of Carroll County Commissioners respectfully opposes HB 239 and urges the General Assembly to pursue housing solutions that work collaboratively with local governments rather than preempting them.

We appreciate the opportunity to share our perspective and remain willing to engage in constructive dialogue.

Sincerely,

THE BOARD OF COUNTY COMMISSIONERS OF CARROLL COUNTY

Joseph A. Vigliotti
President

Michael R. Guerin
Vice President

Thomas S. Gordon III

Kenneth A. Kiler

Susan W. Krebs

HB0239 Cherrywood Testimony 2-12-2026.pdf
Uploaded by: Paul Jarosinski
Position: UNF

HB0239 Cherrywood Homeowners Association, Inc. - Unfavorable



The Cherrywood Homeowners Association is a 606-unit homeowners association located in Olney, Maryland. We are a County Master Plan planned community that includes single-family detached (SFD) homes, townhouses, and MPDUs. In our SFD sections we have narrow streets without curb and gutters. With more housing and street parking, our roadways become one-way to impassable for trucks and emergency vehicles. We oppose HB0239 because our SFD sections were designed by civil engineers to only accommodate lower density housing.

Virtually every single family development in the State of Maryland over the last 50 years was designed by civil engineers to maximize the return on investment for the developer while providing desirable homes for future residents with the proper infrastructure and amenities for the zoning present at the time of construction. To go back decades later and allow the density to as much as triple is certain to create serious infrastructure problems especially when you consider that the original infrastructure is likely decades older then when the community was first built. Houses could be crammed into the community like the one in the picture overwhelming the existing design of the community. Under HB0239 these communities will begin to experience infrastructure failures and it will be too late to go back and undo the over-densification. Is the State going to pay for these infrastructure failures? It would seem best to leave these zoning issues in the hands of the counties who will be responsible for the infrastructure.

In the Governor's press release, he stated he wanted to "unlock 300 acres of State-owned land" to build new housing. This plan makes sense. The purpose of Planning is to build attractive communities from the ground up with the required infrastructure for the planned density. HB0239 does NOT do this and actually removes the most popular form of housing choice in the State by trying to cram more housing into our SFD communities not designed for higher density. Different families have different needs and desires for housing based on their job and family situation. SFD housing should remain a choice for people who desire more climate friendly

trees, green spaces, and room for their children to play in the yard. The new Starter and Silver communities should be built on vacant parcels of land (e.g. vacant malls/parking lots/undeveloped land) where they can be designed with the proper infrastructure and amenities for higher density and older residents. To attempt to add these new homes to overload our existing communities will only chase more people out of Maryland in search of stable neighborhood zoning.

Lastly, the need for housing is likely overstated especially since the Comptroller's report uses 2023 data that are no longer valid (see addendum at the end). In Montgomery County, the County executive has already certified in 2025 that there is already enough housing in the pipeline until well past 2050. Since that time, layoffs and deportations have even further reduced the demand for housing. Page 3 of a January 2026 County report shows that median home sales prices dropped in 2025 and that "the County's population growth is estimated to be muted for the foreseeable future."
https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=16694&meta_id=209763

In short, HB0239 dramatically rezones and over develops EXISTING communities where people have invested their life savings in a house and community that suits the needs of their family based on the zoning and restrictions at the time of their purchase. This plan does not guarantee that houses will be owner-occupied or provide any affordable housing realizing that teardowns involve additional costs (demolition, rubble removal, sewer/water reconfiguration) that drive up the cost of these smaller replacement homes making them EACH more expensive then the home they replace. It is far more cost-efficient to design those smaller homes on new parcels of land such as the ones the Governor suggested in his press release. **We join nearly 500 others that have already written to you in asking that you give an unfavorable report on HB 0239.** Let the Counties take care of zoning and advise the Governor to start building his Starter and Silver communities on vacant State land as he suggested in his original press release.

We are happy to participate in further discussions.

Paul F. Jarosinski
President, Cherrywood Homeowners Association, Inc.

Addendum:
On page 10 of the Comptroller's report at the bottom of the page you will see that this outdated report was based on 2023 figures.
(https://www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/research/housing-economy-print.pdf). At that time 3-5 million people were crossing the border every year (2021-2024) creating an enormous housing demand. In 2025, however, those 3-5 million people crossing the border had been completely stopped and, according DHS figures, an additional 2.69 million people left the County. That is a difference of 5-8 million people JUST from 2023. That 2023 crises no longer exists and if DHS continues at the current pace, the housing demand will disappear on it's own by the end of 2027. Housing numbers are already changing with houses sitting on the market longer and prices decreasing or at least moderating. We also had an NYU Professor of Economics with an MA in statistics review the Comptroller report and disclose several critical flaws in that report. This report should not be the basis for eliminating SFD neighborhoods in Maryland. The main reason residents are fleeing Maryland, especially seniors, are the rising taxes and fees.

Bladensburg Letter HB239 Start and Slver Homes Act

Uploaded by: Ray Jefferies

Position: UNF

Town of Bladensburg

Council Members
Ward 1
Trina Brown
Kalisha Dixon

Council Members
Ward 2
Marilyn Blount
Carrol McBryde

Mayor
Takisha James

February 10, 2026

House Committee | Economic Matters
231 Taylor House Office Building
Annapolis, Maryland 21401

Re: House Bill 239 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026).

Dear Chair Valderrama, Vice Chair Charkoudian, and Members of the House Economic Matters Committee:

On behalf of the Town of Bladensburg, I write to express serious concern with House Bill 239 – regarding Land Use and Zoning Limitations (Starter and Silver Homes Act of 2026) and to respectfully urge the Committee to re-evaluate in its current form and I support amendments to this legislation, specifically Amendment (3) three, (9) nine, and (10) ten.

While I appreciate the intent to expand housing options across Maryland, HB 239 would do so by significantly undermining local land-use authority, replacing community-based planning with a statewide, one-size-fits-all mandate. The bill's prohibition on minimum lot sizes, limitations on setbacks and design standards, and restrictions on zoning distinctions, particularly the treatment of townhouses in single-family zones, would fundamentally alter how municipalities manage growth, infrastructure, and neighborhood character.

As Mayor of Bladensburg, a small municipality with limited land area and unique development pressures, I can state clearly that local governments are best positioned to balance housing needs with infrastructure capacity, environmental constraints, and community context. Imposing uniform zoning standards across the state fails to account for differences among municipalities in stormwater systems, school capacity, traffic patterns, public safety resources, and aging infrastructure.

HB 239 would also limit towns' ability to use zoning to protect residents, preserve established neighborhoods, and plan responsibly for long-term sustainability. For many municipalities, lot size, setback, and design standards are not exclusionary measures; they are essential planning tools used to ensure compatibility, manage density, and prevent unintended strain on public services.

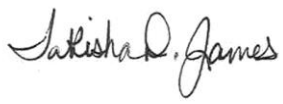
The Town of Bladensburg strongly supports the Maryland Municipal League (MML) position and joins other towns and cities across the state in asking for amendments to this legislation that in its current form erodes local control. Housing policy solutions should be collaborative,

flexible, and incentive-based not prescriptive mandates that diminish municipal authority and accountability.

For these reasons, I respectfully request that the House Economic Matters Committee reevaluate HB 239 in its current form and instead work with municipalities, MML, and other stakeholders to develop housing strategies that expand affordability without sacrificing local planning autonomy.

Thank you for your time, consideration, and continued service to Maryland residents.

Sincerely,



Takisha D. James
Mayor, Town of Bladensburg

C: Angelica Bailey Thupari, angelicab@mdmunicipal.org

Bladensburg Letter SB36 Starter and Slver Homes Ac

Uploaded by: Ray Jefferies

Position: UNF

Town of Bladensburg

Council Members
Ward 1
Trina Brown
Kalisha Dixon

Council Members
Ward 2
Marilyn Blount
Carrol McBryde

Mayor
Takisha James

February 10, 2026

Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 36 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026).

Dear Chair, Vice Chair, and Members of the Education, Energy, and Environment Committee:

On behalf of the Town of Bladensburg, I write to express serious concern with House Bill 239 – regarding Land Use and Zoning Limitations (Starter and Silver Homes Act of 2026) and to respectfully urge the Committee to re-evaluate in its current form, and I support amendments to this legislation, specifically Amendment (3) three, (9) nine, and (10) ten.

While I appreciate the intent to expand housing options across Maryland, HB 239 would do so by significantly undermining local land-use authority, replacing community-based planning with a statewide, one-size-fits-all mandate. The bill's prohibition on minimum lot sizes, limitations on setbacks and design standards, and restrictions on zoning distinctions, particularly the treatment of townhouses in single-family zones, would fundamentally alter how municipalities manage growth, infrastructure, and neighborhood character.

As Mayor of Bladensburg, a small municipality with limited land area and unique development pressures, I can state clearly that local governments are best positioned to balance housing needs with infrastructure capacity, environmental constraints, and community context. Imposing uniform zoning standards across the state fails to account for differences among municipalities in stormwater systems, school capacity, traffic patterns, public safety resources, and aging infrastructure.

SB 36 would also limit towns' ability to use zoning to protect residents, preserve established neighborhoods, and plan responsibly for long-term sustainability. For many municipalities, lot size, setback, and design standards are not exclusionary measures; they are essential planning tools used to ensure compatibility, manage density, and prevent unintended strain on public services.

The Town of Bladensburg strongly supports the Maryland Municipal League (MML) position and joins other towns and cities across the state in seeking amendments to this legislation that erodes local control. Housing policy solutions should be collaborative, flexible, and incentive-based not prescriptive mandates that diminish municipal authority and accountability.

For these reasons, I respectfully request that the House Economic Matters Committee reevaluate SB 36 in its current form and instead work with municipalities, MML, and other stakeholders to develop housing strategies that expand affordability without sacrificing local planning autonomy.

Thank you for your time, consideration, and continued service to Maryland residents.

Sincerely,



Takisha D. James
Mayor, Town of Bladensburg

C: Angelica Bailey Thupari, angelicab@mdmunicipal.org

Valleys Planning Council HB0239 testimony.pdf
Uploaded by: Renee Hamidi
Position: UNF

thevpc.org | info@thevpc.org | 410.337.6877
118 W. Pennsylvania Avenue, Towson, Maryland 21204
P.O. Box 5402 Towson, Maryland 21285-5402

VALLEYS
PLANNING COUNCIL

Committee: Economic Matters Committee
Testimony on: HB0239 "Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026) "
Position: Unfavorable
Hearing Date: February 12, 2026

Valleys Planning Council, a non-profit that conserves land and resources, preserves historic character and maintains the rural feel and land uses in northwestern Baltimore County, urges HB0239 receive an unfavorable report based on what passing it will do to the value and desirability of existing housing; the resulting overloading of infrastructure; lack of workers to build the proposed housing; and what overbuilt areas will look like in a few decades. Most objectionably, the bill reduces home rule authority, eroding the ability of counties to plan for growth. On the heels of a bill last year that took away the right of counties to site solar facilities, this bill feels like the state is trying to inappropriately centralize zoning power.

Under this bill, the value of some existing homes would decrease. If I build three townhomes on my half-acre lot in a neighborhood of single-family homes, my neighbors' homes will become less desirable, worth less, and produce less tax revenue for the county. The minimal setbacks called for in the bill will lead to homeowners finding themselves living cheek-by-jowl in areas where they thought they had "breathing room". If these townhomes become rentals, conditions for existing homeowners may become untenable.

Infrastructure will be overloaded. In Baltimore County, where I live, the sewer system is subject to a consent decree. While it has spent hundreds of millions of dollars to repair and replace failing sewers, it has not demonstrated that the fixes have resulted in adequate capacity for existing development. Adding thousands of homes will result in even more stress on an already-overloaded system. Schools, roads, and fire and emergency services will similarly be stressed. More impervious surfaces will lead to more stormwater runoff that will need to be managed even as climate change causes more frequent and larger storms.

Who will build all those houses? The trades are stretched thin as it is. Becoming a licensed electrician or a licensed journeyman plumber takes four to five years. Counties will have to hire more people to review plans.

Nationwide, families are smaller than they used to be. Logically, there will be fewer people buying homes in the decades to come. In 2060, who will want to live in townhouses sandwiched onto lots in established neighborhoods in 2030? Modern housing, especially that built specifically to be "affordable", is not built to last the way houses built 75 years ago were. Baltimore County could end up with quantities of outdated, vacant homes, a problem Baltimore City has been facing for at least 40 years.

Counties should be able to decide where housing should go. Valleys Planning Council urges an unfavorable report on HB0239.

Renée Hamidi
Executive Director
Valleys Planning Council

Position HB 239 SB 36 _ 21026.pdf
Uploaded by: Richard Meehan
Position: UNF

TOWN OF
OCEAN CITY

The White Marlin Capital of the World

MAYOR
Richard W. Meehan

CITY COUNCIL

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Larry R. Yates

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Terence J. McGean, PE

CITY CLERK
Diana L. Chavis, MMC

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.

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

RJR-(Cumberland.Frostburg) Senate Bill 36.House Bi

Uploaded by: Richard Reinhardt

Position: UNF

Delegate Kriselda Valderrama, Chair
Delegate Lorig Charkoudian, Vice-Chair
230 Taylor House Office Building
House Economic Matters Committee
Annapolis, Maryland 21401

Re: **Senate Bill 36/ House Bill 239: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026) – OPPOSED**

February 9, 2026

Dear Chairwoman Valderrama, Vice-Chair Charkoudian, and Committee Members:

On behalf of our clients, the City of Cumberland and the City Frostburg, we write this letter in opposition to *Senate Bill 36/ House Bill 239: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026).*

If you were to ask people across the country the question, "What is the American Dream?", the most common response would be "home ownership". Homeownership is widely regarded as a cornerstone of the American dream, symbolizing prosperity, stability, and personal achievement, though it faces significant challenges in today's economy. In fact, a survey conducted Realtor.com, in late 2024, found that "*75% of Americans believe that homeownership is part of the American dream*". The survey also revealed that nearly "*2 out of 3 respondents consider homeownership one of their life goals, while half are convinced that owning a home is necessary to attaining long-term wealth*."

Housing is not only considered to be the American dream, but it is also a critical component to the nation's economy. However, after decades of underbuilding following the Great Recession combined with an imbalance between supply and demand have been contributing causation factors to the country's pervasive housing shortage. The U.S Chamber of Commerce issued a 2025 report titled, "*The State of Housing in America*" where is stated that the United States has a housing shortage of over 4.7 million homes. High mortgage rates and soaring rents have been major contributors to this crisis, which now impacts the broader economy by reducing consumer spending, increasing employee turnover, and hindering businesses' ability to attract and retain talent.

Addressing this shortage is essential for stabilizing the market and supporting long-term economic resilience – this is also true for the State of Maryland. And while we applaud the laudable efforts of Governor Moore making this a priority of his Administration, Senate Bill 36/ House Bill 239 is *not* the policy solution that Maryland should invoke.

As proposed, this legislation prohibits local jurisdictions from adopting or enforcing certain zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for certain single-family homes with certain exceptions. The bill further pre-empts local jurisdictions from prohibiting certain housing types in certain zones subdivisions of certain lot types.

More specifically, if enacted SB36/HB239 would impede local zoning authority in the following ways:

a. Minimum Lot Sizes - Local governments may not require lots larger than 5,000 square feet for single-family homes in areas connected.
b. No Minimum House Size Requirements - Localities would be prohibited from setting minimum square footage for homes and minimum exterior dimensions.
c. Setback restrictions - Caps how far local governments can go with setback and coverage requirements:
d. Local governments would no longer be allowed to impose architectural style requirements, design standards, or exterior material mandates.
e. Local jurisdictions may not prohibit townhouses in areas zoned for single-family residential use.

For both municipalities, these restrictions would create significant and negative impacts to existing neighborhoods and infrastructure.

Minimum lot size cap & subdividing lots: One of the housing challenges currently facing the cities are an aging housing stock, many of which, particularly in neighborhoods surrounding the University, has been altered into student rentals. As enrollment has declined, some of these properties are now vacant or not fully rented. While this has resulted in more available housing, it is not necessarily the type of housing that potential Cumberland and Frostburg residents and families are looking for.

Permitting the subdivision of lots could increase neighborhood density and significantly alter the neighborhoods character. Additionally, making newly subdivided lots available for development in more desirable neighborhoods may be more appealing to developers than renovating older houses. This could lead to an increase in blighted or vacant properties.

Both Cumberland and Frostburg have also struggled with properties having appropriate off-street parking in many neighborhoods and this could exacerbate the problem.

No limits to townhomes: This may alter the density and style of neighborhoods. This could encourage development companies to buy up single-family properties as they become available for townhouse projects which would reduce the availability of larger homes/lots for families.

No lot coverage maximum limit and cap on set-backs: For smaller lots that cannot be subdivided, the removal of lot coverage maximums and setting caps on setbacks requirements could allow for the construction of accessory dwelling units (in-law suites, tiny homes, small standalone structures, etc.) at the rear of properties. While this may increase housing supply, it would also contribute to higher residential density and a reduction in green space within established neighborhoods.

In some cases, it may make more financial sense for property owners to focus on the accessory dwelling units instead of reinvesting in the existing structure, potentially leading to blighted houses.

Reduced setback requirements could cause a host of other issues. Many streets lack sidewalks and have aging water and sewer infrastructure. Building closer to the public right-of-way may complicate future infrastructure projects, repairs, or sidewalk installation and could substantially increase the cost of these projects. It is for these reasons that the City of Cumberland and Frostburg, oppose this legislation and respectfully seek this committee to give Senate Bill 36/ House Bill 239 an UNFAVORABLE report.

Thank you for your consideration.

Sincerely,

Richard J. Reinhardt, II

Richard J. Reinhardt, II
Partner
Percy Public Affairs

hb239.pdf
Uploaded by: Robert Cassilly
Position: UNF

ROBERT G. CASSILLY
Harford County Executive

ROBERT S. MCCORD
Director of Administration

February 10, 2026

The Honorable Kriselda Valderrama
Chair, House Economic Matters Committee
230 Taylor House Office Building
Annapolis, MD 21401

RE: Letter in Opposition on HB 239 – "Land Use -Zoning – Limitations (Starter and Silver Homes Act of 2026)"

Dear Madam Chair and Committee Members,

On behalf of Harford County, I respectfully submit this letter in opposition to House Bill 239, the Starter and Silver Homes Act of 2026.

Harford County strongly supports the goal of increasing housing affordability and expanding housing options for Maryland residents. However, HB 239 advances that goal through broad state preemption of local zoning authority by undermining the ability of counties to responsibly plan for growth, infrastructure capacity, public safety, and community character.

Land use and zoning decisions have long been a core function of local government. Counties are best positioned to balance housing needs with real-world considerations such as road capacity, school enrollment, water and sewer availability, stormwater management, environmental protection, and emergency services. HB 239 replaces this locally informed decision-making with a one-size-fits-all mandate that does not account for the significant differences among Maryland's communities.

The bill would prohibit counties from enforcing locally adopted standards related to lot size, setbacks, building dimensions, and design requirements in areas served by public water and sewer. These tools are not arbitrary barriers; they are essential planning mechanisms developed through public processes to ensure orderly development, neighborhood compatibility, and long-term fiscal sustainability. Removing them limits a county's ability to manage growth responsibly and shifts the costs of infrastructure and service impacts onto existing residents and taxpayers.

Additionally, allowing subdivision and additional housing types by right, without adequate local discretion, raises concerns about cumulative impacts on schools, transportation networks, and public safety resources. Counties must retain the flexibility

to phase growth, require appropriate improvements, and tailor zoning standards to local conditions.

Counties are already actively engaged in housing solutions, including zoning reforms, mixed-use development, and targeted incentives for affordable and senior housing. These efforts are most effective when shaped locally, in partnership with residents and stakeholders, rather than imposed uniformly by the State.

For these reasons, we respectfully urge the Committee to oppose HB 239. Sustainable housing policy requires collaboration, not preemption, and counties must remain empowered to plan for growth in a manner that reflects the needs and capacity of their communities.

Thank you for your consideration.

Sincerely,

Robert G. Cassilly

Testimony in Opposition to HB 239 (Weiss).pdf
Uploaded by: Ron Weiss
Position: UNF

Testimony in Opposition to HB 239

House Bill 239 – Starter and Silver Homes Act of 2026
House Economic Matters Committee

Position: Unfavorable

Chair Valderrama and Members of the Committee,

I am Ron Weiss and I live in Fort Washington. I am the President of the Indian Head Highway Area Action Council, Inc. (IHHAAC).

I respectfully submit testimony **in opposition to House Bill 239**, the Starter and Silver Homes Act of 2026. While expanding housing opportunity is an important policy goal, HB 239 relies on broad, by-right preemption of local zoning standards in sewered single-family areas without requiring any demonstration that transportation capacity, public services, or job access are adequate to support the additional growth it enables.

HB 239's Mechanism Creates Economic Risk

HB 239 does not target areas with demonstrated infrastructure capacity or strong job access. Instead, it applies uniformly to areas already zoned for single-family residential use that are connected, or planned to be connected, to public water and sewer. Within those areas, the bill:

- Caps minimum lot sizes at 5,000 square feet.
- Prohibits minimum home size, most dimensional controls, and architectural standards.
- Requires that town houses be permitted as a single-family housing type.
- Allows subdivision of an improved lot into up to three lots, subject to limited constraints.

These provisions operate **by right**. They do not require a finding of transportation readiness, school capacity, public safety staffing, or proximity to employment centers. As a result, HB 239 increases housing capacity in locations where additional growth can degrade, rather than strengthen, economic performance.

Economic Matters Implications Are Direct and Substantial

Housing policy is economic policy. Where housing growth outpaces infrastructure and job access, the predictable outcomes are longer commutes, higher household transportation costs, reduced labor market efficiency, and weaker returns on public investment.

This risk is especially acute in corridors such as **MD 210 in Prince George's and Charles Counties**, where State and County planning documents already identify transportation reliability and workforce mobility as prerequisites for economic growth. MD 210 already carries heavy daily

traffic volumes, serves as the primary access route for critical federal and defense facilities, and lacks near-term high-capacity transit alternatives. Schools and public safety resources in the corridor are already under strain.

By enabling incremental residential densification in these areas without any requirement to align growth with job creation or transportation improvements, HB 239 risks deepening congestion and shrinking effective labor sheds for employers. That outcome undermines, rather than advances, Maryland's economic competitiveness.

State Preemption Without State Accountability

HB 239 significantly limits local authority over lot size, setbacks, design standards, and housing type, yet it does not pair that preemption with State responsibility for the downstream impacts. The bill does not:

- Require the State to fund transportation or school capacity triggered by new housing.
- Condition applicability on proximity to employment centers or transit.
- Provide performance thresholds or corrective mechanisms if conditions deteriorate.

Local governments retain responsibility for managing the consequences, but lose key tools to shape development in a way that protects economic function and quality of life.

Affordability Is Not Assured

Although HB 239 is framed as an affordability measure, the bill does not require affordability outcomes. Smaller lots and reduced standards do not guarantee lower prices, particularly in high-demand corridors where land values and infrastructure constraints dominate costs. The likely result in many areas is increased land speculation and incremental density without meaningful affordability gains.

Conclusion

HB 239 adopts a one-size-fits-all zoning preemption approach that fails to account for economic geography, infrastructure readiness, or workforce access. In strategic corridors and infrastructure-constrained communities, the bill risks worsening congestion, increasing household transportation costs, and weakening Maryland's economic development efforts.

For these reasons, I respectfully urge the Committee to issue an **unfavorable report on HB 239**.

Thank you for the opportunity to submit testimony.

HB239 should safeguard infrastructure for economic

Uploaded by: Ryan Powers

Position: UNF

Dear Economics Matters Committee,

HB239 needs significant safeguards in place to protect infrastructure and quality of life. I am writing to express my concerns that this bill subsumes Howard County's councilmanic power to decide local zoning issues. This bill is overbroad in its restrictions on a county's ability to react to density changes within a community. Roads, schools, police, fire, EMS, and other services need to be carefully balanced with housing so that quality of life issues are not degraded. Though this bill provides flexibility on environmental and safety issues, it provides little flexibility elsewhere.

This bill's restrictions on setback requirements and minimum lot sizes, as well as the addition of townhomes by right, effectively ends traditional single-family zoning. While that may be the at least some of the point of this bill, doing so by opening development floodgates to drastically change neighborhoods quickly, without any plan for "gentle density", will result in significant unintended results (such as infrastructure deficit noted above)

Housing is not the only economic matter that should be evaluated in this bill. Infrastructure needs of counties are crucial as well. Please add amendment to this bill which is in keeping with the spirit and law of Adequate Public Facilities Ordinances.

Thank you,

Ryan Powers, Howard County

Worcester County HB 239 Testimony.pdf
Uploaded by: Ryan Snow
Position: UNF

House Bill 239

Land Use – Zoning – Limitations (Starter and Silver Homes Act)

Position: **OPPOSE**

To: Economic Matters Committee

Date: February 10, 2026

From: County Commissioners of Worcester County

The County Commissioners of Worcester County appreciate the Administration's focus on increasing housing options and addressing affordability challenges across Maryland. We share the goal of ensuring that communities have access to appropriately sized and priced housing and recognize that zoning reform can help meet that goal.

That said, as drafted, House Bill 239 raises concerns for rural jurisdictions like Worcester County, where land use patterns, infrastructure capacity, and long-standing agricultural preservation efforts differ significantly from more urbanized areas. The bill's uniform standards for lot sizes and setbacks may unintentionally limit local governments' ability to address roadway safety, future transportation needs, and site-specific conditions that are critical in rural communities.

Additionally, the requirement to permit townhouses in all areas allowing single-family residential uses warrants further consideration in agriculturally zoned areas. Worcester County's agricultural and conservation lands reflect decades of state and local investment and private stewardship, and careful planning has been central to balancing housing needs with farmland preservation and environmental protection.

According to the Department of Housing and Community Development's Housing Production Targets Report, Worcester County is currently meeting its projected housing needs over the next five years based on permits issued. Given this context, we respectfully suggest that additional flexibility or exemptions for rural jurisdictions would better align the bill's goals with local conditions while still advancing broader housing priorities.

For these reasons, Worcester County must oppose the bill as written, as its one-size-fits-all approach to the state's housing crisis stands to have a negative impact on our carefully developed local land use policies and our quality of life.

Office of the Mayor E-letterhead_ Legislative Test

Uploaded by: Samelia Okpodu

Position: UNF

THE TOWN OF CHESAPEAKE BEACH ★ Welcomes You ★

OFFICE OF THE MAYOR
Bruce A. Wahl

February 6, 2026

Delegate Kriselda Valderrama
Chair
Economic Matters Committee
230 Taylor Office Building
Annapolis, Maryland 21401

Unfavorable Testimony – House Bill 239

Chair Feldman, Vice Chair Kagan, and Members of the Committee,

I respectfully submit this testimony in opposition to Senate Bill 36, cross-filed with House Bill 239, introduced at the request of the Department of Housing and Community Development. SB36 represents a substantial state preemption of local land use authority. If enacted, its impact on the Town of Chesapeake Beach would be significant and far-reaching, undermining carefully developed zoning, coastal resiliency, and climate adaptation strategies that reflect the Town's unique conditions as a coastal community.

Direct Impacts to the Town of Chesapeake Beach Zoning Ordinance

SB 36 would require multiple fundamental changes to the Town's Zoning Ordinance, including:

- **Expansion of the definition of "single-family home" to include townhouses,** requiring that any zoning district permitting single-family homes also allow townhomes.
- **State-mandated reductions in minimum lot sizes** in areas connected or planned to be connected to public water and sewer, limiting single-family lots to 5,000 square feet. This would force reductions across all residential zones, including:
    - R-LD: from 10,000 sq. ft. to 5,000 sq. ft.
    - R-MD: from 7,500 sq. ft. to 5,000 sq. ft.
    - R-HD: already at 5,000 sq. ft.
    - RV-1 and RV-2: from 7,500 sq. ft. to 5,000 sq. ft.
- **Elimination of the Town's ability to establish maximum coverage**. While Chesapeake Beach uses minimum open space requirements rather than lot coverage caps, SB 36 would prohibit the Town from requiring a specific amount of open space on residential lots.

- **Mandatory reductions to setbacks** for single-family homes and accessory structures (including ADUs) to:
    - Front and rear yards: 10 feet
    - Side yards: 5 feet, which would override current local standards of 15-foot front yards, 20-foot rear yards, and 8-foot side yards.
- **Prohibition on design, architecture, or aesthetic standards** for single-family homes, eliminating the Town's ability to apply existing design guidelines typically referenced for larger subdivision developments.
- **Restrictions on regulating subdivision of improved lots**. SB 36 prohibits local governments from enforcing regulations that would prevent the subdivision of an improved lot into three or fewer lots, creating ambiguity regarding access, infrastructure, and consistency with existing local law.

Collectively, these provisions significantly limit Chesapeake Beach's ability to manage growth responsibly and, in a manner, consistent with community character and infrastructure capacity.

Interaction with Critical Area Regulations

The impacts of SB 36 are further complicated by its interaction with Critical Area regulations. While it is understood that Critical Area Regulations may supersede SB 36 in some respects, the bill would still eliminate the Towns ability to establish its own Critical Area standards related to lot size and lot coverage. Instead, Chesapeake Beach would be constrained by minimums established at the state level, removing critical local discretion in environmentally sensitive areas.

Additional Concerns for a Coastal Community

As a coastal municipality, Chesapeake Beach faces challenges that are not adequately accounted for in SB 36:

- **Managed Retreat:**
  The Town's Comprehensive Plan and Coastal Resiliency Plan identify areas where managed retreat is necessary due to projected sea level rise. SB 36 would permit additional subdivision and development in areas planned for managed retreat, including locations projected to be underwater by year 2100.
- **Climate Change Impacts:**
  Chesapeake Beach is already experiencing risks from sea level rise, land subsidence, and increased storm surge. The Town's ability to limit new development in vulnerable areas and preserve open space is essential to mitigating risk and protecting residents. SB 36 would significantly impair implementation of the Town's Coastal Resiliency Plan, potentially exposing homeowners to increased physical and financial harm.

- **Short-Term Rental and Vacation Home Pressures:**
  The Town already faces challenges related to short-term rentals and seasonal housing, which strain local service and reduce housing availability for year-round residents. SB 36 would exacerbate these pressures, diverting housing away from those who need it most while increasing impacts on infrastructure and community cohesion.

Conclusion

While increasing housing supply is an important statewide goal, SB 36 takes a one-size-fits-all approach that fails to account for the realities faced by coastal communities like Chesapeake Beach. The bill significantly erodes local land use authority, undermines adopted planning and resiliency effort, and increases risks associated with climate change and environmental vulnerability.

For these reasons, I respectfully urge the Committee to issue an unfavorable report on Senate Bill 36.

Thank you for your consideration.

Respectfully submitted,

Dr. Samelia Okpodu
Town Administrator
Town of Chesapeake Beach

HB-239 -Starter and Silver Home Act of 2026_laure
Uploaded by: Sara Green
Position: UNF

CITY OF LAUREL
OFFICE OF THE MAYOR

8103 Sandy Spring Road, Laurel, MD 20707
Phone: 301-725-5300 ext. 2125 • Fax: 301-725-6831

Keith R. Sydnor
Mayor

February 10, 2026

Economic Matters Committee
230 Taylor House Office Building
Annapolis, MD 21401

Subject: HB239- Starter and Silver Homes Act of 2026

Dear Delegate Valderrama and Honorable Committee Members:

The concept of local planning and zoning authority is foundational to a nation and a state that believes in government of, by, and for the people. It is one of the primary mechanisms through which communities shape the physical character of their streets, neighborhoods, and overall quality of life. When the State of Maryland delegated zoning authority to local jurisdictions, it entered into an implicit compact with its residents: so long as local governments operate within the bounds of state law, communities would retain the right to regulate land use in ways that protect property enjoyment, neighborhood stability, and the wealth created through thoughtful, deliberate planning.

House Bill 239 / Senate Bill 36 dissolves that compact. While framed as a response to Maryland's housing crisis, the bill represents a significant intrusion into local zoning authority and, more critically, an erosion of the property value Laurel's residents have built and safeguarded through decades of intentional land-use regulation.

The City of Laurel fully acknowledges the housing affordability challenges facing Maryland and the nation. As a municipality within the Washington, D.C. Metropolitan Area, Laurel has experienced rapidly rising housing costs driven by regional market pressures, while also being largely built out within its existing boundaries. Action is necessary. However, that action should focus on future development, not retroactively disrupt established neighborhoods that were built under a clear, predictable, and legally adopted zoning framework.

We recognize that some degree of state preemption may occur during this legislative session. As a reasonable and balanced compromise, the City of Laurel respectfully requests that zoning in place as of December 31, 2025, be locked in. This approach would allow municipalities and residents to continue relying on the expectations that guided their investments and planning decisions, while still enabling the State to shape future growth—particularly in high-demand regions such as the Washington, D.C. Metro Area.

Section 4-104(3)(iv) (Page 9, line 8): Setback Preemption

This provision, which preempts local setback regulations, poses significant risks. Existing setbacks are tied not only to neighborhood character but also to utility easements, topography, and stormwater management requirements—factors that vary widely by location across the Washington metropolitan region. Eliminating these locally tailored standards jeopardizes rights-of-way and undermines effective stormwater control, potentially creating costly and unintended infrastructure consequences. Applying this provision solely to future development would allow municipalities, utilities, and engineers to adapt responsibly.

Section 4-104(4) (Page 9, line 14): Townhouse Definition and Placement

This section alters long-standing definitions of “townhouse” and overrides locally determined zoning placement. Laurel has established thirteen distinct dwelling types and ten residential zoning classifications through its Master Plan, Planning Commission deliberations, and Mayor & City Council actions. These decisions were made intentionally to balance density, livability, and infrastructure capacity within a dense metropolitan context. Forcing townhouses onto existing single-family-zoned streets risks overcrowding, loss of green space, and unhealthy living conditions—the very outcomes urban planning is designed to prevent. Allowing local governments to plan for townhouses prospectively, rather than imposing them retroactively, strikes a more responsible balance.

Section 4-104(5) (Page 9, line 19): Lot Size and Subdivision

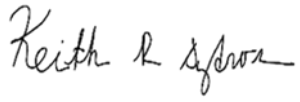
This provision presents perhaps the most serious threat to neighborhood and financial stability. When combined with the prohibition against minimum lot sizes greater than 5,000 square feet, it permits significant subdivision of existing improved properties. In a high-demand region such as the Washington, D.C. Metro Area, this provision incentivizes speculative activity that could destabilize established neighborhoods for short-term financial gain. Limiting these changes to future development would protect current homeowners while allowing municipalities to plan transparently for new growth.

The City of Laurel is not resistant to change, nor indifferent to housing needs. We have enacted modern, balanced zoning policies, including:

- Mandatory affordable units in rental developments
- An inclusionary housing ordinance requiring 8% affordable units in new for-sale developments, secured by 30-year affordability covenants
- Mixed-use zoning near transit and major corridors to promote smart growth consistent with regional transportation and employment patterns

We are actively addressing housing challenges within the framework the State has provided—thoughtfully, responsibly, and in partnership with our residents.

The City of Laurel supports meaningful action to address housing affordability; however, such action must be responsible, balanced, and grounded in respect for existing communities. We respectfully urge the General Assembly to adopt reforms that enable future development without retroactively undermining neighborhood stability, local infrastructure planning, or the property values residents have worked decades to build—particularly in mature, high-density jurisdictions within the Washington, D.C. Metropolitan Area. Maryland can and must meet its housing goals, but it should do so in a manner that preserves the principles of local governance, protects community trust, and honors the good-faith investments made under long-standing zoning frameworks.



Keith R. Sydnor
Mayor

HB0239 Zoning - high density UNF.pdf
Uploaded by: SHARON CARRICK
Position: UNF

February 13, 2026

The Honorable Kriselda Valderrama, Chairman
and Members of the Economic Matters Committee
Maryland House of Delegates
Annapolis, Maryland

Dear Chair Valderrama and Members:

RE: **SB0036** – Land Use -- Zoning -- Limitations (Starter and Silver Homes Act of 2026)
-- **UNFAVORABLE**

Maryland is a mosaic of community choices – urban, metropolitan, dense suburban, exurban, rural agricultural, rural mountain -- each with its own unique geography, infrastructure needs, and citizen preferences.

The 1,300 members of the Maryland Federation of Republican Women are concerned that the provisions of this bill create the potential for an ever-changing landscape, unfairly limiting residents' ability to make an informed decision about where to build or purchase a home.

- The planning principles in SB0036 are designed for a densely populated urban environment and are not suitable for exurban communities or rural counties.

- Too much emphasis is placed on State control of development, leaving little flexibility in local planning, to the detriment of Local Comprehensive Plans.

- Retroactively allowing higher density housing in existing single-family communities requires increased water and sewer capacity and will result in overcrowded schools, increased traffic congestion, and inadequate parking options.

- Upzoning and rezoning can negatively impact the value of existing homes in the area, jeopardizing the homeowners' investment in that property.

- Broadening the potential for high-density housing to exurban areas will move the occupants further from transit options and job opportunities.

We encourage an **UNFAVORABLE** report for **SB0036**.

Sincerely,

Ella Ennis
Legislative Co-Chair
(443) 295-3989

Sharon Carrick
Legislative Co-Chair
(301) 464-1954

HB239 Testimony_Stacy Link.pdf
Uploaded by: Stacy Link
Position: UNF

Good afternoon, Madam Chair, members of the Committee.

My name is Stacy Link, Mayor of the Town of Sykesville, and I am here today not only on behalf of my own community, but alongside mayors across Maryland who are joining me because we all understand exactly what is at stake.

Let me be clear from the start: municipalities want more housing. We want the same outcomes the Administration wants — more inventory, more affordability, more options for young families and seniors. In fact, Sykesville is in the throes of updating our zoning ordinance. We are already modernizing zoning, encouraging infill, and planning for growth.

But HB239 does something fundamentally different.

It strips 157 municipalities of their ability to select how this happens in their communities— the very authority we use to ensure growth is safe, feasible, and fiscally responsible. And I am here to say, as plainly as I can: that is unacceptable.

This bill is built on the false premise that local zoning is a primary barrier to housing production. It is not.

Housing affordability is shaped by a multitude of factors: utility regulation, energy costs, environmental permitting timelines, infrastructure financing, and property tax assessments. Municipalities do not control most of these drivers — but we live with the consequences when residents can't afford their homes.

And here is the part that should give every member of this Committee pause:

Even DHCD's own data contradicts the one-size-fits-all mandate in this bill.

Governor Moore's "Housing Starts Here" executive order required DHCD to published housing inventory growth targets. According to DHCD:

- Sykesville — 1,601 housing units — is expected to add 89 units between now and 2030.
- Westminster — 8,345 units — is expected to add 464 units.
- Cumberland's target is 50 units.
- Hagerstown target— 978 units
- And per that same report, 41 municipalities in Maryland have fewer than 500 housing units total, representing 0.4% of the state's housing stock. Their entire target is simply to maintain what they already have.

DHCD knows — because they wrote the data — that municipalities are not interchangeable.

Different size, different infrastructure, different capacity, different needs.

And yet HB239 ignores all of that.

If the State wants legislation that actually produces housing, then use your own data.

Trust your own analysis.

Build a framework that reflects the reality you already documented.

Because here is the truth on the ground:

Theoretical capacity on a planning map is not the same as operational capacity in a water or wastewater plant.

Small towns — especially rural ones — are running systems near regulatory limits, with aging infrastructure, nutrient caps, and staffing shortages of licensed operators.

Mandating density without acknowledging these constraints is not just impractical — it risks public health, environmental compliance, and the financial stability of the very communities you expect to absorb this growth.

And now let me directly address DHCD's stated justification for this bill — because it does not hold up to real-world data.

DHCD claims that:

- ✓ "Townhouses are typically 25–30% less expensive than single-family homes."
- ✓ "Creating new housing options 30% less expensive will unlock homeownership for many more Maryland families."

That sounds compelling — until you look at actual Maryland data.

To reference DHCD's source, Redfin, Housing Market trends in our zipcode in South Carroll County, show Current Median Sale Price for Single Family Homes is less than that of Townhomes. While single family homes are at **$557,500, Townhouse are selling for $564,365**

Let me give you the real numbers from the Town of Sykesville, where we have built more townhouses than any other housing type in the last 15 years.

Raincliffe Townhomes (125 constructed 2011–2014)

- 2011: $319,365 →first to come online
- 2014: $364,340→ last to come online and sold to original owners; MEDIAN HOME PRICE in Sykesville that year $357k

The very same house that was built and sold in 2011, sold again in 2016 for $365k and again changed hands in 2020 for a sale price of $405k. And now houses in that subdivision are selling for $508k

Another townhome community came online in 2020 with its final home receiving U&O in 2024. Parkside at Warfield Townhomes (145 constructed 2020–2024)

- 2020: $468,855–$498,900 MEDIAN $420k
- 2021: $474,015–$568,265 MEDIAN $440k
- 2022: $539,990–$561 MEDIAN $468k
- 2023: $567,000 MEDIAN $485k
- 2024: $600,000 MEDIAN $521k
- And in 2025, these units are now selling for $700,000 with MEDIAN $507,500

In other words:

Townhouses in Sykesville did NOT and do not sell for 25–30% less than single-family homes.

From 2011 to the present, they sold for more than the median.

So I ask this Committee:

Where is the data proving that HB239's mandated townhouse upzoning will produce affordability across Maryland's municipalities?

Because the real-world data we have says the opposite.

This is why municipalities are pushing back.

Not because we oppose housing — but because the State's rationale is not supported by evidence in Maryland's economy. DHCD cites data from South Carolina and Texas. How do those state's cost of living compare to ours? What's the cost of building in those economies? What are their tax structures?

And let me say this clearly:

Adequate Public Facilities Ordinances must remain intact.

APFOs are the only tool municipalities have to ensure that infrastructure, schools, roads, water, sewer, and public safety services keep pace with development.

**Municipalities are not asking for loopholes.

We are asking for reality.

We are asking for partnership, not preemption.**

If the State wants real, measurable housing outcomes, the path is not HB239.

The path is a different bill entirely — one that is built through cooperation and not on comments two weeks after its introduction. We'd propose:

• Statewide housing goals based on DHCD's own data, which shows that Municipalities are responsible for only 30% of the Statewide housing inventory growth between now and 2030, with the rest in the hands of unincorporated areas.

• Preserving municipal APFO authority;

• Providing technical assistance, infrastructure funding, and cross-agency coordination;

• And allowing municipalities to determine how to meet the targets within their own boundaries.

Set the goals.

Hold us accountable.

But let us implement solutions that actually work in our communities.

HB239, as written, will not get you there.

But municipalities stand ready to help craft the legislation that will.

Thank you.

Ltr to House Econ Matters re HB 239.pdf
Uploaded by: Stephen Shapiro
Position: UNF

STEPHEN M. SHAPIRO
5111 Westridge Road, Bethesda, Maryland 20816 (301) 229-6241; SteveS@md.net

February 10, 2026

Hon. Kriselda Valderrama
Chair, House Economic Matters Committee
231 Taylor House Office Building
Annapolis, Maryland 21401

Re: Objections to HB 239

Dear Chair Valderrama and other Members of the Economic Matters Committee:

I'm writing to express concerns with HB 239 and to recommend an unfavorable report on the bill.

This bill would override local zoning boards and establish inflexible zoning standards for most lots served with public water and sewer service across the state.

While encouraging denser zoning in certain areas served by public utilities may be a worthy goal, doing so with a universal mandatory standard would reverse decades of wise state policy assigning such authority to local zoning boards. And in so doing, the proposed standard could have significant negative environmental impacts and impose unintended financial and other obligations on our state and local governments for unplanned infrastructure.

Most zoning decisions should be made at the local level, except perhaps where such decisions may set significant burdens for the state or for surrounding jurisdictions. The standards set forth in this bill would do the opposite.

I live in southwest Montgomery County, Legislative District 16, near the Washington, D.C. border. My street was developed over 70 years ago, with 8,000 sf lots. Nearby streets are older and have 6,000 sf lots. Other neighborhoods within my civic association have larger lots. While townhouses and 5,000 sf lots may be appropriate in some parts of my neighborhood, they would not be for others.

On my street, three homes were recently torn down and replaced by much larger new dwellings. They occupy nearly every square foot of their lots, and required the removal of almost every large tree on their properties—trees mostly older than our street. This is not something that should be encouraged or required everywhere in our state. Similarly, a 5-foot setback would be inappropriate for my neighborhood and many other existing subdivisions. That would set dwellings only 10 feet apart.

Perhaps some of the standards in HB 239 might be reasonable for certain new subdivisions. But "perhaps" and "certain" are important qualifiers that the state should respect. For example, a requirement to increase density could unwittingly cause a substantial increase in the size of a planned new development. In some circumstances this may be fine. In others, it could overwhelm the capacity of roads, schools, and other infrastructure—and obligate the state and local governments to fund the necessary infrastructure to meet that unplanned need. It is hard enough to come up with funds for infrastructure to meet Adequate Public Facilities Ordinances for development that is planned. It is another matter when such development is unplanned, and imposed by fiat though state law.

There are likely ways that the State could promote denser development, where appropriate, without the negative impacts that are certain to result from an inflexible statewide standard that removes local boards from the zoning process. I would encourage the Department of Planning to work with local zoning boards, perhaps through the Maryland Association of Counties, to develop a more viable solution than the one currently before the Committee in HB 239.

In the mean time, I suggest an unfavorable report on the bill as written.

Respectfully yours,
/s/
Stephen M. Shapiro
5111 Westridge Road
Bethesda, MD 20816
(301) 229-6241
SteveS@md.net

Observations on HB 239 SB 59.pdf
Uploaded by: Susan Garber
Position: UNF

Observations on HB 239/SB 36

Position: UNFAVORABLE

To: Maryland State Senators and Legislators

From: Susan Garber, North Laurel/Savage area of Howard County

Date: 2.10.2026

Please forgive the irregularity of my providing testimony for members of both chambers on their related bills in a single document. Time limitations and caregiver responsibilities make it impossible for me to address you in separate efforts.

My position on HB 239/SB 36 is not only unfavorable. It is highly unfavorable. I consider the legislation downright insulting on numerous levels.

1.) It carries the tone and verbiage of what can only be perceived as a power grab by the state to claim ownership of what has been a county's role in developing and administering zoning regulations decisions in collaboration with citizen residents.

Recently there has been great reaction/objection to our federal government trying to dictate for example, voting regulations to the states. How does this Starter and Silver Homes Act differ in its approach?

Authors and supporters of the Bill work hard to make us believe that this Act will result in more affordable housing for those struggling to participate in the American dream: ownership of a house with a yard, large enough for children and pets to play, vegetables to be raised and shade in which to relax and entertain family and friends. There is **nothing** in this bill that assures lower pricing. What it does ensure is a

loss in quality of life by way of minimizing a natural environment, overcrowding schools and roads, etc.

It's hard not to detect the heavy hand of the development and real estate communities, "the political and investor classes," in suggesting and lobbying for these bills.

Most outrageous and objectionable to me are the provisions that absolutely **nothing** dictated in these bills **can be changed** by local governments. I suspect it was the fact that for example, Howard County Citizens and the Planning Board insisted on owner occupancy in their regulations for Accessory Dwelling Units. This step was taken to prevent the aforementioned people from buying up homes to generate great profits without regard to the degradation of communities in the single-family zones.

The exemption of the regulations from historic communities is laudable. However the instant cut off—without notification to the town of Savage which predates Elkridge and is truly a community of **homes** rather than a business community—is inexcusable. The 2025 cut-off should definitely be changed/amended.

I urge you to drop this dreadful overreach to produce a large increase in density. There ARE natural limits to what long term residents will tolerate. Don't provide one more reason to leave the state.

Respectfully submitted without holding back,
Susan Garber

SB 0036_HB0239_ Land Use – Zoning – Limitations (
Uploaded by: Trudy Tibbals
Position: UNF

SB 0036/HB0239: Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026): Please vote TO **OPPOSE** this bill.

Dear Economic Matters Committee and Education, Energy & the Environment Committee Chair and Members of the Committees,

I respectfully write to **oppose SB 0036 / HB 0239 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)**.

While I understand and appreciate the intent behind this legislation—particularly the desire to expand housing options for first-time buyers and seniors—**this bill goes too far by overriding local zoning authority and imposing a one-size-fits-all mandate on Maryland communities**.

Land use and zoning decisions are inherently local. Counties and municipalities are best positioned to evaluate infrastructure capacity, school enrollment, traffic patterns, environmental constraints, water and sewer availability, and the unique character of their neighborhoods. **SB 0036/HB 0239 would significantly limit that local discretion**, forcing changes that may not be appropriate or sustainable in many areas.

Housing affordability is a real and serious concern, but **statewide zoning mandates are a blunt tool**. This bill risks unintended consequences, including increased strain on already overburdened infrastructure, loss of community input, and development that is misaligned with local comprehensive plans. In some cases, it could even **undermine the very quality of life that makes communities desirable places to live**.

Moreover, true affordability is driven by many factors beyond zoning alone—such as construction costs, interest rates, impact fees, and infrastructure investment. **Removing local zoning authority does not guarantee that new housing will actually be affordable**, nor that it will serve the populations this bill aims to help.

Maryland should pursue housing solutions that **respect local governance, encourage thoughtful planning, and promote collaboration rather than preemption**. Incentives, funding partnerships, and locally tailored approaches are far more likely to produce sustainable and widely supported outcomes than mandates imposed from Annapolis.

For these reasons, I respectfully urge the committee to **vote to OPPOSE SB 0036 / HB 0239**.

Thank you for your time and consideration, and for your continued service to the people of Maryland.

Sincerely,
Trudy Tibbals

CharleCounty_HB239_EconomicMatters.pdf
Uploaded by: Reuben Collins
Position: INFO

Charles County Government

CHARLES COUNTY COMMISSIONERS
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Gilbert O. Bowling, III
Thomasina O. Coates, M.S.
Amanda M. Stewart, Ed.D.

Deborah E. Hall, CPA
Acting County Administrator

February 10, 2026

RE: Letter of Information for HOUSE BILL 239 - Land Use - Zoning - Limitations
(Starter and Silver Homes Act of 2026)

Dear Members of the House Economic Matters Committee:

On behalf of the Charles County Board of County Commissioners, I write to provide information for the Economic Matters Committee concerning House Bill 239, which proposes to significantly alter existing local authority over certain land use and zoning matters. Local control of land use and zoning in Maryland has deep roots in the state's commitment to home-rule and community self-determination. While the State authorizes zoning through enabling legislation, Maryland has long placed primary responsibility for land-use decisions in the hands of counties and municipalities. This framework reflects the understanding that land-use issues are inherently local, shaped by distinct histories, geographies, economies, and civic priorities. Over time, local zoning authority has become a central tool for managing growth, protecting environmental and historic resources, coordinating infrastructure, and balancing private property rights with the public interest. The importance of local control in Maryland lies in its flexibility and responsiveness, allowing communities to adapt state policy goals to local conditions while giving residents a direct voice in shaping the places where they live and work.

Several bills this session would remove local authority of land use and zoning, taking a "stick" rather than "carrot" approach to promoting greater amounts of housing across the State. It is important that the legislature preserves local land use and zoning authority for individual jurisdictions to adequately manage infrastructure, keep up with growth, respond to community concerns and vision, and maintain a fiscally constrained budget. It is also important to mention that the Maryland Department of Housing and Community Development has published a 2030 Housing Production Target for Charles County which is 5,516 units. With a 10-year average of 822 new residential units per year (including 1,178 in 2025) and an additional 200-300 units per year within our municipalities, Charles County is on target to meet the published DHCD target without state intervention in applicable regulations. Charles County is managing growth responsibly and effectively, while also meeting state targets.

The proposed Starter and Silver Homes Act of 2026 (HB 239/SB 36) erodes local zoning authority, impacts neighborhood character, limits the County's ability to effectively manage infrastructure, and inhibits the ability of the public to provide input and the effectiveness of their feedback. Limiting local discretion over lot sizes, housing types, and development standards could undermine carefully developed comprehensive plans, strain local infrastructure, and alter neighborhood character without sufficient

coordination or public input. Uniform, statewide mandates, such as the proposed Starter and Silver Homes Act of 2026, do not adequately account for the wide variation in local conditions, including differences in infrastructure capacity, environmental constraints, housing markets, and fiscal impacts. Local government decisions are best made by local governments.

We recognize the intent of this bill is to accelerate local regulatory approvals to produce more housing per year. However, ironically, the greatest lag in local regulatory approvals is in meeting the State's stormwater regulations that are mandated to be administered by the counties. We believe that a more effective approach to faster housing approvals would be a cooperative effort between the State and local regulatory agencies to provide flexibility in reaching the State performance goals, rather than the rigid processes currently in place. Instead of shattering the integrity of local regulations, a cooperative approach to "how we get there" would be significantly less damaging to the counties and municipalities, while still accomplishing the intended housing goals. Charles County respectfully urges the General Assembly to carefully consider the impact of this proposal on local governments that are already planning for, and accommodating, growth in a responsible and transparent manner. Preserving local land-use and zoning authority is essential to ensuring that development aligns with community vision, infrastructure capacity, fiscal sustainability, and meaningful public participation.

Charles County remains committed to meeting Maryland's housing goals and supporting affordability, but firmly believes these objectives are best achieved through collaboration and partnership, not broad state preemption. We ask the Legislature to continue to respect and uphold the long-standing principle of local control in land-use decision-making.

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

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cc: Charles County Delegation