



## **POSITION STATEMENT**

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

**Position:** Support with Amendments

**Date:** February 17, 2026

**Contact:** Debra Borden, General Counsel

Jordan Baucum Colbert, Senior Government Affairs Analyst

Dear Chair Brian Feldman,

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.

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:**

**(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.

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.