

SB 36

FWA

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Chair Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and the Environment 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 SB36 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, SB36 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 Education, Energy, and the Environment Committee to work with the general public, Secretary Jake Day, the Governor's office, and all interested parties to amend SB36 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; ensure that local jurisdictions have input into the setting of state-mandated housing production goals; and exempt those local jurisdictions that have met or exceeded their housing production goals from provisions of the bill that may usurp local land-use decision making.

Thank you for your time and attention.