



March 30, 2026

Education, Energy, and the Environment Committee

Bill: HB1259 - Zoning Authorities - Operation of Family Child Care Homes - Prohibitions and Requirements
Position: Unfavorable

Dear Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee,

On behalf of the City of Gaithersburg, we respectfully submit this testimony in opposition to House Bill 1259, which places restrictions on the ability of municipalities to deny or restrict the operation of certain childcare homes.

Residential use is commonly understood as a dwelling unit that provides habitation for residents. A home-based daycare facility, by contrast, is a commercial service operating within a dwelling, which introduces impacts beyond typical residential activity. Currently, the City of Gaithersburg allows family daycares in all residential zones. However, we require family daycares in multifamily, triplex, and quadplex units, and large family daycares (defined as serving 9–12 individuals) to undergo review as a special exception. This review process is essential because larger daycares, or those in multifamily settings, can create negative externalities such as increased traffic and parking demand. Such areas were designed and approved for residential use, and introducing higher-intensity daycare operations may create difficulties that need to be addressed before approval. This bill oversteps local zoning authority and fails to account for potential negative externalities associated with these uses.

While we appreciate the intent to expand access to childcare, we must oppose this bill due to its significant preemption of local land-use authority. HB1259 would remove a jurisdiction's ability to address neighborhood-specific impacts, ensure safety, and balance residential needs with operational considerations. Local zoning processes are designed to provide reasonable flexibility while still protecting community character and infrastructure capacity. A statewide mandate that classifies all family childcare homes as permitted residential uses eliminates this essential nuance and limits our ability to respond to unique local conditions.

For these reasons, we respectfully request the Committee to deliver an unfavorable report on HB1259.

Respectfully submitted,

Jud Ashman, Mayor
City of Gaithersburg

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038
301-258-6300 • FAX 301-948-6149 • cityhall@gaithersburgmd.gov • gaithersburgmd.gov

MAYOR
Jud Ashman

COUNCIL MEMBERS
Neil Harris
Lisa Henderson
Yamil Hernández
Jim McNulty
Robert T. Wu

CITY MANAGER
Tanisha R. Briley