Tuesday February 17, 2026

TO: Brian Feldman, Chair Education, Energy, and the Environment 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 SB 36 Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

The Nature Conservancy (TNC) supports with amendments SB 36 Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026) introduced by Chair Feldman 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.

SB 36 makes important changes to zoning provisions to develop more housing units in the state. This bill would make it easier for more dense 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 SB 36, 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 resilience 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. **Flood maps exist both at the federal and state levels, we recommend referencing the most recently updated flood maps in determining the boundaries of sensitive areas.**

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, we recommend using the higher standard (500-year floodplain instead of the 100-year floodplain), and cross-referencing with state maps to use the most recently updated boundary of the 500-year floodplain to ensure that we are supporting new development out of harm's way. The inclusion of this amendment would allow 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

[1] https://www.nrdc.org/bio/joel-scata/femas-outdated-and-backward-looking-flood-maps

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 SB 36.**

The Nature Conservancy Maryland/DC Chapter
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