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Senate Education, Energy, and Environment Committee  
Maryland General Assembly  
230 Taylor House Office Building  
Annapolis, Maryland 21401

Senator Feldman 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 (SB 0036), 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-affordability/>), 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](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](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 overcrowding 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.

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