

REQUESTING AN UNFAVORABLE REPORT FOR SENATE BILL 36
Testimony to the Senate Education, Energy, and the Environment Committee
Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)
Testimony of Paul Geller, Community Advocate
Tuesday, February 17, 2026

Chair Feldman, Vice Chair Kagan, and distinguished Senators,

This bill reminds me of the song “Elbow Room” from the ABC educational series Schoolhouse Rock. These short, memorable tunes focussed on topics ranging from history (“I’m Just a Bill”), science (“Electricity, Electricity”), grammar (“Conjunction Junction” and “Interjections!”), and more. These songs helped many students pass a test or write an essay as I can personally attest to. The gist of this song is when places got crowded in our country, we moved to gain some “Elbow Room.”

One of Maryland’s great features is the generous amount of “Elbow Room” we have. Back when Hector was a pup, I moved to our great state because it was a place I aspired to live, grow, and thrive in. A fresh college graduate, I marveled at the well-educated populace, the diversity of folks living here, and the beautiful homes with nice yards.

After a while, my American dream came true when I was able to have a home of my own with a yard...something I craved after living in apartments with limited access to green space. The charm of this for me is living in a quiet neighborhood filled with similar homes and plots of land, allowing each of us some “Elbow Room” to enjoy. The pleasure we glean from our small slices of heaven is partially due to local zoning laws, and partly thanks to the small set of HOA guidelines my neighbors and I agree to as ground rules for getting along so well.

SB36 is a direct threat to the “Elbow Room” craved by many who worked hard for our small patch of land in the sun. **The logic of this state governmental overreach escapes me when our counties, Baltimore City, and municipalities already do a good job of regulating land use at the local level.** The idea of Maryland dictates causing additional homes to be constructed in existing bucolic neighborhoods already affected by traffic, parking scarcity, water and sewer issues, increasing electricity costs, and crowded and aging schools is abhorrent and nearsighted. It would sacrifice the “Elbow Room” we Marylanders have come to love.

Last Monday, February 9, 2026 revealed the toxicity of this bill. At a Montgomery County Council meeting I attended because SB36 was to be discussed, the council president did everything in her power to avoid discussing this bill. It appeared to be a third-rail issue akin to discussing the merits of social security or the Second Amendment. In my many years of advocacy, this was the first time I saw officials so openly squirm in their proverbial seats. Councilmembers went over other legislation brought to their attention, yet time ran out before SB36/HB0239 was discussed, to the nervous relief of several of them.

From my perspective, the noble objective of achieving more affordable housing fails miserably with this bill. If anything, constructing additional homes on existing single family home sites will create overcrowded neighborhoods, further tax our infrastructure, and generate even more expensive housing since many folks want to live in neighborhoods with perceived good schools. Others may use this loophole to build rental housing on their property. Creating overcrowding in single-family home neighborhoods is an affront to residents who purchased homes in “Elbow Room” areas, and is an overreach of state power.

A much better approach would be to:

1. Trust the localities to figure these issues out for themselves. No one knows their area better than local leaders, residents, and planners.
2. Incentivize the creation of affordable housing in areas with a mass transit hub or where main mass transit routes are currently situated. Fine examples of this are working in conjunction with WMATA to create housing above existing parking lots along Metro (Shady Grove, Glenmont stations), and building high rises in locations above existing Metrobus and fleet services yards (5400 Marinelli Road in Rockville, and 16651 and 16700 Crabbs Branch Way in Derwood).
3. Offer state incentives to those who own sizable pieces of property within one mile of mass transit hubs to build additional housing (townhomes or apartments).
4. Understand it is not incumbent upon the state to provide affordably priced housing for every single person who wants to live here. Montgomery County allocates a percentage of all new housing to be affordably priced, as do other jurisdictions. Back in January 2016, our then County Executive, Isiah Leggett told me one of the toughest parts of leading the county was trying to balance offering too many social services with too few. If too many services were offered, more people would move here and it would strain the existing system and budget. If not enough services were offered, people would suffer. It was a constant need for maintaining balance. Our localities do the best with what they have, and make decisions based on the uniqueness of their jurisdiction.
5. Also understand this housing issue is widespread and not unique to Maryland.

The last thing anyone should want is the state dictating what our neighbors, legislative bodies, planning commissions, and others agree works best: local decision-making authority on land use.

I most respectfully ask for an unfavorable report on Senate Bill 36. Thank you.

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