



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

February 17, 2026

TO: The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee

FROM: Marc Elrich
County Executive

RE: Senate Bill 36: *Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)*
Support with Amendments

I am writing to express my support for Senate Bill 36, *Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)*, with amendments that reflect my commitment to achieving the Administration’s goals of increasing the availability and affordability of housing throughout the State and my belief that these goals can be best accomplished by preserving Montgomery County’s local zoning authority and land use decisions made through our master plan process. I believe that the amendments outlined below reflect a balanced approach to pursuing our shared goals for increasing availability and affordability of housing while at the same time preserving local zoning and land use authority. The amendments give deference to jurisdictions that meet or exceed housing production needs through their planning processes, strikes all restrictions on setbacks and design, architectural, aesthetics expand the exemption for property located in historic preservation districts to include all districts and not just those that have been designated by July 1, 2025, clarify that the bill does not apply to public water and sewer with sufficient capacity to support additional growth,

AMENDMENT 1

On page 8, in lines 21 and 22, strike “**ON OR BEFORE JULY 1, 2025**”.

Rationale

This deletion is necessary to preserve a local jurisdiction’s ability to create future historic preservation districts.

AMENDMENT 2

On page 8, after line 26, insert:

“(IV) A COUNTY THAT MEETS THE FOLLOWING STANDARD: THE NUMBER OF THE COUNTY’S HOUSING UNITS APPROVED EXCEEDS THE NUMBER OF THE ANNUAL HOUSING UNITS NEEDED OVER A ROLLING THREE-YEAR PERIOD, AS DETERMINED BY THE COUNTY’S REGIONAL PLANNING COUNCIL, BASED ON ANNUAL HOUSING DATA FROM THE COUNTY’S PLANNING DEPARTMENT.”

Rationale

The Metropolitan Washington Council of Governments has developed forecasting models based on zoning data and employment analyses provided by planning agencies throughout the region. These forecasts, updated from time to time, have proven to be historically accurate and indicate that Montgomery County’s housing production is in line with the latest forecast. Adoption of this amendment would give deference to our County and other jurisdictions that meet or exceed housing production needs through their planning processes.

AMENDMENT 3

On page 8, after line 26, insert:

“(V) AREAS THAT ARE NOT CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH OR NOT PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER WITHIN FIVE YEARS.”

Rationale

This amendment addresses concerns regarding development in areas served by well and septic as well as rural areas.

AMENDMENT 4

On page 9, strike lines 8 through 13.

Rationale

Adoption of one-size-fits-all mandates restricting the County’s right to establish setbacks and design, architectural, and aesthetic standards unnecessarily and adversely impacts the County’s ability to meet stormwater requirements and undermines good principles of community planning. It also increases environmental risk associated with too much impermeable surface and insufficient tree coverage, creating increased stormwater management and heat issues.

AMENDMENT 5

On page 9, in line 29 after the first comma, insert “**ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT, DENSITY LIMITS OR ALLOCATIONS**”; and in line 30 strike “**IMMEDIATE**”.

Rationale

These changes are necessary to allow the orderly development of affordable housing set forth in our planning process.

AMENDMENT 6

On page 11, strike beginning with “That” in line 22 through “October 1, 2026” in line 23 and substitute “That this Act shall take effect July 1, 2027”.

Rationale

This will provide the time necessary to adjust any relevant plans or zoning laws.

In Montgomery County, we are cognizant of the multiple factors that go into building affordable housing. Studies have shown that simply replacing existing small single-family homes with townhouses, duplexes, or triplexes does not produce more affordable units and, in many cases, replaces an existing affordable home with one costing \$1,000,000 or more. This problem persists because of the absence of specific requirements for affordability. For that reason, in addition to the specific amendments outlined above, I strongly recommend tying the density increases that are required in the bill to affordability. Absent such an amendment, we may get more market-rate housing while affordability remains elusive.

Adopting the amendments outlined above will enhance the County’s ability to provide affordable, equitable, and climate-resilient communities while contributing positively to the goal of increasing both availability and affordability of housing. I respectfully request that the Senate Education, Energy, and the Environment Committee vote favorably on Senate Bill 36 with these amendments.

cc: Members of the Education, Energy, and the Environment Committee