

**Mayor Tracey Furman**

**Council Member Conor Crimmins**  
**Council Member Ann Lichter**



**Council Member Nate Engle**  
**Council Member Stuart Sparker**

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

**FROM:** Mayor Tracey Furman, Town of Kensington, Maryland  
On behalf of the Kensington Town Council and our residents

**DATE:** February 13, 2026

**RE:**  
**Favorable with Amendments** – Starter and Silver Homes Act of 2026: SB 36/HB 239

Dear Chair Feldman and members of the committee:

Please accept this testimony from the Town of Kensington, a municipal corporation in Montgomery County, submitted on behalf of the Mayor, Town Council, and residents. While the Town is supportive of the Governor’s housing agenda, it should not come at the expense of municipal authority. In that spirit, the Town of Kensington is prepared to **support SB 36, provided it is amended** to preserve municipal authority and local control, and we strongly support the amendments proposed by the Maryland Municipal League (MML)—most significantly, the exemption of municipal corporations from this bill.

The Town of Kensington recognizes the severity of Maryland’s housing affordability and supply challenges. We want to be part of the solution. Last year, Kensington joined several Montgomery County municipalities, the Montgomery County Council, and the County’s Planning Division in a true partnership to draft and pass HB 1167 (136–1 in the House; 44–0 in the Senate), signed into law by Governor Moore. That legislation clarified municipal authority to regulate residential buildings with four or fewer dwelling units—a collaborative achievement that balanced housing goals with local governance. SB 36, as written, would undermine and effectively eliminate that work, eroding the trust between municipal, county, and state governments that made it possible.

While we share the Governor’s goal of expanding housing options, we have significant concerns about the bill’s approach. A one-size-fits-all mandate does not account for the unique infrastructure, environmental, and planning realities of individual communities. Density must be planned in coordination with physical, social, and environmental infrastructure—including roads, water and stormwater systems, public schools, and tree canopy. Where infrastructure is already in place, density cannot exceed its capacity without undermining quality of life, and increased density in

established neighborhoods will accelerate the deterioration and replacement costs of that infrastructure. These are outcomes that work against the bill's stated purpose.

We are also concerned that reduced setbacks and the elimination of lot coverage limits will incentivize the construction of oversized single-family homes rather than the moderately priced starter and senior housing the bill intends to encourage. Additionally, this bill risks undercutting Montgomery County's Workforce Housing legislation, which our community supported in good faith following the passage of HB 1167.

**We respectfully urge the Committee to** exempt municipal corporations from the bill, consistent with MML's proposed amendments.

**In the event that municipalities are not exempted, we ask that you adopt the following amendments:**

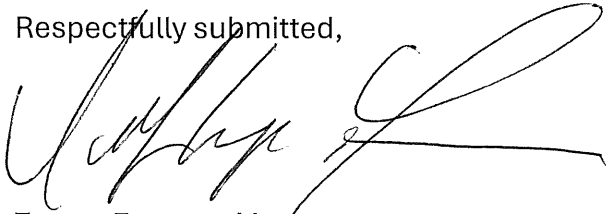
- Remove the word "indirectly" from the bill's prohibition language, which is overly broad and could unintentionally invalidate reasonable local regulations.
- Require that mandates apply only in areas connected to public water and sewer with sufficient capacity to support additional growth.
- Preserve municipal authority over Adequate Public Facilities Ordinances (APFOs) and equivalent growth-management tools.
- Protect existing stormwater, tree canopy, and environmental regulations from preemption.
- Grandfather existing municipal design guidelines and development standards.
- Include a time-limited evaluation period (sunset provision) to assess whether the legislation achieves its intended housing outcomes before permanently preempting local authority.
- Exempt historic districts from the bill. Do not place date and time limitations on exemptions for historic districts.
- Clarify limitations on setbacks and the elimination of lot coverage limits to avoid incentivizing the construction of oversized single-family homes rather than the moderately priced starter and senior housing the bill intends to encourage.
- Extend the effective date to October 1, 2027, to allow municipalities adequate time to align local codes.

Kensington is ready to work with the State as a willing and active partner in addressing Maryland's housing needs. For example, the State could enable incentives and support to spur housing production so that localities can advance housing solutions that make sense for their local context. We ask only that the path forward respect the role of municipal governance and be grounded in the

collaborative spirit that produced HB 1167 (2025). Enabling legislation—not preemptive legislation—is the approach that will deliver lasting, locally supported results.

Thank you for considering our views.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tracey Furman', written in a cursive style.

Tracey Furman, Mayor

Mayor, Town of Kensington

*On behalf of the Kensington Town Council*