

LeadingAge Maryland - 2026 - SB 36 - Startere and

Uploaded by: Aaron Greenfield

Position: FAV



PO Box 34
Sykesville, MD 21784

TO: Senate Education, Energy, and the Environment Committee
FROM: LeadingAge Maryland
SUBJECT: Senate Bill 36, Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)
DATE: February 17, 2026
POSITION: **Favorable**

LeadingAge Maryland respectfully requests a favorable report on Senate Bill 36, Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026).

LeadingAge Maryland is a community of more than 150 not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. Members of LeadingAge Maryland provide health care, housing, and services to more than 20,000 older persons each year. Our mission is to be the trusted voice for aging in Maryland, and our vision is that Maryland is a state where older adults have access to the services they need, when they need them, in the place they call home.

Senate Bill 36 seeks to expand affordable housing in Maryland by limiting local zoning restrictions in single-family residential areas, including caps on minimum lot sizes, building dimensions, lot coverage, setbacks, and design requirements. It also prevents jurisdictions from banning townhouses in single-family zones and from blocking subdivision of existing lots into up to three compliant parcels, while preserving exemptions for historic districts, agricultural land, and conservation properties.

As an organization dedicated to advancing the interests of older adults and the organizations that serve them, we recognize the importance of smaller homes in meeting the needs of this population. National surveys consistently show that nearly 80 percent of adults age 50 and older want to remain in their communities as they age, and the overwhelming majority prefer to stay in their own homes for as long as possible. Yet restrictive zoning policies often prevent the development of smaller, more manageable housing options that would allow older adults to successfully age in place. Senate Bill 36 directly addresses this barrier by enabling housing types that better align with these preferences.

Smaller homes are not only more affordable, but they also offer critical benefits for older adults, including lower maintenance costs, improved energy efficiency, and greater accessibility. They also allow older residents to remain close to family, neighbors, health care providers, and community supports — factors proven to improve health outcomes and reduce social isolation. By enabling these housing choices, Senate Bill 36 supports independence, dignity, and quality of life for Maryland’s growing older population, which is projected to continue to increase, making up 21% of the total population by 2040.¹

The provisions of Senate Bill 36 strike a thoughtful balance between expanding housing opportunity and preserving neighborhood character. By allowing more flexible housing options in single-family residential areas, the bill promotes inclusive, multigenerational communities that reflect the real needs of Maryland families.

We respectfully urge the Committee to support Senate Bill 36 and recognize its important role in helping older adults age in place while strengthening housing affordability and community stability across Maryland.

For these reasons, LeadingAge Maryland respectfully requests a favorable report on Senate Bill 36.

For additional information, please contact Aaron J. Greenfield, 410.446.1992

¹ 2025 Maryland Housing Needs Assessment

SB036_MJPA_Berland.pdf

Uploaded by: Alexander Berland

Position: FAV

Testimony – Alex Berland

Maryland Just Power Alliance

Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

SB036

My name is Alex Berland. I'm here with Action in Montgomery, a member of the Maryland Just Power Alliance to support SB036. I grew up in Columbia, Maryland—which I still consider my home. I always imagined my future would be in Columbia—that I might buy one of the houses I walked past around Wilde Lake, that I would walk down to the Lake Front to see fireworks every July, that my kids would go to the schools that gave me and my father and brothers a world class education. But after graduating college and starting a well-paying job, I had to leave Columbia. I could not find a place I could afford to rent, even with a roommate.

I live in Kensington now, where my rent is affordable, because I share a four-bedroom house with 4 other young adults. All five of us grew up in Maryland, four of us have college degrees, and all of us work—four of us in full-time, career-oriented positions, and the other part-time while pursuing graduate education. This is how we all managed to afford to stay and start our careers in our home state—many of our friends have made the difficult choice to move out of Maryland and start their lives away from home.

SB036 creates more options for housing—housing that is more affordable, and suits a wider variety of needs. This would be great for young adults like me. With smaller, more affordable units, I might be able to rent in Columbia, and maybe with one or two roommates. Maybe someday I could even afford to buy a house. But this bill doesn't just help me. Increasing the supply and variety of homes makes housing more attainable across the board. This would benefit everyone in Maryland who struggles to afford housing because they don't have the luxury of splitting rent between five working, childless adults. I urge this committee to pass a favorable recommendation on SB036 for all the working parents, teachers, nurses, young professionals, seniors and other proud Marylanders who love their home and want the option to stay here.

MDOD_SB0036_FAV_EEE_2026.2.13.docx.pdf

Uploaded by: Anne Blackfield

Position: FAV



BILL: SB 36

POSITION: FAV - Favorable

COMMITTEE: Education, Energy, and the Environment

DATE: February 13, 2026

SUBMITTED BY: Maryland Department of Disabilities
217 East Redwood Street, Suite 1300, Baltimore, MD 21202

Dear Chair Feldman,

The Maryland Department of Disabilities (MDOD) is pleased to submit this letter of support for **SB 36, Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)**. This vital legislation is designed to address housing affordability and supply in Maryland by introducing limitations on local zoning requirements. The bill's purpose is to prohibit local jurisdictions from adopting or enforcing certain restrictive zoning provisions related to single-family homes and to facilitate the creation of more diverse housing types.

The current system of local zoning regulations often creates unnecessary barriers to the construction of more affordable single-family homes. SB 36 directly addresses this issue through several provisions intended to curb zoning practices that promote large lots and large single-family homes that may be priced beyond what many Marylanders can afford.

MDOD would like to highlight language SB 36 proposes to add as § 4-104(e)(3)(v) in the Land Use Article, which would prohibit a legislative body from adopting or enforcing requirements related to the "design, architectural, or aesthetic elements of a single-family home." We believe this provision may help ensure that local jurisdictions are not inadvertently enforcing aesthetic standards that could pose barriers to developing or remediating housing with accessibility or visitability features. We believe promoting flexibility in the design of Maryland's housing stock could increase the potential for affordable housing that truly can be accessed by all Marylanders.

For people with disabilities, the dream of homeownership is often deferred or never realized because of the double barrier created by both a lack of affordable and accessible housing. It is estimated that less than 5% of the housing supply is accessible for individuals with moderate mobility difficulties. This scarcity forces individuals into costly institutional settings or substandard housing. In addition, the trajectory of disability is inextricably linked to the aging process. In Maryland, approximately 29% of adults age 65 and older report functional disabilities, with ambulatory difficulties being most prevalent. The vast majority of that group also acquired their disabilities later in life. The current housing market fails to accommodate this natural life transition. The development of "Silver Homes" enabled through this legislation is a

Carol A. Beatty, Secretary
Anne Blackfield, Deputy Secretary

Wes Moore, Governor
Aruna Miller, Lt. Governor



Maryland

DEPARTMENT OF DISABILITIES

key first step to increasing the amount of affordable housing stock that also allows people to age in place.

For these reasons, MDOD requests a **favorable report on SB 36**. Thank you for your leadership on this critical issue.

Sincerely,

A handwritten signature in black ink that reads "Carol A. Beatty".

Carol A. Beatty
Secretary, Department of Disabilities

2026 GBCC SB 39 Silver and Starter Homes.pdf

Uploaded by: Ashlie Bagwell

Position: FAV



THE GREATER BETHESDA
CHAMBER of COMMERCE

Better business. Stronger community.

Testimony on behalf of the Greater Bethesda Chamber of Commerce

In Support of

Senate Bill 36—Land Use—Zoning—Limitations (Starter and Silver Homes Act of 2026)

February 17, 2026

Senate Education, Energy and Environment Committee

The Greater Bethesda Chamber of Commerce (GBCC) was founded in 1926. Since then, the organization has grown to more than 650 businesses located throughout the Greater Bethesda area and beyond. On behalf of these members, we appreciate the opportunity to provide written comments on Senate Bill 36—Land Use—Zoning—Limitations (Starter and Silver Homes Act of 2026).

Maryland’s housing shortage has increasingly become an economic development issue as much as a residential one. Employers across industries are facing growing challenges attracting and retaining talent due to limited housing availability and rising costs. Senate Bill 36 addresses this issue by responsibly expanding housing choice within existing communities while maintaining essential building, safety, environmental, and historic protections.

The bill removes outdated barriers that have constrained housing supply. Importantly, the legislation does not mandate large-scale redevelopment. Instead, it enables gradual and compatible neighborhood evolution through gentle density — a practical approach that balances community character with the realities of modern housing demand.

From a business perspective, the benefits are significant. Increasing attainable housing options allows employees to live closer to their workplaces, improving workforce stability, reducing commute burdens, and strengthening employee retention. As more residents are able to remain in the communities where they work, local businesses benefit from stronger customer bases and a more reliable labor market. Small and mid-scale construction and real estate activity also generate local economic activity and job creation.

Senate Bill 36 recognizes that housing supply and economic competitiveness are directly linked. When housing options are limited, employers struggle to grow, and communities struggle to sustain vibrant commercial districts. By expanding housing choice in a measured way, the legislation supports residents, employers, and the long-term vitality of our regional economy.

For these reasons, the Greater Bethesda Chamber of Commerce respectfully urges favorable consideration of Senate Bill 36.

SB036_MJPA_Roberts.pdf

Uploaded by: Breonna Roberts

Position: FAV

Good afternoon. Thank you for giving me the opportunity to testify. My name is The Reverend Breonna T. Roberts and I live in Millersville, Maryland. I serve as pastor to Christ Evangelical Lutheran Church in Millersville, and I am a member of ACT and the Maryland Just Power Alliance. I am here to support Bill SB036/HB239. The dearth of affordable housing in Maryland is a specter affecting everyone in our state. I returned to Maryland in 2021 to take this position in my church. I live next door in a house owned by the church, as part of my compensation package. Without this benefit, I would be able to afford to live in Anne Arundel County close to my parishioners or my church would have to settle for a part-time leader they could afford. Likewise, in my congregation we have seen many families across socioeconomic backgrounds forced to make the decision between staying in Maryland where their networks of community are located or moving away to states with lower costs of living and more plentiful housing. We have seen at least four families in our small church move to states like South Carolina and Tennessee and that loss is Maryland's loss as well. This bill will make space for our communities to thrive through affordable and accessible housing. Thank you.

MDOA Written FAV - SB 36 - 2.13.26 .docx.pdf

Uploaded by: Carmel Roques

Position: FAV



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: February 13, 2026

Bill Number: SB 36

Bill Title: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Committee: Senate Education, Energy and Environment

MDOA Position: FAVORABLE

Madam Chair, Vice-Chair and Committee Members:

Thank you for the opportunity to present testimony in strong support of **Senate Bill 36**, the Starter and Silver Homes Act of 2026. As Secretary of the Department of Aging, we are pleased to support the legislation being championed by our sister agency, the Department of Housing and Community Development (DHCD). We must pursue every available strategy to address what we see as a top policy priority: to ease Maryland's affordable housing crisis.

The Maryland Department of Aging (MDOA) respectfully urges a **favorable report** on this legislation, which is an important step toward expanding affordable housing options for Maryland residents of all ages, including our growing population of older adults. SB 36 modernizes local zoning constraints and enables a greater diversity of housing types statewide.

Maryland's aging population is expanding rapidly and at a historic pace. State projections show that the share of residents aged 65 and older will grow from approximately **16 % of the population in 2022 to 21% by 2040**. This growth reflects both increasing longevity and demographic shifts statewide, and it has significant implications for housing demand and affordability.

Older adults also make up a large and increasing share of the population aged 60 and older, with nearly one in four residents expected to be in this age group within the next decade. This underscores the urgency of developing housing solutions that support independence, affordability, and community living.



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Many older Marylanders face significant housing cost pressures, particularly renters. State housing data show that more than **half of senior renters (55 +) are housing cost-burdened**, meaning they spend more than 30 % of their income on housing, a rate higher than for renters overall.

Equally important, older homeowners often prefer to remain in their communities but may struggle with the high costs of home maintenance, renovations for accessibility, and property taxes over time. A lack of diverse housing options, including smaller, more affordable homes, limits older adults' ability to age in place without undue financial strain.

Without expanded affordable and accessible housing options, many older adults may be forced to relocate away from support networks or into settings that are unnecessarily institutional, at greater public cost and with potential negative impacts on quality of life.

SB 36 advances housing affordability and choice. It addresses some of the structural barriers that constrain the production of smaller, more affordable homes by prohibiting certain local zoning restrictions on lot size, setbacks, coverage, design elements, and housing types. By enabling a broader range of single-family homes, townhouses, and smaller lot configurations statewide, the bill promotes housing affordability and choice.

This flexibility is especially important for older Marylanders who may benefit from:

- **Smaller and more manageable homes** that reduce maintenance and utility costs.
- **Homes in walkable, transit-accessible neighborhoods**, supporting access to services, social connections, and community amenities.
- **Affordable ownership or rental options** that allow older adults on fixed incomes to remain in place without compromising financial security.



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

By encouraging a diverse housing stock and reducing regulatory barriers to development, SB 36 supports housing solutions that older households are increasingly seeking as they age.

Expanding affordable, adaptable housing aligns closely with **Longevity Ready Maryland**, the State's comprehensive ten-year plan to prepare for an aging population. This initiative includes a focus on improving access to **affordable housing that supports aging in place and long-term stability** as a core strategy to help older adults thrive across the lifespan.

As Maryland's demographic profile evolves, policy actions that increase the supply of attainable housing options, including smaller homes and diverse housing types, are essential to ensuring that older adults can live with dignity, choice, and independence.

For these reasons, the Maryland Department of Aging respectfully urges a **favorable report** on **Senate Bill 36**. This legislation will help break down outdated regulatory barriers, expand housing opportunities, and promote affordability for older Marylanders and residents of all ages.

Sincerely,

Carmel Roques
Secretary
Maryland Department of Aging

CSG MD SB 36 Starter and Silver Homes Act.pdf

Uploaded by: Carrie Kisicki

Position: FAV

Testimony on SB 36: Starter and Silver Homes Act of 2026
Senate Education, Energy, and the Environment Committee

Date: February 17, 2026

Position: **FAVORABLE**

The Coalition for Smarter Growth supports SB 36, the Starter and Silver Homes Act. CSG advocates for walkable, bikeable, inclusive, and transit-oriented communities as the most sustainable and equitable way for the Washington, DC region to grow and provide opportunities for all.

Maryland is experiencing a housing shortage, and losing residents to other states where housing is more affordable ([Housing & The Economy Report](#), Comptroller of Maryland). SB 36 can help change that trend by ensuring our communities can build homes that truly reflect the diversity of needs of Maryland residents.

Smaller homes and townhomes are an ideal fit for the housing needs of many Marylanders across a diverse range of ages, incomes, and household sizes. These housing types were once common, and are a key part of the fabric of many beloved communities in our state.

This bill would allow more communities to build these kinds of homes again, making our communities accessible to more people—from young families to those seeking to stay near family as they downsize.

We thank DHCD for the friendly amendments they offered in testimony to the House Economic Matters Committee on February 12. We strongly support DHCD's proposed amendment to exempt areas outside of Tiers 1, 2, and 3 of designated Priority Funding Areas (PFAs) from this bill's provisions, which aligns with our state's sustainable growth principles.

The legislature has the opportunity to help address our housing affordability crisis by allowing more affordable types of homes in more places in our state. **We respectfully request a favorable report for SB 36 by the committee.**

Sincerely,



Carrie Kisicki
Maryland Housing Advocacy Manager

CDN SB 36 FAVORABLE.pdf

Uploaded by: Claudia Wilson Randall

Position: FAV



TESTIMONY
SENATE BILL 36
Education, Energy & the Environment
February 17, 2026
Position: FAVORABLE

Chair Korman and Members of Senate Education, Energy & the Environment:

The Community Development Network of Maryland (CDN) is the voice for Maryland’s community development sector and serves nearly 200 member organizations. CDN—focuses on small affordable housing developers, housing counseling agencies and community-based non-profits across the state of Maryland. The mission of CDN is to promote, strengthen and advocate for the community development sector throughout Maryland’s urban, suburban and rural communities. CDN envisions a state in which all communities are thriving and where people of all incomes have abundant opportunities for themselves and their families. Our network is a state partner of the National Low Income Housing Coalition.

HB 36 -Increases housing options by allowing smaller, more affordable homes. Allow smaller single-family homes on smaller lots. Create mandates for large homes in a variety of ways (including through minimum lot sizes, minimum dimensions, and lot coverage requirements). Removing these mandates for large lots and homes in areas served by public water and sewer systems makes it possible to build smaller, less expensive homes for Maryland families, without impacting agricultural conservation areas.

Ensuring that all families live in affordable, stable homes will improve community health outcomes, thereby reducing health care and education costs. Housing is an urgent priority for economic growth. Building a firm foundation for stable homes begins with policies that increase the production of housing affordable to households making less than \$80,000 per year. Given the health, educational, and cost implications of families living in unstable homes, there is an urgent need to increase supply of affordable homes throughout the state.

According to [Out of Reach 2025](#), an annual report published by the [National Low Income Housing Coalition](#) (NLIHC) in Maryland the average fair market rent for a two-bedroom rental home was \$2,036, while in Montgomery County it was \$2,314. The report illuminates the difference between what people need to earn and rent, and shows just how out of reach affordable rental homes are for millions of low-wage workers and other families. The report calculates a “Housing Wage” – an estimate of the hourly wage full-time workers must earn to afford a rental home at fair market rent without spending more than 30 percent of their incomes.

To afford this level of rent and utilities — without paying more than 30% of income on housing — a Montgomery County household must earn \$81,434 annually. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into an hourly Housing Wage of \$44.50 — or more than double the state minimum wage of \$15/hour. For the state, that hourly Housing Wage is \$39.15.

The Black homeownership rate is equal to what it was in 1965. Housing is the foundation of economic stability, generational wealth, and thriving communities, yet too many families are locked out of opportunity by outdated policies, rising costs, and systemic inequities. The Black homeownership rate is equal to what it was in 1965.

This legislation invests in affordability, strengthens homeownership pathways and removes barriers for underserved communities. By aligning housing policy with today's economic realities, Starter and Silver Homes Act of 2026 promotes equity, resilience, and long-term prosperity.

The Starter and Silver Homes Act of 2026 directly addresses the lack of affordability and financial insecurity in the state: housing costs. This is of particular concern to young people who are moving out of the state. Over the last decade, housing costs have far outpaced inflation and wages. These numbers also impact the costs for older adults who are dependent on social security income and benefits.

HB 36 respects the autonomy of Maryland's counties, empowering local governments to enter into agreements that meet their specific housing needs. The bill strikes a thoughtful balance between incentivizing local government, property developers and ensuring access to affordable housing for urban, suburban and rural areas of the state.

The market will not fix the lack of housing in Maryland. The housing crunch needs government intervention. Housing production is a critical part of the economic growth needed in the state of Maryland.

We urge your favorable report for HB 36.

Submitted by Claudia Wilson Randall, Executive Director, Community Development Network of MD

COMSB36vF.pdf

Uploaded by: Comptroller Brooke Lierman

Position: FAV



Letter of Support

Senate Bill 325 — Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Senate Education, Energy, and the Environment

February 17, 2026

Chair Feldman, Vice Kagan, and members of the Education, Energy, and the Environment,
Thank you for the opportunity to submit this letter in support of Senate Bill 36, the Starter and Silver Homes Act of 2026.

What this bill does

SB 36 places reasonable statewide limits on certain local zoning practices that have restricted housing supply in single-family neighborhoods. The bill prohibits jurisdictions from using minimum lot sizes, excessive setback rules, or restrictive design standards to block the construction of smaller single-family homes and townhouses. It allows property owners in qualifying single-family zones to subdivide lots into up to three parcels under defined conditions. The bill preserves local authority over building safety, fire codes, environmental protections, and pre-existing historic districts, ensuring that community protections remain intact while unlocking additional housing capacity.

Why this is important

The Office of the Comptroller's report, [Housing & the Economy in Maryland](#), found that Maryland's affordability crisis is driven less by a shortage of land and more by zoning rules that suppress effective supply in high-demand communities. Persistently low vacancy rates raise rents and home prices even when construction is occurring elsewhere. By allowing more modestly sized homes within existing neighborhoods, SB 36 increases functional housing supply where demand is strongest, making better use of land and infrastructure that taxpayers have already funded.

Our research shows that zoning barriers, rather than a lack of developable land, are a central driver of artificially low vacancy rates. Minimum lot sizes, rigid setbacks, and design mandates shrink what can legally be built, constraining supply even in places with strong demand for housing. SB 36 directly addresses this mismatch by standardizing basic zoning allowances while still respecting local health, safety, and preservation interests.

From a fiscal perspective, enabling more "starter" and "silver" homes strengthens Maryland's tax base by expanding homeownership opportunities and supporting stable population growth in job-rich communities. It also reduces pressure for outward sprawl, which is more costly for state and local governments to serve with roads, schools, and utilities.

The bill also advances equity. Younger families, first-time buyers, and older Marylanders seeking to downsize are disproportionately harmed by zoning that permits only large, expensive homes. SB 36 creates room for housing that better matches today's households while maintaining neighborhood stability.

For these reasons, I respectfully urge a favorable report on Senate Bill 36. If you have any questions, please do not hesitate to contact Stephen Harrington at sharrington@marylandtaxes.gov.

My best,
Brooke E. Lierman
Comptroller of Maryland



SB36 Starter and Silver Homes Act of 2026.pdf

Uploaded by: Dan Ellis

Position: FAV



Neighborhood Housing Services of Baltimore, Inc.

February 13, 2026

Senator Brian Feldman, Chair
Miller Senate Office Building
2 West
Annapolis, Maryland 21401

RE: Senate Bill 36

Honorable Chair Feldman and Members of the Committee:

I am the Chief Executive Officer of Neighborhood Housing Services of Baltimore (NHS), and a resident of Baltimore City. Our organization believes that economic and social justice are a right for all residents and communities. We promote this belief by removing barriers of access to homeownership, helping resident access resources to maintain their homes, and supporting communities historically impacted by systemic disinvestment.

Last year, NHS helped 251 families and individuals purchase homes. We work primarily with first-time homebuyers. There are several barriers in place that impact home buyers' ability to purchase a home. One of the primary issues confronted is the ability to find an affordable home that meets their family's needs. There are several factors that contribute to this lack of suitable inventory. One issue is the rising cost of housing in Baltimore City over the past 6 years when we have seen an over 50% increase in home prices. Another major issue is the lack of inventory. HB239 directly impacts both issues. As a developer we build what is allowed by the local government. This impacts what type of homes can be built. In many areas, we have single family homes on larger lots because that is what zoning requires. If you want to increase density to provide housing for additional families resulting in economic growth it is important to expand what is allowed to be built on properties. Facilitating development on smaller lots and allowing town house development will result in more housing units being constructed. We have found in our work that smaller homes are popular with many home buyers who prefer to have reduced external property maintenance and more affordability on their property.

One argument that typically emerges in conversations about what and how much to build is local control. In Maryland many have fought for many years to preserve local control. This typically results in higher levels of restriction and higher cost homes being built. As a state that currently has a shortage of over 96,000 housing units we have created a housing crisis through our public policy. If we continue to prioritize local control, our housing shortages will continue to grow, resulting in more younger people being priced out of Maryland. This is a tragic outcome for a state that has so much to offer to families. Local governments have failed to meet the needs of Maryland, contributing significantly to our current challenge. It is important to state leaders to



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Neighborhood Housing Services of Baltimore, Inc.

intervene and develop policy to address these challenges. Without state intervention it is likely that Maryland continues to see our population decline with significant out migration of our younger residents.

Current policy is also costing Maryland millions of dollars annually in lost revenue. Every family that moves out of Maryland due to the availability and cost of housing costs the state taxes generate from income, sales tax, and property taxes. This lost revenue is thousands of dollars annually for the state from a lower income household with \$50,000 in annual household income. The loss increases for higher income families. Not addressing the housing shortage is significantly contributing to the economic challenges currently being encountered in Maryland. Growing our state population by supporting construction of additional residential units in responsible ways as proposed in SB36 will be one important component in addressing these challenges.

SB36 provides reasonable changes to housing policy that will result in additional housing development. It is important for the state to provide leadership in this work. We applaud the Moore administration for proposing common sense solutions designed to bring real solutions to Maryland. We ask that the Committee issue a *favorable* report on SB36.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel T. Ellis".

Daniel T. Ellis
Chief Executive Officer



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GGWash Comments on SB 36, Starter and Silver Homes

Uploaded by: Dan Reed

Position: FAV



Chair Brian Feldman
and Members, Education, Energy, and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

February 17, 2026

Senate Bill 36 – Starter and Silver Homes Act of 2026 – Favorable


Dear Chair Feldman and members of the Education, Energy, and the Environment Committee:

My name is Dan Reed and I serve as the Maryland Policy Director for Greater Greater Washington, a nonprofit that supports better housing, land use, and transportation policies throughout Greater Washington and beyond. **GGWash strongly supports Senate Bill 36, the Starter and Silver Homes Act.**

The rationale for this bill is simple: we aren't building enough homes, prices have spiked in recent years, and our friends and loved ones are moving out. I bet most of us in this room, myself included, know someone who's moved to North Carolina because it's just too expensive in Maryland.

Our poll, released last week, found that **92% of Maryland voters say home prices are a problem**. It holds true all the way across political, demographic, and geographic margins: Democrats and Republicans, from the panhandle to the lower shore, from Baltimore to Bethesda. **Marylanders told us that they're putting off starting a family or saving for retirement because of housing costs.** They told us their local governments aren't doing a good job on this issue, and that **the state needs to step in.**

What this bill does is it sets common standards for our local jurisdictions so that they do not throw up arbitrary barriers to housing production. Chief among them is the requirement that homes come with a large lot, which not everyone wants or needs. But it does keep out people who did everything right, who got an education and a career, who want to see their kids or grandkids grow up here, who could afford a decent home without subsidies if a builder could build that house on a smaller lot, or as a duplex or townhome. The kind of homes this state produced by the thousands just a few decades ago, when my family came here from North Carolina and the Caribbean.

The Washington, DC region is great  and it can be greater.



Places that have done away with those mandates—Raleigh, North Carolina and Portland, Oregon are just two of them—have found that builders can and do deliver smaller, lower-priced homes that young families and downsizing seniors can access.

Not surprisingly, **two-thirds of Marylanders, across party lines, income brackets, and zip codes, told us they support the proposals in this bill.** You won't hear from many of them—and nor do our local governments—because they're too busy with their lives and families and careers. But they vote, and by a margin of three to one, said they're less likely to vote for legislators who don't support making smaller, more affordable homes easier to build.

This bill offers small changes that could make a big difference for families like yours and mine, and we urge the Education, Energy, and the Environment Committee for a favorable report.

Sincerely,

Dan Reed
Maryland Policy Director

SB 36_Baltimore Regional Housing Partnership_FAV.p

Uploaded by: Emily Hovermale

Position: FAV



100 North Charles Street, 2nd floor
Baltimore, Maryland 21201

410-223-2222
www.brhp.org

February 17, 2026

Education, Energy, and the Environment Committee

Maryland Senate

2 West Miller Senate Office Building

Annapolis, Maryland 21401

Re: Baltimore Regional Housing Partnership SUPPORT for SB 36 Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Dear Chair Feldman, Vice Chair Kagan, and Honorable Members of the Committee:

On behalf of the Baltimore Regional Housing Partnership (BRHP), I respectfully submit these comments in support of SB 36, the *Starter and Silver Homes Act of 2026*.

At BRHP, our mission is to expand housing choices for families historically excluded from opportunity-rich neighborhoods. As the Regional Administrator for the Baltimore Housing Mobility Program, we serve over 4,300 families, helping them transition from areas of concentrated poverty to communities where they can thrive. Our work is grounded in the [research](#) that demonstrates that where you live shapes your access to education, employment, health, and safety and ultimately family success. Yet, we continue to face a persistent barrier: the lack of affordable housing in well-resourced neighborhoods.

This bill is necessary. Maryland's housing shortage has made affordable housing increasingly out of reach for working families and seniors. In the [2025 Maryland State Housing Needs Assessment Update](#), housing costs continue to rise across the state.

The gap for extremely low-income households has now grown to 132,000 homes.

The shortage of affordable housing across all regions of the state is increasing burdens for both renters and homeowners. **Maryland's percentage of renters who are cost burdened rose from 33% in 2000 to 46% by 2022**, and renters across all regions are impacted. Older adults and low and moderate-income renters, already at heightened risk of homelessness, are among those most deeply affected as rents continue to climb. Maryland needs to take action now to increase the supply of

affordable housing in all communities and ensure housing stability for vulnerable Marylanders.

What SB 36 does. The bill expands affordable housing by:

- **Allowing smaller single-family homes on smaller lots** in areas served by public water and sewer, removing oversized lot mandates that inflate costs. [National research finds that halving minimum lot sizes reduces sales prices ~14% and rents ~9%.](#)
- **Allowing townhouses in residential areas statewide** served by public water and sewer, creating opportunities for more affordable housing that fits family budgets without changing the essential residential character of these neighborhoods.
- **Simplifying lot splitting** to enable smaller homes and townhouses by allowing infill development.

Expanding attainable housing is also critical to Maryland's long-term economic competitiveness. The Maryland Comptroller's most recent [State of the Economy Report](#) emphasizes that a robust supply of affordable housing is essential for economic prosperity, noting: *"More affordable housing inventory can boost Maryland's economy by lowering cost of living, thereby attracting and retaining talent."* [Maryland's ongoing outmigration is already costing the state billions of dollars in economic activity and tax revenue.](#)

Maryland's housing crisis requires decisive action to address. SB 36 is a pragmatic supply-side solution that helps to address the state's housing shortage by creating opportunities for new smaller home development to unlock housing opportunities for families across the state.

For these reasons, we respectfully ask for a **Favorable** report.

Sincerely,

Adria Crutchfield
Executive Director

MDCC_SB 36_Favorable.pdf

Uploaded by: Grason Wiggins

Position: FAV



Senate Bill 36

Position: Favorable

Committee: Education, Energy, and the Environment

Date: February 17, 2026

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 7,000 members and federated partners working to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

Senate Bill 36 would establish consistent statewide standards for zoning and land use in single family residential areas. The bill is important step toward increasing housing options and addressing the growing need for affordable and accessible homes across Maryland.

Housing availability is often cited as a critical interest for Maryland's businesses who are seeking to attract and retain workers. Additionally, ensuring that Maryland workers live in Maryland will ensure that income tax revenue does not flow out of the state.

In sum, SB 36 helps remove unnecessary barriers to housing development and subsequently promotes economic growth. **For these reasons, the Maryland Chamber respectfully requests a favorable report on SB 36.**

SB0036_Kopiy_FAV.pdf

Uploaded by: Iryna Kopiy

Position: FAV

Testimony in Strong Support of Senate Bill 36 and House Bill 239

Dear Chair, Vice Chair, and Members of the Committee,

My name is Iryna Kopyi. I am a Maryland property owner, a licensed REALTOR® and a resident of Howard County, Maryland. I work daily with homebuyers, renters, sellers, and families trying to stay in the communities where they live and work. **I am submitting this testimony in strong support of Senate Bill 36 and House Bill 239.**

From the perspective of someone who operates directly in Maryland's housing market every day, I can say plainly: we are facing a severe and persistent housing shortage, and it is driving prices and rents beyond the reach of many Maryland residents.

Maryland and Howard County Are in an Affordability Crisis:

Maryland now ranks among the eight least affordable states in the nation, and within Maryland, Howard County is widely recognized as the least affordable or one of the least affordable counties.

This is not because demand is unusually speculative or irrational. It is because supply is critically (and artificially) constrained.

According to data published by the Maryland Association of Realtors, many counties across Maryland currently have only one to two months of housing inventory. A healthy, balanced market typically requires five to six months of supply.

What is most striking is that this shortage exists:

- During the winter season, when housing activity is normally slower
- During a period of very high mortgage interest rates, which should reduce buyer demand

Even under these conditions, inventory remains near historic lows. That is a clear signal that Maryland's housing problem is structural, not cyclical.

What I See Daily as a REALTOR® :

In practical terms, this shortage means:

- Multiple offers on nearly every reasonably priced home
- Buyers waiving contingencies just to compete
- Renters unable to transition into ownership
- Seniors unable to downsize within their own communities
- Young families leaving the county or the state entirely

These outcomes are not caused by lack of interest in housing—they are caused by lack of available housing.

Demand Is Likely to Increase, Not Decrease

Looking ahead, market pressure is likely to intensify. Mortgage interest rates are widely expected to decline, while employment in central Maryland remains stable and growing,

particularly in government, healthcare, technology, and education sectors. As rates fall, more buyers will re-enter the market. Without meaningful increases in housing supply, this will further accelerate price growth and further worsen affordability.

Housing Costs Are the Largest Driver of Inflation:

Housing and shelter costs are the largest single contributor to inflation. As long as housing remains scarce and expensive, families will feel inflation regardless of improvements in other areas of the economy.

From both a market and consumer perspective, there is no lasting solution to fix inflation without addressing housing supply.

Zoning and Overregulation Are the Core Barriers:

Maryland's housing shortage is not due to lack of builders, financing, or demand. It is driven primarily by:

- Restrictive zoning classifications
- Density limits unrelated to infrastructure capacity
- Minimum lot sizes and use restrictions
- Multiple layers of approvals and overlapping regulations

In counties like Howard County, the challenge is compounded by the very limited amount of land served by public water and sewer. Large areas are effectively prohibited from meaningful housing production, even where development would be environmentally and infrastructurally appropriate.

When land is limited and zoning restricts efficient use of that land, the result is predictable: too few homes and prices that continue to rise.

SB 36 and HB 239 Are Practical, Necessary Steps

Senate Bill 36 and House Bill 239 take important, measured steps toward addressing these constraints. They allow for more efficient use of land that already has infrastructure, reduce unnecessary zoning barriers, and help align housing production with actual market demand.

These bills do not eliminate local input or environmental safeguards. They simply recognize that Maryland's current framework is not producing enough housing to meet the needs of its residents.

Conclusion :

As a REALTOR®, I see every day how Maryland's housing shortage affects real families—not in theory, but in practice. Without action to increase supply, affordability will continue to deteriorate, inflationary pressures will persist, and more residents will be forced to leave the communities they call home.

For these reasons, I strongly urge the Committee to support Senate Bill 36 and House

Bill 239.

Thank you for your time and consideration.

Respectfully,

Iryna Kopyy

Howard County, Maryland
Licensed REALTOR®

SB0036 - Starter and Silver Homes Act - GWP - Supp

Uploaded by: Jaime McCarthy

Position: FAV

February 17, 2026

The Honorable Brian Feldman
Chair, Education, Energy, and the Environment Committee
Maryland Senate

Re: Support for SB 36 (Starter and Silver Homes Act of 2026)

Dear Chair Feldman and Committee Members,

On behalf of the Greater Washington Partnership (the Partnership), I am writing to express our support for the Starter and Silver Homes Act of 2026 (SB 36). We applaud the Moore-Miller administration for introducing measures to improve housing access for Marylanders – particularly seniors and first-time homeowners.

The Partnership is a nonprofit alliance of nearly 50 leading corporate, university, and nonprofit employers in Maryland, Virginia, and the District of Columbia committed to championing the region's growth and vitality. Our member organizations provide 647,000 direct and supported jobs through their economic activity across the region, and together we leverage our collective resources to offer solutions to the region's critical workforce, transportation, and economic development challenges.

In October 2025, the Partnership released a Housing Playbook in response to the region's deepening housing crisis and its growing impact on economic competitiveness. The Playbook finds that housing affordability is one of the most significant constraints on regional growth, limiting employers' ability to recruit and retain workers while increasing commute times that reduce productivity and quality of life. As housing becomes increasingly unattainable, businesses struggle to attract talent – posing serious risks to community investment and long-term economic growth.ⁱ

Maryland's economy has grown slower than most peers in recent years, and research from the Comptroller's Office and other economic experts indicates that the high cost of living is a key factor limiting growth.ⁱⁱ Housing demand has far outpaced supply, driving costs upward faster than inflation and wage growth and contributing to today's affordability crisis. More than half of Maryland renters are now cost-burdened, paying over 30 percent of their income toward rent.ⁱⁱⁱ

The Starter and Silver Homes Act directly addresses these challenges by expanding the types of homes that can be built in residential areas. By allowing smaller detached homes and townhouses and lifting restrictive zoning provisions, SB 36 will help reduce development costs, create more attainable housing options, and ensure that Maryland can retain and grow its most valuable asset: a highly skilled workforce.

For these reasons, we urge a **favorable** report on SB 36. Thank you for your consideration and shared commitment to reducing barriers to housing affordability and opportunity, as well as making this region the best place to live, work, and build a business.

Contact:
Emily West
Sr. Vice President, Policy & Initiatives
ewest@greaterwashingtonpartnership.com



ⁱ[The Housing Playbook: A Practical Guide for Employers](#) (Greater Washington Partnership, 2025).

ⁱⁱ [State of the Economy Series: Housing & the Economy](#) (Comptroller of Maryland, Oct 2025)

ⁱⁱⁱ [Turning the Key: Unlocking Maryland's Potential](#), (MD Dept. of Housing & Community Development, 2024; see *also* [State of Economy Report](#) (Office of Comptroller, 2024)



Senate 36.pdf

Uploaded by: James Campbell

Position: FAV



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facebook.com/aarpmmd

SB 36 - Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)
Senate Education, Energy, and the Environment Committee
February 17, 2026
FAVORABLE

Good afternoon, Chair Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and the Environment Committee. My name is Jim Campbell, president emeritus for AARP Maryland, chair of the AARP Maryland Veterans Committee, and a former state delegate.

AARP Maryland is proud to be one of the largest membership-based organizations in the state, representing nearly 850,000 members. We would like to support SB 36, known as the Starter and Silver Homes Act of 2026.

AARP is the largest nonprofit, nonpartisan organization representing the interests of Americans age 50 and older and their families. Key priorities of our organization include helping all Marylanders achieve financial and health security and supporting livable communities.

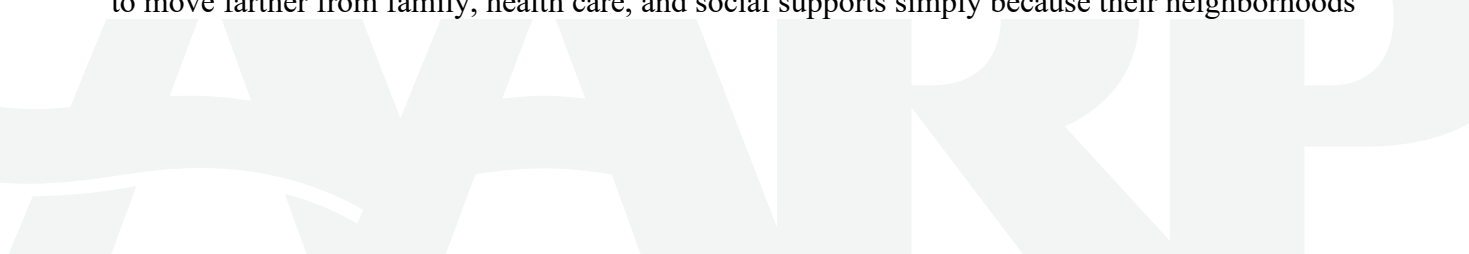
The Starter and Silver Homes Act of 2026 is a smart, balanced approach to expanding affordable, age-friendly housing in Maryland. It removes outdated barriers, delivers real cost savings and choices for older adults, and does so without compromising safety or historic character.

The bill removes exclusionary barriers that have historically limited the supply of affordable, age-friendly homes, especially for older adults seeking to downsize or age in place. It does this by setting clear, statewide limits on zoning restrictions for single-family homes, including townhouses, while preserving essential health and safety protections.

For example, by capping minimum lot size, the bill allows more homes per acre, reducing the land cost per home, which is a major driver of affordability. Removing minimum home size requirements likewise enables the creation of smaller, more manageable homes, reducing construction, heating, cooling, and maintenance costs.

Other provisions, like allowing townhouses and small-lot splits, increase the supply of modestly priced, fee-simple homes, which are ideal for older adults on fixed incomes or those seeking to downsize. Older homeowners will be able to subdivide lots, creating opportunities for family or caregivers to live nearby, or to monetize land for retirement needs.

AARP regularly hears from members across Maryland who are ready to downsize but cannot find smaller, affordable homes in the communities where they have long lived. Many are forced to move farther from family, health care, and social supports simply because their neighborhoods



allow only large, expensive homes. The Starter and Silver Homes Act addresses this gap by expanding options for modest, accessible housing.

In conclusion, AARP Maryland supports the passage of SB 36 and urges the Committee to make a favorable report.

If you have any questions, please contact Sara Westrick at swestrick@aar.org or by calling 410-310-0374.

MDE SB 36 SUP.pdf

Uploaded by: Jeremy D Baker

Position: FAV



**The Maryland Department of the Environment
Secretary Serena McIlwain**

Senate Bill 36

Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Position: Support
Committee: Education, Energy, and the Environment
Date: February 17, 2026
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** SB 36.

Bill Summary

Senate Bill 36 would address Maryland's housing shortage by removing local zoning barriers that prevent the construction of smaller, more affordable starter and silver homes. SB 36 would prohibit local jurisdictions (counties and municipalities) from enforcing several common zoning restrictions in areas served by public water and sewer. This bill is a vital component of the state's strategy to meet its 2031 climate goals while ensuring sustainable, resilient community growth.

Position Rationale

Under the Climate Solutions Now Act, Maryland is mandated to reduce greenhouse gas emissions by 60% by 2031. Reaching this goal requires more than just clean energy; it requires a fundamental shift in how we build. SB 36 promotes housing density in areas already served by public water and sewer, which is one of the most effective tools for reducing Maryland's carbon footprint. By enabling smaller starter and silver homes in established areas, this bill reduces suburban sprawl and vehicle miles traveled VMT, directly cutting transportation emissions. Additionally, smaller, more compact homes, generally consume less energy for heating and cooling, supporting our broader Building Energy Performance Standards. SB 36 will prohibit restrictive lot size minimums in areas connected to public systems, ensuring the maximization of our existing water and wastewater investments rather than extending new, costly lines into sensitive environmental zones. SB 36 is more than a housing bill; it is a smart-growth bill providing a pathway to a more equitable and environmentally sustainable Maryland.

Accordingly, MDE asks for a **FAVORABLE** report for SB 36.

CHC SB0036 Fav.2.17.26.pdf

Uploaded by: Jessamine Duvall

Position: FAV



**Columbia
Housing
Center**

**Testimony in Support of Senate Bill 0036
House Economic Matters Committee**

Committee: Education, Energy, and the Environment

Bill: SB0036 – Starter and Silver Homes Act of 2026

Position: SUPPORT (FAVORABLE)

Testimony By: Jessamine Duvall, Columbia Housing Center

Dear Chair and Members of the Committee,

The Columbia Housing Center, Inc. (CHC) strongly supports **SB0036**, the **Starter and Silver Homes Act of 2026**. This legislation is a vital tool for developing inclusive, vibrant, and economically diverse communities that organizations like ours work every day to protect and expand.

Columbia and the surrounding communities in Howard County are consistently ranked among the best places to live in the country. This success is not accidental; it is rooted in Columbia's founding principles of intentional racial and economic integration and a commitment to housing variety.

However, as our community has become more desirable, our housing prices have increased significantly due to high demand and low supply. Today, we have reached a critical tipping point. **Housing prices in Howard County have skyrocketed to the point that a household must earn at least \$80,000 per year just to afford the average monthly rent for a two-bedroom apartment.** This high barrier to entry is denying many people access to our high-opportunity community, effectively reversing the very values on which Columbia was founded and turning our vibrant, inclusive community into an exclusive one.

We support SB0036 because it addresses housing barriers by:

- **Legalizing Townhomes by Right:** Prohibiting the exclusion of townhomes in single-family zones allows for naturally occurring affordable housing that serves as an entry point for first-time buyers and an accessible option for seniors.
- **Modernizing Lot Requirements:** Limiting minimum lot sizes to 5,000 square feet and easing restrictive setbacks ensures that land is used efficiently, reducing the overall cost of new homes by an estimated 30%.
- **Supporting "Silver" Housing:** By allowing smaller, low-maintenance homes on smaller lots, we provide seniors the freedom to downsize within their own communities, freeing up larger family homes for the next generation.

The provisions in SB0036 are exactly what Marylanders are asking for. Greater Greater Washington's recent Maryland Housing Survey (2025) indicates that a strong majority (**63%**) of **Marylanders believe the state government should be doing "more" to make housing more affordable.** The survey also indicates that **75% of Marylanders support making it easier to build new homes in our state to help lower costs** and **62% of Marylanders support allowing "missing middle" housing (like duplexes and apartments) in areas currently zoned only for single-family homes.** Lastly, this data indicates that **a majority (55%) of Marylanders support**

the state government requiring local governments to allow more housing if they fail to meet affordability needs.

Unfortunately, the local control of zoning regulations in Howard County has allowed a small, vocal minority of primarily wealthy, white residents to uphold restrictive rules that encourage the construction of McMansions that benefit the wealthiest residents and make it very challenging to construct moderately-priced housing that serves households with incomes below our Area Median Income. It's time for the state to step in and ensure that ALL Marylanders have an affordable home, and no one is left behind.

SB0036 is a necessary step to legalize more diverse housing types in residential zones—like townhomes and smaller-lot starter homes—that will ensure that Howard County remains multigenerational and accessible to all residents, regardless of their stage in life or income level.

We urge the Committee to issue a **FAVORABLE** report on SB0036.

Thank you for your time and consideration.

Respectfully submitted,



Jessamine Duvall
Executive Director
Columbia Housing Center

Health Care for the Homeless - SB 36 FAV - Starter

Uploaded by: Joanna Diamond

Position: FAV



HEALTH CARE FOR THE HOMELESS TESTIMONY
FAVORABLE

SB 36 – Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Senate Education, Energy, and the Environment Committee
February 17, 2026

Health Care for the Homeless supports SB 36, which would prohibit jurisdictions in the state from excluding higher density housing through zoning laws and other arbitrary criteria. By allowing smaller, single-family homes on smaller lots, allowing townhouses in residential areas statewide, and making it easier to split up parcels of land to build more homes, this bill would increase housing options by allowing smaller, more affordable homes.

Health Care for the Homeless is Maryland’s leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver integrated medical care, behavioral health services, dental care and harm reduction interventions for more than 11,000 people annually at multiple clinic sites in Baltimore City and Baltimore County and through a Mobile Clinic and Street Medicine team. We also support more than 800 highly vulnerable Baltimoreans in more than 550 units of permanent supportive housing.

We believe that everyone deserves a home they can afford in a stable and healthy community, but with our State’s exorbitant housing costs, rental housing is unaffordable and homeownership is out of reach for too many Marylanders. 1 in 3 Maryland families are cost burdened by their monthly rent or mortgage payment, including 53% of Maryland renters who pay more than 30% of their income on rent.¹ Reforms proposed by SB 36 helps our State create higher density housing, which is desperately needed to address the affordable housing crisis.

By prohibiting local jurisdictions from adopting or enforcing arbitrary and exclusionary zoning provisions will make it possible to increase density and contribute to more equitable access to affordable housing for Marylanders. We urge a favorable report.

Health Care for the Homeless is Maryland’s leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 11,000 Marylanders annually at sites in Baltimore City and Baltimore County.

Our Vision: Everyone is healthy and has a safe home in a just and respectful community.

Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.

For more information about our agency, visit www.hchmd.org.

¹[United States Census Bureau](https://www.census.gov)

SB36 - MREC Support Letter - Feb 6 26.docx.pdf

Uploaded by: John Dove

Position: FAV

DATE: February 17, 2026

BILL NO.: Senate Bill 36

TITLE: Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

COMMITTEE: Senate Education, Energy, and the Environment Committee

Letter of Support

Senate Bill 36 limits the ability of local governments to impose zoning and land-use rules that restrict certain types of single-family housing development. The bill prohibits minimum lot sizes, dimensional standards, subdivision limitations, and design requirements that exceed new statewide thresholds, while allowing townhouses and limited subdivision of existing improved lots to expand attainable housing options across Maryland.

Maryland is facing a severe housing affordability crisis driven by chronic undersupply. According to the Comptroller of Maryland, the State currently has a shortage of over 100,000 housing units and has seen roughly 40,000 residents leave each year since the pandemic due to housing affordability pressures. Fewer than half of Maryland households can afford a median-priced home of \$446,400. These trends threaten Maryland's economic competitiveness, workforce stability, and long-term tax base.

SB 36 directly addresses these challenges by removing zoning and land-use constraints that artificially limit housing production. By enabling smaller lot sizes, modest subdivision of existing lots, and more flexible residential forms, the bill supports incremental, market-responsive housing growth without compromising health and safety standards. These reforms are essential to expanding housing supply at moderate costs and retaining working-age and middle-income residents.

The bill also advances housing options for older Marylanders. Many seniors wish to age in place but are constrained by zoning rules that limit downsizing or multigenerational living arrangements. SB 36 complements the State's accessory dwelling unit (ADU) framework by further removing barriers that allow retirees to remain in their communities while creating housing. In this way, SB 36 is a critical companion to the General Assembly's 2025 ADU reforms and strengthens Maryland's broader affordability strategy.

The Maryland Real Estate Commission respectfully requests a favorable report on Senate Bill 36.

Sincerely,

Demetria Scott
Chair, Maryland Real Estate Commission

SB 36_MD Center on Economic Policy_FAV.pdf

Uploaded by: Kali Schumitz

Position: FAV



FEBRUARY 17, 2026

Zoning Reform Must Be Considered to Address Maryland's Affordable Housing Crisis

Position Statement in Support of for Senate Bill 36

Given before the Senate Education, Energy and the Environment Committee

Senate Bill 36 is a practical, pro-housing bill that reduces exclusionary zoning barriers, particularly those that inflate costs, limit housing options, and lock families out of high-opportunity neighborhoods. Senate Bill 36 addresses Maryland's housing shortage by limiting the most exclusionary zoning laws. **For these reasons, the Maryland Center on Economic Policy respectfully requests that the Senate Education, Energy and the Environment Committee issue a favorable report for Senate Bill 36.**

The bill restricts local jurisdictions from adopting or enforcing certain zoning provisions related to lot size, lot dimensions, setbacks, lot coverage, and design/architectural elements for certain single-family homes (with exceptions), and it prevents local bans on certain housing types in certain zones and certain subdivisions of certain lot types. This makes it harder to use zoning as a tool to block developments such as starter homes for working families and smaller, accessible homes for older adults looking to age in place.

Maryland's housing crisis requires a multilayered, affordability-focused approach and strategy. Maryland's housing shortage is no longer abstract—it is showing up in rent burdens, homelessness risk, and households leaving the state. Maryland's Department of Housing and Community Development (DHCD) reports that in more than half of Maryland counties, at least 50% of renters are cost-burdened, and that Maryland has a shortage of 275,000 rental units affordable to households earning 80% or less of Area Median Income, with disparate impact on minority communitiesⁱ.

National data reinforces the scale of the affordability gap. The National Low Income Housing Coalition (NLIHC) finds that in Maryland, a renter must earn \$39.15/hour to afford a modest two-bedroom at Fair Market Rent without being cost-burdened (that two-bedroom FMR is \$2,036/month, or about \$81,434/year needed) ⁱⁱ. That is far beyond what many essential workers earn, especially in regions where housing production has not kept pace with job growth and household formation.

Senate Bill 36 matters not only because it increases housing supply, but because it pushes back against a land-use framework with a long history of exclusion. After explicit race-based zoning was struck down in *Buchanan v. Warley* (1917), jurisdictions across the country increasingly relied on "race-neutral" tools—like minimum lot sizes, bans on multifamily housing, and other restrictive zoning—to keep housing prices high and prevent lower-income households (disproportionately Black and Brown) from accessing certain neighborhoods. The result has been predictable: restricted housing supply, higher prices, and persistent racial and economic segregation.

Federal economic analysis has noted that exclusionary zoning has been used for decades to discriminate against people of color and to maintain high property prices, limiting access to opportunity. Peer-reviewed research

similarly documents zoning’s role as a discriminatory policy tool and examines how zoning can deter minority residents through density restrictions.

Senate Bill 36 is a key step toward a housing market that works for more Marylanders. It curbs exclusionary zoning practices, expands housing choice, and supports affordability and opportunity, especially for Black and Brown households and low- to moderate-income earners who have been priced out by design. For these reasons, the Maryland Center on Economic Policy respectfully urges a **favorable report on Senate Bill 36**.

Equity Impact Analysis: Senate Bill 36

Bill summary

Senate Bill 36 promotes housing affordability and choice by limiting the ability of local jurisdictions to use restrictive zoning rules that block the creation of modest, attainable homes. The bill prohibits local governments from adopting or enforcing certain zoning provisions such as excessive minimum lot sizes, dimensional requirements, setback rules, lot coverage limits, and costly design or architectural mandates for qualifying single-family homes, while allowing reasonable health and safety exceptions. Senate Bill 36 also prevents jurisdictions from banning specific housing types in appropriate zones and from prohibiting the subdivision of certain lots. Together, these reforms are intended to remove barriers to “starter homes” for first-time buyers and smaller “silver homes” for older adults, helping to increase housing supply, lower costs, and expand options for working families across Maryland.

Background

Maryland is facing a deep and growing housing affordability crisis driven in large part by decades of restrictive local zoning practices that have limited the production of modest, attainable homes. Across much of the state, local rules such as large minimum lot sizes, excessive setback requirements, and bans on multifamily or smaller-scale housing have constrained supply and driven up costs, making it increasingly difficult for low- and moderate-income households to find stable housing. These policies are rooted in a long history of exclusionary land use practices that were designed to keep certain neighborhoods economically and racially homogenous, and their effects continue to fall hardest on Black and Brown communities and working-class families. At the same time, Maryland is experiencing a significant housing shortage and rapidly rising rents and home prices, while wages for many essential workers have not kept pace. Senate bill 36 responds to these challenges by removing outdated zoning barriers that prevent the construction of smaller, more affordable homes and by expanding opportunities for starter homes and aging-in-place options in communities across the state.

Equity Implications

Maryland needs starter homes that first-time buyers can afford and “silver” homes that allow older adults to downsize without leaving their community. After explicit race-based zoning was struck down in *Buchanan v. Warley* (1917), jurisdictions across the country increasingly relied on “race-neutral” tools—like minimum lot sizes, bans on multifamily housing, and other restrictive zoning—to keep housing prices high and prevent lower-income households (disproportionately Black and Brown) from accessing certain neighborhoods.

The result has been predictable: restricted housing supply, higher prices, and persistent racial and economic segregation. Federal economic analysis has noted that exclusionary zoning has been used for decades to discriminate against people of color and to maintain high property prices, limiting access to opportunity. Peer-reviewed research similarly documents zoning’s role as a discriminatory policy tool and examines how zoning can deter minority residents through density restrictions.

For Black and Brown Marylanders who have faced generations of structural barriers to homeownership, neighborhood choice, and wealth-building, zoning that blocks smaller, more attainable homes functions like a “silent gate.” It limits entry into communities. DHCD’s statewide assessment points to the growing older adult population and the need for more local housing options that support aging in place. Senate Bill 36 aligns with that reality by reducing zoning barriers that block smaller footprints and more flexible home designs.

Impact

Senate Bill 36 will likely **improve racial, health and economic equity** in Maryland.

ⁱ Maryland Department of Housing and Community Development. (2025, July 24). *State of Maryland Releases 2025 Housing Needs Assessment* (press release).

ⁱⁱ National Low Income Housing Coalition. (2025). *Out of Reach 2025: Maryland—State Facts (PDF)*.

Testimony in favor of Silver and Starter Homes SB0

Uploaded by: Kelli Rives

Position: FAV



Committee: Education, Energy & Environment
Testimony: SB0036 Silver and Starter Homes Act
Organization: Jewish Community Relations Council of Howard County, MD
Submitting: Laura Salganik, Chair
Position: FAVORABLE
Hearing Date: February 17, 2026

Dear Chair Feldman, Vice Chair Kagan and Committee Members:

The Jewish Community Relations Council is submitting this testimony in favor of the Silver and Starter Homes Act. The Act requires local governments to remove barriers to building more homes by prohibiting requirements for large lots to build single family homes and makes it easier to build more multi-family homes such as townhomes.

The Act only applies to homes with water and sewer lines already in place, and we think it is very important that additional infrastructure such as fire protection and schools be addressed in future years as these houses get built. However, we are in a housing crisis and need to get started now on fixing the problem.

According to the Maryland Comptroller's report of 2024, Maryland has a shortage of 100,000 houses, and this number continues to grow. This is a key factor in Maryland losing residents to other states through outmigration. If this continues, the loss of revenue to the state will make it difficult to fund public services and we may even lose a seat in Congress.

We support this bill because so many Marylanders are not able to afford homes near their jobs and families, and this is disproportionately affecting those with lower incomes as well as people of color.

We respectfully urge this committee to return a favorable report on SB0036.

SB 36 - Starter and Silver - FAV - REALTORS.pdf

Uploaded by: Lisa May

Position: FAV



Senate Bill 36 - Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Position: Support

On behalf of real estate professionals who work every day with homebuyers, sellers, and property owners in communities across the state, Maryland REALTORS® respectfully urge a favorable report on SB 36, the Starter and Silver Homes Act.

This legislation addresses one of the most pressing challenges facing Maryland today: the growing gap between the homes Marylanders need and the homes our regulatory framework allows to be built. Our members consistently hear the same concern from consumers across all regions and income levels: housing costs are simply too high. These conditions are not the result of market failure alone, but of policy choices that have constrained housing options and driven prices beyond the reach of many Maryland families.

The impact is especially acute for two growing segments of our population: young adults just beginning their careers and older Marylanders looking to downsize. 74 percent say there is too little housing available for young individuals who are just getting started, while 64 percent say there is too little housing for seniors who want to downsize but remain in their communities. These shortages are not theoretical—they show up every day in bidding wars, limited inventory, and families being forced to look farther from jobs, transit, and support networks.

SB 36 offers a practical, market-responsive solution by expanding the types of homes that can be built in areas already served by public water and sewer. Allowing smaller single-family homes on smaller lots removes regulatory mandates that artificially require larger, more expensive homes, even when there is clear demand for more modest options. Creating new homeownership options at these price points will help young families enter the market and give seniors the ability to downsize without leaving their neighborhoods.

This legislation is a meaningful step toward restoring housing affordability, strengthening communities, and ensuring that Maryland remains a place where people at every stage of life can find a home that fits their needs and their budget. For these reasons, we strongly support SB 36 and respectfully request a favorable report.

For more information contact
lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org

MBIA Letter of Support SB 36.pdf

Uploaded by: Lori Graf

Position: FAV

February 13th, 2026

The Honorable Brian J. Feldman
Chair, Senate Education, Energy and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: MBIA Letter of Support SB 36 Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

Dear Chair Feldman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **SB 36 Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)**.

This bill prevents local governments from imposing large lots on areas connected to public water and sewer systems, minimum home sizes, excessive setbacks, lot coverages, or design requirements on single-family homes. It also prevents them from banning townhouses in single-family zones and from blocking the subdivision of an existing single-family lot into up to three conforming lots. Homeownership is simply out of reach for a large portion of Maryland families. To put this in perspective, close to 75% of households in Maryland could afford to purchase the median-valued home in the year 2000. By 2022, that share had dropped to only 49%. MBIA believes the zoning reforms in this bill is exactly what our needs to address the 100,000-unit shortage and make home ownership attainable for young families and seniors looking to age in place.

Preventing local jurisdictions from requiring large homes on lots greater than 5,000 square feet in areas already served by public water and sewer will allow builders to construct smaller starter homes for families that would normally struggle to attain home ownership. Allowing smaller homes within existing communities will expand affordable housing options without impacting agricultural land. The bill modernizes outdated zoning rules that would make many of Maryland's older, affordable homes illegal to build under today's laws.

Our state does not have a lot of developable land left, so we need to make sure we are using it efficiently. Allowing townhouses in single-family zones is important to efficient land use because they provide compact, small-scale housing that increases supply without drastically changing existing communities. Townhouses are typically 25–30% less expensive than detached homes and are proven to expand affordable ownership opportunities for young families and seniors looking to downsize.

The bill also makes it easier to subdivide oversized residential parcels into smaller lots that are easier to build on, which streamlines a process that is unnecessarily restrictive. This reform complements the bill's provisions that allow the construction of smaller starter homes and townhouses, which will promote better use of existing residential land and increases in housing supply.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

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

SB36.docx.pdf

Uploaded by: Melody Hession

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America

Testimony Prepared for the
Education, Energy, and Environment Committee
on
Senate Bill 0036
February 13, 2026
Position: Favorable

Mr. Chairman and members of the Committee, thank you for the opportunity to testify. I am Reverend Melody Hession-Sigmon, assistant to the bishop for public policy in the Delaware-Maryland Synod of the Evangelical Lutheran Church in America, a faith community with congregations in every part of the state.

Congregations in our synod have increasingly invested more in developing community housing in recent years as the lack of affordable options has become one of the leading drivers of homelessness. The ELCA published in its social policy “Sufficient, Sustainable Livelihood for All” in 1999 that “While a market economy assumes people will act to maximize their own interests, we acknowledge that what is in our interest must be placed in the context of what is good for the neighbor.” The market will not create affordable housing for Marylanders on its own, especially the way it is currently set up in Maryland. **SB36** makes options available to Marylanders for creating more affordable housing.

The ELCA also asserts that, “We tend to view economic life by how it affects us personally. The cross of Christ challenges Christians to view this arena through the experience of those of us who are impoverished, suffering, broken, betrayed, left out, without hope.” (1999) Marylanders are being left behind by our state because they cannot afford to live in the place that they call home. Elderly need to move away from their families and grandkids. Young people are disconnecting from their families and support systems because they can’t afford to live where they grew up. Too many families and individuals are losing their life savings to rent because they are not able to own a home in Maryland. This is not sustainable.

When we pray “Give us today, our daily bread,” we believe that “daily bread” is made possible through a variety of relationships and institutions. For this reason, we urge a favorable report.

Reverend Melody Hession-Sigmon

SB0036_Balakirsky_FAV.pdf

Uploaded by: Michael Balakirsky

Position: FAV

Testimony in Strong Support of Senate Bill 36 and House Bill 239

Dear Chair, Vice Chair, and Members of the Committee,

My name is Michael Balakirsky, and I am a Maryland property owner and resident of Howard County. I am also an economist and a practicing financial advisor. **I am submitting this testimony in strong support of Senate Bill 36 and House Bill 239.**

Maryland is facing a housing supply crisis that is no longer theoretical—it is measurable, structural, and economically damaging. According to national affordability rankings, Maryland is now among the eight least affordable states in the country. Within Maryland, Howard County is consistently one of the least affordable counties, placing extraordinary pressure on working families, young professionals, seniors, and employers alike.

From an economic standpoint, the core problem is simple: we do not have enough housing—and current zoning and land-use rules make it extremely difficult to produce more.

Severe Housing Shortage: Data, Not Opinion

The Maryland Association of Realtors regularly publishes housing inventory data that illustrates the depth of the shortage. In many Maryland counties, active housing inventory has fallen to one to two months of supply, compared to a historically balanced market of five to six months.

What is especially alarming is that this shortage persists:

- During the winter season, when demand is typically lower
- During a period of elevated mortgage interest rates, which should normally suppress demand

Despite these headwinds, inventory remains critically low. This tells us the problem is not cyclical—it is structural.

Demand Is Poised to Increase Further

Looking forward, the imbalance will worsen unless supply constraints are addressed. Mortgage/Interest rates are widely expected to decline over the next 12–24 months, while employment in central Maryland remains stable and growing, particularly in government, defense, healthcare, technology, and education.

As an economist, I can say with confidence: lower rates plus stable jobs equals higher housing demand. If supply remains artificially constrained, prices and rents will rise further SIGNIFICANTLY—pushing affordability even farther out of reach.

Housing Is the Primary Driver of Inflation

Housing costs—rent, home prices, and shelter services—are the largest single contributor to inflation. This is not a political statement; it is a statistical fact reflected in CPI data. Until housing supply is meaningfully expanded, inflation cannot be sustainably reduced, regardless of what happens with energy, food, or interest rates.

In other words: housing policy is inflation policy.

Zoning and Overregulation Are the Binding Constraint

Maryland does not suffer from a lack of demand, capital, or willingness to build. What we suffer from is overregulation:

- Highly restrictive zoning classifications
- Excessive minimum lot sizes
- Density caps unrelated to infrastructure realities
- Multi-layered approvals across zoning, planning, environmental, and political bodies

In counties like Howard County, the problem is compounded by the very limited amount of land served by public water and sewer. Large areas are effectively locked out of any meaningful housing production, even where environmental and infrastructure conditions would otherwise allow it.

When land is scarce and zoning restricts efficient use of that land, the result is inevitable: low supply, high prices, and exclusionary outcomes.

SB 36 and HB 239 Address the Real Constraint

Senate Bill 36 and House Bill 239 move Maryland in the right direction by reducing artificial zoning barriers, allowing more efficient use of already-served land, and enabling modest density increases where infrastructure already exists.

These bills do not eliminate local input. They do not force reckless development. What they do is restore balance between local control and statewide economic reality.

Conclusion:

Housing affordability is not just a housing issue—it is a cost-of-living issue, a workforce issue, an inflation issue, and an economic competitiveness issue.

As a resident, property owner, economist, and financial professional, I strongly urge this Committee to advance Senate Bill 36 and House Bill 239. Maryland cannot solve its affordability crisis without addressing supply, and supply cannot increase under the current regulatory framework.

Thank you for your time and consideration.

Respectfully,

Michael Balakirsky
Howard County, Maryland
Economist & Financial Advisor

SB 36_Horizon Foundation_FAV.pdf

Uploaded by: Nikki Highsmith Vernick

Position: FAV



BOARD OF TRUSTEES

February 17, 2026

COMMITTEE: Senate Education, Energy and the Environment Committee

BILL: SB 36 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

POSITION: Support

The Horizon Foundation is the largest independent health philanthropy in Maryland. We are committed to a Howard County free from systemic inequities, where all people can live abundant and healthy lives. The Foundation is pleased to **support SB 36 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)**. This bill would lower minimum lot size requirements in local jurisdictions for areas connected to public water and sewer systems, making it easier to build townhomes and other smaller size and lower priced homes across the state.

During the Horizon Foundation’s most recent strategic planning process that involved extensive community engagement, residents cited obtaining safe, affordable and high-quality housing as one of the biggest barriers to their ability to live a healthy and abundant life. For over a year, we have been working with local and statewide housing advocates and service providers to examine and develop solutions to this problem and to build a movement for housing justice in Howard County and in Maryland. Where we live impacts our quality of life and how healthy we are – and we all want to live in vibrant neighborhoods full of opportunity. But for many Howard County residents, our community is becoming an increasingly unaffordable place to live – and our housing system is a major reason why.

According to a recent report from the Comptroller’s office, between 2019 and 2022, housing inventory dropped between 40% and 75% in every county in Maryland. During that same time period, median home prices increased by 26% in Howard County.ⁱ The median sales prices of a home in Howard County in April 2025 was \$630,000 – much higher than the regional median sales price of \$435,000. The middle market – homes in the \$300,000 to \$500,000 range – has essentially vanished in Howard County, pricing out young adults and working families from buying a home.ⁱⁱ That middle price range is still far too expensive for many families, and starter homes are virtually nonexistent in our community. In addition, Howard County’s population of homeowners is significantly older than other communities; the lack of smaller homes available so they can downsize means that seniors are often stuck in homes they can no longer take care of or that no longer fit their needs.

The Comptroller’s report also found that people are leaving this region and moving out of state because the cost of living has outpaced incomes. In fact, Maryland lost a total of 2.3 million

Christopher Fortune
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Yvonne Commodore-
Mensah, Ph.D.
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Scott Rose

Celián Valero-Colón, M.D.

David Wolf

residents to other states between 2010-2023 and has been losing a net average of 40,000 people per year to states with lower housing costs and more housing.ⁱⁱⁱ If we do not make policy changes that makes quality, stable homes that people can afford more available for all, we will continue to lose residents, disrupting communities and reducing the state’s tax base and its ability to pay for critical services.

Lowering the minimum lot size so more homes can be built and sold or rented at a lower price is an important part of the solution to this problem. Having more options like smaller starter homes and townhomes will help young adults who want to live independently but stay near their families, couples and smaller households looking to buy their first home and seniors looking to downsize. It also supports the working people of our state – our teachers, firefighters, police officers, hospital employees and more – by making it more affordable to live where they work. Overall, increasing the housing supply is an important part of driving down costs for everyone.

We want Howard County and the state of Maryland to be a place where quality, stable homes that people can afford are widely available. Investing in a housing system that works for everyone will improve our state’s wellbeing and prosperity. For these reasons, the Foundation **SUPPORTS SB 36** and urges a **FAVORABLE** report. Thank you for your consideration.

ⁱ <https://www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/comptroller/SOTE.pdf>

ⁱⁱ <https://www.thebanner.com/community/housing/howard-county-real-estate-3LURTCXKVZF13AJPXOO2Y74I6E/>

ⁱⁱⁱ <https://marylandmatters.org/2025/10/21/high-housing-costs-are-driving-people-out-of-maryland-new-state-report-finds/>

SB036_MJPA_Black.pdf

Uploaded by: Noah Black

Position: FAV

Good afternoon, and thank you for giving me the opportunity to testify today. My name is Noah Black. I'm a resident of the city of Kensington, lifelong resident of Maryland, and I am here today alongside the Maryland Just Power Alliance to support Bill SB036.

Recently, I got engaged. With my fiancée and I both in our mid-20s, it's clear that the rest of our lives could be dictated by the things that are happening here and now. We talk about the family we want to raise together. We talk about the children we want to bring into this world. More than anything else, though, we talk of the communities we can give back to – the same ones that raised us both.

There's just one problem: we can't afford a house. Right now, my fiancée and I – like so many others – rent space with roommates. We don't have space for children. We don't have the stability a house of our own could bring. Come the end of our lease, we don't even have assurance we won't be priced out of this county entirely, and be forced to seek community somewhere else.

Without access to affordable housing, our futures are on pause. Bill SB036 will help prevent this, and let us do something so many others in this room have had before us – the chance to set down roots, to raise a family, and to give back. We don't need a half acre of land or a sprawling front lawn. Right now, we just need a house.

Thank you again for allowing me to speak, and I hope you keep us in mind when the time comes.

SB0036 - LOS - TSO Silver Starter Homes Act .pdf

Uploaded by: Patricia Westervelt

Position: FAV

February 17, 2026

The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis MD 21401

Re: Letter of Support – Senate Bill 36 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following letter of support for the Committee’s consideration on Senate Bill 36.

High housing costs disproportionately impact younger adults entering the housing market and seniors aging the place, with these demographics making up 9 in 10 newly cost-burdened homeowners since 2019. SB 36 addresses the housing supply issue at the root of these disparities by enabling a greater diversity of housing options, including smaller and more affordable homes, to be built in Maryland.

MDOT and the Maryland Department of Housing and Community Development (DHCD) have a strong partnership in advancing Maryland’s transit, economic development, housing, and climate goals through transit-oriented development (TOD). MDOT appreciates DHCD’s work on Senate Bill 36, as MDOT views a mix of housing types as a critical component of TOD so as to support a range of affordability and density at transit adjacent sites. MDOT’s efforts will benefit from greater flexibility to deliver more types of transit-oriented housing for Marylanders.

The Maryland Department of Transportation respectfully requests the committee grant Senate Bill 36 a favorable report.

Respectfully submitted,

David A. Zaidain
Chief, Real Estate and Transit-Oriented Development
Maryland Department of Transportation
410-865-1050

Testimony in support of SB0036 - Starter and Silve

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0036_RichardKaplowitz_FAV

02/17/2026

Richard Keith Kaplowitz

Frederick, MD 21703

TESTIMONY ON SB#/0036- POSITION: FAVORABLE

Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0036, Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

There is a housing affordability crisis in Maryland, this is a positive step we can take to address it in our state.

A starter home is defined as: ¹ “Starter homes are smaller, more affordable homes designed to get first-time buyers into the housing market.”

Based on the provided search results, a "silver home" most commonly refers to a residential building that has achieved **LEED Silver certification**. ²

Here are the key details regarding LEED Silver homes:

- **Certification Level**
- **Scoring:**
- **Environmental Impact:** While lower than Gold or Platinum, a LEED Silver home takes significant steps to be more eco-friendly and energy-efficient than standard building code requirements.

This bill seeks to add to the housing stock in Maryland, by preventing their exclusion from it, starter homes and home that are more environmentally friendly as part of the housing mix in any county.

This will be accomplished by prohibiting local jurisdictions from adopting or enforcing certain zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for certain single-family homes; prohibiting local jurisdictions from prohibiting certain housing types in certain zones; and prohibiting local jurisdictions from prohibiting certain subdivisions of certain lot types.

There is a housing affordability and availability crisis in Maryland, this is a positive step we can take to address it in our state.

I respectfully urge this committee to return a favorable report on SB#/0036.

¹ <https://realestate.usnews.com/real-estate/articles/what-is-a-starter-home>

² Google AI Search “What is meant by a silver home”

2.17.26.SB36StarterSilverHomeAct.Fello.pdf

Uploaded by: Rylie Shewbridge

Position: FAV

February 17, 2026

Chair Brian J. Feldman
Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, MD 21401

RE: SB36/HB239 – Land Use - Zoning – Limitations (Starter and Silver Homes Act of 2026)

Dear Chair Feldman and Members of the Committee,

On behalf of Fello, we write in support of ***SB36/HB239 – Land Use - Zoning – Limitations (Starter and Silver Homes Act of 2026)***.

Across Maryland, Fello is building communities where people belong. With a team of more than 650 employees, Fello supports over 5,000 people with disabilities each year – creating opportunities that empower people to live the lives they choose. From advancing equity and respect to expanding access and connection, inclusion is at the heart of everything we do. One powerful way this comes to life is through Fello Communities: beautiful, safe, and accessible rental housing that offers choice and stability for residents across income levels, from affordable to market-rate homes.

SB36/HB239 is a critical step in addressing Maryland’s deepening housing shortage and expanding attainable housing options for young families, older Marylanders, essential workers, and first-time renters and buyers across our State.

We commend Governor Moore’s leadership in confronting one of the most pressing challenges facing Maryland — the lack of affordable and attainable housing. Our State currently faces a housing gap where demand far exceeds supply, and without decisive action, this deficit continues to drive up costs and force Marylanders to seek housing elsewhere.

The Starter and Silver Homes Act removes unnecessary zoning barriers that can make it difficult — and expensive — to build smaller, more affordable homes and rental units. Under this bill, local jurisdictions would be prohibited from enforcing certain minimum lot sizes, setback requirements, lot coverage limits, and design restrictions that hinder the development of appropriately scaled housing options. It also ensures that smaller homes, townhouses, and accessory dwelling units can be built in areas zoned for single-family use, increasing housing density and helping to address the current shortage.

This legislation complements the Governor’s broader Housing Growth and Affordability Agenda, which strategically pairs zoning reform with transit-oriented development and regulatory certainty measures. Together, these policies are designed to remove barriers, accelerate housing production,

fello.

fello.org

410.269.1883



and provide more Maryland families with affordable, accessible, and high-quality housing options.

The Starter and Silver Homes Act will:

- Expand housing options by allowing smaller single-family homes, townhouses, and rental units that cost significantly less to build and maintain.
- Support first-time buyers, working families, seniors, and renters who are seeking quality, affordable housing.
- Encourage smart growth by aligning land use policy with the economic and demographic realities facing Marylanders today.

By modernizing zoning laws and removing barriers to the creation of starter and silver homes and rental units, Maryland can make meaningful progress toward a more affordable, inclusive housing market that gives every resident a fair opportunity to thrive.

For these reasons, we respectfully urge a favorable report on SB36/HB239.

Sincerely,



Jonathon Rondeau
President & CEO

SB 36

Uploaded by: Stu Simon

Position: FAV

SB0036 Favorable Montgomery For All

Montgomery for All is a grassroots organization supporting efforts to increase the supply of affordable housing especially to meet the needs of the “missing middle”. We applaud Governor Moore’s housing proposal and support SB0036 along with the friendly amendments proposed by the Department of Housing and Community Development (DHCD) particularly regarding limiting the scope of this bill to Priority Funding Areas, in Tier 1 and Tier 2, to prevent yet more unintended sprawl, and to allow building heights and front setbacks to align with neighboring lots wherever possible. We also agree that the bill’s definition of “Sensitive areas” should specifically cite Forest Interior Dwelling Species (FIDS) sites.

Almost every month, while neighborhood associations raise objections to every attempt to ease obstacles to building more affordable housing, existing homes are being torn down and replaced by McMansions throughout the lower half of Montgomery County. For example, within a mile of the Bethesda and Medical Center metro stations, dozens of once affordable homes, have been torn down and replaced by single family, often 2 person, McMansions with brick or concrete carports where trees once stood. This is happening because although these plots would be ideal for townhouses or apartment buildings, providing occupants non-car dependent access to jobs, those plots are still zoned for single-family housing only.

Many of my neighbors opposing SB0036, claim it would hurt, not help, less affluent residents. However, the results from similar initiatives throughout the county confirm that upzoning is an excellent strategy for encouraging more affordable housing while significantly improving economic and educational opportunities and a healthier environment. How can we expect to reignite a vibrant economy in Maryland if our young families, teachers, health workers, government staff, if they cannot afford to live anywhere close to mass transit or where their jobs are and instead are forced into long commutes or give up and move to other states?

A recent 3-part study by the Harvard Center for Housing Studies, April 1, 2025, found that throughout the U.S., missing middle housing (between single family housing and apartment buildings) which was once commonplace, is now effectively illegal due to zoning restrictions. They recommend 6 policy changes:

- re-legalize missing middle housing types in all residential areas where only single-family homes are currently allowed;
- remove or decrease residential parking minimums;
- reduce minimum lot sizes;
- increase lot coverage and reduce setback restrictions;
- streamline the development review process; and

- reform building codes that limit missing middle housing.

In other words, changes largely reflected in SB0036.

Neighborhood associations' often voice the claim that a bill such as SB0036 would only increase the supply of luxury townhouses and therefore have no impact or a negative impact on the cost of rents and housing especially for the most vulnerable. In fact, a recent nationwide study from the Pew Foundation found that limited housing supply is associated with the *greatest rent increases* in low-income neighborhoods, while new housing *slows rent growth the most* for older, more affordable, units.

<https://www.pew.org/en/research-and-analysis/articles/2025/07/31/new-housing-slows-rent-growth-most-for-older-more-affordable-units>

In addition, Pew research from 2024 found that cities and towns with zoning that allow only single-family homes in most areas, tend to be *less affordable* and have [lower shares of Black and Hispanic residents](#), excluding them from the schools, jobs, and opportunities these communities offer.

<https://www.pew.org/en/research-and-analysis/articles/2024/01/22/how-restrictive-zoning-in-virginia-has-hurt-housing-affordability>

Oregon has long had an affordability issue, so starting in June 2021, they allowed duplexes on every single-family lot for towns over 10,000. A year later, they allowed four-unit buildings and cottage clusters in all cities over 25,000 residents. They also banned parking minimum requirements near high-frequency transit service areas.

Since the first law went into effect, apartment rent prices in Oregon have increased by much less than the national average as of May 2024. Research from the [City of Portland](#) found that the newer, middle housing, units were, on average, *\$117,000 to \$300,000 less expensive* than traditional market-rate detached homes.

<https://www.portland.gov/bps/planning/rip/news/2023/7/5/new-study-shows-promising-housing-production-results-residential>

In Montgomery County, the historical record shows that restrictive single family house zoning was knowingly legislated to create more affluent, overwhelmingly white only, neighborhoods that displaced lower income communities. Because of this, builders trying to meet the demand for more affordable housing have had to move ever farther away from the urban job centers to former farms and forests, the only places where they are allowed to build townhouses, garden apartments, and apartment buildings. Along with that comes car dependency, traffic, and a continuous demand for more and larger roads resulting in the destruction of thousands of acres more of trees, meadows, and farmland.

For at least the past decade, local legislators here, and elsewhere throughout Maryland, have proposed numerous measures to loosen restrictive zoning so more affordable townhomes and multi-family housing can be built within a more reasonable distance of mass transit and jobs. But almost every effort in more densely populated areas throughout the state, has been blocked by the same people who benefitted from the originally racist, classist, restrictive zoning.

The result is that Maryland now has one of the least affordable housing environments. In large part because of this, we have a stagnant economy and are losing population, especially of younger folks.

Given this situation, the Governor has proposed a modest statewide deregulation that allows more affordable, missing middle, homes to be built, while protecting environmentally sensitive areas. Yes, local housing initiatives, specifically crafted to unique local conditions, might have proven less upsetting but, unfortunately, NIMBY neighborhood associations have blocked nearly all such efforts. So here we are.

As the people's representatives, concerned with creating a more just society, a healthy economy for all, and slowing the worst effects of climate change, we look to you to support and champion this initiative to begin creating a better quality of life that all Marylanders can enjoy.

SB036_SusanAllen_FAVORABLE.pdf

Uploaded by: Susan Allen

Position: FAV



TESTIMONY IN SUPPORT OF
SB036
FAVORABLE

TO: MGA Senate Education, Energy and the Environment Committee
FROM: Susan D. Allen, member of the Maryland Episcopal Public Policy Network (MEPPN)
DATE: February 17, 2026 Hearing

Dear Chair Feldman, Vice Chair Kagan, and Committee members,

My church St. Anne's Episcopal and the Maryland Episcopal Diocese have long supported sensible changes to housing development regulations that will allow more affordable units to be built across the state.

Young people with families and members with the adult children in our congregation report the desperate need for starter homes and affordable rental units. This shortage holds true across Anne Arundel County. Excessive NIMBY building regulations are a major reason why.

I support lowering minimum lot size requirements for housing development, making it easier to build townhomes and other smaller size and lower priced homes across the state.

In recent years, our housing supply has dropped while prices have skyrocketed. Starter homes are virtually nonexistent in our community - and on the flip side, the lack of smaller homes available so seniors can downsize means that they are often stuck in homes they can no longer take care of or that no longer fit their needs.

Having more options like smaller starter homes and townhomes will help young adults who want to live independently but stay near their families, couples and smaller households looking to buy their first home and seniors looking to downsize. It also supports the working people of our state – our teachers, firefighters, police officers, hospital employees and more – by making it more affordable to live where they work.

I respectfully ask you to **vote YES** on SB 036 Starter and Silver and Silver Homes Act

Susan Allen
3463 Rockway Avenue
Annapolis, MD 21403
410-626-2068

The Maryland Episcopal Public Policy Network (MEPPN) is a ministry of The Episcopal Diocese of Maryland, The Episcopal Diocese of Washington, and The Delaware-Maryland Synod ELCA

SB036_MJPA_Gross.pdf

Uploaded by: Susan Gross

Position: FAV

Vote FAVORABLE on HB 239/SB 36
Land Use – Zoning – Limitations – Starter and Silver Homes Act

My name is Susan Gross, and I am requesting that you vote to give HB239/SB36, Land Use – Zoning – Limitations – Starter and Silver Homes Act a favorable report out of committee.

Through my church, First Presbyterian Church of Annapolis, I belong to Anne Arundel Connecting Together (ACT), an organization that represents about 20 faith-based institutions throughout the county. We ask our congregations regularly to name their top concerns, and lack of affordable housing tops the list every single time. Beginning last year, ACT joined sister organizations Action in Montgomery (AIM) and People Acting Together in Howard (PATH) as the nonprofit Maryland Just Power Alliance (MJPA) to advocate for the chief issues that our congregations identified.

The lack of affordable housing also is a top concern of MJPA, and HB239/SB36, Land Use-Zoning-Limitations-Starter and Silver Homes Act is the top housing bill MJPA is supporting this year.

Members of First Presbyterian told of their adult children who either were renting as they couldn't afford a house or having to move to states where they could afford a house. Young adult members talked about finally getting a house but then not being able to start a family as they needed both paychecks to pay the mortgage. And many senior citizens are like me. Even if someone paid eight times what I paid for my house 45 years ago, the one-level condos still cost even more.

The statistics tell the problem. The average cost of a house in Annapolis is \$600,000, requiring a gross income of between \$165,000-\$215,000, depending on downpayment, interest rates and debt. Data from 2023-2024 showed the median household income in Annapolis was \$104,257-\$113,860. Average individual salaries often range from \$61,500-\$95,000.

The lack of affordable housing has adverse ramifications throughout Anne Arundel County, according to the Community Foundation of Anne Arundel County's eighth addition of "Poverty Amidst Plenty" in 2025. When people can't find affordable homes, they need to rent, creating greater demand and higher rental units. The average rent was \$1,998 in 2023. That, in turn, creates increased demand for subsidized housing. The report stated 22,285 families are on the waiting list for a housing voucher (Anne Arundel County Housing Choice Voucher List, 2024) (page 34) and 886 households and 1,216 households in Annapolis were on the waiting lists in 2023 for housing vouchers and public housing, respectively. (page 35)

We need more options, and HB239/SB36 would help. HB239/SB36 would make it easier to remove current barriers, such as large minimum lot sizes for developments and to get permits for variations in setbacks, architectural designs and types of housing in properties zoned for single-family homes. The bill also prohibits jurisdictions from forbidding the new permit options.

For those reasons, I am asking you to support HB239/SB36.

Thank you.
Susan Gross
175 South Southwood Ave.
Annapolis, MD 21401

SB0036 - Maryland Legal Aid - FAV.pdf

Uploaded by: Zafar Shah

Position: FAV



Senate Bill 36

Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Hearing before the Senate Education, Energy, and the Environment Committee

On February 17, 2026

Position: Favorable

Maryland Legal Aid submits its written testimony on SB 36 at the request of the state Department of Housing and Community Development.

Maryland Legal Aid is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including housing. Our clients are critically impacted by the housing unaffordability crisis. As the costs of housing continue to outpace wage growth in Maryland, our clients struggle to make ends meet, facing impossible budgeting choices, and often having to accepting substandard conditions and predatory landlord practices to maintain their housing. We urge the Committee to report favorably on SB 36, which aims to spur the production of smaller homes and higher density of such homes.

SB 36 requires Maryland jurisdictions to allow subdivision of improved lots, in single-family zoning, into three or fewer smaller lots. It further requires jurisdictions to allow development of townhomes within areas zoned for single-family residential use. These measures will benefit low-income renters in two ways. First, the production of smaller, affordable homes will draw some households out of the rental market, thereby lowering demand and potentially lowering rents. Secondly, many of our clients aspire to leave the rental market and to become homeowners. By opening residential areas to development of smaller homes, SB 36 potentially creates a more feasible pathway for low-income renters across the state to achieve homeownership.

For these reasons, Maryland Legal Aid urges the Committee's **favorable** report on SB 36.

If you have any questions, please contact:

Zafar Shah

Advocacy Director for Human Right to Housing

zshah@mdlab.org | (410) 951-7672

Town of Kensington - SB0036 Testimony.pdf

Uploaded by: Alex Marini

Position: FWA

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:

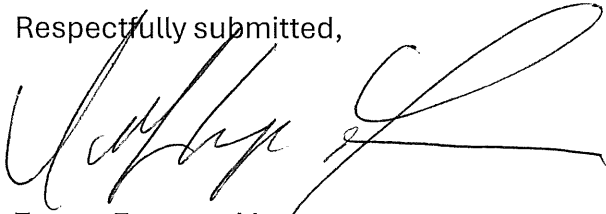
- Remove the word "indirectly" from the bill's prohibition language, which is overly broad and could unintentionally invalidate reasonable local regulations.
- Require that mandates apply only in areas connected to public water and sewer with sufficient capacity to support additional growth.
- Preserve 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

MML Amendments SB 36.HB 239.pdf

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Position: FWA

MML Amendments to SB 36/HB 239 - Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

- 1) **Bill Provision: EXEMPTIONS.** Exempts agricultural land, conservation property, and historic districts designated on/before July 1, 2025
 - Problem 1: Limiting when and where a historic district may be determined with the intent of regulating land-use is contradictory to the purpose of this program.
 - Language: Strike “ON OR BEFORE JULY 1, 2025” [MACO #1]
 - Problem 2: Some municipalities are partially served by water/sewer, have legacy neighborhoods on septic, and/or have constrained or segmented systems.
 - Language: Add “(IV) 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 5 YEARS.” [MACo #2]
 - Problem 3: Urban-centric zoning mandates do not account for the infrastructure constraints many municipalities face, even where public water and sewer exist.
 - Proposal: Extend exemptions to all local governments, regardless of population size
 - Language: Add “(V)(1) A COUNTY WITH A POPULATION SMALLER THAN 150,000 RESIDENTS, NOT INCLUDING ANY RESIDENTS OF A MUNICIPAL CORPORATION LOCATED WITHIN THE COUNTY; AND (2) A MUNICIPAL CORPORATION.” [MACo #3]
- 2) **Bill Provision: OVERRIDES.** These changes do not override building, fire, health, or safety codes that are necessary to address immediate threats, nor do they conflict with other state or federal laws.
 - Problem 1: As drafted, the bill is unclear about whether local adequate public facilities ordinances (APFOs) remain enforceable, creating uncertainty about whether municipalities can continue to pace development based on available infrastructure. Without explicit clarification, the language risks undermining locally adopted growth-management tools that are designed to prevent development from outpacing water, sewer, transportation, and school capacity.
 - Proposal: Expressly state that the bill does not override local APFOs or equivalent density limits or allocation systems, making clear that these long-standing growth-management tools remain intact. Removing the word “immediate” ensures local governments can address infrastructure constraints proactively, not only in crisis situations, and allows for consistent, predictable implementation.
 - Language:
 - Insert “ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT, DENSITY LIMITS OR ALLOCATIONS” after “CODE” [MACo #9]
 - Strike “IMMEDIATE” [MACo #9]
 - Problem 2: Without explicit protection, municipalities risk losing critical tools used to meet state and federal environmental obligations and manage site-level impacts of increased density.
 - Proposal: Preserves municipalities’ ability to address environmental impacts of development while allowing the bill’s housing provisions to operate as intended.
 - Language: Add “THE PROVISIONS OF THIS SUBSECTION DO NOT SUPERSEDE APPLICABLE STORMWATER DRAINAGE OR CANOPY TREE PRESERVATION REQUIREMENTS IMPLEMENTED BY A LOCAL BODY TO ADDRESS ENVIRONMENTAL CONCERNS”
 - Problem 3: As drafted, the bill could be interpreted to preempt local onsite parking requirements, even where parking constraints are well-documented and directly affect neighborhood functionality,

safety, and access. Municipalities rely on parking studies to manage limited curb space and avoid spillover impacts, especially in built-out communities.

- Proposal: Clarify that locally adopted onsite parking requirements based on a parking study are not superseded by the bill. Requiring a waiver process preserves flexibility, ensuring parking standards can be adjusted where appropriate while maintaining data-driven local control.
- Language:
 - Add “THE PROVISIONS OF THIS SUBSECTION DO NOT SUPERSEDE APPLICABLE ONSITE PARKING REQUIREMENTS IMPLEMENTED BY A LOCAL BODY TO ADDRESS PARKING CONCERNS IDENTIFIED IN A PARKING STUDY.
 - Add “NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, A LOCAL LEGISLATIVE BODY OR PLANNING COMMISSION MAY ESTABLISH AND ADMINISTER A PARKING WAIVER OR MODIFICATION PROCESS THAT ALLOWS FOR REDUCTIONS OR ADJUSTMENTS TO ONSITE PARKING REQUIREMENTS BASED ON SITE-SPECIFIC CONDITIONS, DOCUMENTED PARKING NEEDS, OR OTHER OBJECTIVE CRITERIA.”

3) **Bill Provision: 5K SQ FT.** Prohibits local zoning ordinances from requiring single-family homes to be built on lots larger than 5,000 sq ft in areas served by public water/sewer

- Problem 1: Including the term “indirectly” creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.
 - Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
 - Language: “NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY” - remove “INDIRECTLY”
- Problem 2: This provision disproportionately impacts municipalities because they are far more likely than counties to be served by public water and sewer, meaning the mandate largely overrides municipal zoning while leaving most county areas untouched. It removes a core local planning tool used to align density with infrastructure capacity, neighborhood character, and capital investment, effectively imposing a one-size-fits-all standard regardless of local conditions.
 - Proposal: Only apply to areas that are connected to public water and sewer with sufficient capacity to support additional growth.
 - Language:
 - On page 8, in line 29, after “ESTABLISHES,” insert, “IN AREAS THAT ARE CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH;” [MACo #4]
 - On page 9, in lines 1-2, strike “IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS,” [MACo #4]

4) **Bill Provision: LOT COVER MIN.** Prohibits local governments from setting minimum square footage or exterior dimension requirements for single-family homes.

- Problem 1: Including the term “indirectly” creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.

- Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
 - Language: “NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY” - remove “INDIRECTLY”
 - Problem 2: As drafted, this provision broadly preempts local standards on home size and dimensions without regard to whether existing infrastructure can support additional intensity of development. For municipalities, this risks forcing denser development in areas with constrained water, sewer, or related systems, undermining local planning and capital investment decisions.
 - Proposal: Tie the prohibition on minimum square footage and exterior dimensions to areas with documented public water and sewer capacity to support additional growth.
 - Language:
 - On page 8, in line 29, after “ESTABLISHES,” insert, “IN AREAS THAT ARE CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH;” [MACo #4]
 - On page 9, in lines 1-2, strike “IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS,” [MACo #4]
 - Problem 3: The minimum lot coverage prohibition could be misread to interfere with interior building standards that are governed by building codes, rather than zoning. This creates confusion about whether local and state building code requirements for health, safety, and habitability could be unintentionally preempted.
 - Proposal: Clarify that the prohibition applies only to exterior dimensions or size requirements, not to interior minimum requirements regulated in building code.
 - Language: Add “FOR PURPOSES OF THIS SUBSECTION, A PROHIBITION ON MINIMUM LOT COVERAGE, SIZE, OR DIMENSIONAL REQUIREMENTS SHALL APPLY ONLY TO EXTERIOR BUILDING DIMENSIONS REGULATED THROUGH ZONING AND SHALL NOT BE CONSTRUED TO SUPERSEDE OR LIMIT INTERIOR MINIMUM STANDARDS OR REQUIREMENTS ESTABLISHED UNDER APPLICABLE BUILDING CODES.”
 - Problem 4: Lot coverage limits are an essential environmental and infrastructure tool for single-family neighborhoods, but they operate very differently for attached housing. Relief and solutions should be targeted to townhomes, where it actually increases housing supply, rather than broadly eliminating a safeguard municipalities rely on.
 - Proposal: Maintain lot coverage limits for single-family homes; if eliminated, do so only for townhomes.
 - Language: “THE PROHIBITION ON LOT COVERAGE MAXIMUMS UNDER THIS SUBSECTION SHALL APPLY ONLY TO TOWN HOUSES, AS DEFINED IN THIS SECTION, AND MAY NOT BE CONSTRUED TO LIMIT OR PREEMPT A LOCAL LEGISLATIVE BODY’S AUTHORITY TO ESTABLISH OR ENFORCE LOT COVERAGE REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS.”
- 5) **Bill Provision: LOT COVER MAX.** Prohibits local governments from setting lot cover maximums for single-family homes and accessory dwelling structures
- Problem 1: Including the term “indirectly” creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.

- Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
 - Language: “NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY” - remove “INDIRECTLY”
 - Problem 2: As drafted, this provision broadly preempts local standards on home size and dimensions without regard to whether existing infrastructure can support additional intensity of development. For municipalities, this risks forcing denser development in areas with constrained water, sewer, or related systems, undermining local planning and capital investment decisions.
 - Proposal: Tie the prohibition on minimum square footage and exterior dimensions to areas with documented public water and sewer capacity to support additional growth.
 - Language:
 - On page 8, in line 29, after “ESTABLISHES,” insert, “IN AREAS THAT ARE CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH;” [MACo #4]
 - On page 9, in lines 1-2, strike “IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS,” [MACo #4]
 - Problem 3: Including accessory dwelling structures (ADUs) in the lot coverage prohibition unnecessarily strips municipalities of a key tool for managing the impacts of secondary units on small or constrained lots. Unlike primary homes, ADUs are often added incrementally in built-out neighborhoods, where lot coverage limits help address stormwater, tree canopy loss, privacy, and neighborhood-scale impacts.
 - Proposal: Remove accessory dwelling structures
 - Language: strike “AND ANY ACCESSORY DWELLING STRUCTURES.”
 - Problem 4: Lot coverage limits are an essential environmental and infrastructure tool for single-family neighborhoods, but they operate very differently for attached housing. Relief and solutions should be targeted to townhomes, where it actually increases housing supply, rather than broadly eliminating a safeguard municipalities rely on.
 - Proposal: Maintain lot coverage limits for single-family homes; if eliminated, do so only for townhomes.
 - Language: “THE PROHIBITION ON LOT COVERAGE MAXIMUMS UNDER THIS SUBSECTION SHALL APPLY ONLY TO TOWN HOUSES, AS DEFINED IN THIS SECTION, AND MAY NOT BE CONSTRUED TO LIMIT OR PREEMPT A LOCAL LEGISLATIVE BODY’S AUTHORITY TO ESTABLISH OR ENFORCE LOT COVERAGE REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS.”
- 6) **Bill Provision: SETBACKS.** Prohibits local governments from setting setbacks for single-family homes or accessory structures that exceed 10 feet in the front or rear, or 5 feet on the sides.
 - Problem 1: Including the term “indirectly” creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.
 - Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
 - Language: “NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION,

STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY” - remove “INDIRECTLY”

- Problem 2: This one-size-fits-all setback mandate overrides locally adopted standards used to address fire access, stormwater management, drainage, privacy, and neighborhood context. Setback needs vary widely based on lot size, street design, infrastructure, and emergency access, and a rigid statewide cap would create unintended site-specific impacts without meaningfully increasing housing supply.
 - Proposal: Tie the mandate to areas with documented public water and sewer capacity to support additional growth.
 - Language:
 - On page 8, in line 29, after “ESTABLISHES,” insert, “IN AREAS THAT ARE CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH;” [MACo #4]
 - On page 9, in lines 1-2, strike “IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS,” [MACo #4]
 - Problem 3: Secondary buildings often have different safety, drainage, and neighborhood impacts than primary homes. The bill could unintentionally override setback standards that municipalities use to address fire access, stormwater, privacy, and lot constraints for accessory buildings in built-out neighborhoods.
 - Proposal: Remove accessory dwelling structures
 - Language: strike “AND ANY ACCESSORY DWELLING STRUCTURES.”
- 7) **Bill Provision: DESIGN.** Prohibits local jurisdictions from mandating specific design, architectural, or aesthetic elements for single-family homes.
- Problem 1: Including the term “indirectly” creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.
 - Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
 - Language: “NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY” - remove “INDIRECTLY”
 - Problem 2: Prohibiting local design and architectural standards removes one of the few tools municipalities have to ensure new single-family development fits safely and cohesively into existing neighborhoods. Design standards are often tied to objective concerns—such as building orientation, materials durability, streetscape continuity, and compatibility with historic or context-sensitive areas—not subjective aesthetics. Eliminating this authority can lead to development that creates safety issues, undermines prior planning investments, and generates neighborhood conflict without meaningfully increasing housing supply.
 - Proposal: Remove in its entirety
 - Language: strike page 9, lines 12-13. [MACo #6]
 - Problem 3: Without an explicit grandfathering provision, the bill could invalidate existing, duly adopted local design guidelines that municipalities and developers have relied on for years. This would undermine prior planning efforts, disrupt approved or pending projects, and create uncertainty about which standards remain enforceable.

- Proposal: Grandfather existing design guidelines adopted before the bill's effective date, while preserving the bill's limitation on new, prescriptive design mandates. This approach protects settled expectations and prior investments without expanding local authority beyond what already exists.
- Language: "NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION, THIS SUBSECTION MAY NOT BE CONSTRUED TO SUPERSEDE OR INVALIDATE ANY DESIGN, ARCHITECTURAL, OR DEVELOPMENT GUIDELINES ADOPTED BY A LOCAL LEGISLATIVE BODY OR PLANNING COMMISSION ON OR BEFORE THE EFFECTIVE DATE OF THIS ACT."

8) **Bill Provision: TOWNHOUSE MANDATE.**

- Prohibits local governments from banning townhouses in areas zoned for single-family residential use.
 - Problem: This overrides locally adopted comprehensive plans and public processes that balance density, infrastructure capacity, and neighborhood context, creating uncertainty and potential incompatibility in established neighborhoods.
 - Proposal: Remove this provision to preserve local authority to determine where attached housing is appropriate based on infrastructure, planning goals, and community input.
 - Language: Strike page 9, lines 14-18 in its entirety.
- Definition of townhouse: a home that is part of a row of three or more attached homes, where each unit shares at least one wall with another unit, and is either on its own lot or part of a condominium.
 - Problem: Allowing stacked units, triplexes, and quadplexes forces significantly higher density and intensity into areas not planned or designed to accommodate it.
 - Proposal: Limit townhouses to traditional, ground-oriented attached housing that is more compatible with single-family neighborhoods and existing infrastructure.
 - Language: "TOWN HOUSE' MEANS A TYPE OF ATTACHED DWELLING CONSISTING OF A GROUP OF THREE OR MORE DWELLING UNITS, EACH ATTACHED TO AT LEAST ONE OTHER DWELLING UNIT BY A PARTY WALL THAT SERVES AS A VERTICAL BOUNDARY FOR BOTH UNITS. EACH TOWN HOUSE DWELLING UNIT SHALL EXTEND FROM THE GROUND TO THE ROOF, SHALL CONTAIN MULTIPLE FLOORS OR LEVELS, AND SHALL HAVE ITS OWN GROUND-LEVEL EXTERNAL ENTRANCE OR SHARE AN ENTRANCE ONLY WITH AN ADJACENT UNIT. THIS DOES NOT INCLUDE STACKED DWELLING UNITS OR ANY DWELLING UNIT LOCATED DIRECTLY ABOVE OR BELOW ANOTHER DWELLING UNIT."

9) **Bill Provision: SUBDIVISION.** Prevents local governments from prohibiting a property owner in a single-family residential zone from subdividing an improved lot into three or fewer lots, unless the lot was recently subdivided within the previous 3 years.

- Problem 1: Including the term "indirectly" creates significant ambiguity and litigation risk by potentially sweeping in long-standing, neutral zoning and development standards that were never intended to be preempted.
 - Proposal: Remove it to provide clearer boundaries around what is actually prohibited, preserve legitimate local planning tools, and improve predictability and enforceability for both local governments and developers.
 - Language: "NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION,

STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY” - remove “INDIRECTLY”

- Problem 2: Creates a statewide entitlement to subdivide lots in single-family zones, regardless of local subdivision standards or infrastructure constraints. It overrides locally adopted processes that evaluate access, utilities, stormwater, and neighborhood impacts, and could enable incremental density increases without adequate planning or coordination.
 - Proposal: Clarify that this provision will only be applicable to areas served by water and sewer. Areas served by septic systems cannot support increased density or development to the same extent as those served by water and sewer.
 - Language: On Page 9, in lines 23, after “USE” insert, “AND IS CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH” [MACo #8]

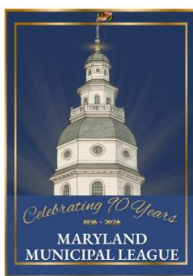
10) **Bill Provision: EFFECTIVE DATE.** Effective October 1, 2026.

- Problem: This bill constitutes a significant shift. Local governments need time to change local ordinances, budgets, and otherwise plan as necessary.
 - Proposal: Change the effective date to October 1, 2027.

SB 36 - FWA - MML.pdf

Uploaded by: Angelica Bailey Thupari

Position: FWA



TESTIMONY

COMMITTEE: Senate Education, Energy, and the Environment

DATE: February 17, 2026

POSITION: Favorable with Amendments

BILL: SB 36

The Maryland Municipal League shares the Administration’s commitment to expanding access to safe and affordable housing. Municipalities across Maryland are actively advancing housing solutions through zoning reform, infrastructure investment, and partnerships tailored to their unique community contexts. The Starter and Silver Homes Act of 2026, however, would significantly preempt long-standing local zoning and land use authority by replacing locally adopted standards with uniform statewide mandates. These changes would limit municipalities’ ability to coordinate housing growth with infrastructure capacity, environmental constraints, public safety considerations, and fiscal realities.

Local zoning authority plays a role in shaping housing production, but it is also the primary tool municipalities use to plan for housing alongside water and sewer systems, transportation networks, schools, stormwater management, and emergency services. When that authority is restricted without corresponding funding or revenue flexibility, the costs of infrastructure upgrades and service expansion shift to local governments and residents. Because municipalities rely heavily on property tax revenue to fund these investments, shifting those costs locally can strain fiscal sustainability and complicate long-term affordability objectives.

The League is also concerned about the cumulative impact of multiple preemption provisions on comprehensive plans developed through extensive public engagement, formal adoption by elected local officials, and coordination with state partners. These plans reflect years of community input and legislative action at the local level. Removing or narrowing local planning authority without clear implementation standards or reasonable timelines creates uncertainty for residents, developers, and municipalities alike.

While the League shares the goal of expanding housing options, several provisions raise concerns regarding municipal infrastructure capacity, fiscal sustainability, and the cumulative effect of preempting locally developed planning frameworks. The comments below explain how specific provisions of the bill would function in practice and identify areas where targeted amendments are necessary to preserve local planning authority, ensure infrastructure readiness, and better align statewide housing goals with on-the-ground implementation realities.

Minimum Lot Size in Areas Served by Public Water and Sewer

The bill prohibits local zoning ordinances from requiring single-family homes to be built on lots larger than

25% of the State’s population resides in municipalities despite the fact that they constitute less than 5% of the State’s land area.

5,000 square feet in areas served by public water and sewer. Taken together, the fixed 5,000 square-foot standard and the water-and-sewer applicability threshold raise significant concerns for municipalities.

Minimum lot size requirements are a core local planning tool used to calibrate residential density to infrastructure capacity, neighborhood context, and prior public investment. A uniform 5,000 square-foot cap replaces locally adopted standards with a statewide mandate that does not account for differences in system capacity, service constraints, or development patterns across jurisdictions. Even where public water and sewer exist, many municipal systems are constrained, segmented, or operating near capacity, and lot size standards are often used to manage incremental growth in ways that avoid costly system expansions or premature capital investments that municipalities may be required to finance upfront.

Limiting this mandate to areas served by public water and sewer concentrates its effects in municipalities and other already-developed communities where public infrastructure is in place and land is largely built out. These jurisdictions have limited remaining developable land. Because municipalities house approximately 25% of Maryland's population while occupying less than 5% of the state's land area, they must manage new development within existing neighborhoods and infrastructure networks, making them inherently denser and particularly sensitive to incremental increases in development.

While the bill does not preempt adequate public facilities ordinances, capacity remains a practical concern. Infrastructure costs - particularly for water, sewer, transportation, and stormwater - are borne upfront by municipalities, while revenue growth from new development accrues gradually and is more limited for municipalities that rely primarily on property tax revenue. In this context, minimum lot size standards function as an important tool for managing the timing, scale, and fiscal sustainability of growth. A one-size-fits-all mandate risks shifting infrastructure and service costs onto municipalities without sufficient flexibility to align development with local capacity and financial realities.

Minimum Lot Coverage and Building Dimension Standards

The bill prohibits local governments from setting minimum square footage or exterior dimension requirements for single-family homes. As drafted, this language broadly preempts local standards on home size and dimensions without regard to whether existing infrastructure can support additional development. For municipalities, this risks forcing denser development in areas with constrained water, sewer, or related systems, undermining local planning and capital investment decisions. Additionally, the prohibition on minimum lot coverage could be understood to interfere with interior building standards governed by state and local building codes, creating uncertainty as to whether state and local health, safety, and habitability requirements are unintentionally affected. Lot coverage standards also function differently for attached housing, and broad elimination of this tool removes an important safeguard municipalities rely on in single-family neighborhoods.

Maximum Lot Coverage for Single-Family Homes and Accessory Structures

The bill prohibits local governments from setting maximum lot coverage standards for single-family homes and accessory dwelling structures. Including accessory dwelling structures further strips municipalities of a key tool for managing the cumulative impacts of incremental development in built-out neighborhoods, where lot coverage limits help address stormwater, tree canopy loss, privacy, and neighborhood-scale impacts. As with minimum lot coverage, broad preemption is not targeted to where it would meaningfully increase housing supply and instead eliminates a core local planning safeguard.

Setback Requirements

The bill prohibits local governments from setting setbacks for single-family homes or accessory structures

that exceed 10 feet in the front or rear and 5 feet on the sides. This rigid statewide standard overrides locally adopted setback requirements used to address fire access, stormwater management, drainage, privacy, and neighborhood context. Setback needs vary widely based on lot size, street design, infrastructure, and emergency access, and a uniform cap risks creating unintended site-specific impacts without a clear connection to increased housing production. Secondary and accessory structures often present distinct safety and drainage considerations, which this provision does not meaningfully account for.

Design and Architectural Standards

The bill prohibits local jurisdictions from mandating specific design, architectural, or aesthetic elements for single-family homes. Design standards are often tied to objective, non-aesthetic considerations such as building orientation, materials durability, streetscape continuity, and compatibility with historic or context-sensitive areas. Eliminating this authority removes one of the few remaining tools municipalities have to ensure new development fits safely and cohesively into existing neighborhoods. Without explicit grandfathering language, the provision could also call into question the enforceability of existing design guidelines that municipalities and developers have relied on for years, creating uncertainty for approved and pending projects.

Townhouse Mandate in Single-Family Zones

The bill prohibits local governments from banning townhouses in areas zoned for single-family residential use. This provision overrides locally adopted comprehensive plans and zoning maps developed through extensive public engagement, and effectively upzones established neighborhoods without regard to local resources or neighborhood context. Further, the bill's definition of "townhouse" includes units that may be part of a condominium, which raises additional concerns that stacked units or higher-density configurations could be permitted in areas not planned or designed to accommodate them.

Subdivision of Improved Lots

The bill prevents local governments from prohibiting the subdivision of an improved lot into three or fewer lots, subject to limited exceptions. This creates a statewide entitlement to subdivide lots in single-family zones regardless of local subdivision standards. Doing so overrides locally adopted review processes that evaluate neighborhood impacts and could allow incremental density increases to occur without adequate coordination, infrastructure planning, or public process.

Applicability, Exemptions, and Overrides

The bill limits its applicability by exempting agricultural land, conservation property, and historic districts designated on or before July 1, 2025. While these exemptions are important, as drafted they do not fully account for how land use regulation, infrastructure planning, and historic preservation function at the local level.

First, restricting the exemption for historic districts to those designated on or before July 1, 2025 undermines the purpose of local historic preservation programs. Municipal historic districts are established through deliberate public processes to protect cultural, architectural, and community resources over time. Conditioning the exemption on a fixed date could discourage future historic designations or call into question a municipality's ability to respond to new preservation needs.

Second, the bill assumes that areas served by public water and sewer are uniformly capable of supporting additional development. In practice, many municipalities are only partially served by water and sewer, contain legacy neighborhoods on septic systems, or operate constrained or segmented infrastructure networks. Applying the bill's mandates in these contexts risks forcing density where systems lack sufficient capacity or

where extensions are not planned. These conditions are common across municipalities of all sizes and reflect practical infrastructure realities that uniform statewide mandates do not fully account for.

To address these concerns, the MML has submitted a set of substantive, good-faith amendment proposals (enclosed) to the Department of Housing and Community Development. These amendments are intended to meaningfully limit unintended municipal impacts and restore appropriate local discretion where necessary to ensure workable implementation.

For these reasons, the Maryland Municipal League respectfully requests a favorable report on Senate Bill 36 if amended to address the issues outlined above.

For more information relating to this piece of testimony, please contact:

Angelica Bailey Thupari: Director, Advocacy and Public Policy, angelicab@mdmunicipal.org

ShoreRivers.FWA.SB36.pdf

Uploaded by: Annie Richards

Position: FWA



Testimony in Support WITH AMMENDMENTS Senate Bill 36 – Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

February 13, 2026

To Chair Feldman and Members of the Committee

Thank you for this opportunity to submit testimony in **SUPPORT WITH AMMENDMENTS for SB36** on behalf of ShoreRivers. ShoreRivers is a river protection organization on Maryland's Eastern Shore with more than 2,000 members. *Our mission is to protect Maryland's Eastern Shore waterways through science-based advocacy, restoration, education, and engagement.*

ShoreRivers commends the intent of this bill to increase affordable housing across the State of Maryland, however we feel the current language in the bill, when applied broadly across all counties, will have more significant consequences for rural Eastern Shore counties and the sensitive landscape features found here. We stand with Arundel Rivers Federation, Chesapeake Legal Alliance, Waterkeepers Chesapeake, and other environmental partners in asking for the following amendments:

Clarify that lands within the Chesapeake and Atlantic Coastal Bay Critical Areas, forested lands suitable for forest interior dwelling species, and areas that are not currently connected to public water and sewer are EXEMPT. 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.

Strike impervious surface lot coverage language. This amendment strikes the bill's prohibition on counties setting maximum lot coverage limits. These coverage limits have always formed a key component of land use regulations that limits the proliferation of impervious surfaces, thus limiting land disturbance and pollution.

Finally, the Starter and Silver Homes Act limits and preempts local planning and previous public engagement regardless of existing jurisdictional or county zoning. This bill will upzone all land within existing and planned water and sewer areas, including **agricultural**, low density zoned lands, and or targeted conservation properties. On the eastern shore, this could result in sprawl instead of increasing density in targeted growth areas. **We therefore ask that all agricultural properties be exempt.**

Thank you for your consideration on this matter. ShoreRivers urges a favorable report with amendments.

Sincerely,
Annie Richards, Chester Riverkeeper on behalf of:

ShoreRivers

Scott Budden, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper

Ben Ford, Miles Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

SB 36

Uploaded by: Cheryl Gannon

Position: FWA

Testimony of Cheryl Gannon, President
Montgomery County Civic Federation Maryland
House Economic Matters Committee SB 36, Starter
and Silver Homes Act February 17, 2026

Good afternoon, my name is Cheryl Gannon, and I am the President of the Montgomery County Civic Federation-- a 100-year-old non-profit umbrella organization of neighborhood civic and homeowner associations across Montgomery County. Thank you for the opportunity to testify today.

The MCCF acknowledges the projected future growth in Montgomery County population and supports providing equitable housing opportunities (both home ownership and rental) to current and future generations of residents. We endorse data driven proposals that will meet the needs of residents who struggle to afford housing, while protecting the environment and providing necessary infrastructure. We have a strong commitment to an inclusive planning process that includes resident voices in the future of their own communities.

We call on the Maryland General Assembly to work toward a strategic compromise on housing legislation that focuses on data driven affordability measures, public land use opportunity around transit, certainty in the market, and retaining local flexibility and discretion on how to meet overall county housing targets with measures that actually improve affordability, protect the environment and provide the necessary infrastructure.

In that regard, we appreciate the *Transit & Housing Opportunity Act of 2026* to unlock land around transit areas and create as many as 7,000 new homes. We also appreciate the *Housing Certainty Act of 2026* to create certainty in the market for developers. Both measures will unlock new opportunities for housing.

The stated goal of the *Starter and Silver Homes Act*, to create more affordable typologies in housing is an important goal. However, as structured, the bill will not necessarily increase affordability and in some cases will worsen the affordability problem, while doing damage to the environment, and ignoring critical infrastructure needs. The legislation amounts to a sweeping preemption of local control over planning and turns the planning process over to private developers to increase density in single family areas with no requirements for affordability, or environmental protection or infrastructure. This is the predictable result of slapping down one-size-fits-all land use rules, without guardrails, across a large and diverse state. Changes are needed to bring this legislation in line with stated affordability goals and local conditions.

Local Control and Public Input

The bill must restore local control and restore public input into the Planning process.

If the state-wide preemption in the Starter and Silver Homes bill were to be adopted, the opportunities for local jurisdictions to act creatively in addressing their housing needs, to adapt approaches to the characteristics and needs of their communities, and to learn from each other's experience what works well and what doesn't (and why), would be lost. This would be a substantial and damaging loss. The state can help (and even push) by defining the state-wide housing need and allocating the responsibility to address that need across the state's counties. But the best approaches are unlikely to be found (and large-scale mistakes may be made) if our counties do not have the opportunity to adopt different approaches suited to their specific situations and needs and to learn from each other's knowledge, expertise, and experiences.

In Maryland, the principle of local control over zoning is more than 100 years old. Yet, the Starter and Silver bill proposes to preempt this principle, which has supported steady economic growth, with a statewide zoning code. The assumption seems to be that what is good land use for Garrett County is good for Montgomery County, and what is good for Montgomery is good for St. Mary's. Geography alone tells us otherwise. Moreover, citizens know what level of government suits their housing needs best - county and municipal officials with granular knowledge and multi-neighborhood experience. The following "thought experiment" illustrates the value of the historical consensus on local control over the fundamentals of zoning: If a Republican Administration proposed this bill, would it receive any Democratic votes? If not, the bill cannot be sound housing policy.

Targets/Exemptions

The bill should establish equitable targets for jurisdictions, grounded in reliable data projections, and focus on zoned capacity. Once a jurisdiction zones for capacity, and provides approvals for projects, it should not be penalized for the failure of developers to move forward. There are many reasons why projects do not move forward—financing, lack of job growth and construction costs loom large. Blaming zoning does not make sense considering the land has been zoned and Montgomery County has many units in the pipeline.

Targets for new housing must be equitably spread across the state and within each county. Exemptions push the overall target numbers onto smaller areas within a county, increasing the burden on non-exempt communities to absorb the entire target. Ironically, the state is proving the point that one-size-fits-all measures don't work by carving out exemptions.

Economic Development

The state must refocus on economic development. Stable, well-paying jobs are the key to affordability. Maryland's economic development record is lackluster. Developers have indicated in both the Montgomery County Planning Department's pipeline analysis and study of Pike and Rose development that job projections do not justify moving any faster on developing approved units. The Council of Government data shows that Montgomery County has enough zoned land now to accommodate future needs. Developers have said several times that they will proceed with building planned and approved housing when the job projections justify it.

The Maryland DHCD misunderstands the Austin TX example. Austin experienced a tech and jobs boom when Oracle, Apple, Tesla and others moved in and brought a spike in available jobs. Pandemic remote work brought new residents as well. But jobs were the underlying factor promoting housing construction. In response, the market overbuilt—not as a deliberate policy choice but as a miscalculation-- and there was a drop in rents that has now leveled off. But there were also failed projects—creating a literal ghost town for example of unfinished homes that sat rotting in the elements for several years until it was bulldozed by the city, and developer financial difficulties and bankruptcies. Maryland should aspire to the economic development of Austin, but not the chaotic miscalculations of housing and jobs. Housing follows jobs, and not the other way around.

Affordability

Affordability requires subsidy. The most critical housing needs in Montgomery County are concentrated among residents of low to moderate income who cannot afford or are challenged to afford market-rate housing. These residents will not be helped by new market rate housing. Affordable housing needs a subsidy, and a sweeping preemption of local control will not magically produce affordable housing.

There is no connection between untethered market rate housing and affordability. This bill has no affordability requirements. Even worse, the bill provides opportunity for developers to circumvent the workforce and affordable housing requirements under recently enacted legislation in Montgomery County. There is nothing to prevent developers from removing lower priced housing and replacing it with higher cost housing.

We have seen this locally and in other parts of the country. In Montgomery County, one example--Preston Place in Chevy Chase, -- a project that removed replaced the historic, naturally occurring affordable Lake Apartments (66 dwelling units) with 63 luxury townhomes. Phase II will replace 67 naturally affordable 2- and 3-bedroom rental townhomes with 84 luxury townhomes. The county's Racial Equity and Social Justice review found that the University Blvd Corridor plan would have a moderately detrimental effect on communities of color as the naturally occurring affordable housing is replaced with new and more expensive market rate units.

The legislature should include provision banning the price-fixing algorithms used by the largest landlords to collude and keep rents high. We also agree suggestions to limit investor purchases of homes as an affordability tool.

The state must initiate a major funding initiative to ramp up affordable and workforce housing construction.

Sweeping preemptions of zoning processes and rules will not produce affordable housing.

Infrastructure and Environment

Montgomery County must have adequate infrastructure to support growth. The Adequate Public Facilities Ordinance requires that new development is approved after determining that the surrounding infrastructure, such as sidewalks, roads, and schools, can meet the needs of new residents, visitors, and students. Our water mains are 100 years old, and we have hundreds of breaks each winter. We just had a massive raw sewage spill into the Potomac River, transportation is underfunded, the schools have a multi-billion-dollar deficit just for maintenance of schools never mind new construction or educational programs.

Considering the state's deficit and budget squeeze, the burden of keeping up with this unregulated upzoning plan proposed by the Governor will fall on taxpayers and local jurisdictions. The state should not be mandating anything if it cannot afford to underwrite the costs. The state must initiate a review of infrastructure deficits and work with school districts, public utilities, and transportation agencies to ramp up the infrastructure needed to accommodate growth. Impact taxes have never covered all the costs of development.

The expanded building envelope mandated by this bill will reduce green space and tree canopy on lots, which are important to the overall environment. Limiting the building envelope on a lot forces development to happen in one contained footprint, leaving the rest of the land to function like natural green space. Across a subdivision, that adds up to:

- Better stormwater control
- More trees
- More habitat
- Cooler neighborhoods
- Cleaner water

It's a subtle zoning tool, but environmentally, it's very powerful.

The state is already struggling to meet 5-year climate goals and increasing paved surfaces by allowing development over most of a lot will necessarily involve reducing green space and trees and accelerate existing stormwater runoff problems. Downtown Silver Spring for example is a NOAA designated heat island, and the trees of the surrounding community are essential to the environment. Clear cutting lots to build townhouse developments will create an environmental disaster. We do not have county rules about trees on single family zoned lots. Redefining multi-family developments to single family homes will mean that reviews of removing trees or planting new trees that would have applied through optional method will no longer be in place.

In conclusion, the bill should be limited to setting targets for zoned capacity for counties and municipalities while retaining local control and current regulations and processes that include resident input into where and how the housing is developed, including appropriate placement of townhouses, setbacks and height limitations, density maximums, lot coverage limitations, tree and stormwater management, resident input into existing development review process, compatibility standards including design and architectural standards and climate goals.

Additional funding is needed from the state to upgrade infrastructure including roads, schools and transportation, and build affordable and workforce housing. Montgomery County has an Adequate Public Facilities Ordinance that must be retained and funded.

The state should consider a study panel focused on policy levers to promote and subsidize affordable housing for target populations not served by this bill's focus on market rate construction and where the need is greatest. The primary causes of projects that are stalled are financing challenges, construction costs, and lack of job growth. The state should refocus on measures to get beyond these hurdles, including possible state and private partnerships on project financing. The state should increase its funding for subsidized housing and provide grants to localities to foster projects to meet the needs of workforce and income restricted housing. Limiting investor-owned housing and price-fixing collusion by landlords are important elements of a final bill.

Garrett Park testimony SB 36 Fav w amend 02 17 202

Uploaded by: Chris Keller

Position: FWA



**Testimony of the Town of Garrett Park on SB36 “Starter and Silver Homes Act”
Before the
Senate Education, Energy, and the Environment Committee
February 17, 2026**

Garrett Park is a small residential town in Montgomery County, established in the 1880s, before the advent of automobiles. We will soon celebrate our 128th anniversary as an incorporated Maryland municipality. During this long period the Town has absorbed decades of compatible growth, which serves to strengthen and enhance our character. We have preserved and maintained the Town Plan in its original 19th century form with decades of homes situated harmoniously alongside each other and well back from our tree lined, curvilinear streets.

The Town has worked hard to maintain its historic character, including enactment of laws intended to preserve open space,¹ establishment of the entire Town as an Arboretum and, on its own initiative, the inclusion of Garrett Park on the National Register of Historic Places in 1975.

The Town is keenly aware of the major housing challenges facing Maryland today. We are sympathetic to the need for careful, well thought out solutions to difficult issues of housing availability and affordability. Just last year, with our sister municipalities and our State representatives, the Town of Garrett Park worked in good faith to support legislation that would clarify the municipalities’ core land use controls while permitting denser housing.²

The Town of Garrett Park does not believe that this bill is fit for its purpose. Without substantial amendments, the proposal would be counterproductive in achieving the stated goals of providing more housing at more moderate prices. In addition to our inherent skepticism with the proposal’s one-size-fits-all approach, we also object to this bill because it virtually eliminates all authority granted to municipalities and counties to determine building regulations within their jurisdictions. Our chief concerns with specifics of the bill are:

Substantial reduction of building setbacks: The proposed setback reductions would allow for significantly greater impervious surface coverage, increasing storm water run-off and permitting the removal of numerous canopy trees while not leaving enough space for planting replacements. It would lead over time to neighborhoods appearing jagged, with new homes extending much closer to the streets than older homes. Such a result is not

¹ The Town’s ordinances were passed with specified aims: To preserve and protect the lands and improvements within the Town by ensuring compatibility with the Town’s existing scale, natural topography, vegetation, trees, physical setting, and density of development. To preserve the unique park-like setting of the 19th century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses. To encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting, and orientation on the lot. To maintain housing diversity and choice by retaining existing housing stock yet allowing a reasonable amount of expansion in living space.

² HB 1167/SB 36 (adopted 136-1 in the House; 44-0 in the Senate) and signed by Governor Moore.

consistent with standard urban and suburban planning practice. Our concern with looser setbacks is compounded by the proposed elimination of standards that set lot area coverage limits.

Permitting a row of three or more townhouses to be built by right. This sets a rigid one-size-fits-all model for “missing middle housing” that is inappropriate for our community, which was laid out in a 19th century pattern of predominantly small lots.

Prohibiting regulations that “indirectly” violate the provisions of the bill. The vague language of this provision creates uncertainty as to what subjects would be permissible to regulate; it invites contentious proceedings and possible litigation.

As a result of these provisions, the consequences of this bill are likely to counter the stated purpose of promoting more affordable housing because curtailing setbacks and eliminating lot area coverage limits will encourage larger single-family homes. Developers would be entitled to take advantage of the expanded building area to build much larger single-family detached houses or to greatly enlarge existing housing. This will defeat the stated purpose of the bill, which is to encourage homes of moderate size and price. Rather than discourage “mansionization,” which was expressly the basis for enactment of HB 1232 (2006), the Starter and Silver Homes Act would actually encourage this trend without any counterbalancing public benefit.

The Town of Garrett Park respectfully suggests that more data are necessary – hard facts to support the sweeping changes proposed here. Where is the evidence of a nexus between the specifics of the bill and generation of the sought-after increase in housing stock with moderation in prices? The Texas experience is *not* apposite because it does not incorporate the same level of restrictions on local governments; indeed, it specifically exempts smaller jurisdictions.

For the Starter and Silver Homes Act, we respectfully urge the Committee to exempt municipal corporations from the bill, consistent with the Maryland Municipal League's proposed amendments. We also recommend broader exemptions for those jurisdictions with substantial historic preservation protections.

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.
- Protect existing stormwater, tree canopy, and environmental regulations from preemption.
- Grandfather existing municipal design guidelines and development standards.
- 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 housing that the bill intends to encourage.
- Extend the effective date to October 1, 2027, to allow municipalities adequate time to align local codes.

We welcome the opportunity to work collaboratively to craft effective housing incentives and to explore other options that balance municipal authority with proven, practical, and equitable affordable housing policies.

Thank you,

Chris Keller
Mayor
Town of Garrett Park

SB036_Councilmember_Deb_Jung_FWA.pdf

Uploaded by: Deb Jung

Position: FWA



Howard County Council

Deb Jung
Councilmember

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

District 4

SB036/HB239: Support with Amendments
Education, Energy, and the Environment Committee

February 13, 2026

Dear Chair Feldman, Vice Chair Kagan, and Committee Members:

Please accept this written testimony in SUPPORT WITH AMENDMENTS for SB036/HB239. I represent District 4 on the Howard County Council and worked on the local implementation of the State required accessory dwelling unit regulations. Thanks to the flexibility of that State law, we adopted regulations that promote housing diversity, generate rental income for homeowners, and address the unique needs and characteristics of our County.

I support thoughtful efforts to address our housing challenges so that seniors on fixed incomes can age in place and young families can build generational wealth. I ask this Committee to include considerations of livability and local flexibility along with affordability during deliberations on this legislation.

SB036/HB239 requires three townhouse units or more on one lot. Our Howard County regulations determine density based on acreage not lots. Please consider terminology alignment for the sake of consistency.

SB036/HB239 adds townhouses to the definition of single-family housing. This means that townhomes will be by right in our rural districts where we do not have public water and sewer. Housing developments in these areas rely on private individual or shared septic systems that increase overall housing costs. Please evaluate the cost of private infrastructure on housing affordability in these rural areas.

SB036/HB239 reduces the minimum lot size to 5000 square feet, eliminates maximum lot coverage, and shrinks setbacks. A 5000 square foot lot could yield a 4000 square foot house with a 2000 square foot footprint. In Howard County, a 4000 square foot house could sell for \$800,000 or more. Please evaluate if eliminating or decreasing lot coverage and setbacks results in smaller, more affordable homes.

Counties rely on maximum lot coverage to control stormwater runoff. Setbacks provide places to plant street trees and combat heat islands. Rear setbacks give children a place to play that isn't in a parking lot or street. Please consider the direct impact that these land use tools have on flood control, climate change, and pedestrian safety.

SB036/HB239 restricts design and aesthetics requirements. Columbia is an aesthetically cohesive community with both design covenants as well as socio-economic and housing diversity. Columbia pioneered the idea of a planned community with good social values. It continues to be a "garden for growing people." Please recognize the successes of these communities in Maryland and consider amendments that preserve their character and promote livability as well as affordability.

If amended, SB036/HB239 could respect the Counties' local zoning authority, avoid school overcrowding, and increase housing supply without undermining public infrastructure, environmental protections, or stormwater management in flood-prone areas.

Thank you for your time and consideration.



Deb Jung
Howard County Council
District 4

SSHA letter.2.13.2026 Senate testimony.pdf

Uploaded by: Dia Costello

Position: FWA



Town of GLEN ECHO

6106 Harvard Avenue • Glen Echo • Maryland 20812 • (301) 320-4041 • townhall@glenecho.gov

To: The Honorable Senator Brian Feldman
Chair, House Education, Energy and Environment Committee

The Honorable Senator Cheryl Kagan
Vice Chair, House Education, Energy and Environment Committee

Chair Education, Energy and Environment Committee

From: Hon. Dia Costello, Mayor, Glen Echo, Maryland

Date: February 13, 2026

Testimony for Starter and Silver Homes Act of 2026: SB 0036 Favorable with Amendments

Thank you for the opportunity to provide testimony regarding Governor Moore's Starter and Silver Homes Act of 2026. My name is Dia Costello, and I am the Mayor of Glen Echo, a small municipality in Montgomery County.

I offer this testimony to support the goal of expanding housing options, while also seeking to ensure affordability, consideration for local zoning authority, smaller town infrastructure realities and environmental sensitivities.

I recognize the urgent need for more affordable housing, including smaller homes appropriate for first-time buyers and our older residents. These goals are important and shared; however, the Starter and Silver Homes Act, as currently drafted, presents significant challenges for a small town that lacks the scale and infrastructure of larger jurisdictions.

Affordability Outcomes Are Not Guaranteed

While the Act is intended to promote affordability, there is no guarantee that newly permitted housing types will result in homes that are truly affordable to first-time buyers or seniors without additional affordability requirements or incentives. In high-demand areas such as Glen Echo, market-rate development alone may not achieve the intended outcomes.

Loss of Local Zoning Authority – Potential Negative Consequences

The Act's statewide overrides on minimum lot size, housing type, and subdivision standards, limit our Town's ability to tailor land-use decisions specific to Glen Echo. Our homes have small lots and are quite close together. Reducing our zoning authority has the potential to make Glen Echo more vulnerable to overdevelopment. There are also increased safety concerns such



Town of GLEN ECHO

6106 Harvard Avenue • Glen Echo • Maryland 20812 • (301) 320-4041 • townhall@glenecho.gov

as ensuring fire and rescue can readily gain access between houses. Lastly, preserving local zoning authority allows Glen Echo to protect its mature canopy trees, which play a critical role in stormwater management, climate resilience, and regional environmental health; their loss could have negative long-term impacts that cannot be easily reversed.

Infrastructure Capacity Vulnerability

The Town has older stormwater systems, water and sewer capacity. The Act encourages increased residential density without providing corresponding funding or assistance to assess or expand infrastructure capacity. This creates a risk that development could outpace a town's ability to safely and sustainably support it.

Community Character Considerations

Glen Echo has a distinct historic identity and neighborhood that residents value. While community character should never be used as a pretext to block housing, state-mandated changes may erode public trust. Community buy-in is essential to successful housing policy.

In closing, although my primary focus is on the needs of Glen Echo, I have concern for all small municipalities in the state. I am not asking to be exempt from the proposed Act; however, I believe the uniqueness of smaller municipalities must be considered in order to meet housing goals in ways that reflect local realities.

I respectfully urge the General Assembly to consider amendments that acknowledge the unique constraints of small towns while advancing shared statewide housing objectives.

In service,

Hon. Dia Costello
Mayor
Glen Echo, Maryland

cc: Sen. Sara Love, Del. Marc Korman, Del. Sarah Wolek, Del. Theresa Woorman,
Councilmember Andrew Friedson

SIGN-ON FWA SB0036.docx.pdf

Uploaded by: Elle Bassett

Position: FWA



Testimony in SUPPORT WITH AMENDMENTS of SB0036 – Silver and Starter Homes Act of 2026

Education, Energy, and the Environment Committee
February 17, 2026

Dear Chair Feldman and members of the Committee,

On behalf of the undersigned organizations, we thank you for the opportunity to submit testimony in **SUPPORT WITH AMENDMENTS of SB0036**.

We know that clean water policy begins with land use policy, and how we choose to develop and conserve our lands has lasting impacts to our environment and the Chesapeake Bay.

While we strongly support the underlying goal of increasing affordable housing supply across the State of Maryland, SB0036, as originally introduced, made significant changes to land use policy that could have inadvertently incentivized the kind of sprawling development of rural and natural landscapes that we have long known is harmful to our environment, our land conservation goals, and our Chesapeake Bay restoration goals.

We want to sincerely thank the Department of Housing and Community Development for working collaboratively and transparently with us over the past few weeks and we strongly support the following Department amendments:

On page 8, in line 24, strike “or”.

On page 8, after line 26, insert: “;

(IV) LAND WITHIN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED IN § 8-1802 OF THE NATURAL RESOURCES ARTICLE; OR

(V) FORESTED LAND SUITABLE FOR FOREST INTERIOR DWELLING SPECIES, AS DEFINED IN § 5-1607(C)(1)(III) OF THE NATURAL RESOURCES ARTICLE.”

-These amendments will ensure that the Critical Area and our largest forests with prescribed protections in the Forest Conservation Act (typically greater than 50 or even 100 acres in size) will not be inadvertently impacted by pollution and habitat fragmentation that could occur from increased development activity.

We remain concerned that the bill removes impervious surface area limits (lot coverage maximums) across a wide area of the State. These limits have long formed the foundation of protections for our environment and our communities from stormwater pollution and stormwater flooding. For that reason, we urge the committee to adopt the additional following amendment:

On page 9, line 6, strike in its entirety lines 6 and 7.

-This amendment strikes the bill's prohibition on counties setting maximum lot coverage limits. These coverage limits have always formed a key component of land use regulations that limits the proliferation of impervious surfaces, thus limiting land disturbance, avoiding future stormwater flooding from development, and avoiding future pollution to our rivers and the Chesapeake Bay.

Thank you for considering the amendments put forth by the Department and our additional amendment described herein, and for working collaboratively toward our shared goal of delivering land use solutions that work for our communities, our lands, our rivers, and our Chesapeake Bay.

Sincerely,

Elle Bassett, South, West, and Rhode
Riverkeeper
Arundel Rivers Federation

Kathy Gramp, President
Advocates for Herring Bay

Taylor Swanson, Executive Director and
Assateague Coastkeeper
Assateague Coastal Trust

Alice Volpitta, Baltimore Harbor Waterkeeper
Blue Water Baltimore

Dr. Allison Colden, Maryland Executive
Director
Chesapeake Bay Foundation

Evan Isaacson, Senior Attorney and Director of
Research
Chesapeake Legal Alliance

Sara Caldes, Severn Riverkeeper
Chesapeake Rivers Association, Inc.

Marisa Olszewski, Community and Environment
Manager
Maryland League of Conservation Voters

Brent Walls, Upper Potomac Riverkeeper and
Program Director
Potomac Riverkeeper Network

Josh Falk, Executive Director
Scenic Rivers Land Trust

Annie Richards, Chester Riverkeeper
ShoreRivers

Robin Broder, Acting Executive Director
Waterkeepers Chesapeake

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Uploaded by: Howard Schoenholtz

Position: FWA

SB 36

FWA

Howard D. Schoenholtz

5810 Ogden Court

Bethesda, MD 20816-1263

Chair Feldman, Vice Chair Kagan, and members of the Senate Education, Energy, and the Environment Committee

My name is Howard Schoenholtz, I am a 33-year resident of Bethesda, and I thank you for accepting my written testimony on the Starter and Silver Homes Act of 2026.

Noted land use attorney Michelle Rosenfeld recently described SB36 as “a stunningly sweeping preemption of local zoning.” The bill as presently written would impose an unprecedented override of local zoning powers and effectively undermine the historical power and authority of local government over land use as well as the long-established and core principle of community residents’ input into zoning.

As currently written, SB36 would essentially impose an unfunded mandate on local jurisdictions, because the bill does not mention infrastructure improvements that would be necessitated by greater density. The cost of those needed improvements would have to be borne by the local jurisdictions. Existing water and gas mains are already failing at an alarming rate even as they service our existing neighborhoods.

The Starter and Silver Homes Act seems to whole-heartedly embrace the concept that unlimited construction of townhouses throughout Maryland will solve the affordable housing crisis; in fact, the bill considers a grouping of three townhouses to be the equivalent of one single-family home, and that developers should be allowed to build townhouse triplets on lots that had been zoned for single-family homes by right. But the fact is that, with no requirements in the bill that this new development be affordable, townhouses selling at market rate is what will result. I think we can all agree that a townhouse selling for \$1.2 million (Bethesda) or \$600,000 (Prince Georges’) is not affordable as a starter home nor a downsized home for seniors.

I understand the important issue Governor Moore and Secretary Day seek to address, namely the need for Maryland to increase the availability of moderately priced and low-income housing state-wide to attract and retain families and businesses. But I do not believe that the Starter and Silver Homes Act of 2026, as currently written, would achieve that goal.

I would therefor ask the members of the Education, Energy, and the Environment Committee to work with the general public, Secretary Jake Day, the Governor's office, and all interested parties to amend SB36 so that the bill can begin addressing the affordable housing crisis without imposing a one-size-fits-all "solution" that would essentially take the long-held concept of local land-use control and blow it up. Amendments should also explicitly make affordability requirements part of the bill; address the issue of infrastructure; ensure that local jurisdictions have input into the setting of state-mandated housing production goals; and exempt those local jurisdictions that have met or exceeded their housing production goals from provisions of the bill that may usurp local land-use decision making.

Thank you for your time and attention.

SB 36 Land Use - Zoning - Limitations (Starter and

Uploaded by: Humna Sharif

Position: FWA

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 devastating 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.**

SB0036_DHCD_SUPPORT W AMD.pdf

Uploaded by: Jake Day

Position: FWA

DATE: February 17, 2026

BILL NO: Senate Bill 36

TITLE: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

COMMITTEE: Senate Education, Energy, & the Environment Committee

Letter of Support with Amendments

Description of Bill:

Senate Bill 36 requires local jurisdictions to cap minimum required lot sizes for single-family homes in areas served by public water and sewer systems to 5,000 square feet; prohibits the imposition of minimum square footage or exterior dimension requirements for a single-family home; prohibits the imposition of lot coverage maximums for a single-family home and any accessory structures; limits required setbacks for a single-family home to 10 feet in the front and rear and 5 feet on the sides; prohibits the imposition of design, architectural, or aesthetic elements for a single-family home, allows the placement of town houses in areas zoned for single-family residential use, and allows owners of existing improved lots to split their lots into up to three smaller lots, provided the new lots conform to local law.

Background and Analysis:

Maryland is facing a severe housing crisis, driven by chronic underproduction of housing, that has made homeownership unaffordable to many working Maryland families. In 2000, three-quarters of Maryland households could afford to purchase the median priced single-family home in the state. By 2022, fewer than half of the state's families could afford the median priced home. Between 2015 and 2022, the number of homes available for sale in the state dropped by 64%. The high cost of housing has a serious impact on Maryland's economy, causing many young adults to leave for neighboring, more affordable states and making it difficult for employers to attract workers, costing the state billions of dollars in economic activity and tax revenue. The lack of available affordable homes in the state also exacerbates the racial homeownership gap: 78% of white households in the state are homeowners, while only 54% of Black and Hispanic households are.

This affordability crisis is, in part, driven by local zoning codes that encourage – and, in some cases, require – that new single-family housing be built on unnecessarily large lots and with large dimensions that add to their cost and contribute to sprawl and *de facto* segregation. In many areas in jurisdictions such as Annapolis, District Heights, Towson, and Parkville, existing neighborhoods and homes would be illegal to build today because of these requirements. Land costs can comprise as much as 30% of the cost of a new single-family home and requiring the purchase of ¼ or ½ acre of land (or more), especially in high-land-value areas, significantly increases the cost of buying a home. Further, many local jurisdictions severely restrict the locations in which town houses – an inherently less expensive form of single-family housing – may be built. In Maryland, the median sale price of a town house is 32% less than that of a detached single-family home. A family needs a household income of at least \$125,000 to afford the median detached single-family home,

but only \$85,000 to afford the median town house. This difference means that there are over 120,000 current renter households in the state that could theoretically afford a town house than could afford a detached single-family home.

Senate Bill 36, the Starter and Silver Homes Act of 2026, addresses the affordability crisis and will allow more Maryland families to achieve homeownership by limiting required minimum lot sizes in areas served by public water and sewer systems to 5,000 square feet (about 1/8 of an acre), allowing the placement of town houses in locations where detached single-family houses are currently allowed, and eliminating or moderating restrictive requirements on new home construction such as setback requirements, dimension and lot coverage requirements, and design, architectural, and aesthetic requirements that can add to the cost of a new home. The bill also allows owners of existing improved lots to split their lots into up to three smaller lots, provided that the new lots conform to local law, to encourage more efficient use of land.

DHCD has been engaged with local jurisdictions and other stakeholders on this bill's provisions since fall 2025. After receiving feedback on the bill, DHCD has agreed to support friendly amendment language on the following points:

- Limiting the town house provisions of the bill to areas served or planned to be served by public water and sewer systems
- Clarifying that density limitations (typically in the form of units per acre maximums) may not be used to override the bill's minimum lot size provisions
- Allowing an "environmental design option" to protect sensitive areas subject to the bill's provisions
- Exempting critical areas and forested land suitable for forest interior dwelling species from the bill's provisions
- Exempting future designated historic districts from the bill's provisions, so long as existing primary structures in those districts are at least 50 years old at the time of designation
- Clarifying that the bill's provisions do not override adequate public facilities ordinances or other local equivalent
- Moving the effective date of the bill back to Jan. 1, 2027
- Clarifying that the bill's provisions do not override applicable consent decrees
- Clarifying the definition of zones that allow single-family detached homes in the context of where town houses may be placed
- Allowing local jurisdictions to require that building height and front setbacks be consistent with those in adjacent improved lots
- Allowing local jurisdictions to set lot coverage maximums of at least 75% of the usable area of a lot, after setbacks, for a single-family home and accessory structures
- Exempting areas outside Priority Funding Areas and Growth Tiers I, II and III from the bill's provisions; and
- Clarifying the definition of "town house" to exclude stacked units and duplexes

DHCD Position

The Maryland Department of Housing and Community Development respectfully requests a **favorable with amendments** report on SB 36.



Amendment #1: Limit town house provisions to areas served by water/sewer (DHCD)

On page 9, in line 18, after “use” insert “, IF THE AREA IS CONNECTED OR PLANNED TO BE CONNECTED WITHIN THE NEXT FIVE YEARS TO PUBLIC WATER AND SEWER SYSTEMS”

Amendment #2: Clarify that jurisdictions cannot circumvent lot size minimum cap through units/acre or other density limitations (DHCD)

On page 8, in line 29, after “indirectly” insert “, INCLUDING THROUGH RESIDENTIAL DENSITY LIMITS, TYPICALLY MEASURED IN DWELLING UNITS PER ACRE, THAT ARE MORE RESTRICTIVE THAN THE REQUIREMENTS OF THIS PARAGRAPH”

Amendment #3: "Environmental Design Option" (Sierra Club)

On page 10, after line 2, insert:

“(F) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE OWNER OF A PARCEL THAT CONTAINS ONE OR MORE SENSITIVE AREAS AS DEFINED IN § 1-101(O) OF THIS ARTICLE MAY ELECT AN ENVIRONMENTAL DESIGN OPTION TO CONCENTRATE THE TOTAL ALLOWABLE RESIDENTIAL DENSITY FOR THE PARCEL INTO A SINGLE PRINCIPAL RESIDENTIAL BUILDING, INCLUDING ATTACHED UNITS, LOCATED ON THE PORTION OF THE PARCEL WITH THE LEAST ENVIRONMENTAL CONSTRAINTS, PROVIDED THAT:

(I) THE DEVELOPMENT SITE FOR THE PRINCIPAL BUILDING AVOIDS OR MINIMIZES IMPACTS TO SENSITIVE AREAS;

(II) ALL IMPACTED SENSITIVE AREAS ON THE PARCEL ARE PRESERVED IN PERPETUITY THROUGH AN EASEMENT OR OTHER PROTECTIVE MECHANISM ALLOWABLE UNDER LOCAL LAW;

(III) THE TOTAL NUMBER OF DWELLING UNITS IN THE SINGLE PRINCIPAL BUILDING DOES NOT EXCEED THE MAXIMUM NUMBER OF UNITS OTHERWISE PERMITTED FOR THE PARCEL UNDER APPLICABLE DENSITY STANDARDS; AND

(IV) THE PRINCIPAL BUILDING IS DESIGNED IN COMPLIANCE WITH APPLICABLE BUILDING, HEALTH, SAFETY, AND FIRE CODES.

(2) A LOCAL JURISDICTION MAY ADOPT PROCEDURES TO IMPLEMENT THIS ENVIRONMENTAL DESIGN OPTION CONSISTENT WITH THIS SECTION, BUT MAY NOT IMPOSE MINIMUM LOT SIZE REQUIREMENTS, SETBACKS, OR DESIGN STANDARDS THAT WOULD EFFECTIVELY PROHIBIT ITS USE FOR PARCELS QUALIFYING UNDER THIS SUBSECTION.”

Amendment #4: Exempt all critical areas, forested land suitable for forest interior dwelling species, and all areas not currently connected to water/sewer (Arundel Rivers, Maryland League of Conservation Voters, Chesapeake Legal Alliance, Shore Rivers) (compromise)

On page 8, in line 24, strike “or”.

On page 8, after line 26, insert: “;

(IV) LAND WITHIN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, AS DEFINED IN § 8-1802 OF THE NATURAL RESOURCES ARTICLE; OR

(V) FORESTED LAND SUITABLE FOR FOREST INTERIOR DWELLING SPECIES, AS DEFINED IN § 5-1607(C)(1)(III) OF THE NATURAL RESOURCES ARTICLE.”

On page 9, in line 1, after “connected” insert “**WITHIN THE NEXT FIVE YEARS**”

Amendment #5: Remove the time restriction on when a historic district may be determined by a local jurisdiction (MACo, MML, M-NCPPC) (compromise)

On page 8, in line 21, after “article” strike “on or before July 1, 2025” and substitute “:

1. ON OR BEFORE JULY 1, 2025; OR

2. IN WHICH ALL EXISTING PRIMARY STRUCTURES AT THE TIME OF SUCH DESIGNATION WERE AT LEAST 50 YEARS OLD.”

Amendment #6: Specific clarification that legislation does not override local APFO (MACo/MML/M-NCPPC)

On page 9, in line 29, after “codes” insert “, ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT”

Amendment #7: Shifting the effective date back (MACo, MML, M-NCPPC) (compromise)

On page 11, in line 23, strike “October 1, 2026” and substitute “JANUARY 1, 2027”

Amendment #8: Prohibits legislation from conflicting with local Consent Decrees (City of Westminster)

On page 10, in line 2, after “regulations” insert “, OR APPLICABLE CONSENT DECREES OR ORDERS”

Amendment #9: Aligning definition of single-family residential use with local zoning law (City of Westminster)

On page 8, in line 4, strike “the construction and placement of”.

On page 8, in line 5, strike “is allowed by right under local law” and substitute “ARE EXPRESSLY CLASSIFIED IN THE LOCAL ZONING LAW AS A PERMITTED BY-RIGHT USE”.

Amendment #10: Providing that single-family homes must have consistent height to adjacent improved lots (City of Westminster)

On page 9, in line 5, after “home” insert “, EXCEPT THAT A LEGISLATIVE BODY MAY REQUIRE THAT BUILDING HEIGHT BE CONSISTENT WITH BUILDINGS ON ADJACENT IMPROVED LOTS”.

Amendment #11: Adding average building setback line of adjacent lots to front and rear setbacks provision (City of Westminster)

On page 9, in line 10, strike “and rear setbacks, 10 feet; and” and substitute “SETBACKS, 10 FEET OR THE AVERAGE BUILDING SETBACK LINE OF ADJACENT IMPROVED LOTS, WHICHEVER IS GREATER;”

2. FOR REAR SETBACKS; 10 FEET; AND”.

On page 9, in line 11, strike “2.” and substitute “3.”

Amendment #12: Striking lot coverage maximums, building setbacks, and building element requirement preemptions from the bill (Somerset/Chevy Chase Village/MML) (compromise)

On page 9, in line 6, after “maximums” insert: “OF LESS THAN 75% OF THE AVAILABLE LOT AREA, AFTER SUBTRACTING SETBACKS,”

Amendment #13: Exempt areas outside of PFAs and that are not in public water and sewer tiers 1,2, and 3 (M-NCPPC)

On page 8, in line 24, strike “or”.

On page 8, in line 26, after “Article” insert: “;

(IV) AREAS THAT ARE:

1. OUTSIDE OF ANY PRIORITY FUNDING AREA, AS DEFINED IN TITLE 5, SUBTITLE 7B OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND

2. OUTSIDE OF GROWTH TIERS I, II, AND III AS ADOPTED IN ACCORDANCE WITH TITLE 1, SUBTITLE 5 OF THE LAND USE ARTICLE.”

Amendment #14: Exclude stacked units, duplexes, etc. from the definition of townhome (MML)

On page 4, in line 15, after “wall” insert “THAT SERVES AS A VERTICAL BOUNDARY”

On page 4, in line 16, strike “and”.

On page 4, after line 16, insert:

“(2) EXTENDS FROM THE GROUND TO THE ROOF;

(3) CONTAINS MULTIPLE FLOORS OR LEVELS;

**(4) HAS ITS OWN GROUND-LEVEL EXTERNAL ENTRANCE, OR
SHARES AN ENTRANCE ONLY WITH AN ADJACENT UNIT;**

**(5) IS NOT LOCATED DIRECTLY ABOVE OR BELOW ANY OTHER
DWELLING UNIT; AND”**

On page 4, in line 17, strike “(2)” and substitute “**(6)**”

FINAL SB36_HB 239 Starter.Silver Homes Act 2026_Po

Uploaded by: James Hunt

Position: FWA



POSITION STATEMENT

Bill: HB 239/SB 36 Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

Position: Support with Amendments

Date: February 17, 2026

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Senior Government Affairs Analyst

Dear Chair Brian Feldman,

The Prince George’s County Planning Board has voted to support this bill with amendments.

What this Bill Does. This bill prohibits local jurisdictions from adopting or enforcing certain zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for certain single-family homes. This bill also seeks to prohibit local jurisdictions from prohibiting certain housing types in certain zones. Furthermore, the bill prohibits local jurisdictions from prohibiting certain subdivisions of certain lot types.

M-NCPPC General Comments. M-NCPPC appreciates Governor Moore’s continued focus on addressing Maryland’s housing crisis. HB 239 / SB 36 reflects a growing recognition that the State must expand opportunities for starter homes, diversify housing types, and reduce regulatory barriers that limit supply. M-NCPPC strongly supports efforts that meaningfully increase housing availability and affordability for Maryland residents.

For these reasons, M-NCPPC offers conditional support for HB 239 / SB 36. We support the bill's overarching goal of expanding housing options and reducing barriers to starter homes.

We offer the following comments:

- Regarding the minimum lot size language, water and sewer service areas do not correspond to desired growth areas in our counties. Consider using alternative geographies more consistent with long-standing state and county sustainable growth policies.
- Clarify the scope of preemption to ensure that environmental, safety, and infrastructure-related standards remain intact.
- Preserve local authority to manage growth in a manner consistent with adopted master plans.
- Allow reasonable design and development standards that ensure compatibility and quality.
- Provide implementation timelines that allow jurisdictions to update zoning ordinances, conduct infrastructure analysis, and engage communities.

M-NCPPC stands ready to work with the bill sponsors, the General Assembly, and partner jurisdictions to refine this legislation so that it advances Maryland's housing goals while maintaining the planning tools necessary to support complete, connected, and resilient communities.

Bill Amendments to Consider

1. **On page 8, after line 26, add (V) (1) A COUNTY THAT MEETS THE FOLLOWING STANDARD: THE AVERAGE NUMBER OF THE COUNTY'S HOUSING UNITS APPROVED OVER A ROLLING THREE-YEAR PERIOD EXCEEDS THE NUMBER OF THE ANNUAL HOUSING UNITS NEEDED, BASED ON ANNUAL HOUSING DATA FROM THE COUNTY'S PLANNING DEPARTMENT.**
2. **On page 8, in lines 21 and 22, strike, "ON OR BEFORE JULY 1, 2025".**
 - Limiting when and where a historic district may be determined with the intent of regulating land-use is contradictory to the purpose of this program. Historic areas created in the future should remain exceptions. However, there may need to be language that assures this provision is not used to abrogate the intent of the law.

3. **On page 8, after line 26, add that this subsection would not apply to:**
 - (IV) AREAS THAT ARE OUTSIDE PRIORITY FUNDING AREAS OR NOT IN PUBLIC WATER AND SEWER TIERS 1, 2 OR 3.**
 - This addition will support sustainable growth policies and address concerns regarding development on well and septic as well as the concerns counties have shared regarding impacts on rural areas.
4. On page 9, in lines 1-2, strike **“IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS,”**
 - i. The proposed amendment above would clarify that only areas in the PFA with water and sewer are subject to this subsection.
5. **On page 9, lines 8-11, strike in their entirety.**
 - i. County setbacks are largely guided by state mandates and good governance programs such as stormwater regulations and considerations for utilities. These requirements will conflict with such provisions and will apply a one-size-fits-all mandate without on-the-ground considerations.
6. **On page 9, in lines 12-13, strike in their entirety.**
 - i. County requirements on design are guided by a variety of considerations, including health and safety, neighborhood inclusion, and community input. For example, design requirements in many communities ensure that affordable housing does not unnecessarily stand out or draw attention to residents of different income brackets, fostering a stronger sense of community.
7. **On page 9, in line 29 after “CODES,” insert, “ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT, DENSITY LIMITS OR ALLOCATIONS,”. In line 30, strike “IMMEDIATE”.**
 - a. **Clarifies that these provisions do not override local adequate public facility ordinances and ensure clear implementation. On page 11, in line 22 beginning with “That” through “2026” in line 23, strike and substitute, “That this Act shall take effect July 1, 2027.”**
 - i. The effective date should be July 1, 2027 to allow additional time for Counties to adjust any relevant plans or zoning regulations.

SB 36

Uploaded by: Jerry Garson

Position: FWA

Seven Locks Civic Association, Inc.
8308 Raymond Lane
Potomac, MD 20854-3729

February 17, 2026

Good afternoon, Brian Feldman and members of the Education, Energy and Environment Committee, I am Jerry Garson the President of Seven Locks Civic Association, Inc. and we are in favor of the Senate Bill 36 with amendments. The amendments that were mentioned on Thursday are not available as of now. Please see our written testimony.

We would like to have amendments requiring lighting rods and fireproof construction between units of the wooden townhouses. The proposed construction of 3 or more attached flammable wood town houses in single family house zoning areas is dangerous. If the lots are large enough you could build 9 or more connected town houses, made of mostly wood that can start large high temperature fires and help burn many adjacent houses.

We looked at the sales of 36 new town homes built on vacant land between Montrose Road and Josiah Henson Parkway in Montgomery County, in the last year. The average price was \$1,069,588 per unit. Should we have an affordability amendment on new town houses.

We do not understand why you would expect senior citizens would like to move into three or four level units with no elevators. If you want seniors to move into these units you should add an amendment to require elevators.

The comment in the hearing on Thursday on HB 239 about why large numbers of residents were moving to Pennsylvania has an easy answer. Pennsylvania does not tax withdrawals from IRA's or pensions and in Maryland a couple with and income of \$156,000 and an IRA distribution of \$112,000 would pay to Maryland \$6,124. Compared of \$0 in Pennsylvania, Florida has not income tax.

A study showed that Maryland was the 3rd highest state for taxes on retired residents with an income of \$125,9 The comment in the hearing on Thursday on HB 239 about why large numbers of residents were moving to Pennsylvania has an easy answer. Pennsylvania does not tax withdrawals from IRA's or pensions and in Maryland a couple with and income of \$156,000 and an IRA distribution of \$112,000 would pay to Maryland \$6,124. Compared of \$0 in Pennsylvania, Florida has not income tax. A study showed that Maryland was the 3rd highest state for taxes on retired residents with an income of \$125,000.

We also see that the stock market was a far better way for residents to build wealth. In the last 60 years from December 1966 the Dow Jones Index went from 785.69 to 48,063, in December 2025 or 61.17 times though the index excluded dividends received in the 60 years.

Fires in suburban areas like many parts of Maryland have, will get out of control can cause major problems when high winds are present and Maryland should not allow the construction of large wooden structures in single family zoned areas. We are having many more high wind events in Maryland because of climate changes that are occurring.

The California fires destroyed more than 16,000 homes, businesses, and other buildings, in addition to thousands of automobiles. The largest fires, the Palisades and Eaton fires, produced the costliest damage, in part because they cut across suburban landscapes. The Palisades Fire reduced much of the suburb of Pacific Palisades to ash, destroying 6,837 structures and claiming 12 lives. The Eaton Fire burned large parts of the unincorporated community of Altadena in Los Angeles, including 9,414 structures, and caused the deaths of 18 people.

I thank you for your time and ask if you have any questions.

Montgomery County Street Location	Property Type	Stories	Living Area	Land Area	Transfer Date	Sale Price
5861 JOSIAH HENSON PKWY	Center Unit	4	1,824	946	6/18/2025	957,263
5865 JOSIAH HENSON PKWY	Center Unit	4	1,824	946	6/13/2025	922,808
5873 JOSIAH HENSON PKWY	End Unit	4	1,844	1,119	6/10/2025	1,028,146
5871 JOSIAH HENSON PKWY	Center Unit	4	1,824	944	6/10/2025	967,837
5869 JOSIAH HENSON PKWY	Center Unit	4	1,824	945	6/10/2025	967,725
6227 CROSSWIND DR	End Unit	4	2,816	1,791	1/13/2026	1,511,000
5927 JOSIAH HENSON PKWY	Center Unit	4	2,016	1,016	1/9/2026	988,876
11906 NORTH PARK DR	End Unit	4	2,684	3,017	12/30/2025	1,411,531
11930 CARAVELLE LOOP	Cen Unit	4	2,684	1,389	12/22/2025	1,299,900
11932 CARAVELLE LOOP	Cen Unit	4	2,684	1,389	12/11/2025	1,200,000
5913 JOSIAH HENSON PKWY	Center Unit	4	2,016	1,016	11/14/2025	937,914
5923 JOSIAH HENSON PKWY	Center Unit	3	1,080	1,016	11/13/2025	220,963
5919 JOSIAH HENSON PKWY	Center Unit	4	2,016	1,016	11/12/2025	1,013,636
5915 JOSIAH HENSON PKWY	Center Unit	4	2,016	1,016	11/12/2025	985,406
5921 JOSIAH HENSON PKWY	Center Unit	4	2,016	1,016	11/6/2025	970,027
5929 JOSIAH HENSON PKWY	Center Unit	4	2,016	1,016	10/29/2025	983,701
5931 JOSIAH HENSON PKWY	End Unit	4	2,056	1,175	10/28/2025	981,813
11934 CARAVELLE LOOP	End Unit	4	2,596	1,818	10/27/2025	1,391,043
11924 CARAVELLE LOOP	Cen Unit	4	2,684	1,389	10/17/2025	1,335,809
11926 CARAVELLE LOOP	Cen Unit	4	2,684	1,389	10/16/2025	1,355,932
11922 CARAVELLE LOOP	End Unit	4	2,684	2,228	10/14/2025	1,511,519
5855 JOSIAH HENSON PKWY	Cen Unit	4	1,824	944	9/30/2025	1,018,019
5863 JOSIAH HENSON PKWY	Center Unit	4	1,824	946	8/29/2025	906,201
5853 JOSIAH HENSON PKWY	Center Unit	4	1,824	943	8/29/2025	970,051
5851 JOSIAH HENSON PKWY	End Unit	4	1,844	1,117	8/27/2025	999,715
5859 JOSIAH HENSON PKWY	Center Unit	4	1,824	946	7/28/2025	972,462
Total Price						27,809,297
Average Price						1,069,588

Dow Jones Index per Yahoo Finance 60 Years

December	1966	785.69	December	2006	12,463.15
December	1967	905.11	December	2007	13,264.82
December	1968	943.75	December	2008	8,776.39
December	1969	800.36	December	2009	10,428.05
December	1970	838.92	December	2010	11,544.51
December	1971	890.20	December	2011	12,217.56
December	1972	1,020.02	December	2012	13,104.14
December	1973	850.86	December	2013	16,576.66
December	1974	616.21	December	2014	17,823.07
December	1975	852.41	December	2015	17,425.03
December	1976	1,004.65	December	2016	19,762.60
December	1977	831.17	December	2017	24,719.22
December	1978	805.01	December	2018	23,327.46
December	1979	838.74	December	2019	28,538.44
December	1980	963.99	December	2020	30,606.48
December	1981	875.00	December	2021	36,338.30
December	1982	1,046.54	December	2022	33,147.25
December	1983	1,258.64	December	2023	37,689.54
December	1984	1,211.57	December	2024	42,544.22
December	1985	1,546.67	December	2025	48,063.29
December	1986	1,895.95			
December	1987	1,938.83	December	1966	785.69
December	1988	2,168.57			61.17
December	1989	2,753.20			
December	1990	2,633.66			
December	1991	3,168.83			
December	1992	3,301.11			
December	1993	3,754.09			
December	1994	3,834.44			
December	1995	5,117.12			
December	1996	6,448.27			
December	1997	7,908.30			
December	1998	9,181.43			
December	1999	11,497.12			
December	2000	10,787.99			
December	2001	10,021.57			
December	2002	8,341.63			
December	2003	10,453.92			
December	2004	10,783.01			
December	2005	10,717.50			

Prince Georges County DHCD Testimony - SB0036 -Mar

Uploaded by: Jonathan Butler

Position: FWA

TESTIMONY
STARTER & SILVER HOMES ACT OF 2026
SB0036

Chair Feldman, Vice Chair Kagan, and members of the Education, Energy and the Environment Committee, I am Jonathan R. Butler, Director, Prince George’s County Department of Housing & Community Development. Thank you for the opportunity to testify on SB0036, Starter and Silver Homes Act of 2026.

Without a doubt, Prince George’s County supports the Governor’s vision to expand affordable homeownership opportunities for Marylanders. Further, the County’s Department of Housing & Community Development sincerely values the collaborative and synergetic relationship with Maryland Department of Housing & Community Development. Thus, Prince George’s County Government supports the proposed bill with amendment which aims to preserve local control, protect infrastructure capacity, and ensure measured, community-supported growth.

The Maryland Starter and Silver Homes Act of 2026 is designed to increase housing supply by allowing smaller single-family homes and townhouses on reduced lot sizes statewide, overriding many local zoning rules. While well intentioned, SB0036 would have several undesirable impacts on Prince George’s County.

The Act imposes limits on local land-use autonomy, curbing the county’s ability to tailor zoning to community character and resident priorities. By allowing smaller single family homes on smaller lots and townhouses by right in residential areas, SB0036 effectively preempts local land use judgment and undermines years of county driven planning work, including implementation of Housing Opportunity For All and the County’s FY 2026–2030 Consolidated Plan, which already commit Prince George’s to expanding affordability in a manner aligned with infrastructure capacity, school enrollment, and transportation investments.

Increased density without corresponding investments in roads, transit, schools, and public safety would also strain county operating budgets. Smaller lots and added density could further strain stormwater systems, and utilities that were not designed for more intense use, leading to increased maintenance costs.

TESTIMONY
STARTER & SILVER HOMES ACT OF 2026
SB0036

Finally, a review of the 2030 Housing Production Targets for the State of Maryland, published January 1, 2026, demonstrates that Prince George's County is one of three jurisdictions whose average annual units produced exceeds its annual housing unit production needed. Note, Prince George's County leads the state in average annual units produced.

Because Prince George's County is already exceeding its annual housing production target, the restrictions on local zoning authority seem unnecessary.

For these reasons, Prince George's County seeks favorable consideration on the proposed Amendment to SB0036 - The Maryland Starter and Silver Homes Act of 2026.

Jonathan R. Butler
Director
Prince George's County Department of Housing & Community Development

FINAL SB36_HB239 Starter.Silver Homes Act 2026_Pos

Uploaded by: Jordan Baucum Colbert

Position: FWA



POSITION STATEMENT

Bill: SB 36/HB 239 Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

Position: Support with Amendments

Date: February 17, 2026

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Senior Government Affairs Analyst

Dear Chair Brian Feldman,

The Montgomery County Planning Board has voted to support this bill with amendments.

What this Bill Does. This bill prohibits local jurisdictions from adopting or enforcing certain zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for certain single-family homes. This bill also seeks to prohibit local jurisdictions from prohibiting certain housing types in certain zones. Furthermore, the bill prohibits local jurisdictions from prohibiting certain subdivisions of certain lot types.

M-NCPPC General Comments. M-NCPPC appreciates Governor Moore’s continued focus on addressing Maryland’s housing crisis. HB 239 / SB 36 reflects a growing recognition that the State must expand opportunities for starter homes, diversify housing types, and reduce regulatory barriers that limit supply. M-NCPPC strongly supports efforts that meaningfully increase housing availability and affordability for Maryland residents.

For these reasons, M-NCPPC offers conditional support for HB 239 / SB 36. We support the bill’s overarching goal of expanding housing options and reducing barriers to starter homes.

We offer the following comments:

- Regarding the minimum lot size language, water and sewer service areas do not correspond to desired growth areas in our counties. Consider using alternative geographies more consistent with long-standing state and county sustainable growth policies.
- Clarify the scope of preemption to ensure that environmental, safety, and infrastructure-related standards remain intact.
- Preserve local authority to manage growth in a manner consistent with adopted master plans.
- Allow reasonable design and development standards that ensure compatibility and quality.
- Provide implementation timelines that allow jurisdictions to update zoning ordinances, conduct infrastructure analysis, and engage communities.

M-NCPPC stands ready to work with the bill sponsors, the General Assembly, and partner jurisdictions to refine this legislation so that it advances Maryland’s housing goals while maintaining the planning tools necessary to support complete, connected, and resilient communities.

Bill Amendments to Consider

1. **On page 8, in lines 21 and 22, strike, “ON OR BEFORE JULY 1, 2025”.**
 - Limiting when and where a historic district may be determined with the intent of regulating land-use is contradictory to the purpose of this program. Historic areas created in the future should remain exceptions. However, there may need to be language that assures this provision is not used to abrogate the intent of the law.
2. **On page 8, after line 26, add that this subsection would not apply to:**

(IV) AREAS THAT ARE OUTSIDE PRIORITY FUNDING AREAS OR NOT IN PUBLIC WATER AND SEWER TIERS 1, 2 OR 3.

- This addition will support sustainable growth policies and address concerns regarding development on well and septic as well as the concerns counties have shared regarding impacts on rural areas.
3. On page 9, in lines 1-2, strike “**IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS,**”
- The proposed amendment above would clarify that only areas in the PFA with water and sewer are subject to this subsection.
4. On page 9, lines 8-11, strike in their entirety.
- County setbacks are largely guided by state mandates and good governance programs such as stormwater regulations and considerations for utilities. These requirements will conflict with such provisions and will apply a one-size-fits-all mandate without on-the-ground considerations.
5. On page 9, in lines 12-13, strike in their entirety.
- County requirements on design are guided by a variety of considerations, including health and safety, neighborhood inclusion, and community input. For example, design requirements in many communities ensure that affordable housing does not unnecessarily stand out or draw attention to residents of different income brackets, fostering a stronger sense of community.
6. On page 9, in line 29 after “**CODES,**” insert, “**ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT, DENSITY LIMITS OR ALLOCATIONS,**”. In line 30, strike “**IMMEDIATE**”.
- Clarifies that these provisions do not override local adequate public facility ordinances and ensure clear implementation.

7. **On page 11, in line 22 beginning with “That” through “2026” in line 23, strike and substitute, “That this Act shall take effect July 1, 2027.”**
 - The effective date should be July 1, 2027 to allow additional time for Counties to adjust any relevant plans or zoning regulations.

SB36-FWA-AdvocatesForHerringBay.pdf

Uploaded by: Kathleen Gramp

Position: FWA

Advocates for Herring Bay (AHB)¹
Regarding SB 36 —Starter and Silver Homes Act of 2026
Stephen Marley, February 13, 2026
Favorable with amendments

The Advocates for Herring Bay (AHB) support efforts to increase affordable housing in an environmentally sound manner. Maryland can achieve those dual goals by taking a holistic approach to SB 36, one that balances the state’s housing needs with its longstanding commitments to sustain the Chesapeake Bay and other ecologically valuable resources.

In our view, SB 36 needs to be amended to prevent unintended adverse effects on the environment that would result from provisions limiting the authority of local lawmakers to adopt and enforce standards for certain town house developments. In our testimony on HB 239, AHB raised four major concerns.² It is our understanding that amendments offered by the Department of Housing and Community Development (DHCD)³ will address one of those issues, namely the need to exempt the Critical Area, FIDS habitats, Tier IV lands, and properties served by septic systems from the bill.

While AHB applauds the DHCD for agreeing to exclude those geographic areas, more changes are needed to address site-specific impacts that could harm both the environment and communities. Our three major concerns beyond the geographic exclusions are discussed below. Illustrative text for amendments to the bill, including changes to the DHCD proposals, is provided in Attachment 1.

1.SB 36 creates development rights without regard to the environmental features of individual parcels, including those served by sewer. Subsections (E)(4) and (E)(5) grant owners of residential properties the right to subdivide and develop up to three lots on their parcel without setting aside ecologically valuable acreage. Parcel-level protections are needed to safeguard natural resources that underpin the resiliency of Maryland’s environment. Those resources include:

Sensitive areas, which by law include floodplains; wetlands, streams and their buffers; steep slopes; key habitats; and resources intended for or in need of protection.⁴ Failing to exclude sensitive acreage from calculations of developable land would not only degrade environment but put the residents at risk of damage from flooding, runoff, and erosion.

The DHCD’s proposed amendment #3 creates a new but optional regime for managing sensitive areas. In addition, those optional standards only require minimizing impacts on sensitive areas, leaving priority resources and residents at risk of damage. AHB recommends amending # 3 to ensure the same level of protection provided by existing law. Thus, we suggest making the procedures in new subsection F mandatory and directing developers to “avoid” impacts. Alternatively, subsection (E)(2) could be amended to expressly exempt sensitive areas from the provisions in SB 36.

*Forests listed as a priority for retention and protection under the Forest Conservation Act*⁵ (FCA). That law calls for protecting not only habitat for Forest Interior Dwelling Species (FIDS) but also forests essential to the safety and supply of water—such as forests in water resource protection zones, reservoir watersheds, and wellhead protection areas— and forests located in Tier II and Tier III high quality watersheds identified by the Maryland Department of the Environment.

¹ The Advocates for Herring Bay, Inc. (AHB) is a community-based environmental group in Anne Arundel County.

² See [Testimony of AHB on HB 239](#).

³ We have seen a copy of a February 12, 2026 letter to the House Economic Matters Committee from the Maryland Department of Housing and Community Development that shared 14 proposed amendments to HB 239.

⁴ e [Land Use Article, §1-101\(o\)](#).

⁵ See [Natural Resources Article §5-1607\(c\)](#).

The DHCD’s proposed amendment # 4 would exempt FIDS habitat from the provisions in SB 36, an amendment that AHB strongly supports. However, we also believe that forests identified as integral to the health of our water supplies and other resources should be protected as well. Thus, AHB recommends expanding the forest protections to cover all of the priority forests listed in the FCA.

2. SB 36 risks exacerbating flooding and stormwater runoff. Subsection (E)(3) bars localities from setting any upper limit on “lot coverage” for single-family homes. That open-ended provision may have the unintended effect of deregulating lot coverage, allowing all single-family residences—not just the town houses authorized by this bill—to have 100 percent of their parcel covered by hard, impervious surfaces. Unless amended, enacting SB 36 could increase flood risks across the state by significantly reducing the acreage available for natural, vegetative buffers that absorb and manage rainfall and stormwater runoff.

AHB recommends taking a two-pronged approach, tailoring any increase in lot coverage to the incremental amounts needed to accommodate town houses added by SB 36 while retaining an upper limit pegged to the jurisdiction’s lot coverage limit for town house zoning districts. As shown in Attachment 2, that upper limit in Anne Arundel County currently would be 75 percent.

Unfortunately, the scope and scale of DHCD’s proposed amendment # 12 would increase impervious surfaces beyond the amounts needed for new town houses. AHB urges the Committee to reject that amendment. It applies to all single-family parcels in eligible areas—not just properties adding town houses—and would set a compulsory minimum lot coverage allowance of 75 percent, which is higher than the impervious surface allowed for most single-family homes in Anne Arundel County. As an alternative, the Committee could consider AHB’s illustrative lot coverage amendment or require a study on optimal lot coverage calculations for any incremental development.

3. SB 36 creates regulatory uncertainty for environmental protections by barring local actions “notwithstanding any other law.” The sweeping scope of the “notwithstanding” clauses in Subsection (E) casts doubt on the authority of local governments to enforce environmental laws that apply to town house development. While the bill says that state laws will remain in effect, it does not say who will perform those functions.⁶

Clarifying the Committee’s intent is important because Maryland currently relies on local governments to implement the state’s forest conservation, stormwater, and other land-use related laws.⁷ To avoid litigation and lapses in enforcement, AHB urges the Committee to amend the bill to expressly confirm that the provisions in SB 36 do not supersede state or local implementation of our environmental laws.

In closing, solving challenges like affordable housing will require holistic, innovative approaches that address Maryland’s diverse needs and priorities. Supplementing the bill’s regulatory measures with market-based incentives like transferable development rights may offer additional opportunities for managing potential impacts. AHB appreciates the Committee’s leadership on these complex issues and thanks you for considering our views.

Attachment 1: Illustrative text for amendments to SB 36 proposed by AHB

Attachment 2: Anne Arundel County lot coverage allowances for residential zoning districts

⁶ Subsection (E)(6) states that the provisions in SB 36 do not apply if they conflict with other state or federal laws. It is not clear at this time whether state or local agencies would be responsible for implementing those laws.

⁷ See Maryland Department of Legislative Services [Fact Sheet: Regulation of Land Use in the State](#), January 2025.

Attachment 1

Illustrative text for amendments proposed by the Advocates for Herring Bay to SB 36, the Starter and Silver Homes Act of 2026, as introduced including proposed changes to amendments offered by DHCD on February 12, 2026

DHCD Amendment # 1: limiting town house provisions to areas served by water/sewer

Purpose of revision: The right to subdivide a property for town houses in (E)(5) also should be contingent on the sewer/water eligibility requirement.

- Page 9, line 19, insert after (II) insert: **AND (III)**
- Page 9, insert after line 26 insert:
(III) THIS PARAGRAPH DOES NOT APPLY TO A LOT UNLESS THE AREA IS CONNECTED OR PLANNED TO BE CONNECTED WITHIN THE NEXT FIVE YEARS TO PUBLIC WATER AND SEWER SYSTEMS.

DHCD amendment # 3: authorizing optional measures in “sensitive areas”

Purpose of revisions: Maryland’s existing law and regulations regarding sensitive areas should expressly apply to any development authorized by SB 36. Affirmation is needed because of uncertainty stemming from the “notwithstanding” clauses in the bill.

- In new (F)(1), first sentence, after “Article:” strike “may” and insert “**SHALL**”
- In new (F)(1), strike “or minimizes”

Alternatively: insert on page 8, after line 26:

(IV) SENSITIVE AREAS, AS DEFINED IN THE LAND USE ARTICLE, §1-101(O)

DHCD amendment #4: regarding exempting FIDS habitat

Purpose of revisions: AHB strongly supports amendment #4 but urges the Committee to exempt **all** of the priority forests designated for retention and protection under the Forest Conservation Act.

- In new (E)(2)(V), after §5-1607(c): strike (III)

DHCD amendment # 12: setting a minimum lot coverage allowance of 75 percent

Purpose of revisions: AHB strongly opposes both (E)(3)(III) as introduced and DHCD’s proposed amendment #12.

- on page 9, strike lines 6 and 7.

Alternatively, on page 9, strike lines 6 and 7 and insert:

(III) LOT COVERAGE LIMITS FOR LOTS CREATED FOR TOWN HOUSES UNDER THE AUTHORITIES IN THIS SUBSECTION THAT WOULD DIFFER FROM THE LOT COVERAGE ALLOWED FOR SIMILARLY SIZED SINGLE-FAMILY LOTS, PROVIDED THAT THE CUMULATIVE LOT COVERAGE MAY NOT EXCEED THE LOT COVERAGE ALLOWED ON LAND ZONED FOR TOWN HOUSE DEVELOPMENT IN THAT JURISDICTION.

AHB proposed amendment regarding regulatory uncertainty:

- On page 10, line 1, renumber existing (II) as (III) and insert new (II) to read as follows:
(II) DO NOT SUPERSEDE APPLICABLE ENVIRONMENTAL LAWS OR REGULATIONS, INCLUDING STATE AND LOCAL IMPLEMENTATION OF LAWS RELATED TO:
 1. ENVIRONMENTALLY SENSITIVE AREAS, LAND USE ARTICLE, SECTION 101(O)),
 2. FOREST CONSERVATION, NATURAL RESOURCES ARTICLE, SUBTITLE 16,
 3. WATER MANAGEMENT, INCLUDING STORMWATER, ENVIRONMENT ARTICLE, TITLE 4,
 4. ALL OTHER APPLICABLE ENVIRONMENTAL PROTECTIONS IN STATE LAWS

Attachment 2

Anne Arundel County lot coverage allowances for residential zoning districts

Anne Arundel County Lot Coverage Percentages

Source: <https://www.aacounty.org/planning-and-zoning/zoning-administration/zoning-classifications-guide>

Extracted: January 31, 2026

Zoning District	Characteristics	Allowable Density per sq feet unless specified	Minimum Lot Size (sq. feet)	Lot coverage percent
RA	Agriculture-very low density	1 per 20 acres	40,000	25%
RLD	Low-density rural	1 per 5 acres	40,000	25%
R-1	Low-density suburban	1 per 40,000 sq. feet	40,000	50%
R-1 - duplex	Low-density suburban	1 per 15,000 sq ft., side by side	30,000	50%
R-2 - no sewer	Low-medium density-suburban	1 per 20,000 sq. feet	20,000	60%
R-2 - with sewer	Low-medium density-suburban	2.5 per acre	10,000	60%
R-5 - no sewer	Low-medium density-urban	5 per acre	10,000	65%
R-5 - with sewer	Low-medium density-urban	5 per acre	5,000	65%
R-10	Townhouse, etc.-medium density	10 per acre	na	75%
R-15	Townhouse, etc.-higher density	15 per acre	na	75%
R-22	Apartments - higher density	22 per acre	na	75%

TESTIMONYHB239sb362026.pdf

Uploaded by: Lisa Markovitz

Position: FWA

February 10, 2026

Testimony – Support with Amendments for House Bill 239/ Senate Bill 36 – Starter and Silver Homes Act

From The People's Voice – a civic/political organization with over 5700 members in Howard County and 570 in Montgomery County.

While it is a commendable goal to expand housing options and to improve affordability for Marylanders, as currently written, this legislation will not achieve those goals and risks significant consequences unless amended.

The Bill would increase potential value of existing parcels. Increasing land value does not translate into affordability for buyers. With respect to rentals, the Bill does not require owner occupancy for the creation nor rental of additional units. This omission incentivizes investor purchases of single-family homes, to convert them into triplexes or townhouses. Investor-driven development will occur more frequently than homeowner-initiated conversions, more likely overwhelming regional areas, and will result in higher, not lower rents, compared to homeowner-occupied lots.

The legislation needs meaningful standards or guardrails to ensure outcomes align with its goals. Reduced setbacks alone do not guarantee smaller or more affordable housing. In fact, they may encourage construction of larger, more expensive homes built closer together, further increasing prices.

Amending to allow local jurisdictions to decide setbacks, infrastructure, and other safety-related considerations, would actually achieve the stated goal of not having one-size-fits-all zoning. Not all single-family zoned neighborhoods have the same structural or infrastructure needs. Some communities face flooding risks, overcrowded schools, insufficient parking, aging water and sewer systems, even differing emergency access issues. The Bill, as written, provides no exemptions nor mechanisms for local governments to address these real constraints, which will result in significant costs for local governments. Instead the Bill, as written, is an unfunded mandate.

Many supporters of the Bill argue that increasing housing density automatically lowers prices through supply and demand, and are willing to forego the needed amendments for this cause. Unfortunately, this assumption ignores key realities: construction costs, interest rates, land prices, resale markets, and persistent demand in many regions. Price reduction forecasts given in testimony recently to the General Assembly committees, are optimistic and minimal. Such small decreases do not make homes affordable to households previously priced out, especially when investor ownership captures any potential savings. There are numerous studies that counter the lower rent outcome belief.

Maryland local jurisdiction can and should pursue affordability directly and intentionally, partly by rezoning targeted areas, including underutilized or open spaces. Well-planned developments of smaller units could be far more effective than imposing blanket changes on established neighborhoods without adequate planning or oversight.

The People's Voice, LLC

8815 Centre Park Drive, Suite 245, Columbia, MD 21045

We request the following amendments:

1. **Require owner occupancy** for the creation and rental of additional units.
2. **Preserve local control over setbacks**, which are essential for utilities, safety, and environmental concerns.
3. **Allow local governments to impose restrictions and/or conditional allowance** based on infrastructure capacity, public safety, and regional conditions.

We must do better than policies that disrupt existing neighborhoods without delivering affordability. We should prioritize direct affordable housing production through financing tools, tax incentives, and other benefits for requirements that actually deliver affordability, rather than relying on speculative market effects. We ask the House to amend this Bill so it genuinely serves Maryland residents.

Thank you,

Lisa Markovitz

President, The People's Voice

SB 36 - MoCo_Elrich_FWA (GA 26).pdf

Uploaded by: Marc Elrich

Position: FWA



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

SB36 - MDLCV SUPPORT WITH AMENDMENTS - Starter and

Uploaded by: Marisa Olszewski

Position: FWA



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Executive Director

February 13, 2026

SUPPORT WITH AMENDMENT

SB36: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Chair Feldman and Members of the Committee:

The Maryland LCV supports Senate Bill 36 with amendment. This legislation is taking strides to solve one of our state's major challenges – increasing opportunities for affordable housing. Maryland LCV has long supported smart growth principles and, this bill, strives to adopt density in appropriate, developable areas, which is an important tool for advancing not only smart growth, but also housing affordability, and climate resilience. We appreciate the Department's willingness to accept targeted amendments to this legislation to ensure provisions in the bill do not create unintended consequences for our ecologically sensitive lands, nor land preservation goals.

Maryland faces dual and interconnected challenges—addressing a need to build differentiated housing stock, while protecting the natural resources critical to the health of our communities and our state as a whole. Increasing density in already-developable areas can help address both. Thoughtfully planned, higher density development can reduce sprawl, lower vehicle miles traveled, and limit the need to extend costly infrastructure into undeveloped areas. These outcomes benefit not only the economy, but also air quality, water quality, and climate goals.

At the same time, Maryland LCV believes strongly that increased density should not come at the expense of ecologically sensitive areas, including wetlands, forests, floodplains, and critical habitats. These lands provide irreplaceable environmental services—protecting drinking water, mitigating flooding, sequestering carbon, and supporting biodiversity.

In addition to clarifying protected areas, the first proposed amendment also ensures areas most appropriate for conservation, not development, do not inadvertently assume a higher cost by being listed as higher density eligible, when, in fact, they are inappropriate for development. Maryland LCV is grateful to the Department of Housing and Community Development for incorporation of this and other amendments we believe balance environmental protection with the goals of the bill. We encourage the committee to consider one additional amendment to allow appropriate limits on impervious surface development.

With these amendments Maryland LCV supports a favorable report on SB36.

30 West Street, Suite C
Annapolis, MD 21401
Phone: 410-280-9855

www.mdlcv.org

Amendments For the Starter and Silver Homes Act of 2026

Department of Housing and Community Development Amendments we support:

On page 8, in line 24, strike “or”.

On page 8, after line 26, insert: “;

(iv) land within the chesapeake and atlantic coastal bays critical area, as defined in § 8-1802 of the Natural Resources Article; or

(v) forested land suitable for forest interior dwelling species, as defined in § 5-1607(c)(1)(iii) of the Natural Resources Article.”

On page 9, in line 1, after “connected” insert “within the next five years”

One additional amendment we urge consideration of:

On page 9, line 6, strike in its entirety lines 6 and 7.

SB0036_AHCMC_McKenna.FWA.pdf

Uploaded by: Melissa McKenna

Position: FWA

HONORARY CHAIRS

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The Honorable Chris Van Hollen
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Testimony

SB0036 Starter and Silver Homes Act of 2026
Education, Energy, and the Environment Committee
February 17, 2026

Position: FAVORABLE WITH AMENDMENTS

Dear Chairman Feldman and members of the EEE Committee,

The Affordable Housing Conference of Montgomery County (AHCMC) urges this committee to vote a report of favorable with amendments for SB0036 – Starter and Silver Homes Act of 2026.

As a Charter County with the authority to enact local laws in the best interests of its residents, Montgomery County has long been committed to carrying out thoughtful, balanced policymaking and addressing the varying needs of its diverse communities throughout the County. We believe this bill in combination with the **Maryland Transit and Housing Opportunity Act** (SB0389) and the **Maryland Housing Certainty Act** (SB0325) will help advance the proposed goals collectively as they address critical housing needs not only for Montgomery County, but for jurisdictions across the State of Maryland. We applaud these efforts to keep housing affordability a priority and “front and center” in the legislative agenda.

Secretary Jake Day testified last Thursday to the House Economic Matters Committee on HB0239 that many submitted amendments have already been incorporated, improving this bill substantially. However, we remain concerned on the following points:

- there is no provision for affordability;
- current affordable housing may be put at risk of gentrification;
- adequate local public facilities must be in place for all residents, now and in the future; and
- lot coverage maximums, to increase building density, will not necessarily increase the number of residential units and instead lead to further mansionization.

While increasing housing supply is not the only factor in the housing affordability crisis, it certainly is one of the most critical ones. Careful thought must be given to what is being built and who it is being built for. New supply doesn't necessarily translate into affordable housing nor is it the panacea. What is needed is the right housing built intentionally for those who need it the most.

Please vote a favorable report with amendments.

Sincerely,
Melissa McKenna
Executive Director

SB0036-EEE_MACo_SWA.pdf

Uploaded by: Michael Sanderson

Position: FWA



Senate Bill 36

Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Energy, and the Environment
Committee

Date: February 17, 2026

From: Dominic J. Butchko & Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS** SB 36 **WITH AMENDMENTS**. This bill makes several changes to the land use article, including: allowing for the construction of townhouses in all single-family zones; eliminates local ability to meaningfully establish new historic districts; limits single family lot sizes to 5000 square feet; eliminates lot coverage maximums; establishes 10 foot rear and front setbacks and 5 foot side setbacks; eliminates the authority to set design, architectural, or aesthetic standards; and authorizes the unlimited subdivision of any lot where a single family home may be built. Counties have multiple application and implementation concerns, if this bill advances.

For the past three years, Maryland's counties and the General Assembly have shared a clear priority: expanding the supply of affordable housing. That commitment is reflected in major recent actions, including the Housing Expansion and Affordability Act of 2024 (HB 538/SB 484) and legislation authorizing Accessory Dwelling Units (ADUs) statewide in 2025 (HB 1466/SB 891). MACo played a pivotal role in advancing these—and many other—housing measures during this period. That work culminated in MACo's 2026 legislative initiative bill, the Building Affordably in My Back Yard (BAMBY) Act, a county-backed comprehensive and pragmatic path forward to meet the current moment. Counties welcome tools to help advance housing at all levels, where it fits within their infrastructure capacity.

In 2026, the Administration has introduced SB 36 as a component of a broad housing initiative. Counties—key implementation partners—remain committed to working with the Administration to expand housing opportunities. However, as drafted, SB 36 raises significant concerns about unintended consequences and practical implementation at the local level. **The amendments outlined on the following pages are intended to strengthen the bill, ensuring its smooth administration, and reducing operational and fiscal risks for communities.**

If the Committee agrees to advance the central policies of SB 36, a central question to be considered is: to what portions of Maryland should it properly apply? The bill as introduced is universal. Anticipated amendments would reference current public water and sewer. Counties would suggest that sewer *capacity* is a more suitable trigger, but also suggest that non-municipal areas of rural counties be excluded. If the bill is to advance, the Committee should carefully weigh these options – in this bill, as well as in other pro-housing legislation.

As the frontline actor in land use – and housing policy – counties remain committed to working with the Administration in advancing comprehensive housing solutions. The amendments included on the following pages are critical in nature, without which SB 36 will likely have severe operational and fiscal consequences for Maryland’s counties and communities. For this reason, if the Committee adopts the central tenets of SB 36, then MACo urges the Committee to amend SB 36 to remedy these concerns, and issue a **FAVORABLE WITH AMENDMENTS** report.

MACo Proposed Amendments for HB 239

Amendment #1 - Limiting when and where a historic district may be established based on an assumption it is being used to regulate land use contradicts the program's core purpose. Historic districts exist to preserve significant places and community character, and concerns about misuse should be addressed through clearer criteria – not broad restrictions.

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

Amendment #2 – As drafted this bill would authorize townhomes to be built on well and septic within rural areas. This violates state health regulations and creates a serious public health hazard. This amendment clarifies that these provisions only apply in areas with adequate public water and sewer capacity that can support additional growth.

On page 8, after line 26, insert "(IV) 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 5 YEARS.".

On page 8, in line 29, after "ESTABLISHES," insert, "IN AREAS THAT ARE CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH."

On page 9, in lines 1-2, strike "IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS,"

On page 9, in line 18, after "USE" insert, "AND IS CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH OR ARE PLANNED TO BE CONNECTED TO PUBLIC WATER AND SEWER SYSTEMS WITHIN 5 YEARS."

On Page 9, in line 23, after "USE" insert, "AND IS CONNECTED TO PUBLIC WATER AND SEWER WITH SUFFICIENT CAPACITY TO SUPPORT ADDITIONAL GROWTH"

(amendments continue on next page)

Amendment #3 – The affordable housing challenges in rural Maryland are fundamentally different from those in the urban/suburban core. Without significant infrastructure investment, urban-centric mandates can exacerbate strains that many counties are already struggling to manage. This amendment refocuses the legislation on areas with sufficient capacity to accommodate additional growth.

On page 8, after line 26, insert,

“(V) (1) A COUNTY WITH A POPULATION GREATER THAN 150,000 RESIDENTS, NOT INCLUDING ANY RESIDENTS OF A MUNICIPAL CORPORATION LOCATED WITHIN THE COUNTY; AND

(2) A MUNICIPAL CORPORATION. ”.

Amendment #4 - County setbacks are largely guided by state mandated policies such as stormwater regulations and considerations for utilities. These requirements will conflict with such provisions and will apply a one-size-fits-all mandate without on-the-ground considerations, creating conflicting policy directions and complicating implementation.

On page 9, lines 8-11, strike in their entirety.

Amendment #5 - County requirements on design are guided by a variety of considerations, including: health and safety, neighborhood inclusion, and community input. Design requirements in many communities ensure that affordable housing does not unnecessarily stand out or draw attention to residents of different income brackets, fostering a strong sense of community.

On page 9, lines 12-13, strike in their entirety.

Amendment #6 - Clarifies that these provisions do not supersede county Adequate Public Facilities Ordinances (APFOs), preserving the ability of local governments to ensure schools, roads, water and sewer, and other essential infrastructure can support new development. This also provides clearer implementation guidance by confirming that growth management and public facility capacity standards remain in effect alongside the bill’s new requirements.

On page 9, in line 29 after “CODES,” insert, **“ADEQUATE PUBLIC FACILITIES ORDINANCES OR LOCAL EQUIVALENT, DENSITY LIMITS OR ALLOCATIONS,”**.

In line 30, strike **“IMMEDIATE”**.

(amendments continue on next page)

Amendment #7 - Counties recognize the seriousness of the challenges Maryland faces and the need for bold action. However, several provisions in this bill could limit counties' ability to respond to future, unforeseen growth pressures, and implementation will require substantial time to update local codes, regulations, and—in some cases—zoning. Counties therefore recommend a sunset provision to allow the State to evaluate effectiveness over time and identify any unintended consequences.

On page 11, in line 22 beginning with “That” through “2026” in line 23, strike and substitute, **“That this Act shall take effect July 1, 2027, and shall remain effective for a period of 10 years. With no further action required by the General Assembly, this section shall be abrogated and of no further force and effect.”**

Amendment # 8 - As an alternative approach, counties request that the provisions of this legislation be tied to their ability to meet locally approved housing targets. Several jurisdictions have invested significantly in assessing local housing needs and establishing jurisdiction-specific targets. This amendment builds on that work and creates a performance-based incentive for counties that successfully meet those targets.

On page 8, after line 26, add **(IV) A COUNTY THAT MEETS THE FOLLOWING STANDARD: THE AVERAGE NUMBER OF THE COUNTY’S HOUSING UNITS APPROVED OVER A ROLLING THREE-YEAR PERIOD EXCEEDS THE NUMBER OF THE ANNUAL HOUSING UNITS NEEDED, BASED ON ANNUAL HOUSING DATA FROM THE COUNTY’S PLANNING DEPARTMENT.**

SB0036-EEE-SWA.pdf

Uploaded by: Nina Themelis

Position: FWA



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 0036

February 12, 2026

TO: Members of the Economic Matters Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: Senate Bill 36 - Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

POSITION: Support with Amendments

Chair Feldman, Vice Chair Kagan members of the committee, please be advised that the Baltimore City Administration (BCA) **supports with amendments** Senate Bill (SB) 36.

In its current form SB 36, Starter and Silver Homes Act of 2026, would prohibit local jurisdictions from issuing minimum lot size requirements over 5,000 sq. ft., having lot coverage maximums for single family dwellings (SFD) and any accessory structures; having front and rear yard setbacks more than 10' or side yard setbacks more than 5' and prohibits design, architectural, or aesthetic elements for a single-family homes. The bill requires jurisdictions to allow townhomes anywhere that is zoned for single-family dwellings and jurisdictions will no longer be able to enforce subdivision regulations for subdivisions into three or fewer lots.

Although this bill was not designed with Baltimore City specifically in mind, the BCA supports the idea of increasing density and allowing developers to create smaller properties which may lead to the production of additional affordable housing units that serve as starter homes. Baltimore is already moving in this direction, the City Council is currently considering City Council Bill 25-0066 *Zoning – Housing Options and Opportunity* which seeks to increase the supply of affordable housing in Baltimore City by ending single-family zoning and permitting the conversion of single-family homes into multi-family homes of up to 4 units in residential zoning districts R-1-A through R-8.

We have several major redevelopment initiatives underway in Baltimore City which include single family dwelling units, that are in the planning/predevelopment phase and where the developer has identified and/or entered into a purchase agreement with a specified homebuilder. We want to ensure that the proposed additional single-family language will NOT impact any current projects in Uplands, Park Heights, Tivoly Eco-village or Broadway East.

We support an amendment being put forth by the Maryland Association of Counties to remove setbacks and design requirements. We believe that each jurisdiction is capable of determining appropriate lot size requirements, what homes should look like (aesthetic design review) and how we divide (subdivision). If these requirements move forward as a part of the statewide legislation, this could potentially disrupt work already in progress.

The BCA supports the idea of creating more additional affordable housing units and starter housing through increased density. For these reasons, the BCA respectfully requests a **support with amendments** report on SB 36.

GAN testimony on SB36.pdf

Uploaded by: Paul Christensen

Position: FWA



Growth Action Network

of Anne Arundel County, Inc.

P.O. Box 748 • Arnold, MD 21012 • www.growthaction.net

Testimony of Growth Action Network of Anne Arundel County Regarding SB36 —Land Use—Zoning—Limitations Favorable with amendments

Growth Action Network of Anne Arundel County (GAN) is a coalition of community and civic associations, environmental groups, green businesses, and individuals. GAN has about 55 individual members and 30 member organizations. Our member organizations have a total membership exceeding 20,000 Anne Arundel County citizens.

Although the bill needs several amendments, GAN supports development of affordable housing and recognizes there is an immense amount of legislative and citizen interest in legislation that addresses housing affordability. The GAN position on bill SB36 is support with necessary amendments.

These issues are left unresolved by the bill and need to be addressed:

1. Although the bill is being promoted as a means of increasing affordable housing, it contains no requirement that the potentially enormous number of new homes it would permit will, in fact, be affordable.
2. In its current form, the bill would dramatically increase the number of building lots in the State by overriding minimum lot size requirements in the zoning code. It is unclear, however, whether the bill would also eliminate other development regulations such as requirements for adequate schools, transportation, recreation areas, open space, stormwater management, and parking.
3. The bill has the potential to dramatically increase the amount of impervious surface in the County, with potential adverse impacts on the Chesapeake Bay and its tributaries.

We must also recognize that projects advanced by SB36 will create significant demands on public infrastructure, environmental resources, and the quality of life for current residents of host jurisdictions. Local governments and residents would be well served by independent analysis of such impacts. Identification, quantification and planning to provide adequate facilities need to be prepared, and a means to assure the successful implementation of these plans be established. Many Maryland local jurisdictions have planning commissions/boards that should be charged with this responsibility, and every jurisdiction should confirm their capacity to do so.

We request amendments to the bill similar to these:

1. Identify and record housing developments that require any provision of the bill to enable construction.

2. Require that housing identified in (1) above be affordable to households making less than 100% of the Area Median Income (AMI).
3. Exempt those areas of the State that are
 - a. in the Critical Area,
 - b. Sensitive areas, as defined in the Land Use Article 1-101(o) which by law include wetlands, streams and their buffers; floodplains; steep slopes; key habitats; and resources intended for or in need of protection;
Or
Forests listed as a priority for retention and protection under Maryland's Forest Conservation Act
 - c. areas identified by the State or federal government as a priority for future conservation acquisitions, such as Rural Legacy Areas or the federal Southern Maryland Woodlands National Wildlife Refuge
 - d. currently are not served by public water and sewer or do not have additional capacity
4. Require that each jurisdiction establish a committee to evaluate fiscal impacts of development enabled by the bill and identify appropriate revenue sources as needed.
5. Include a 5-year sunset clause to acknowledge the broad impact of the bill and the potential for significant unforeseen consequences.

In our view these amendments would significantly strengthen the bill and minimize outstanding issues, GAN appreciates the Committee's leadership in resolving the complex issues associated with this bill.

Paul Christensen
Chair, Communications Committee
Growth Action Network
comms@growthaction.net

Paul Christensen,

2026-02-07 SB36 February 2026.pdf

Uploaded by: Phyllis Edelman

Position: FWA

Bill: SB036

FWA

Phyllis R. Edelman

5810 Ogden Court

Bethesda, MD 20816

Dear Education, Energy, and Environment Committee Chair Feldman, Vice Chair Kagan and Committee Members:

I am a resident of District 16 in Montgomery County, and I am writing to you because SB36, the Starter and Silver Bill should not be approved as it is currently written.

I take issue with this bill for several reasons.

1. **SB36 is vague and broad, assuming that “one size fits all” for the counties in the state.** With 23 counties and 1 independent city, with populations that range from nearly 1.1 million in Montgomery County to less than 20,000 in Kent County, it is illogical and irresponsible to pass “one size fits all” legislation to eliminate single-family home zoning.

Last year in Montgomery County, the Planning Department proposed similar “one size fits all” legislation with its attainable housing bill. The result was that even within our one county this type of legislation was seen as unworkable given the different conditions in our agricultural reserve compared to our urban centers of Silver Spring and Bethesda.

2. **SB36 wrests a considerable amount of land use control from our local entities – counties and incorporated communities -- to the state,** which is one step removed from local residents and our everyday concerns. If there are problems that arise with infrastructure as a result of letting developers build townhouses in every area zoned for single-family homes, do homeowners complain to state or local authorities? Do you really want the headaches that arise brought to the state level?
3. **SB36 does not address the need for low and moderate income housing, which is our state’s most pressing need.** This bill relies on the abundance theory – if you build enough of any kind of housing eventually there will be the “trickle-down” effect, so that some of the expensive housing will fall in price to be affordable for lower income levels. Decades ago, when Ronald Reagan was president, many of us learned that this “trickle down” theory does not work. It will not provide for those who need housing the most –

the unhoused, and lower and middle-income residents who struggle every day to keep a roof over their heads.

Relying on private developers to build an abundance of housing that will be available for those at lower income levels is unrealistic. This bill doesn't take into consideration costs that builders have – building supplies, labor, land and financing – all of which are very high. Speculative building is very risky for private developers, and it is unlikely this bill will result in thousands of new units at lower and middle-income levels being built.

4. **SB36 does not take into consideration the infrastructure needed to support infill townhouses in many of our communities.** In a brand-new community, a builder can provide the infrastructure needed for multiple-family homes, but in many of our older single-family home communities, our infrastructure is also old and was never built to support multiple-family homes. This bill does not consider the water, sewage, electricity, gas, roads, schools, and emergency service needs that are required for multiple-family buildings.

In the last month alone, WSSC reported there were more than 40 water main breaks and leaks across Montgomery and Prince George's counties according to a report on WTOP. Multiplied by the other 21 counties in the state, there were probably hundreds of breaks around the state. In addition, there are areas of the state that don't have public water, but rely on wells. Can these properties support multi-family homes?

5. **SB36 does not take into consideration environmental concerns.** Our extremely cold winter weather this year is evidence of climate change, despite our current federal administration denying it exists. Maryland's contribution to that climate change will be increased in SB36 if setbacks for multi-family structures are decreased to 10 feet for front and rear, and five feet for side setbacks. Many of the single-family home properties targeted in this bill have old growth trees and other greenery that will be destroyed. Destroying green space will add to air pollution, will create more impervious surfaces and ultimately add to water pollution, especially in sensitive areas like the Chesapeake Bay.

Recently, a sewage pipeline collapse between the Potomac River and the Clara Barton Parkway caused 420 million gallons of sewage containing *e. coli* and other harmful bacteria to flow into the Potomac River and ultimately when the weather thaws, make its way into the Chesapeake Bay. Is the state prepared for other sewage line collapses if SB36 is passed without consideration of infrastructure support?

Based on a quick read of the Internet, 70-80% of Americans prefer to live in single-family homes. Therefore, it doesn't make sense to replace single-family homes with townhouses. In addition to considering amendments to SB36 that speak to the issues above, common sense dictates that there are other means to achieve the State's goal of increasing housing stock without eliminating single-family home zoning, including:

1. **Encouraging the building of more housing, particularly low and moderate-income housing, should be the goal of the Governor's housing bill.** To achieve this, the housing production targets published by the Department of Housing and Community Development on January 1, 2026, should be more granular at the county level, delineating the amount of low- and moderate-income housing each county needs in the next four years.

Instead of having the state dictate the abolition of single-family home zoning, in favor of townhouses everywhere, the DHCD could oversee county fulfillment of housing target goals. In particular, if low and moderate-income housing goals are met two years in a row, the DHCD could step in with appropriate recognition and rewards.

2. **Incentives for builders and prospective low- and middle-income homeowners should be offered.** Builders are often given incentives for building multi-family dwellings – more density if a larger percentage of moderately-priced housing is included or tax abatements for extended periods of time if they increase density on county-owned land. Besides giving builders incentives for building denser dwellings, the state should consider tax credits for mortgage interest to be given directly to residents to help them buy homes. Help could extend for maybe 5 or 10 years – just until a homeowner increases their earnings and can afford the mortgage payments on their own.

I greatly understand the need for more housing in our state and the Governor's desire to increase the housing stock quickly and significantly. As my comments above indicate, SB36, the Starter and Silver Homes Act of 2026 will neither reach his intended goal nor provide builders with the incentives needed to provide housing for those most in need-- low and moderate income residents.

Sincerely,

Phyllis R. Edelman

Phyllis R. Edelman
5810 Ogden Court
Bethesda, MD 20816

2026.02.12 SS Act.testimony.SB36_FINAL.pdf

Uploaded by: Richard Tabuteau

Position: FWA



TO: The Honorable Senator Brian J. Feldman, Chair
Members, Senate Education, Energy, and the Environment Committee
The Moore-Miller Administration

FROM: Chevy Chase Village Board of Managers

DATE: February 12, 2026

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

Dear Chair Feldman:

Please accept this written testimony from Chevy Chase Village, a municipal corporation located in Montgomery County, in strong support of the bill amendments filed yesterday by the Maryland Municipal League (MML). Most significantly, the amendments exempt municipal corporations from the bill, and the justifications in support of that exclusion are compelling.

We share MML’s overriding concerns about preemption of local control over land use and development decisions, historically one of the most central functions of local government. The cumulative additional adverse effects of the bill as proposed include:

- a. Upzoning density for townhouse development “by right” will burden existing neighborhoods not planned for these densities. Serious public safety concerns include exacerbated flooding in older neighborhoods that lack adequate stormwater controls, and further limiting first responder access to homes on already overparked narrow local streets.
- b. The “one-size-fits-all” approach undercuts local government’s investment in time, funding and public process to develop comprehensive plans, adopted pursuant to state planning mandates. Adopting this bill will widely erode public confidence in future planning efforts.
- c. Materially scaling back current setback and lot coverage limitations will, in our view, incentivize developers to build oversized single-family detached homes in our jurisdiction, an outcome at odds with the stated purpose of the bill.
- d. Last year the General Assembly adopted HB 1167/SB 36 (136-1 in the House; 44-0 in the Senate) which clarified that municipalities in Montgomery County have authority to enforce local building standards in housing projects with four or fewer units. That bill led to our support for a Montgomery County workforce housing bill that includes our community. This bill would effectively nullify that achievement along with our own housing efforts.
- e. We have no assurance that municipal revenue will be adequate to support increased burdens on public services (local policing, road maintenance, snow/trash removal) or increased administrative burdens (*e.g.*, increased permit review, administrative hearings, judicial appeals, and related necessary training), potentially exposing us to monetary liability.

We urge adoption of the MML amendments, starting with an exemption for municipal corporations.

CHEVY CHASE VILLAGE

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Chevy Chase, Maryland 20815

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ccv@montgomerycountymd.gov

www.chevychasevillagemd.gov

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HB239_SB36 DHCD Housing Bill - MD Labor Written Te

Uploaded by: Secretary Portia Wu

Position: FWA

MARYLAND DEPARTMENT OF LABOR TESTIMONY ON SENATE BILL 36

TO: Education, Energy, and Environment Committee Members
FROM: Maryland Department of Labor
DATE: February 17, 2026
BILL: Starter and Silver Homes Act of 2026

MD LABOR POSITION: SUPPORT WITH DEPARTMENT AMENDMENTS

The Maryland Department of Labor (MD Labor) supports SB36, the Starter and Silver Homes Act, an investment in Maryland that will ensure our skilled workforce can *stay* in our State and contribute to the economy.

MD Labor spends millions of dollars annually preparing workers for in-demand occupations; however, if Maryland's workforce, especially young people under the age of 35, cannot afford to purchase a home here, they will move to locations with more affordable options, taking their talent with them.

In 2022 alone, 8,000 more Marylanders under the age of 35 left the State rather than staying here, a process known as outmigration. Those former Marylanders earned \$422,887,000 in income that they took with them to their new States. (See Appendix A for more details.) Many of these individuals *would have* stayed in Maryland—and paid taxes if they had been able to find housing that was 1) within their budget and 2) appropriately sized to meet their needs.

SB36 will incentivize construction of affordable, moderately-sized housing, including townhomes, that will encourage Maryland's young workers to stay in the State and contribute to the economy.

Over **half (53.4%)** of the population loss in Maryland among people ages 17-34 years old is a **direct result** of the unavailability of housing (See Appendix B for more details). Similarly, nearly half (**44.9%**) of the individuals in this age group identified their commute in Maryland as a reason for leaving the State, a direct consequence of housing not being built near where our young Marylanders work.

Maryland's young workforce is skilled and dedicated to providing vital public services to our communities; however, the median price of a home in Maryland is far outpacing the median wages of Maryland's workers. As a result, our essential public servants, including firefighters, teachers, and nurses, are unable to afford single family homes in the communities they serve.

Statewide, the median price of a single family detached home is \$518,100, while the median firefighter only makes \$70,580. The median price for a townhome, however, is 32% lower than a single family home, at only \$352,000, much more affordable for the median firefighter. (See Appendix C for more details.)

SB36 removes unnecessary burdens that prevent the construction of these more affordable dwellings, including townhomes, and will lead to more of Maryland's workforce being able to afford to stay in the State and contribute to our economy.

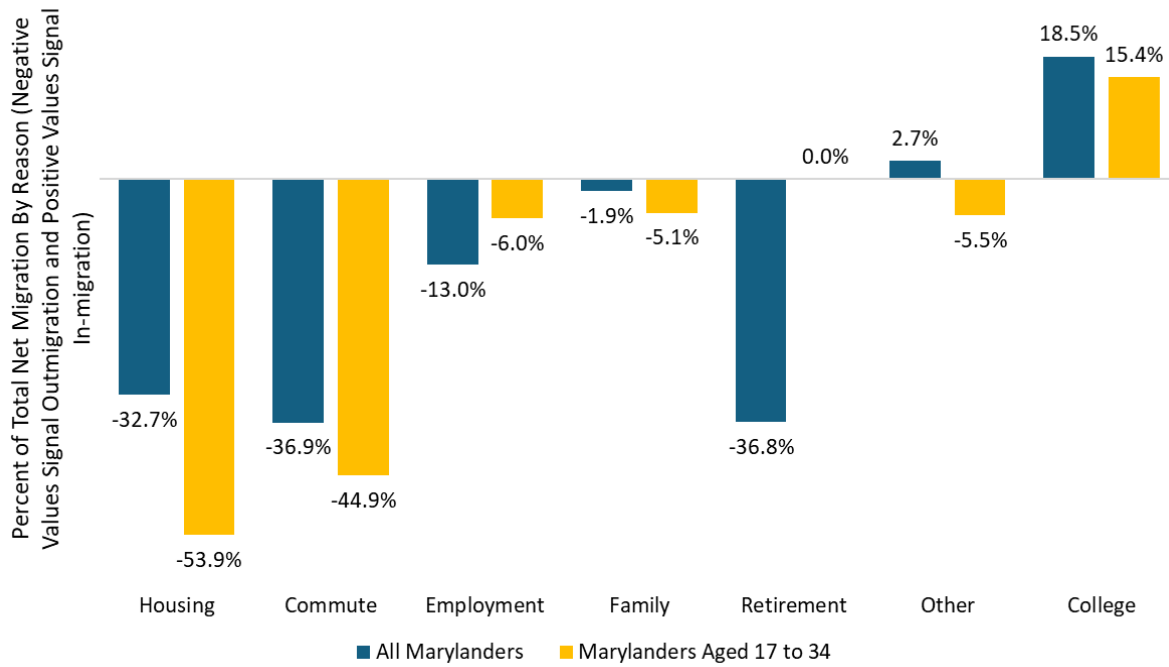
The Department respectfully requests that the Committee issue a **Favorable with Amendments** report on SB36, as explained by DHCD. For questions, please contact Andrew Fulginiti, at **Andrew.Fulginiti@maryland.gov**.

Appendix A: Maryland Revenue Loss from Outmigration, 2022

Income	Migration From Maryland in 2022 (Residents Aged Under 35)	Migration to Maryland in 2022 (Residents Aged Under 35)	Net Migration in 2022 (Residents Aged Under 35)	Adjusted Gross Income Change From Domestic Migration for Residents Aged Under 35 in 2022
\$1 under \$10,000	5,419	4,603	-816	-\$3,162,000
\$10,000 under \$25,000	12,487	11,126	-1,361	-\$18,382,000
\$25,000 under \$50,000	20,187	18,756	-1,431	-\$55,573,000
\$50,000 under \$75,000	12,466	11,257	-1,209	-\$82,255,000
\$75,000 under \$100,000	7,881	6,597	-1,284	-\$95,608,000
\$100,000 under \$200,000	10,029	8,081	-1,948	-\$161,652,000
\$200,000 or more	2,597	2,579	-18	-\$6,255,000
Total	71,066	62,999	-8,067	-\$422,887,000

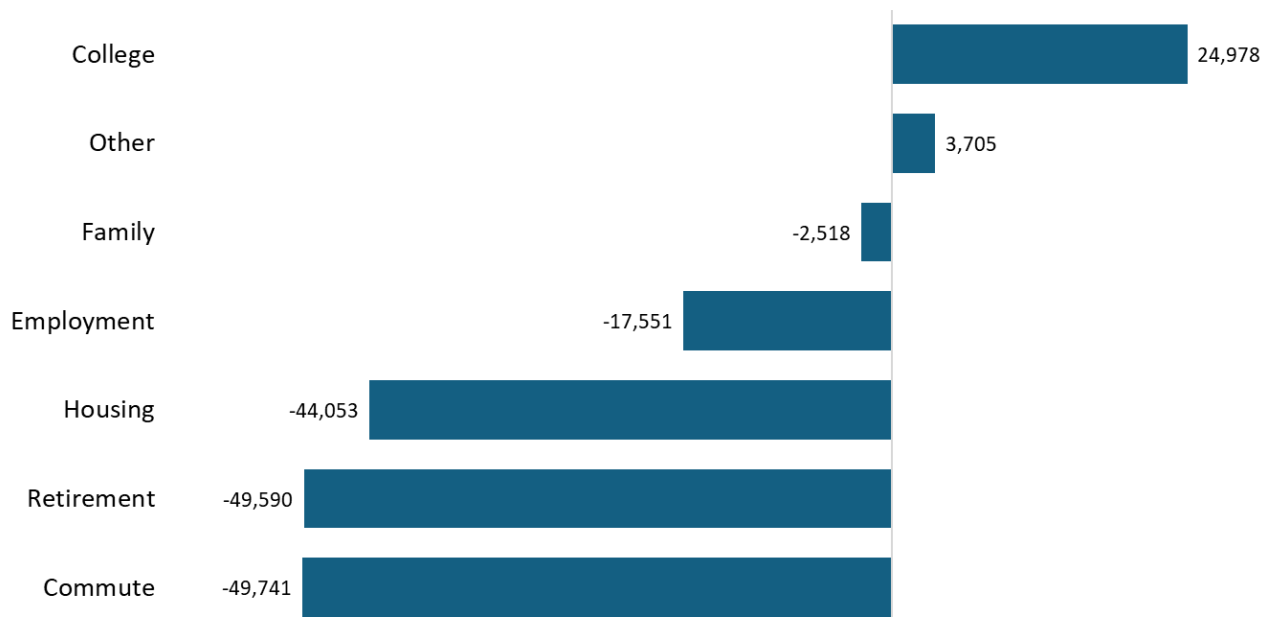
Source: MD Labor, Labor Market Information (LMI) Division

Appendix B Percentages of Maryland's Total Net Migration By Reason, 2020-2025



Source: MD Labor, Labor Market Information (LMI) Division

Net Maryland Migration by Reason, 2020-2025



Estimated Net Domestic Migration To/From Maryland by Reason for Migration, 2020 - 2025

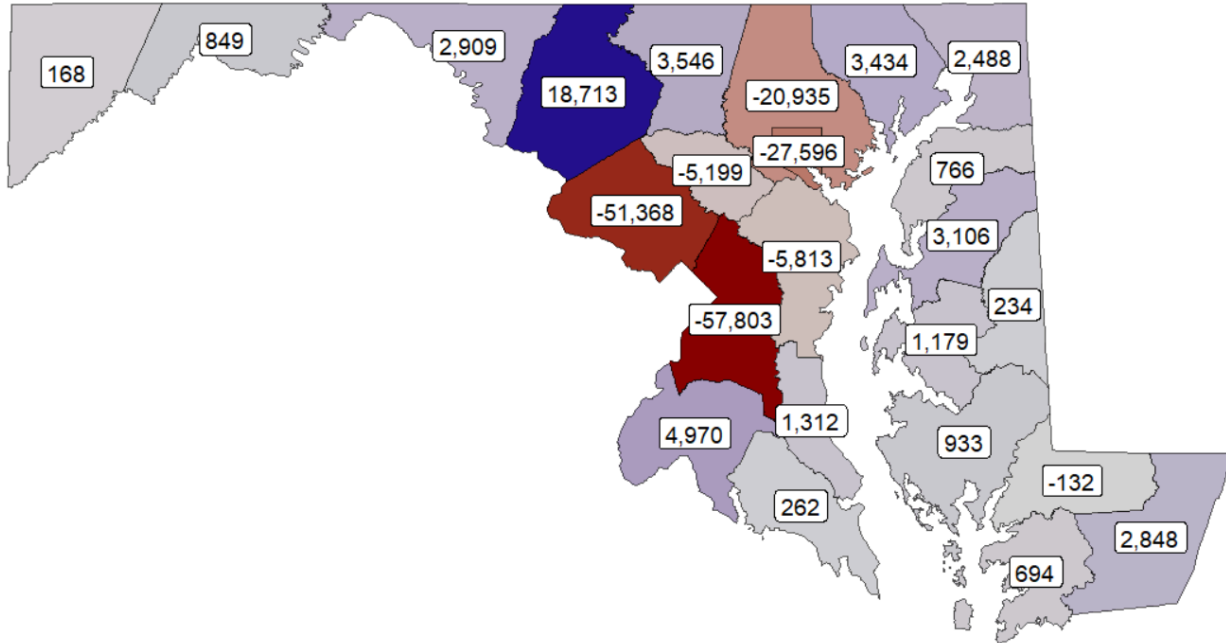
Source: MD Labor, Labor Market Information (LMI) Division

Appendix C: Median Maryland Home Prices vs. Median Public Service Salaries, 2025

Jurisdiction	Median Sales Price Single Family Detached (December 2025)	Median Sales Price Townhome (December 2025)	Percent Difference	Median Firefighter Salary, 2024	Median Elementary Teacher Salary, 2024	Median Nurse Salary, 2024
Maryland	\$509,000	\$366,000	-28.1%	\$70,580	\$74,720	\$96,830
Anne Arundel	\$525,000	\$457,000	-13.0%	\$68,973	n/a	\$94,878
Baltimore City	\$318,000	\$220,000	-30.8%	\$82,211	\$61,669	\$100,366
Baltimore County	\$401,000	\$300,000	-25.2%	n/a	\$74,431	\$97,248
Calvert	\$502,000	\$418,000	-16.7%	\$67,101	\$74,598	\$90,780
Dorchester	\$295,000	\$273,000	-7.5%	\$61,709	\$65,094	\$84,927
Frederick	\$580,000	\$425,000	-26.7%	\$51,527	\$76,059	\$86,675
Howard	\$780,000	\$473,000	-39.4%	n/a	\$75,219	\$94,050
Montgomery	\$755,000	\$520,000	-31.1%	\$77,704	\$64,887	\$101,803
Prince George's	\$480,000	\$440,000	-8.3%	\$64,807	\$76,081	\$101,019
Washington	\$320,000	\$240,000	-25.0%	\$46,142	\$63,501	\$87,177

Source: MD Labor, Labor Market Information (LMI) Division

Appendix D: Maryland Net Migration by County, 2020-2024



Source: MD Labor Labor Market Information (LMI) Division

Letter to Senate Education, Energy, and the Envir

Uploaded by: Suellen Ferguson

Position: FWA



TOWN OF UNIVERSITY PARK

MAYOR
Laurie Morrissey

COMMON COUNCIL
Ralph Dubayah
Mary Gathercole
Casey Kelby
Nathaniel Morgan
David McGaughey
Grant Godfrey
William Sweet

February 13, 2026

TOWN ADMINISTRATOR
Debi Sandlin

TO: The Honorable Senator Brian J. Feldman, Chair
and Members, Senate Education, Energy, and the Environment Committee
FROM: Laurie K. Morrissey, Mayor, Town of University Park
RE: Favorable with Amendments - Starter and Silver Homes Act: SB
36/HB 239

Dear Chair Feldman,

The University Park Development Overview Committee and I have carefully reviewed the bill proposed by Governor Moore, titled "The Starter and Silver Homes Act of 2026," SB 36/HB 239. We have many significant concerns that we wish to share with you.

We understand the important issue that the Governor seeks to address: the need for Maryland to increase the availability of moderately priced housing to attract and retain families and businesses and generate economic growth. We share these concerns. For reasons stated below, we do not believe that this bill is fit for its purpose and it could even cut against achieving the stated goals of incentivizing more housing at more moderate prices.

We also object to this bill because it virtually eliminates all authority granted to municipalities and counties to determine building regulations within their jurisdictions with respect to single family zoned properties.

Following are specific provisions of this bill that we find deeply concerning:

- Substantial reduction of building setbacks:
 - o Front and rear setbacks: Jurisdictions will be unable to require front or rear yard setbacks of more than 10 feet. Our municipalities and the County generally require minimum front setbacks of 25 feet or the established building line, whichever is greater. Rear setbacks are 20 feet or greater. The proposed setback reductions would allow for significantly greater impervious coverage, jeopardizing our ability to control storm water run-off on lots, which has become a major local government concern, and effectively permitting the removal of numerous canopy trees while not leaving enough space for new trees to grow. It would lead over time to neighborhoods appearing jagged, with new homes extending much closer to the streets than older homes. Such a result is not consistent with standard urban and suburban planning practice.
 - o Side setbacks. Jurisdictions would be unable to establish side setbacks of more than 5 feet, as compared to current County and municipal requirements of at least 7 or 8 feet. Our stricter standards provide the space needed for fire and rescue equipment and personnel and reduce the risk that fire will spread between homes, thereby enhancing the safety of our communities. Again, impervious coverage will increase and complicate storm water management.

Our concern regarding looser setbacks is compounded by the proposed elimination of standards that set lot area coverage limits.

- Permitting a row of three or more townhouses to be built by right. This sets a rigid one-size-fits-all model for “missing middle housing” that is inappropriate for most of the lots in our communities and does not consider the provision of infrastructure required for this level of density.
- Prohibiting regulations that “indirectly” violate the provisions of the bill. Such general language creates uncertainty as to what would be legitimate to regulate and invites contentious proceedings and possible litigation.

As a result of these provisions, the consequences of this bill are likely to counter the stated purpose of promoting more affordable housing, for the following reasons:

- Reduced setbacks and elimination of lot area coverage limits will encourage larger single-family homes. Developers would be entitled to take advantage of the expanded building area to build much larger single-family detached houses or to greatly enlarge existing housing. This will defeat the stated purpose of the bill, which was to encourage homes of moderate size and price. Rather than discourage “mansionization,” which was expressly the basis for enactment of HB 1232 (2006), the Starter and Silver Homes Act would actually encourage this trend without any counterbalancing public benefit. Such large homes would also decrease the opportunities for providing accessory dwelling units, a popular form of “missing middle” housing.
- Prohibiting regulations that “indirectly” violate the provisions of the bill creates uncertainty as to what is and is not allowed.

Further, we hope that in considering this bill, you and your colleagues will appreciate the core matter of policy consistency. All of you worked hard to secure the law that clarified our municipal authority, and we are concerned that this bill reverses the good results achieved last year. However, we want to work constructively to find means of addressing the demand for more housing in our State. We ask that you consider favorably the amendments to this bill that are proposed by MML. We look forward to consulting with you as the legislature reviews this bill and any proposed amendments during this session.

We look forward to collaborating with our neighboring municipalities and MML to develop the amendments that would accomplish the housing goals while also preserving municipal authority.

Thank you for considering our views.

Sincerely,

Laurie K. Morrissey

Laurie K. Morrissey, Mayor

SB36_City of Gaithersburg_SWA.pdf

Uploaded by: Therese Hessler

Position: FWA



February 13, 2026

Senate Education, Energy & Environment Committee

Bill: SB36 - Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Position: Support with Amendments

Dear Members of the Senate Education, Energy & Environment Committee,

The City of Gaithersburg appreciates the General Assembly's efforts to expand housing options and reduce regulatory barriers to housing development. We support the overall intent of this legislation and respectfully submit the following comments and proposed amendments to ensure that its implementation aligns with environmental resilience, infrastructure capacity, housing affordability, and local planning best practices.

Eliminating maximum lot coverage requirements can conflict with environmental and sustainability objectives. Minimum lot coverage standards help preserve residential open space, which is typically planted with trees and contributes significantly to local and statewide canopy goals.

Maryland's no-net-loss policy seeks to maintain the State's current 40% tree canopy. According to the City's Environmental and Sustainability Element of the 2009 Master Plan (adopted 2015), approximately 45.97% of Gaithersburg's tree canopy is located on private residential land.

Eliminating lot coverage maximums could undermine these goals and increase impervious surfaces, leading to higher stormwater fees for homeowners—an outcome that would work against housing affordability.

Suggested amendment:

If eliminating lot coverage maximums is necessary, limit this change to townhouses only and maintain a maximum lot coverage of at least 50% for single-family detached homes.

Most residential zones in Gaithersburg already require minimum front and rear yard setbacks of 10 feet. The proposed changes would primarily affect the R-A, R-90, RB, and R-H zones.

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038
301-258-6300 • FAX 301-948-6149 • cityhall@gaithersburgmd.gov • gaithersburgmd.gov

MAYOR
Jud Ashman

COUNCIL MEMBERS
Neil Harris
Lisa Henderson
Yamil Hernández
Jim McNulty
Robert Wu

CITY MANAGER
Tanisha R. Briley

Suggested amendment:

If establishing maximum allowable minimum setbacks is required, require a 20-foot minimum front and rear setback to preserve neighborhood character and functionality.

With respect to side yard setbacks, impacts would be limited to the R-A, R-6, and R-H zones. The City is generally comfortable with the proposed maximum side yard setbacks.

However, the bill also applies setback standards to accessory structures, such as sheds and detached garages, which do not contribute to housing supply.

Suggested amendment:

Remove references to accessory structures from the setback provisions. If the intent is to address accessory dwelling units (ADUs), note that these were addressed in HB 1466 (2025), and local jurisdictions are not required to comply with that law until October 1, 2026. If accessory structures remain in this bill, jurisdictions should be granted corresponding deadline relief.

The bill's definition of "townhouse" could be interpreted to include stacked condominiums (two-over-two), triplexes, or quadplexes, which were not the intended housing types contemplated.

Suggested amendment:

Revise the definition of townhouse to align more closely with the City's definition:

Dwelling, Townhouse: A type of single-family attached dwelling consisting of three or more units, each attached by a party wall serving as a vertical boundary, with each unit extending from ground to roof, no unit located above another, and each unit having its own ground-floor entrance or sharing an entrance with only an adjacent unit.

The bill prohibits lot coverage limits for accessory structures such as sheds and detached garages, which do not increase housing supply.

Suggested amendment:

Remove this prohibition or revise it to apply only to accessory dwelling units (ADUs).

The bill prohibits jurisdictions from restricting subdivision of improved lots into three or fewer lots without regard to access or Adequate Public Facilities Ordinance (APFO) standards.

Suggested amendment:

Clarify that newly created lots must comply with local subdivision requirements, have adequate access to a public or private street, and meet APFO standards.

Additionally, to align with the bill's goal of streamlining development:

Suggested amendment:

Allow residential and mixed-use subdivision applications to be reviewed and approved at the administrative level, rather than requiring Planning Commission approval under §5-201 of the Land Use Article. This would reduce delays while maintaining consistency with local standards.

The bill prohibits local jurisdictions from adopting regulations that establish restrictions “directly or indirectly.”

Suggested amendment:

Remove the word “indirectly”, as it is overly broad and subjective and could unintentionally invalidate reasonable local regulations.

The bill prohibits minimum square footage requirements, though building codes already establish minimum interior space standards.

Suggested amendment:

Clarify that this prohibition applies only to exterior dimensional requirements and does not preempt interior minimum standards established under building codes.

The City currently enforces design guidelines regulating architectural and aesthetic elements for single-family homes.

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038
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MAYOR
Jud Ashman

COUNCIL MEMBERS
Neil Harris
Lisa Henderson
Yamil Hernández
Jim McNulty
Robert Wu

CITY MANAGER
Tanisha R. Briley

Suggested amendments:

Allow grandfathering of existing design guidelines.

Permit Planning Commissions to establish reasonable design standards during site plan review or when developers voluntarily incorporate design elements into their projects.

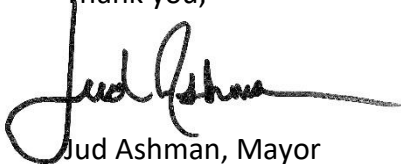
The bill states that it does not supersede codes necessary to address “immediate threats” to public safety.

Suggested amendment:

Remove the reference to “immediate threats.” Building, fire, and safety codes are inherently designed to protect public health, safety, and welfare and should remain fully enforceable without qualification.

The City of Gaithersburg supports the intent of this legislation and believes that, with the amendments outlined above, it can advance housing goals while preserving environmental sustainability, infrastructure capacity, and local planning integrity. We respectfully urge the Committee to consider these amendments and move the bill forward in a balanced and effective manner.

Thank you,



Jud Ashman, Mayor
City of Gaithersburg

Oppose SB 36 the Starter and Silver Homes Act o

Uploaded by: Adam Rybczynski

Position: UNF

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

RESOLUTION NO. 2026-02

Introduced by _____ Council President Ringsaker

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND, PURSUANT TO THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND SECTIONS 33 AND 34 OF THE CITY CHARTER TO EXPRESS FORMAL OPPOSITION TO SENATE BILL 36 AND HOUSE BILL 239 (THE STARTER AND SILVER HOMES ACT OF 2026)

WHEREAS, the Maryland General Assembly is considering Senate Bill 36 and House Bill 239, which seek to prohibit local jurisdictions from adopting or enforcing certain zoning provisions related to lot size, dimensions, setback requirements, lot coverage, and design elements; and

WHEREAS, SB 36 and HB 239 would mandate that any area connected to public water and sewer cannot require a minimum lot size greater than 5,000 square feet, effectively overriding Havre de Grace’s existing R-1 and R-2 residential zoning district standards; and

WHEREAS, the Act would remove the City’s ability to approve townhomes as a conditional use in areas where the construction of detached single-family homes is permitted by right; and

WHEREAS, the Act would further prohibit the City from placing maximum lot coverage limits on single-family homes; and

WHEREAS, these cross-filed bills would grant property owners the legal right to subdivide improved lots, up to three smaller parcels, bypassing traditional Planning Department, Planning Commission and/or Board of Appeals review and approvals, which will negate carefully considered local density controls which protect citizens from overcrowded schools, excess traffic congestion, overburdened water and sewer treatment systems, and excessive runoff to the Chesapeake Bay due to increased impervious surfaces, which will negatively impact livability standards; and

WHEREAS, the Mayor and City Council find that such state-level preemption of local land use law, which has served this State well for many decades, is a direct challenge local government authority over local land use policy and its knowledge of how such development impacts the citizens and the City’s limited resources; and

WHEREAS, the 2025 Envision Havre de Grace Comprehensive Plan was recently adopted to provide a thoughtful strategy for revitalization and growth for people of all economic means, a strategy that would be fundamentally undermined by the mandates in SB 36 and HB 239.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE:

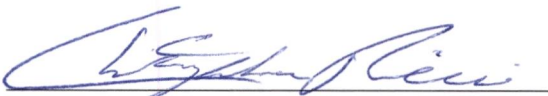
1. The Mayor and City Council of Havre de Grace hereby formally oppose Senate Bill 36 and House Bill 239; and
2. The Mayor and City Council of Havre de Grace hereby strongly urge the Senate Education, Energy, and the Environment Committee to give SB 36 an UNFAVORABLE REPORT; and
3. The Mayor and City Council of Havre de Grace hereby strongly urge the House Economic Matters Committee to give HB 239 an UNFAVORABLE REPORT; and
4. The Mayor shall transmit this resolution and any adjoining testimony to the Senate Education, Energy, and the Environment Committee, and the House Economic Matters Committee.

ADOPTED by the City Council of Havre de Grace, Maryland this 20th day of January, 2026.

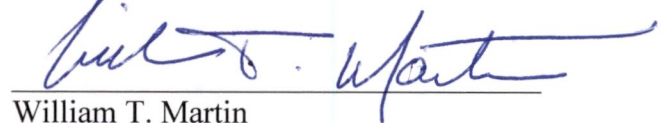
SIGNED by the Mayor and attested by the Director of Administration this 20th day of January, 2026.

ATTEST:

MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE



Christopher Ricci
Director of Administration



William T. Martin
Mayor

Introduced: 1/20/2026

Passed/Adopted: 1/20/2026

Effective Date: 1/20/2026

SB36 remove single family zoning 2-2026.pdf

Uploaded by: Barbara Sollner-Webb

Position: UNF

I am Barbara Sollner-Webb, past long-term President and current zoning committee chair of the West Laurel Civic Association (WLCA). The WLCA represents 1800 residences, mainly in Prince George's County but some in Montgomery County, and we wish to testify against SB36. Implementation of SB36 would devastate the character of our community, which is partly on $\frac{1}{4}$ acre, partly on $\frac{1}{2}$ acre and partly on considerable larger lots. By increasing the permitted density to 8 units per acre, the number of residences in West Laurel could increase by about 4-fold. Even getting part-way to that end would create an inordinate strain on the local schools, on the road system and on other public services. It could turn our tree-filled rural residential neighborhood into a very dense hodgepodge of residences, including townhouses, that would then be largely devoid of trees, which would have been chopped down to make way for the additional residences – so, much less attractive to us and much more subject to global warming. And critically, since parking is already very strained in much of our community – as in many older residential communities in the state – it would create an unworkable nightmare by the parking of all the vehicles of all the newly permitted residents. Additionally, it would very likely be to the detriment of the tax base of the county, hence create a burden on all the current tax-payers in the county. SB36 seems to provide no upside to the current residents' quality of life, except for those who are developers who could make a killing. Please, vote against SB36.

HB 239 CCCFH Testimony.docx - Google Docs.pdf

Uploaded by: Barbara Zektick

Position: UNF

TESTIMONY IN OPPOSITION

STARTER & SILVER HOMES ACT

CITIZENS COORDINATING COMMITTEE ON FRIENDSHIP HEIGHTS

FEBRUARY 12, 2026

The Citizens Coordinating Committee on Friendship Heights (CCCFH) is an umbrella organization that represents 18 communities and 20,000 residents in southwest Montgomery County — District 16 — on land use, housing and infrastructure development issues.

Although CCCFH is committed to the creation of truly affordable housing throughout Maryland and supports approaches recommended in the recently proposed Housing Certainty Act and the Transit Oriented Development Act, we strongly oppose the Starter and Silver Homes Act, House Bill 239. We oppose the legislation for the following reasons:

1) The legislation broadly pre-empts local zoning for single-family neighborhoods, preventing the crafting of decisions tailored to local requirements. Moving single-family zoning to the state level ignores the diversity among Maryland counties and municipalities and overlooks community needs. Substitution of state for local decision-making on zoning eliminates community input, neighborhood-specific master planning and decision-making by local elected officials.

It is especially ironic that the bill would permit townhomes by right in almost every single-family neighborhood in Maryland. This approach was considered by Montgomery County and rejected in 2025 after a series of County listening sessions revealed overwhelming public opposition. CCCFH suspects that House Bill 239 will be equally unpopular statewide.

2) The legislation will create infrastructure, and environmental problems. Existing single-family neighborhoods were designed by civil engineers for single-family densities. Roads and water and sewer systems in these neighborhoods are not designed for townhouse occupancies. Enactment of the bill will accelerate the deterioration of infrastructure in single-family neighborhoods, requiring costly replacements by the taxpayers. To avoid an explosion in local infrastructure expenses, reject House Bill 239.

The Starter and Silver Homes Act is bad for the environment. Increasing density in existing single-family neighborhoods statewide will create extensive stormwater management problems, loss of tree canopy, heat islands and traffic-induced climate emissions in areas with little or no mass transit. These outcomes undercut Maryland's sustainability agenda.

Increased density, including townhomes and multi-family housing, is appropriately located close to mass transit, including the rail-centered development zones proposed by Governor Moore — not in existing single-family communities.

3) The legislation will not produce the affordable housing needed to address Maryland's housing crisis. House Bill 239 does not contain affordability requirements. The market prices of new, unsubsidized townhomes track and typically exceed the prices of the single-family homes they replace. In Montgomery County, new townhomes are retailing for \$800,000 and up as of 2026, with prices exceeding \$1 million in some parts of Rockville and North Bethesda. Prices in southwest Bethesda start in the \$1.5 million range and some recently completed townhomes are listing for close to \$2 million. This is not affordable housing.

An October 2025 impact analysis performed by Montgomery County's Office of Legislative Oversight found that new single-family upzoning requirements limited to major roads "could have a negative impact on racial equity and social justice (RESJ) in Montgomery County" and "could disproportionately displace existing Black and Latinx homeowners for the development of market-rate housing units that primarily benefits White, Asian, and Pacific Islander community members."

The mandated statewide upzoning of existing single-family neighborhoods can be expected to produce similar results: the replacement of smaller, older, less-expensive single family units with more expensive townhomes, accelerating the displacement of moderate-income homeowners and homeowners of color.

Conclusions. The Starter and Silver Homes Act is highly flawed and should be defeated. The legislation ignores the diversity of Maryland's counties and municipalities, eliminates community input and overrides local decision-making. The legislation will accelerate infrastructure deterioration and environmental degradation, problems that will be costly and difficult to correct. Most importantly, the legislation will not make housing in Maryland more affordable and is likely to result in the displacement of moderate-income families and homeowners of color.

Worthwhile proposals to address Maryland's housing crisis are on the table, including the Housing Certainty Act and the Transit Oriented Development Act. The Starter and Silver Homes Act is not among them. CCCFH respectfully urges the Economic Matters Committee to reject the Starter and Silver Homes Act.

Rush Testimony on SB36 20260217 Final.pdf

Uploaded by: Barney Rush

Position: UNF



Barney Rush, *Mayor*
Rich Brancato, *Vice Mayor*
Carlo Colella, *Treasurer*
Tambra Leonard, *Secretary*
Quynh Tran, *Community Liaison*

February 13, 2026

The Honorable Brian Feldman, Chair
Education, Energy, and the Environment Committee

Please accept the attached letter, signed by 12 Montgomery County municipalities, as Mayor Barney Rush's written testimony on SB36, The Starter and Silver Homes Act of 2026. Mayor Rush will present oral testimony on February 17, drawing on the concerns outlined in the letter.

Chevy Chase Village; Town of Chevy Chase; Town of Chevy Chase View; Town of Garrett Park;
Town of Glen Echo; Town of Kensington; Town of Somerset; Section 3 of the Village of Chevy Chase;
Section 5 of the Village of Chevy Chase; Village of Drummond;
Village of Martin's Additions; Village of North Chevy Chase

VIA EMAIL

January 30, 2026

RE: The Starter and Silver Homes Act of 2026

Dear Senators Waldstreicher and Love, and Delegates Kaufman, Shetty, Solomon, Korman, Wolek, and Woorman:

The undersigned municipalities have carefully reviewed the bill proposed by Governor Moore, entitled "The Starter and Silver Homes Act of 2026." We have many significant concerns that we wish to share with you.

We understand the important issue that the Governor seeks to address: the need for Maryland to increase the availability of moderately priced housing to attract and retain families and businesses and generate economic growth. For reasons stated below, we do not believe that this bill is fit for its purpose – and in fact, could even cut against achieving the stated goals of incentivizing more housing at more moderate prices.

We also object to this bill because it virtually eliminates all authority granted to municipalities and counties to determine building regulations within their jurisdictions. We remain grateful to you for supporting HB 1167/SB 36 last year (adopted 136-1 in the House; 44-0 in the Senate) and signed by Governor Moore. That law clarified the authority of municipalities in Montgomery County to set specific building regulations for all buildings containing from one to four housing units. As part of a negotiated compromise, we accepted the position of the Montgomery County Planning Board that our authority would not extend to multi-family buildings containing more than four units. Working in good faith to address housing concerns, we subsequently supported the County's Workforce Housing ZTA that authorizes duplex, townhouse and multi-family housing in single-family detached zones along the major corridors that abut or traverse our communities.

We had reason to expect reciprocal good faith, and that the municipal authority so carefully considered and reaffirmed last year would remain law for years to come. However, if the proposed bill becomes law, the good faith balance struck last year will be upended.

Following are specific provisions of this bill that we find deeply concerning:

- **Substantial reduction of building setbacks:**
 - **Front and rear setbacks:** Jurisdictions will be unable to require front or rear yard setbacks of more than 10 feet. Our municipalities and the County generally require minimum front setbacks of 25 feet or the established building line, whichever is greater. Rear setbacks are 20 feet or greater. The proposed setback reductions would allow for significantly greater impervious coverage, jeopardizing our ability to control storm water run-off on lots, which has become a major local government concern, and effectively permitting the removal of

numerous canopy trees while not leaving enough space for new trees to grow. It would lead over time to neighborhoods appearing jagged, with new homes extending much closer to the streets than older homes. Such a result is not consistent with standard urban and suburban planning practice.

- **Side setbacks.** Jurisdictions would be unable to establish side setbacks of more than 5 feet, as compared to current County and municipal requirements of at least 7 or 8 feet. Our stricter standards provide the space needed for fire and rescue equipment and personnel and reduce the risk that fire will spread between homes, thereby enhancing the safety of our communities. Again, impervious coverage will increase and complicate storm water management.

Our concern regarding looser setbacks is compounded by the proposed elimination of standards that set lot area coverage limits.

- **Permitting a row of three or more townhouses to be built by right.** This sets a rigid one-size-fits-all model for “missing middle housing” that is inappropriate for most of the lots in our communities and does not consider the provision of infrastructure required for this level of density.
- **Prohibiting regulations that “indirectly” violate the provisions of the bill.** Such general language creates uncertainty as to what would be legitimate to regulate and invites contentious proceedings and possible litigation.

As a result of these provisions, the consequences of this bill are likely to counter the stated purpose of promoting more affordable housing, for the following reasons:

- **Looser setbacks and elimination of lot area coverage limits will encourage larger single-family homes.** Developers would be entitled to take advantage of the expanded building area to build much larger single-family detached houses or to greatly enlarge existing housing. This will defeat the stated purpose of the bill, which was to encourage homes of moderate size and price. Rather than discourage “mansionization,” which was expressly the basis for enactment of HB 1232 (2006), the Starter and Silver Homes Act would actually encourage this trend without any counterbalancing public benefit. Such large homes would also decrease the opportunities for providing accessory dwelling units, a popular form of “missing middle” housing.
- **Undercutting the Montgomery County Workforce Housing ZTA.** A core purpose of this ZTA is to promote multi-family housing projects that include “workforce housing” - moderately-priced units that could be afforded by families earning the median income in the County. This bill provides no such incentive. As a result, the bill would encourage developers to sidestep the zoning incentives in the Workforce Housing ZTA and instead build only market-priced (expensive) housing.

We are surprised that the Governor’s staff has prepared a bill that enables construction of large single-family homes, does not acknowledge standard planning practice, and overrides

Montgomery County’s program to encourage multi-family housing inclusive of moderate-priced units. Further, we hope that in considering this bill, you and your colleagues will appreciate the core matter of policy consistency. All of you worked hard to secure the law that clarified our municipal authority, and we do not support a bill that reverses the good results achieved last year. However, we want to work constructively to find means of addressing the demand for more housing in our State. To that end, we look forward to consulting with you as the legislature reviews this bill and any proposed amendments during this session.

Thank you for considering our views.

Sincerely,

Chevy Chase Village	Town of Somerset
Town of Chevy Chase	Section 3 of the Village of Chevy Chase
Town of Chevy Chase View	Section 5 of the Village of Chevy Chase
Town of Garrett Park	Village of Drummond
Town of Glen Echo	Village of Martin’s Additions
Town of Kensington	Village of North Chevy Chase

cc: Montgomery County Council
Marc Elrich, County Executive
Mayor Jud Ashman, Gaithersburg
Mayor Monique Ashton, Rockville
Artie Harris, Chair, Montgomery County Planning Board

SB0036_City of Salisbury_written testimony.pdf

Uploaded by: Betsy Jackson

Position: UNF



February 13, 2026

To: Senate Government, Education, Energy, and the Environment Committee
Of the State of Maryland

**Subject: RE: SB0036 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)
Written Testimony -Unfavorable**

Dear Honorable Members of this Committee:

On behalf of the City of Salisbury, I am forwarding written testimony for your consideration against the proposed bill. We do not support the State setting limitations on zoning where the impact will serve to nullify plans required by the State that jurisdictions have created with the input of their communities to determine where and how they want to grow, what growth is appropriate for the existing infrastructure, and the vision for their communities into the future. This “one size fits all” approach to growing the State’s housing supply is an affront to the very foundations of planning and zoning in the State and the Country that will have unplanned consequences.

Our contention is that the bill:

1. Disenfranchises residents of meaningful planning of their communities.
2. Weakens or nullifies existing Comprehensive Plans and Plans in process that have carefully considered where and how growth should occur based on the conditions of the individual jurisdiction.
3. Will create a significant financial burden to rewrite Comprehensive Plans and zoning codes.
4. Have unplanned impacts to City infrastructure including water and sewer capacity, school capacity, traffic, availability of street parking, and emergency services including medical, fire and police.

While we acknowledge the housing crisis, this should not be used as an excuse to undo the visions for the future and plans we created with our communities by limiting the ability of our zoning codes to have development standards that bring the plans to fruition.



SB0036 – Land Use – Zoning – Limitations (Starter and Silver Homes act of 2026)
City of Salisbury Written Testimony - Unfavorable
February 13, 2026

We do not support the State setting limitations on zoning for local jurisdictions as proposed in SB0036. The State has, and generally must have, a “one size fits all” approach but this is not an appropriate approach for planning at the local level. There is more than a century of case law in the United States upholding local approach to land use restrictions. The US Department of Commerce created the Standard City Planning Enabling Act in 1928. The State adopted laws allowing for local zoning authority in 1927 and planning authority in 1933. Granting local authority for planning and zoning is an acknowledgment that land use decisions are best made and planned for at the local level by Commissions and residents that understand the unique conditions of their communities.

The adoption of SB0036 would be an overreach of State power that would continue to undo nearly a century of planning and zoning at the local level in the State.

1. Local Comprehensive Plans will be weakened and will need to be rewritten, with the citizens that had participated in their creation effectively having been silenced.
2. The costs of rewriting plans and significantly updating zoning codes will be a substantial burden with no mechanism for funding those costs imposed upon municipalities.
3. The law will have unplanned impacts to City infrastructure including but not limited to:
 - water and sewer capacity,
 - school capacity,
 - traffic,
 - availability of street parking, and
 - emergency services including medical, fire and police services.

The City, County and Board of Education have created plans to address capacity and population growth for public services, but this change would require all of these plans to be reconsidered.

Building homes on smaller lots with less side setbacks would greatly reduce or eliminate on-street parking, while reducing available lot area for on site parking, which is particularly concerning for areas like the City of Salisbury where reliable public transportation is not yet developed or feasible and most residents are car dependent. This may also create public safety concerns with area less visible from the street and more opportunity for the spread of fire from one house to another. Local zoning regulations help address these issues.

We ask that the Committee not support this bill for the reasons set forth above. Local jurisdictions and their residents should determine where and how they want to grow, what growth is appropriate for the existing infrastructure, and the future vision for their communities.

If you have any questions, please feel free to contact me at 410-548-3170 or bjackson@salisbury.md.

Testimony on SB 36, Laytonville Mayor, OPP.pdf

Uploaded by: Charles Hendricks

Position: UNF

My name is Charles Hendricks, and I am the mayor of Laytonsville, a town of some 750 residents in northern Montgomery County that was incorporated in 1892. My town has exercised zoning authority since 1958, but that has not stymied the town's contribution to the housing stock of our area. The town has grown rapidly in recent years. Since 2010 it has increased its housing units from 120 to 217, a growth of 81%, or an average increase of over 5% per year over the last 16 years. Yet we are a well-planned community with distinctive neighborhoods, single-family-homes of widely varying sales prices built on lots of various sizes, and an assortment of multi-family rental units.

I do not object to the state putting pressure on local governments to facilitate the construction of more housing units, but I believe that zoning preemption should not be applied until localities are authorized to make adjustments to their zoning ordinances not anticipated by their comprehensive plans to achieve the state's housing goals.

The Department of Housing and Community Development has published local housing unit construction goals for each year up to 2030. Why don't you give localities until 2028 to implement liberalized zoning rules to meet their housing construction approval goals and provide that failure to meet the goals by then would trigger the type of broad townhouse-favoring provisions envisioned by this bill over a gradually increasing percentage of the local jurisdiction's area? You could start with 20% of the local jurisdiction in the first year of non-compliance and increase that by 20% in each following year in which goals are not met. Let local jurisdictions decide which areas to subject to the zoning preemption, so that they can try to achieve the housing goals without having the areas available for townhouse subdivision grow to 100%.

I believe that the State of Maryland can enable the construction of the housing its residents need in cooperation with the elected officials of its counties and municipalities without subverting local community planning.

Testimony on SB36 OPPOSE Chissell Town of Highland

Uploaded by: Crystal Chissell

Position: UNF



TOWN OF HIGHLAND BEACH

(INCORPORATED 1922)

3243 WALNUT DRIVE

Highland Beach, Maryland 21403

Telephone (443) 837-5184

MAYOR

Crystal Chissell

COMMISSIONER

Michele Fuller

John P. Goodloe, Jr.

G. William Hunter

Linda Holmes Newton

TREASURER

Ronald L. Stokes, Sr.

February 17, 2026

Testimony in Opposition to
SB36 Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)
By Crystal Chissell, Mayor
Town of Highland Beach

Dear Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee:

The Town of Highland Beach is **opposed** to SB36 because it will preempt local zoning authority in a way that will be detrimental to our community. Highland Beach is an example of why local context for zoning requirements and decision-making is essential.

The Town of Highland Beach is one of the smallest municipalities in Maryland. Because of our proximity to the Chesapeake Bay, our neighborhood is a prime target of profit-driven developers. The lot size and setback requirements in the Highland Beach Zoning Ordinance are more restrictive than what is proposed by SB36. We know from experience that SB36 would invite developers to build larger homes on small lots that are out of character with neighboring homes in our historic community and will exacerbate our stormwater management challenges. Larger homes will be sold at costs that exceed existing properties and will not contribute to affordable housing.

Highland Beach would fit into some of the exemptions that are being proposed as amendments to SB36. However, we know from experience that because of profit potential, developers will not hesitate to challenge the exemptions in court, requiring us to defend costly litigation.

We urge an unfavorable report on SB36.

Starter Housing Act senate.pdf

Uploaded by: Daniel Wilhelm

Position: UNF

Greater Colesville Citizens Association

PO Box 4087
Colesville, MD 20914
February 13, 2026

Maryland General Assembly
Senate Education, Energy, and Environment Committee

Re: SB0036, Starter and Silver Homes Act

Dear Maryland Senator:

The Greater Colesville Citizens Association (GCCA) represents 3500 single-family and townhouse households around the intersection of Randolph Rd and New Hampshire Ave in eastern Montgomery County. GCCA urges the legislature to oppose bill SB0036 as it is written.

The bill, if enacted as presently written, it would eliminate most zoning for single-family detached housing in the county and state because the zoning could no longer require that the minimum lot size to exceed 5000 sq ft. That limit applies throughout state, even in more rural areas. If implemented everywhere, the state would become urban. We agree with current county policy that Montgomery County needs a range of housing sizes and we are sure that would apply across the state

The bill would not eliminate existing single-family development but any owner of such a property would be able to subdivide it by right into three lots. There is nothing to prevent a developer from purchasing a single-family house and replacing it by right with three townhouses. Thus, there would be no public review or review by the Planning Board, other than the creation of lots (without any meaningful restrictions).

The bill would likely create townhouse development that is not compatible with adjacent single-family detached housing in that the bill substantially reduces the set-back requirements and eliminates lot coverage requirements. Thus, essentially, the entire lot can be covered with a building.

The bill appears to eliminate any requirement for on-site parking or that the site be served by public transportation. With very small lots being proposed, residents will surely need to park on existing public roads. Most residential roads serving R60 (6000 sq ft) and R90 (9000 sq ft) zoned lots are already congested with parked vehicles or are too narrow to accommodate any parking. This bill will just exacerbate this problem. In a number of cases, the resulting parked vehicles would hinder the passage of larger vehicles, like fire, trash and buses (both school and public).

The bill fails to consider issues related to stormwater management and open space.

We agree that there is a shortage of affordable, starter housing, but this bill does nothing to address the affordable issue. Much of the current affordable problem is the

result of government regulation, especially fees. Montgomery County currently has a task force investigating fees, especially impact taxes.

The legislation needs to be amended to focus development where infrastructure exists or identified in county plans. We urge the state to follow the vision in the Thrive Montgomery 2050 general plan that focuses development in designated activity centers and along major roads that will be served with premium transit (Metrorail, Purple Line and BRT/Flash). Montgomery County recently approved legislation to focus development in these areas, much like the proposed bill, but focused where wanted and infrastructure can accommodate.

In short, the bill as written largely eliminates the zoning ordinance as it relates to single-family detached housing and opens Pandora's box for creating new problems or increasing existing problems. There are already large numbers of lots that could be built under existing zoning but it is not occurring on many of those lots, largely due to it being uneconomical. The legislature needs to address the affordability issue and focus development where infrastructure can support it.

GCCA urges opposes bill SB0036 as written and urges it be modified.

Daniel L. Wilhelm
GCCA President

SB 0036 David Barnes Testimony for ECA UNF 2-13-26

Uploaded by: David Barnes

Position: UNF



Edgemoor Citizens Association
P.O. Box 30459
Bethesda, MD 20824-0459
www.edgemoorcitizens.org

February 13, 2026

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
- 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

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.

David Barnes

David Barnes
President, Edgemoor Citizens Association

Joyce Testimony on SB36.pdf

Uploaded by: Elizabeth Joyce

Position: UNF

Testimony on SB36, Starter and Silver Homes Act of 2026
Senate Education, Energy, and the Environment Committee
M. Elizabeth Joyce, District 20
February 17, 2026

Good afternoon, Chair Feldmann and Vice-Chair Kagan. My name is Elizabeth Joyce from District 20. Thank you for your fine work representing Montgomery County and for allowing me to testify today on SB36.

Although making Maryland housing more affordable and abundant is a worthy goal, I strongly oppose this sweeping and unnecessary bill because as written, it cannot achieve these goals. Evidence presented to the House Economic Matters Committee last week shows why SB36 is a solution in search of a problem and should be withdrawn and completely revised.

Bill Misunderstands the “Problem:” Powerful testimony from Erica Jorgensen, Harvard PhD in economics, and Rohit Khanna shows why the bill seeks to “solve” a crisis that does not exist. In contrast to the bill’s stated claims, their testimony includes hard evidence that:

1. **Maryland is NOT losing residents because of high housing costs:**
 - a) Net out-migration from Maryland is modest
 - b) People are moving out of Maryland for employment or family reasons, not housing costs.
 - c. Outmigration is not leading to falling state income, failing state income, a shrinking economy, and a failing state. *These claims are based on flawed IRS data and misuse of numbers from the pandemic years (outliers) as the basis for conclusions.*
2. **The housing shortage supply/demand problem in Maryland is complex and changing.**
 - a) Federal job losses and deportations will continue to weaken demand for housing.
 - b) *Median home costs in Maryland are 16th in the U.S, much lower than suggested by the report behind the bill.*
3. ***Current MD land use regulations should be carefully interpreted and administered .***
 - a. *MD is a wealthy and densely populated state*
 - b. *Density cannot exceed infrastructure without damaging quality of life.*
4. **Upzoning, the “solution” proposed by the bill, is a form of trickle-down, deregulatory economics that even if “successful” takes decades to produce meaningful results.** The current problems in the housing market stem from oligopoly in the housing sector and income inequality, which the bill does little to address.

Affordability: The bill provides no data to show why it would solve the affordability crisis as described. Supporters claim that that the bill ”could reduce price points by up to 30 percent.” Where

are the data and hard evidence to support this claim?

Also, the Fiscal and Policy Note for HB 239 shows the bill could significantly affect the budgets and taxes of local jurisdictions: “Infrastructure spending by local jurisdictions may increase or accelerate to the extent the bill’s prohibitions result in greater density of development, of smaller homes, creating infrastructure demand that outpaces the capacity planned for by a local jurisdiction based on the jurisdiction’s existing regulation of single-family home development. The extent to which potential additional strain on infrastructure under the bill may result in increased/accelerated infrastructure spending, and **the potential magnitude of that spending, cannot be reliably estimated** and depends on the infrastructure capacity of an area in which a development is proposed, and the extent of increased development density resulting from the bill. In jurisdictions that collect development impact fees or excise taxes, the increased development also generates development impact fee or excise tax revenues that can help fund additional infrastructure capacity.

Equity: The bill could result in significant inequity among jurisdictions. By overriding most local regulatory authority, the bill denies jurisdictions the flexibility to enact their planning goals. Montgomery County, for example, has spent the last five years and millions of dollars enacting new legislation to meet goals like the Governor’s. Our Planning Board will submit dozens of proposed amendments to this bill to give the County the flexibility to protect our legislation, infrastructure, and the environment. The Governor’s recent (9/2/2025) [executive order on housing](#) proposed setting targets and working with the counties to meet them—a much better and more respectful approach.

Gentrification and displacement of current lower-income homeowners could also result from the bill. MC’s Office of Legal Oversight reported that [a bill less stringent than the Governor’s](#) could significantly displace minority and low-income homeowners, replacing them with much higher-income homeowners.

Also, **exemptions now being proposed** for (usually wealthier) historic districts, rural areas, and those with no public sewer and water systems, would shift the burden to larger jurisdictions with complex challenges. **If this policy is sound, it should apply to all areas.** Not only that, but the bill also creates an unfunded mandate for areas where it applies. As written, the bill will produce a scramble among jurisdictions to be exempted from its provisions.

(2023) was \$94,584-\$98,678. The bill is unlikely to meet this key goal.

Equity: By overriding most local regulatory authority, the bill denies jurisdictions the flexibility to enact their planning goals. Montgomery County, for example, has spent the last five years and millions of dollars enacting new legislation to meet goals similar to the Governor's. Our Planning Board will submit dozens of proposed amendments to this bill to give the County the flexibility to protect our legislation, infrastructure, and the environment. The Governor's recent (9/2/2025) [executive order on housing](#) proposed setting targets and working with the counties to meet them—a much better and more respectful approach.

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Also, exemptions now being proposed for (usually wealthier) historic districts, rural areas, and those with no public sewer and water systems, would shift the burden to larger jurisdictions with complex challenges. If this policy is sound, it should apply to all areas. Not only that—the bill creates an unfunded mandate for areas where it applies.

Lack of evidence: [Impressive recent scholarship](#) challenges the Governor's assumptions that zoning is the main reason for housing costs and that [upzoning will solve the problem](#). The COVID epidemic and the 2008-2009 financial collapse fundamentally altered the housing market (with investors purchasing large numbers of single-family homes rather than issuing mortgages. Mandating statewide "solutions" based on flawed assumptions would be unfortunate for the Governor, would-be homeowners, and those who have invested their life savings in their homes.

Thank you again for the opportunity to speak with you today.

SB0036 Zoning - high density UNF 2026.pdf

Uploaded by: Ella Ennis

Position: UNF



February 13, 2026

The Honorable Bryan J. Feldman, Chairman
and Members of the Education, Energy and the Environment Committee
Senate of Maryland
Annapolis, Maryland

Dear Chairman Feldman and Members:

RE: **SB0036** – Land Use -- Zoning -- Limitations (Starter and Silver Homes Act of 2026)
-- **UNFAVORABLE**

Maryland is a mosaic of community choices – urban, metropolitan, dense suburban, exurban, rural agricultural, rural mountain -- each with its own unique geography, infrastructure needs, and citizen preferences.

The 1,300 members of the Maryland Federation of Republican Women are concerned that the provisions of this bill create the potential for an ever-changing landscape, unfairly limiting residents' ability to make an informed decision about where to build or purchase a home.

- The planning principles in SB0036 are designed for a densely populated urban environment and are not suitable for exurban communities or rural counties.
- Too much emphasis is placed on State control of development, leaving little flexibility in local planning, to the detriment of Local Comprehensive Plans.
- Retroactively allowing higher density housing in existing single-family communities requires increased water and sewer capacity and will result in increased traffic congestion and inadequate parking options. It may also result in overcrowding existing schools.
- Upzoning and rezoning can negatively impact the value of existing homes in the area, jeopardizing the homeowners' investment in that property.
- Broadening the potential for high-density housing to exurban areas will move the occupants further from transit options and job opportunities.

We encourage an **UNFAVORABLE** report for **SB0036**.

Sincerely,

Ella Ennis
Legislative Co-Chair
(443) 295-3989

Sharon Carrick
Legislative Co-Chair
(301) 464-1954

Jorgensen Khanna critique of Comptroller Report.pdf

Uploaded by: Erika Jorgensen

Position: UNF

Written Statement in Opposition to HB239

SUMMARY

Upzoning Maryland: Ideological Choices Rather Than Good Policymaking

A Critique of the Comptroller of Maryland's Housing & the Economy Report and its Support for the Starter and Silver Homes Act

*by Dr. Erika A. Jorgensen & Rohit Khanna¹
February 8, 2026*

- The Maryland Comptroller's October 2025 report on housing and the economy² serves as the underlying policy analysis in support of the proposed Starter and Silver Homes Act (SB36/HB239) now in front of the Maryland legislature. Unfortunately, pervasive weaknesses in the analysis and data presented in the Comptroller's Report undermine the validity of its policy conclusions.
- A key point is that the report most often compares pre-pandemic years to the pandemic and soon after. The pandemic years are outliers and should not be used to project Maryland's future.

Is Maryland losing large numbers of residents, and is it because of high housing costs?

No, net outmigration is actually modest. During 2017-2019, about 0.4% of Maryland's population left each year, and the United Van Lines Annual Survey for 2025 assesses Maryland to be a 'balanced' state for domestic moves. The pandemic years were anomalies. And the Comptroller's Report itself shows net outmigration falling by half between 2023 and 2024.

People are moving out of Maryland for jobs or to be near family. The Comptroller's Report provides no evidence on why people are leaving Maryland. It speculates that the reason must be housing costs since those departing during 2020-2022 are younger and lower income than in pre-pandemic years. Surprisingly, the Report fails to consider the impact of remote work, which accounted for the bulk of increased interstate migration nationwide during the pandemic years, according to the Federal Reserve Bank of St. Louis. The United Van Lines Annual Survey for 2025, which does record reasons for moving, reports that 30% of Marylanders departing in 2025 left because of a job and that the same share relocated to be closer to family. Less than 3% cited cost as a reason for their move.

Outmigration is not leading to falling state income, a shrinking economy, and a declining state. Conclusions based on pandemic era data should be set aside. And according to the Center on Budget and Policy Priorities, calculations of lost income because of migration using IRS data are deeply flawed, especially because many moves are for retirement.

¹ Dr. Erika Jorgensen holds a PhD in Economics from Harvard University as well as degrees from Oxford University and Williams College. She was an Economic Adviser at the World Bank where she worked for 30 years as a macroeconomist analyzing economic policies and advising governments around the world. Dr. Jorgensen has lived in Bethesda MD since 2007. Rohit Khanna had a 30-year career at the United Nations and the World Bank, working on environment, energy, and climate finance programs and projects with governments in Africa, East Asia, Middle East and North Africa, Latin America and the Caribbean regions. Mr. Khanna retired from the World Bank as Manager for Global Energy Programs, and in that role oversaw or financed most of the Bank's analytical work in the energy sector. He has a Masters Degree in Public Administration from The American University.

² www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/research/housing-economy-print.pdf

SUMMARY p. 2

Are housing costs in Maryland too high? Are housing prices rising so fast that something must be done?

Housing prices are barely holding flat in real terms, and a buyers' market is emerging. The State of Maryland's own property tax assessments show dramatically lower residential price increases, plummeting over the last two years (to about 4% annual growth while inflation averaged 3.2 %). The median price of homes sold in Maryland in 2025 rose by 2.6% (less than inflation), and the number of units sold fell by 3.1%, according to the Maryland Association of Realtors, which has reported that a buyers' market is already in early stages.

Does Maryland's housing demand exceed supply, and is there a shortage of housing in Maryland?

Maryland's housing market, like those across the nation, is recovering from the unprecedented impacts of the pandemic era, and Maryland has now been hit with large job losses. Maryland's renter vacancy rates exceeded the national average in 2023 and, as of 2024, stood at about the same as those in New York, Virginia, North Carolina, District of Columbia, and Pennsylvania. Maryland's rental vacancy rates fall within the 5-8% band that define a balanced rental market, according to HUD.³ Homeowner vacancy rates were very similar across the 12 states used for comparison in the Report.⁴ This already weakening demand will be compounded dramatically by recent international immigration restrictions and federal layoffs (with 25,000+ jobs lost in Maryland in 2025).

Are Maryland's building costs leading to too little supply?

Building costs are high in Maryland. Compared to national averages, wages are higher, and land is more expensive because Maryland has the 4th highest median household income and is the 6th most densely populated state. Moreover, Marylanders rightfully expect high quality infrastructure and environmental protections. Yet, somehow, Maryland's median house prices as of July 2025 are 16th in the nation, so housing is actually cheaper in Maryland than might be expected!

It's no surprise that zoning and land use regulations would be stricter in Maryland, a densely populated and very wealthy state, than elsewhere. The point of zoning is not restriction but planning. Density needs to be planned in coordination with physical, social, and environmental infrastructure (including roads and parking, water and stormwater systems, electricity, public schools, and tree cover and greenspace). Once infrastructure is in place, density cannot exceed infrastructure capacity without undermining quality of life. Ramping up density in established single-family neighborhoods will accelerate deterioration and replacement costs of that infrastructure. Loss of tree canopy alone will create heat islands and diminish local air quality.

³ US Department of Housing and Urban Development.

⁴ Much of the Report's analysis focuses on a cohort of 12 states: Maryland, the top eight states where Maryland residents are moving to (Florida, Pennsylvania, North Carolina, Texas, Virginia, South Carolina, West Virginia, and Delaware), and the top three states where new Maryland residents are coming from (District of Columbia, New York, and New Jersey).

Do the Report's conclusions make sense?

Whether you will be persuaded by this Report depends on whether, first, you believe the story about surging outmigration, a shrinking tax base, and imminent economic decline; second, you accept that it is housing regulation that has caused a shortage of affordable homes in Maryland; and third, that somehow pre-empting single-family zoning is the magical costless solution.

Trickle-down benefits from upzoning are too small and too slow. Recent research shows that even under very optimistic assumptions, it will take decades for deregulation-driven supply expansion to generate widespread affordability. Just as importantly, new research confirms supply constraints including zoning are unimportant in explaining housing prices. Instead, the real problems in the housing market must be addressed: oligopoly in the homebuilding sector and income inequality. Upzoning will not create homes in Maryland that are 30 percent less expensive and cannot solve housing affordability as evidenced by experience across the US. In the meantime, local communities will bear the cost of erratic profit-driven building that imposes economic, environmental, and social costs on established neighborhoods.

*Detailed Critique of the Comptroller of Maryland's Housing & the Economy Report
and its Support for the Starter and Silver Homes Act*

“With fewer homes available and high interest rates locking out new generations of homebuyers, too many young families and seniors are left with few viable options to call Maryland home,” said Maryland Department of Housing and Community Development Secretary Jake Day. “The Starter and Silver Homes Act of 2026 would expand housing choices by enabling homes that are up to 30 percent less expensive than what’s currently available, unlocking homeownership for more Maryland families.” (from [Governor Moore Announces Housing Growth and Affordability Agenda for 2026 Legislative Session](#) , 1/6/2026)

“For cost-burdened households, trickle-down benefits from deregulation will be insufficient and too slow.” (Buchholz, Maximilian, et al. “[Inequality, Not Regulation, Drives America's Housing Affordability Crisis.](#)”)

“By providing rigorous analysis and data-driven insights, . . . this report aims to support evidence-based solutions that increase affordability and strengthen economic opportunity for all Marylanders.” (from Letter from the Comptroller, in [Comptroller of Maryland, State of the Economy Series: Housing & The Economy](#), October 2025).

The Comptroller of Maryland’s October 2025 report on housing and the economy⁵ serves as the underlying policy analysis in support of the proposed Starter and Silver Homes Act (SB36/HB239) now in front of the Maryland legislature. This bill significantly limits local zoning authority over single-family residential development, with the express goal of increasing housing supply, affordability, and flexibility—particularly for starter homes and “silver” (downsizing/aging-in-place) housing. The bill preempts local zoning controls to allow small lots with minimal setbacks and high lot coverage, and it allows townhouses in all single-family zones.

The proposed legislation represents a major policy change. Any such change should be supported by high quality data, careful analysis, and an assessment of the benefits and costs of such change relative to other options. Unfortunately, pervasive weaknesses in the analysis and data presented in the Comptroller’s Report undermine the validity of its policy conclusions. This note will lay out the most important weaknesses in the Report, following the structure of the report itself.

Is Maryland losing large numbers of residents, and is it because of high housing costs?

The Report claims Maryland has lost large numbers of residents to other states, with the most severe losses post-pandemic, but net outmigration is actually modest. Indeed, Maryland has had net domestic outmigration for many years, but it has been balanced by international in-migration, leaving the net impact on Maryland’s population very small. The Report focuses on domestic movements, which US Census estimates’ average for 2017-2019 show as about 0.4% of the population leaving the state each year pre-pandemic (which some

⁵ www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/research/housing-economy-print.pdf

might not describe as “large”). Moreover, the United Van Lines Annual Survey for 2025 assesses Maryland to be a ‘balanced’ state for domestic moves.⁶

The Report claims outmigration has recently gotten dramatically worse, but the pandemic years are extreme outliers that cannot predict future trends. The Report tries to heighten concerns about migration by comparing 2021-2023 to an earlier period (2011-2019), presenting in bold font that almost half of outmigration occurred in the most recent three years. The pandemic years are outliers in so many ways that it is irresponsible to propose policy conclusions based on those years. Importantly, remote work allowed people to move closer to family or to cheaper housing locations temporarily.⁷ And the report’s own Figure 1 on population change from US Census estimates shows net outmigration falling by half between 2023 and 2024.

The Report speculates about what is driving outmigration, with no actual evidence. First, the Report is over-reliant on American Community Survey (ACS) one-year data on state-to-state moves, which are small samples and increasingly error prone since 2020, and it presents a false precision by failing to report statistical error bars. Second, they have no data on why people left the state. The Report’s Figure 4 shows that during 2010-2023, Marylanders moved to Florida and also to Pennsylvania. The Report jumps to the conclusion that a lower cost of living is motivating moves. Then, using IRS Statistics of Income (SOI) Migration Data, the Report argues that younger and lower income residents are now leaving the state (during 2020-2022 compared to the historical norm of those age 55 and over and higher income departing). Since the share of wealthier individuals (income over \$100,000)⁸ decreased (from 74% to 54% of all outmigration), they just make up out of the air that it must be housing costs driving people out of Maryland (and importantly, during 2020-22). To quote the Report, "This finding suggests that pre-pandemic, taxes and other factors may have been more prominent drivers of migration decisions, while more recently, housing affordability and overall cost of living are having a greater effect." Or maybe many, many other reasons. Crucially, they don't consider the likely impact of remote work, which for most US government jobs continued until spring 2024 (and, according to researchers at the Federal Bank of St. Louis, accounts for much of the rise in interstate migration across the US during 2020-2022). Third, the United Van Lines Annual Survey for 2025, which does record reasons for moving, reports that 30% of Marylanders departing in 2025 left because of a job and the same share to be closer to family. Less than 3% cited cost as a reason for their move.

A final warning from the Report tries to tie outmigration to falling state income, raising the specter of a shrinking economy and a declining state; but, again, this conclusion rests entirely on the pandemic years as well as overstating likely net effects. The Report

⁶ <https://www.unitedvanlines.com/newsroom/2025-national-movers-study>. United Van Lines is the largest moving company in the US. It publishes data each January comparing inbound moves to outbound moves for each state, excluding any states with fewer than 250 moves. This data (166,000 moves in 2025) is only a subset of all moves, since it is only those using large moving trucks, but typically, its findings are matched by government-issued data once it becomes available. <https://taxfoundation.org/data/all/state/state-migration-trends/>

⁷ Much of the rise in interstate migration during 2020-2022 can be attributed to the growing share of workers that are doing their jobs from home, according to Bick, A., Blandin, A., Marks, C., Mertens, K., & Hannah Rubinton. (2024, November 21). Why Do WFH Workers Move? Federal Reserve Bank of St. Louis On the Economy Blog. <https://www.stlouisfed.org/on-the-economy/2024/nov/why-do-wfh-workers-move>

⁸ Measured as Adjusted Gross Income.

notes that Maryland had the 7th highest net AGI loss from 2021 to 2022, according to IRS SOI migration data. First, yet again, conclusions based on pandemic era data should be set aside. Second, the Center on Budget and Policy Priorities has concluded that income migration claims based on IRS data are deeply flawed. The lost income is based on previous year earnings. People leaving a state do not take their income (and their job) with them. Further, many departures are for retirement, so IRS previous-year income is not a good measure of current-year income.⁹

Are housing costs in Maryland too high? Are housing prices rising so fast that something must be done?

The Report focuses on housing costs compared to those in states to which residents are moving, but not only is the Report’s analysis flawed, housing costs are quickly moderating in Maryland. First, it is not clear why the Report (drawing on Department of Housing and Community Development analysis) depends on American Community Survey (ACS) data on Maryland housing prices. As noted above, ACS Survey one-year data are small samples and increasingly error prone since 2020. This data is not high quality for a small state such as Maryland. Instead, what do we see in the state's own property assessments?

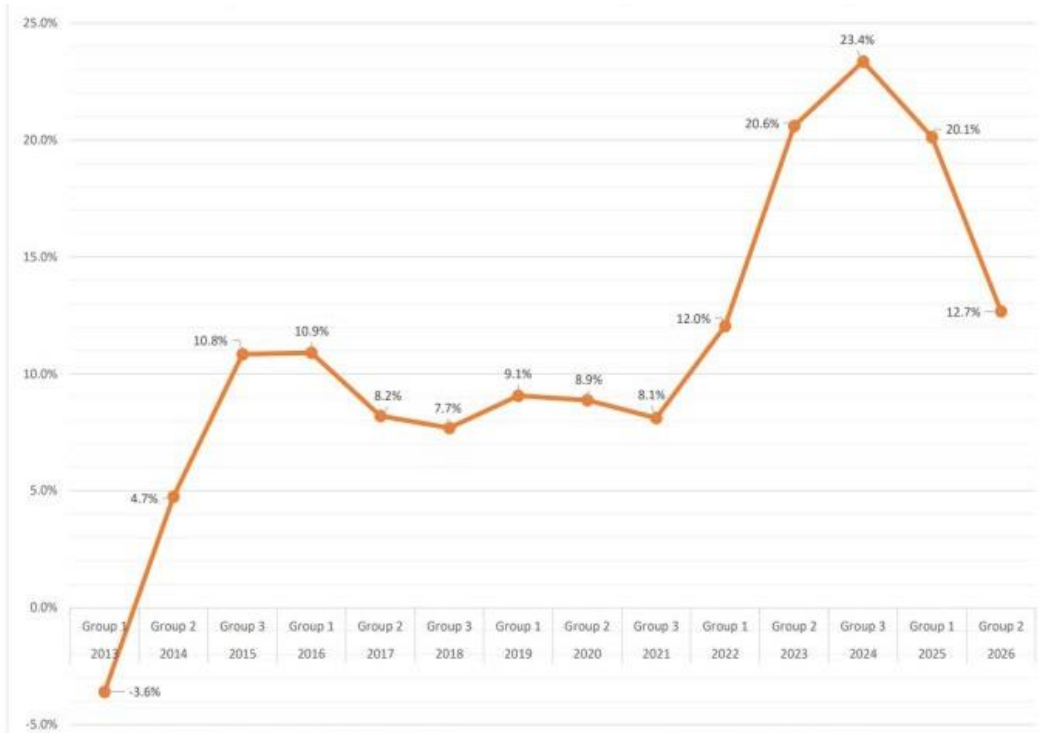
Housing prices are barely holding flat in real terms, and a buyers’ market is emerging. Property tax assessment increases, while still rising in nominal terms, have plummeted over the last two years (to about 4% annual growth while inflation averaged 3.2 % , and this does not consider that deceleration in housing prices implied by the drop in 3-year averages). (See Figure 1). Interestingly, the State Department of Assessments and Taxation (SDAT) does not seem to be on the same page as the Governor. “Property values are still rising, but at a more sustainable pace,” said SDAT Director Bob Yeager. “After the rapid increases seen during the post-COVID recovery, this moderation is an important step toward balancing household wealth growth with housing affordability.”¹⁰ Also, the Maryland Association of Realtors 2025 report shows that the median price of homes sold in Maryland in 2025 rose by 2.6% (less than inflation) and units sold fell by 3.1%. “The story I see in these numbers is that the market is shifting toward the buyer,” said Denise Lewis, 2026 President of Maryland Realtors. “We’re not yet in a true ‘buyer’s market’ as sales are down while prices continue to rise, but the movement in that direction is becoming increasingly clear.”¹¹

⁹ Mazerov, Michael. “State ‘Income Migration’ Claims Are Deeply Flawed.” Center on Budget and Policy Priorities. October 20, 2014. <https://www.cbpp.org/research/state-income-migration-claims-are-deeply-flawed>

¹⁰ <https://thebaynet.com/maryland-property-values-continue-rising-but-at-slower-pace-sdat-says/>.

¹¹ <https://www.mdrealtor.org/news/august-2024-housing-stat>

Figure 1. Change in Maryland Statewide Property Tax Assessments (2013-2026)



Note: Combined residential and commercial assessments. For 2026, residential assessments rose by 13.2% and combined by 12.7%.

Source: Maryland State Department of Assessments and Taxation [data tables](#).

Does Maryland housing demand exceed supply, and is there a shortage of housing in Maryland?

The Report claims that demand exceeds supply, but housing prices have flattened as Maryland’s housing market recovers from the unprecedented impacts of the pandemic era. As the Report admits, population growth and job creation drive demand for housing, but then it goes on to claim that Maryland is also suffering from slower economic growth because higher housing prices drive outmigration (see rebuttal of all these points above). First and most importantly, Maryland’s housing prices are now recovering from the unprecedented impacts of the pandemic era, and a buyers’ market is underway. Second, this dampening of demand will be compounded dramatically by recent international immigration restrictions and federal layoffs (with 25,000+ jobs lost in Maryland in 2025).

The Report claims that low vacancy rates also demonstrate excess demand, but the data show Maryland exceeding the national rate in 2023 and performing about the same as many other states in 2024. Homeowner vacancy rates were very similar across all 12 states,¹² and Maryland’s 2024 vacancy rate of 0.6% is also very close to the national rate of 1.0%.

¹² Much of the Report’s analysis focuses on a cohort of 12 states: Maryland, the top eight states where Maryland residents are moving to (Florida, Pennsylvania, North Carolina, Texas, Virginia, South Carolina, West Virginia, and

The story of rental vacancy rates is more complicated. In 2024, Maryland, New York, Virginia, North Carolina, District of Columbia, and Pennsylvania all had renter vacancy rates of 6-7% and the national rate was 6.8%. But in 2023, the US rate was 6.5% and Maryland stood at 7.3%, above the national average. In any case, it should be noted that the US Department of Housing and Urban Development describes a 5-8% vacancy rate as a balanced rental market, so we were and still are in a balanced rental market.

Are Maryland's building costs leading to too little supply?

Building costs are high in Maryland because wages are higher and land is expensive. Maryland is densely populated (the 6th most densely populated state), making land more expensive. Its residents are wealthy (median household incomes are 4th in the nation), so wages are higher and demand is higher for bigger, fancier houses. But Maryland's median house prices as of July 2025 are 16th in the nation, so housing is actually cheap in Maryland!

Building costs are high in Maryland because Marylanders expect high quality infrastructure and environmental protections. First, have you heard of those new-built towns in Arizona that have to truck in water because they did not coordinate infrastructure with the local town? Have you seen the homes in Pennsylvania where the water was flammable because of unregulated gas fracking? Those homes are much cheaper than homes in Maryland, Second, the Report notes that new infrastructure is expensive. But money cannot be saved by piggy-backing on existing infrastructure if that infrastructure is already at its limit, as it is in many established neighborhoods. Third, the Report seems to criticize the practice of charging developers for the extension or improvement of infrastructure made necessary by their development. Does the Comptroller think it's more fair for the whole community to have to subsidize private developers?

It is no surprise that zoning and land use regulations would be stricter in Maryland, a densely populated and very wealthy state, than elsewhere. First, despite Maryland's more restrictive regulations, ranked 6th according to the Report, median house prices put the state in 16th place. Second, most importantly, the Report seems to deny the whole point of zoning, which is not restriction but planning. Density needs to be planned in coordination with physical, social, and environmental infrastructure (including roads and parking, water and stormwater systems, electricity, public schools, and tree cover and greenspace). Once infrastructure is in place, density cannot exceed infrastructure capacity without undermining quality of life. Ramping up density in established single-family neighborhoods will accelerate deterioration and replacement costs of that infrastructure. Third, the Report's assumptions that building infill will make a lot of money for developers is probably true, but for it to reduce climate pollution, for example, requires pre-existing public transport infrastructure. Does cutting down all the trees in an established neighborhood to jam in more buildings and create a local heat sink help Maryland meet its climate goals?

The Report exhaustively reviews Maryland's many regulations related to housing, but single-family zoning does not appear. First, the Report correctly notes that regulations are worth reviewing and, perhaps, streamlining to reduce their time cost. Second, the Report admits

Delaware), and the top three states where new Maryland residents are coming from (District of Columbia, New York, and New Jersey).

that local governments need the revenue from development fees and taxes to support necessary infrastructure. Third, the Report weaves mention of affordable housing through the text seemingly to cast aspersions on current local regulations and taxes. The problem is that building more units will not reach deep enough to help families who are most cost-burdened, because their incomes are too low to afford any profitable market-rate housing, regardless of land use regulations.

The Report's conclusions and policy recommendations

Whether you will be persuaded by this Report depends on whether you believed the story about surging outmigration, a shrinking tax base, and imminent economic decline. First, one must set aside the Report's incorrect claims about outmigration and about high housing prices before considering the costly and irreversible policy changes proposed. Second, as an aside relevant for the whole report, please stop citing the very shoddy and unprofessional analysis coming out of Pew if you want your analysis taken seriously. (See Box 1 on problems with the July 2026 Pew web article). Third, the final section of the Report makes some amazing leaps in logic about what people want and the easy, costless ways to get it.

The Report claims, without much of any evidence, that it is regulation of density that has caused a shortage of affordable homes in Maryland and then lists proposals to expand housing supply. First, building with higher density on empty land near transit, if other necessary infrastructure is in place or planned, makes sense. Second, housing targets, frequently revised in the face of new data, can be useful as long as localities have flexibility in how to meet them. Third, it is good the Report gives credit to Montgomery and Anne Arundel Counties for their ongoing revisions to housing regulations in ways responsive to local conditions. These policies, rather than kneejerk deregulation, are shaped to local communities and constraints.

The Report's final call for the State to pre-empt local zoning for single-family neighborhoods is the wrong recommendation to achieve affordability: trickle-down benefits from upzoning are too small and too slow. First, recent research makes clear that even a dramatic, deregulation-driven supply expansion would take decades to generate widespread affordability. "Even a major positive shock to housing supply – sustained year after year – would take decades to meaningfully ameliorate residents' affordability challenges."¹³ If housing stock were to expand at a very fast rate of 1.5% per year (a rate achieved only by the top 10% of commuting zones during 2000-2020), it would take between 16 (very optimistic) to 106 (more realistic) years to reach affordability¹⁴ through supply expansion for 6 high-cost markets.¹⁵ Second, even leading supply-side scholars such as NYU law professor Vicki Been acknowledge that the market is unlikely to provide housing that is affordable to the poor. And it is odd that those who malign "trickle down" economics seem to accept the "filtering" argument that more

¹³ Sitaraman, Ganesh and Serkin, Christopher, Post-Neoliberal Housing Policy (April 23, 2025). U. Pa. L. Rev. (forthcoming), Vanderbilt Law Research Paper No. 5227899, Available at SSRN: <https://ssrn.com/abstract=5227899> or <http://dx.doi.org/10.2139/ssrn.5227899>

¹⁴ For today's median 1-bedroom unit to become affordable to a worker without college education and affordability defined as 30% of household income.

¹⁵ Buchholz, Maximilian, et al. "Inequality, Not Regulation, Drives America's Housing Affordability Crisis." OSF Preprints. 17 Jan. 2026. doi.org/10.31235/osf.io/95trz_v1.

market-driven supply of housing for higher income groups will eventually benefit lower income earners.

Proposals for upzoning ignore the fundamental structural issues in housing markets that arose in the aftermath of the 2008 financial crisis and drive the housing affordability crisis. As noted by researchers at Vanderbilt Law School, “after the crash, home building dried up, leading to mergers and a new oligopoly in the homebuilding sector The large homebuilders are financiers that borrow cheaper than real developers and use that cheap credit to speculate in land Because they are large and have significant access to capital, they can hold property for long periods of time – waiting to maximize their profits without engaging in construction.”¹⁶ Developers mitigate risks and maximize profits by trying to time the market so that not too much supply comes online at once. At the same time, for individuals without strong credit, tightened mortgage lending standards made purchasing a home more difficult.

None of these problems have to do with zoning but rather with income inequality. First, the variation in prices between housing markets cannot be explained by variations in zoning restrictions but mostly by income. A recent Federal Reserve Bank of San Francisco paper studied the impact of supply constraints including zoning on housing prices and concluded that “housing supply constraints are quantitatively unimportant in explaining rising housing costs across US cities.”¹⁷ The research found that differences in supply constraints among municipalities could not account for increases in housing prices or housing quantity in response to increased demand; what mattered was rising incomes. In other words, much of the variation can be explained by higher wages, especially among highly skilled, high-income earners. Second, rising income inequality has led to an affordability crisis for the bottom 50%. Across the US, including in Maryland, wages for the top 25% are rising faster than housing prices, reducing their housing costs relative to income. Meanwhile, housing costs are increasing for the bottom 50%. New housing supply, often in expensive infill projects, tends to cater to higher income groups, worsening the affordability crisis for lower-income earners.

Upzoning will not create homes in Maryland that are 30 percent less expensive, as claimed in Governor Moore’s announcement, and cannot solve housing affordability as evidenced by experience across the US. First, new townhouses are unlikely to drive down the price of housing: a preliminary review of new townhouses listed for sale in Montgomery County found the median price to be 40% above the December 2025 median sales price of existing single-family houses. (See Box 2 for examples across the US on the poor track record of upzoning, and Box 3 on why Austin is a bad example.) Second, the root cause of affordability problems is the mismatch between distribution of incomes and the distribution of housing (too many households with low incomes and too few homes priced within their means), not an overall

¹⁶ Sitaraman, Ganesh and Serkin, Christopher, Post-Neoliberal Housing Policy (April 23, 2025). U. Pa. L. Rev. (forthcoming), Vanderbilt Law Research Paper No. 5227899, Available at SSRN: <https://ssrn.com/abstract=5227899> or <http://dx.doi.org/10.2139/ssrn.5227899>

¹⁷ Louie, Schuyler, John Mondragon, and Johannes Wieland. 2025. “Supply Constraints Do Not Explain House Price and Quantity Growth Across U.S. Cities.” Federal Reserve Bank of San Francisco Working Paper 2025-06. <https://doi.org/10.24148/wp2025-06>

shortage of units. In Montgomery County, for example, the Council of Governments (COG)-derived targets required 75% of new housing to be affordable for those making 60% of the area median income. There is no upzoning strategy that can achieve this -- certainly not one that has no affordability mandates.

Box 1. Pew on Gentrification: It only counts as evidence if you show your work

Pew Charitable Trusts published an online article in July 2025 titled “New Housing Slows Rent Growth Most for Older, More Affordable Units.” The article provides ammunition to advocates for upzoning by claiming that new housing of any kind ends up *helping* lower-income families the most, rather than raising the threat of gentrification, which *harms* lower-income families.

But here’s the thing. The figures and tables of econometric results are great at bamboozling the uninitiated. **If Pew was serious or confident about their work, there would be a background paper setting out their methods, data, and results.** Instead, we can only guess, based on the short article and sloppy “Technical Annex.” **What we can conclude is that Pew’s empirical findings are purposely exaggerated and have questionable validity.**

First, the Pew article claims the poor were hurt most by rising rents over the last 7 years and that more housing kept rents lower, based on their analysis of ‘neighborhoods’(zip codes).

- Using data for 2017-2024, **the difference in rent increases between richer and poorer neighborhoods was trivial**, at about 2 percentage points. Given the sloppiness of the technical annex and the lack of a real report, it is impossible to know how this regression was set up, but most probably the dependent variable was % change in average rent from October 2017 to October 2024. The regression finds that lowest quartile (zip code) rents increased by 10% more than the highest quartile rents over 7 years. To illustrate what this might mean, average US rents rose by 51% from 2017 to 2024 according to Zillow. If this were the rate for the richest zip code quartile, then rents in the poorest quartile would have risen by 56% over 7 years, or 8% each year rather than 6%.
- **Other factors show up as far more important for rising rents.** The most powerful driver of rents in Pew’s own regression results was the share of residents working from home in 2017, pushing up rents by 141%! But a higher share working from home in 2023 meant a neighborhood had lower rent growth. **What does this mean? It is probably nonsense but should raise questions about this whole endeavor and its pseudoscientific air.**
- **Cities that added more new units had lower rent increases** (rent increases were cut in half) **but adding more new units in the neighborhood itself** (the zip code) **had almost no impact.** **Why?** Claiming that “housing markets are regional” seems to counter much of their justification in analyzing zip codes as the most relevant housing markets. **Again, their technical analysis falls short.**
- The extraordinary nature of the pandemic years makes this seven years a terrible period from which to draw medium- to long-term conclusions. **The “controls” for COVID are laughable.**
- Although there is no model written down, it is difficult to understand why causal statements are being made without any supply shocks in the regression table, with a mish mash of time periods and geographic units, and data from different sources.

Second, the Pew article claims that building any kind of housing reduces rent the most for poorer families.

- Even if you want to trust Pew’s econometrics, **Class C (lowest quality) buildings had rent increases that were just 4% less than for Class A**, e.g., if Class A rents rose by 6%, then rents in Class C rose by 5.8%! **Another trivial result.**

- Just 7% of the variation in rents is explained by the model. That is, **they have no idea what made rents go down more or less across cities.**
- In the 11 metro areas in the article, **the apartment supply "boom" was not driven by upzoning because the cities did not upzone**, It either was not a strategy adopted or was adopted so late in the study period that it would not have had much impact on supply. The chart is dominated by Austin's falling rents, but Austin did not upzone during this period.

Source: www.pew.org/en/research-and-analysis/articles/2025/07/31/new-housing-slows-rent-growth-most-for-older-more-affordable-units

Box 2. Upzoning Does Not Solve Housing Affordability: Examples from across the US

- ✓ A University of Virginia study of Charlottesville found significant underdevelopment of parcels under current zoning despite it being a small, high-demand city experiencing high housing costs. That finding suggests that zoning classification may not be the primary constraint on housing supply. (“Underdevelopment Despite Upzoning - University of Virginia School of Law”)
- ✓ Montgomery County’s analysis of its housing pipeline identified economic factors as the primary barrier to development of permitted units. It explains why, in Montgomery County, White Flint remain undeveloped, despite its prime location near Metro.
- ✓ *The Economist* noted that Los Angeles and Atlanta have practically identical zoning restrictions but quite different prices.
- ✓ Houston, the poster child of unrestricted zoning, ranks second worst amongst 50 metropolitan areas in availability of affordable rental homes for low-income people.
- ✓ Loosely-zoned Nashville, despite a building boom, still cannot produce enough housing and lower prices.
- ✓ Washington DC produced housing at rates on par with North Carolina, South Carolina, and Texas, without upzoning. In fact, it easily topped upzoned cities such as Portland OR, Spokane, and Minneapolis.

Box 3. Stop Talking About Austin: The primary drivers of housing prices in Austin were intense population growth driven by tech sector expansion, pandemic-era remote work demand for larger homes, and low interest rates. Not upzoning!

The Austin, Texas, housing market experienced one of the most dramatic boom-and-bust cycles in the United States over the last 10 years (2016–2026), shifting from a super-charged, rapid-growth environment to a significant, correction-driven buyer's market.

A growing Texas economy during 2011-18, with jobs rising faster than in the rest of the US, supported explosive population growth, generating high demand for housing. On the supply side, building costs were pushed up by a lack of skilled construction workers and secondarily by rising land prices and additional government regulations in Texas’ largest metropolitan areas. Rising building costs undermined profitability of entry-level housing. During 2016–2019, Austin was already a top destination, experiencing consistent population growth, tech expansion (Apple,

Tesla), and steady home value appreciation that outpaced many peer cities. Demand began outstripping supply, leading to a consistent tightening of inventory.

Then, during 2020–mid 2022, the pandemic triggered a "Zoomtown" effect. Remote workers and tech transplants rushed to Austin, driving home prices up over 60% in this short period. Homes were selling within days for well over asking price, often to cash buyers. Median home prices in the Austin metro peaked at over \$550,000 in May 2022.

Then, the combination of record-high prices, significantly rising mortgage rates, and a slowdown in migration caused the market to crash in late 2022 and 2023. Austin recorded the largest home price drop in the country, falling more than 11% from its 2022 peak. By late 2025, median home prices had fallen to roughly \$435,000–\$439,000 (a roughly 18%–23% drop from the 2022 peak). Active listings soared to six-year highs, shifting the power heavily to buyers.

In parallel, there was a massive building boom of apartments, unmatched in the rest of Texas or the rest of the country. Now, with the drop in demand, rents in the Austin area dropped for three consecutive years (2023–2025). However, nearly half of renters remain cost-burdened (more than 30% of income spent on rent and utilities) and almost a quarter are severely cost-burdened (more than 50% of income spent). Why? Because the rental market is segmented, and the building of luxury apartments did not have significant impact on low-end apartment rents.

As of early 2026, the market is continuing a "correction" phase, but with a slower pace of decline, characterized by high inventory and more moderate price adjustments. Zoning reforms enacted in May 2025 to reduce lot sizes but in the face of already falling home prices and elevated inventory levels so impact is uncertain.

Over the last decade, Austin transformed from a high-growth, moderately priced city to one of the most expensive in Texas. It is now undergoing a painful but normalizing correction to improve affordability and restore balance. While housing supply was important, the primary drivers of housing prices in Austin were intense population growth driven by tech sector expansion, pandemic-era remote work demand for larger homes, and low interest rates.

Sources:

Mayer, Yanling. "Texas Housing Insight: October 2025." Texas Real Estate Research Center, Texas A&M University. December 19, 2025. <https://www.texastribune.org/2025/01/22/austin-texas-rents-falling/>

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Comptroller of Texas, Fiscal Notes: A Review of the Texas Economy, March 2018.

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Rodrigues, James. "RIP Zoomtowns." Business Insider. October 22, 2025.

<https://www.businessinsider.com/zoomtowns-real-estate-price-cuts-housing-market-winners-midwest-northeast-2025-10>

Town of Colmar Manor Testimony HB239_SB36.pdf

Uploaded by: ilhan abdi

Position: UNF

February 10th, 2026

RE: HB239/SB36, Starter and Silver Homes Act of 2026

Town of Colmar Manor Statement of Position

The Town of Colmar Manor supports efforts to expand housing options in Maryland, including starter homes and downsizing opportunities for seniors. As a small, built-out municipality in Prince George's County, Colmar Manor is committed to being part of the housing solution while ensuring that growth remains safe, affordable, and sustainable.

Successful housing policy must reflect local infrastructure capacity, preserve responsible growth management, and address rising non-housing costs—especially utilities and energy—which increasingly affect housing affordability.

Local Housing and Infrastructure Reality

Colmar Manor faces unique constraints common to small municipalities:

- Aging infrastructure and regulatory requirements
- Staffing and operational limitations
- High costs for system upgrades and expansion

While planning documents may show available capacity, real-world conditions often limit immediate growth. Mandating increased density without recognizing these realities risks service disruptions, environmental compliance issues, and financial strain on residents.

Preserving Local Growth Management

Adequate Public Facilities Ordinances (APFOs) allow Colmar Manor to ensure that infrastructure, schools, roads, and public safety services keep pace with development. These tools protect existing residents and align growth with available resources.

The Town strongly supports maintaining APFO authority and opposes policies that override local safeguards through broad preemption.

Energy and Utility Costs

Rising energy and utility rates are a major driver of housing unaffordability in Colmar Manor. Seniors, families, and fixed-income households are especially impacted.

Housing policy must address these costs alongside zoning reforms. Adding density without controlling energy and utility expenses undermines affordability goals.

Housing Affordability Is a Shared Responsibility

Local zoning is only one factor in housing costs. Property assessments, utility regulation, environmental permitting, development fees, and infrastructure financing all play major roles. Many of these are outside municipal control, yet their impacts are felt locally.

Effective solutions require coordination across state agencies and levels of government.

Support for Key Amendments

Colmar Manor supports the following amendments to strengthen the Act:

1. Capacity-Based Exemptions for Municipalities

Policies must recognize actual system capacity, not population size or theoretical availability. Small towns face the same constraints as small counties and should receive equal consideration.

2. Protection of APFO Authority

Local growth-management tools must remain intact to ensure development occurs where infrastructure can support it.

3. Time-Limited Implementation and Review

A sunset provision allows the State to evaluate whether the Act increases housing supply and affordability without creating unintended fiscal or infrastructure burdens.

Path Forward: Partnership, Not Preemption

Colmar Manor supports a collaborative approach that includes:

- Targeted state infrastructure funding
- Technical assistance for small municipalities
- Cross-agency coordination
- Data-driven evaluation
- Housing solutions work best when state and local governments partner rather than rely on broad preemption.

Conclusion

The Town of Colmar Manor is committed to addressing Maryland's housing challenges in a responsible and equitable manner. With appropriate safeguards and amendments, the Starter and Silver Homes Act can contribute to long-term affordability and community stability.

Without these protections, well-intended reforms risk placing new burdens on small municipalities and the residents they serve.

Colmar Manor stands ready to work with state and county partners to ensure housing policies succeed for all Maryland communities.

Sincerely,

A handwritten signature in cursive script that reads "Monica Casañas".

Mayor Monica Casañas

Mayor of the Town of Colmar Manor

mcasanas@colmarmanor.org

C: 301-277-4920

Testimony in Opposition of SB36 - 2026.pdf

Uploaded by: Jacob Martz

Position: UNF



Town of Sharpsburg
106 East Main Street
P.O. Box 368
Sharpsburg, MD 21782
Phone: 301-432-4428
townofsharpsburg@comcast.net
<http://sharpsburgmd.com/>

February 13, 2026

Honorable Chairman and Members of the Committee:

The Town of Sharpsburg wishes to join with municipalities throughout the State of Maryland in expressing our sincerest opposition to SB0036; a bill which, if enacted, would strike at the heart of the very concept of municipal self-governance, a principle under which incorporated municipalities in Maryland have operated since their founding.

While the stated broader objective of increasing affordable housing throughout the State may seem like a virtuous endeavor at first blush, it must be understood that zoning - particularly at the municipal level - is not a one-size-fits-all formula; and the passage of such sweeping legislation which groups very disparate communities under one overarching regulatory paradigm, irrespective of their individual circumstances, may result in insidious and unforeseen consequences, some of which may actually contravene the underlying intent of the bill.

Not only would this legislation sow increasing distrust of the State among localities by eviscerating locally implemented comprehensive plans and zoning initiatives across the region, as well as establish a dangerous precedent that the answer to State woes lies in chipping away at municipal autonomy and self-determination, but it may also have the adverse effect of artificially inflating values of current properties, placing them even farther out of reach of homebuyers, and incentivizing speculation by third-party investors that would only serve to stifle individual home ownership.

This legislation is an attack on the very essence of local community self-governance, and undermines the spirit of municipal partnership that was pledged by the current administration. The Town of Sharpsburg categorically opposes any and all efforts to diminish municipal autonomy, and instead encourages partnership over policy to address needs and achieve objectives in a mutually beneficial fashion. As such, we therefore urge an unfavorable report on the aforementioned bill.

Respectfully,

Jacob Martz
Vice Mayor, on behalf of the Mayor and Council
Sharpsburg, Maryland

Cover Letter - SB 36.pdf

Uploaded by: Jenna Hnath

Position: UNF



Community Association, Inc.

February 13, 2026

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

Re: SB 36

The Avenel Community Association respectfully submits the attached correspondence with our elected officials for inclusion in the record as the Association's position on SB 36.

Regards,
Avenel Community Association

Letter to Katz 2.5.2026.pdf

Uploaded by: Jenna Hnath

Position: UNF



Community Association, Inc.

February 5, 2026

The Honorable Sidney Katz
Member, Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Council Member Katz:

We are writing to relay our significant concern regarding Maryland House Bill 239/SB 36 that, in part, seeks to limit the authority of local jurisdictions regulating single-family zoning rules.

Based on our initial review of the proposed bills, while the intent may be designed to correct a housing “affordability” issue, there are numerous negative impacts that should be thoroughly reviewed and closely examined.

As elected leaders of a community association, whose members are subject to recorded governing documents that stipulate the number of homes, type, design, etc., we object to legislation that overrides the very governing documents that owners relied upon when purchasing their homes.

We respectfully request that Montgomery County oppose this legislation that could change the character of our communities and impact home values; we ask that both state and county leaders hold meaningful dialogue with all stakeholders before further consideration of HB 239/SB 36 is undertaken.

At the very least, we ask that the Governing Documents of Community Associations take precedence over this potential legislation, should it pass.

Respectfully,

Janelle Wright
President
Avenel Community Association

cc: Montgomery County Council Members
Maryland State Delegates, District 16
Maryland State Senator Sara Love

Letter to Love 2.5.2026.pdf

Uploaded by: Jenna Hnath

Position: UNF



Community Association, Inc.

February 5, 2026

The Honorable Sara Love
Maryland State Senate
222 James Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Dear Senator Love:

We are writing to relay our significant concern regarding Maryland House Bill 239/SB 36 that, in part, seeks to limit the authority of local jurisdictions regulating single-family zoning rules.

Based on our initial review of the proposed bills, while the intent may be designed to correct a housing "affordability" issue, there are numerous negative impacts that should be thoroughly reviewed and closely examined.

As elected leaders of a community association, whose members are subject to recorded governing documents that stipulate the number of homes, type, design, etc., we object to legislation that overrides the very governing documents that owners relied upon when purchasing their homes.

We respectfully request that our representatives in the Maryland General Assembly oppose this legislation that could change the character of our communities and impact home values; we ask that both state and county leaders hold meaningful dialogue with all stakeholders before further consideration of HB 239/SB 36 is undertaken.

At the very least, we ask that the Governing Documents of Community Associations take precedence over this potential legislation, should it pass.

Respectfully,

A handwritten signature in blue ink that reads "Janelle Wright". The signature is written in a cursive, flowing style.

Janelle Wright
President
Avenel Community Association

cc: Montgomery County Council Members
Maryland State Delegates, District 16

Washington Grove on Starter and Silver Homes Act o

Uploaded by: John Compton

Position: UNF



The Town of Washington Grove
P. O. Box 216
300 Grove Avenue
Washington Grove, MD 20880
voice: 301-926-22566
email: mayor@washingtongrovmmd.gov

February 13, 2026

To: House Economic Committee
Senate Education, Energy, and the Environment Committee

From: Town of Washington Grove, District 39

Re: SB36: Starter and Silver Homes Act of 2026

Position: Opposed without significant amendment

The Town of Washington Grove recently celebrated 150 years since its inception as a Methodist Camp Meeting community, and has carefully preserved and adapted its original form and character to successfully meet the changing demands over the years. The small town of 225 houses has a town meeting form of government and has been on the National Register of Historic Places for over 50 years recognized as a historic district with significance for its unique town plan, its high concentration of period houses, its representation of the Methodist history, and integration of historic landscape features.

We recognize the dire need for affordable housing and both the consequences of exclusionary zoning and the opportunities apparent in overturning it. Care must be taken to retain any clear benefits while attempting to fix the inherent problems. Washington Grove has been positively shaped by consciously making decisions about its growth. To that end, we offer the following:

Though clearly a significant historic resource, the Town does not qualify for the historic district exemption

The Town is unusual in its organization as well, having only 1 ½ employees and depending on volunteers to fulfill its other municipal responsibilities. We have been successfully operating as a form of historic district that relies on voluntary respect of published Historic Design Guidelines identified by a Historic Preservation Commission but, due to our dependence on voluntary labor, have not defined a separate district with regulatory authority. Our recent update of our national Register Registration was recognized by the Maryland Historic Preservation Office as an outstanding example of justification for historic district listing. However, we do not qualify for the exemption defined in this proposed bill. This may apply to other small municipalities as well.

The exemption recognizes the intrinsic negative impacts of the proposed bill on the scale and character of historic districts.

However, by setting a date in the past for qualifying as a historic district, it exhibits a hostility to many of the reasons for establishing one and unfairly inhibits potential establishing one in the future. This impacts both our Town's long term goal of complying with section 8-105, as well as the goals of other small towns. The drafting of the bill has been done without proper review and input from the entities impacted.

We suggest eliminating the date of July 1, 2025 entirely, and allowing formation of historic districts in the traditional organic fashion.

The mandated 5000 sf minimum lot size is a blunt instrument that can wreak havoc on existing town plans.

Our original Town Plan is identified as one of its character-defining elements and was based on 7500 sf lots. Thus, the scale of the development is already fairly dense, but the density could be increased if recognition of the underlying structure of the original lot size is allowed. Its surprising that the bill seems to imply that one size fits all. *We recommend flexibility in the assignment of maximum lot sizes.*

The mandated maximum front setback is an equally blunt instrument with a similarly dire impact on town plans.

Much care has been devoted over time to constructing consistent common spaces that develop community pride and social interactions. This is true for the Washington Grove streetscapes that are defined by houses with porches fronting on walking paths. This encourages the social contract of a common setting for establishing casual bonds amongst the residents and visitors. This commons would be severely disrupted by the introduction of houses not sharing the social construct. The other setbacks have implications for practical and environmental impacts but not as much on the shared value of the front setback. *We recommend honoring the local determination of front setbacks and eliminating this mandate.*

The prohibition on maximum lot coverage reduces the local ability to restrain mansionization.

The Town of Washington Grove has recognized the common modest scale of its houses as one of the principal elements of its historic integrity. We encourage small houses on small lots and discourage large houses by means of the lot coverage maximum and a floor area ratio (FAR) regulation. This has helped to control development that maximizes the size of an individual house.

The by-right construction of townhouses on any lot is another blunt instrument that denies any analysis of the impacts on the character of a neighborhood.

Washington Grove values both the scale of its built environment and the planning process that forms it. There can be areas of the town plan that accept this scale of development but relying on the market to determine the shape of a town rather than conscious deliberation of the pros and cons is foolhardy. We have learned much about town planning over the years and it would be ill-advised to throw out the wisdom for an apparently simple solution. *We advise eliminating such a simplistic mandate as this.*

The by-right ability to subdivide into 3 lots by itself ignores the impacts on the surrounding neighborhood.

If combined with an analysis of the underlying structure of a neighborhood, this measure could indeed result in more developable lots and lead to improvement of that structure. For example, in Washington Grove, if the historic lot size of 7500 sf was honored, subdivision would naturally follow the grain of the existing development, rather than be at odds with it. Flexibility seems to bear better fruit in planning than singular inflexible rules. *We advise conditioning this subdivision mandate to fit the individual planning context.*

The prohibition of architectural controls is short sighted if the quality of development is valued at all.

The residents recognize that the value of Washington Grove rests with the things they hold in common. Some of that common value is the result of how the houses talk to each other, and how they share a common story that helps build strong community cohesion. This results in an increase in value for all. Accommodating an increased number of residents does not have to be at the expense of the community's shared value, it can actually help increase that value. *We recommend not tying the hands of municipalities in their work of building communities.*

The *2030 Housing Production Targets for the State of Maryland* discusses working with the counties and municipalities to mutually overcome the housing deficit. This is a hopeful and useful document. Making these goals mutual is a basic planning tool that engages the stakeholders in a common fight as partners. The planning benefit from partnership is not achieved with easy mandates that place trust in market forces to fix a problem and fail to take the complexities of context into consideration. These mandates instead breed adversarial relationships with those it relies on to carry them out.

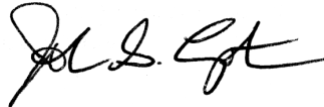
The document points out that only 0.4% of the housing deficit is born by 41 small towns. Washington Grove is one of them. It also declares that those towns will not bear the burden of solving the problem, but will be protected as they are. This bill is in direct conflict with that goal. It is a one-size-fits-all approach to a complex issue. We are more than willing to work with the Department of Housing and Community Development to find ways to accomplish both our goals – to increase housing in our town AND to protect its historic integrity. *This bill is not the way to do that.*

Please allow the time to craft a sensitively designed bill that takes the more mature approach of working with the counties and towns together for the benefit of all.

Thanks for your consideration,



Robert Booher
Chair, Washington Grove
Historic Preservation Commission



John G. Compton
Mayor, Washington Grove



Georgette Cole
Chair, Planning Commission
Washington Grove

SB0036_Roberts_UNF.pdf

Uploaded by: John Roberts

Position: UNF

Written Testimony (Oppose / Amend SB0036 – Starter and Silver Homes Act of 2026)

Chair Senator Feldman, Vice Chair Senator Kagan, and Members of the Committee:

I am a Howard County resident (Ellicott City/Columbia), writing to urge an **unfavorable report or major amendments** to SB0036.

Maryland does need more housing. But SB0036 does not simply promote housing production—it **centralizes residential zoning authority at the state level to a degree that goes well beyond what any other state has adopted**, while simultaneously stripping away many of the local tools used to manage neighborhood compatibility and infrastructure impacts.

States such as California, Oregon, and Washington have pursued aggressive housing reforms. But even those states—often cited as models—have taken **narrower approaches**: legalizing duplexes or small multifamily housing, allowing lot splits, or streamlining approvals, while **retaining meaningful local authority over setbacks, lot coverage, building form, and design standards**. None has imposed statewide numeric caps on setbacks and lot size while also barring local design or aesthetic controls across all single-family zones.

SB0036 goes further. In areas where detached single-family homes are allowed, it would prohibit local governments from enforcing lot sizes above 5,000 square feet (in sewerred areas), setbacks above 10 feet front/rear and 5 feet side, minimum home dimensions, lot-coverage limits, or even “design, architectural, or aesthetic” standards. It would also make townhouses effectively mandatory in single-family zones and significantly limit local authority over lot subdivision.

Supporters sometimes point to Japan as a justification for this level of state control. But Japan’s success rests on a **very different model**: nationally standardized zoning categories combined with **clear, predictable form and volume controls**—such as floor-area ratios, building-coverage limits, and light-and-air rules. Japan centralizes *use*, but relies heavily on **form regulation** to ensure livable outcomes. SB0036 centralizes power while **eliminating many of the very form-based tools that make growth publicly acceptable**.

In older, sewerred suburbs like mine, this bill would predictably accelerate teardown-and-infill and lot splitting, while sharply limiting local ability to manage impacts on stormwater, tree canopy, walkability, traffic safety, and school capacity. It also risks inequity: neighborhoods with private covenants or strong HOAs will preserve character, while covenant-light neighborhoods absorb disproportionate change.

If the General Assembly wishes to enact statewide housing reform, it should do so with precision rather than preemption by default. At minimum, SB0036 should be amended to:

1. preserve reasonable local authority over form-based standards tied to infrastructure, safety, and environmental management;
2. allow calibration based on infrastructure capacity and adopted local plans; and

3. focus mandatory upzoning on transit corridors and activity centers rather than blanket overrides of single-family zoning statewide.

For these reasons, I respectfully request an **unfavorable report or substantial amendments** to SB0036.

Sincerely,
John O. Roberts
Ellicott City / Columbia

WMCA Testimony on SB0036 Starter and Silver Homes

Uploaded by: Karin Bolte

Position: UNF

Testimony of Wildwood Manor Citizens Association
before the Senate Education, Energy, and the Environment Committee

on

The “Starter and Silver Homes Act of 2026” (SB0036)

February 17, 2026

The Wildwood Manor Citizens Association (WMCA) urges you to oppose SB0036, the “Starter and Silver Homes Act of 2026.” WMCA represents more than 500 homes located in Bethesda in Montgomery County.

WMCA opposes the bill for the following reasons:

SB0036 Inappropriately Preempts Local Zoning Authority

SB0036 would set a very bad precedent by allowing the State to override local zoning authority and residents’ input into zoning decisions. Montgomery County has made great strides in building more affordable housing and is best positioned to determine appropriate zoning and land use policies for the County. As part of the recent release of Montgomery Planning’s *Community Trends Report*, Carrie McCarthy, Research & Strategic Projects Division Chief explained: “Successful planning requires a deep knowledge of the conditions in different communities across the county and the recognition that solutions may not be a one-size-fits-all approach.”¹ While one-size-fits-all zoning is not appropriate in Montgomery County, it is even less appropriate for our diverse State as a whole.

Montgomery County Residents Overwhelmingly Opposed the Elimination of Single-Family Zoning

Due to overwhelming public opposition, the Montgomery County Council rejected the *Attainable Housing Strategies Initiative* (AHSI), which – like SB0036 – would have eliminated single-family zoning throughout the County in order to allow the construction of duplexes, multiplexes, and small apartment buildings in single-family neighborhoods.

In testimony opposing the AHSI, residents expressed their concerns about the negative impact of increased population density on the environment, schools, infrastructure, transportation, stormwater management, public safety, and adequate public facilities and services. These same concerns extend to SB0036. Montgomery County residents

¹ Montgomery Planning. (2026, January 22). *Montgomery Planning releases in-depth analysis of the county’s growth* [Press Release]. <https://montgomeryplanning.org/montgomery-planning-releases-in-depth-analysis-of-the-countys-growth/>

strongly oppose upzoning proposals that interfere with the integrity of single-family neighborhoods.

SB0036 will Overtax our Infrastructure and Create Environmental Problems

As WMCA previously testified on Montgomery County's Attainable Housing Strategies Initiative and ZTA 25-02, WMCA is very concerned about the negative impact of increased population density on the environment, schools, infrastructure, transportation, stormwater management, public safety, and adequate public facilities and services. Specifically:

SB0036 Will Overtax the Water Supply and Sewer Systems

WMCA has significant concerns about the negative impact of increased population density on Wildwood Manor's and County neighborhoods' water supply and sewer systems. Montgomery County's aging infrastructure was designed to handle the density of our single-family neighborhoods, not a significantly increased population.

According to Lyn Riggins, spokesperson for the Washington Suburban Sanitary Commission, "approximately 40% of the water mains in the WSSC Water system are more than 50 years old."² Wildwood Manor, whose pipes are 70+ years old, recently had a water main break on Rossmore Drive due to the persistent cold temperatures. In addition to disruption, pipe repairs also require road repairs, creating a double whammy of taxpayer expenses.

With regard to the sewer system, the DC-Maryland-Virginia area is keenly aware of the environmental devastation caused by broken sewage infrastructure, as the January 2026 collapse of a major sewer line has resulted in "an estimated 40 million gallons of untreated sewage spilling into the Potomac, daily."³

In addition to our aging sewer system, WMCA is also concerned about maintaining adequate water capacity to serve our neighborhood. In expressing his concern about upzoning's impacts on infrastructure during the 11/19/2024 staff briefing on the AHSI, Montgomery County Councilmember Will Jawando noted that "if your house was built before 1993, you have these skinny pipes that are less than an inch. . . and that impacts the water capacity."⁴ This is the case in Wildwood Manor, where most of the houses were built in the 1950's.

² Griffin, E. "Wisconsin Avenue lanes reopen after downtown Bethesda water main repair." *Bethesda Today*, 7 January 2025, <https://bethesdamagazine.com/2025/01/07/wisconsin-avenue-water-main-repair/>

³ Hruby, P. "More Bad News: A 'Small Geyser' of Poop Water Is Flooding Into the Potomac River." *Washingtonian*, 27 January 2026, https://washingtonian.com/2026/01/27/more-bad-news-a-small-geyser-of-poop-water-is-flooding-into-the-potomac-river/?vgo_ee=%2Ff0aMNdHlVwqhVlFV6VAFjzPMfMeV7SNnMfeXU2xNlYiV5zf%3A5R4cbOzaYqz76nTuchV2eySvAXscemNv

⁴ Montgomery County Council. (2024, November 19). *Council Session* [Video]. 1:09:20 – 1:09:32 minutes. Available at: https://montgomerycountymd.granicus.com/player/clip/17674?view_id=169&redirect=true

SB0036 Will Exacerbate the Inadequacy of Montgomery County's Stormwater Management System

As with the water supply and sewer systems, WMCA has significant concerns about the negative impact of increased density and loss of pervious surfaces under SB0036 on Montgomery County's stormwater management system. WMCA's concerns are heightened by the fact that the County's current stormwater management code does not even address lot-to-lot drainage for three- and four-unit multiplex buildings.⁵

Ineffective stormwater management can have many negative consequences, including flooding of homes and businesses. As Montgomery County Executive Elrich noted, "the County stormwater system will have to be upgraded because the outdated system is not equipped for the impacts of climate change. . . Our sewers are often not large enough for the volume of water and ultimately fail to move the water fast enough which causes flooding."⁶ The inadequacy of Montgomery County's stormwater management system will only be exacerbated by increases in population density that will be generated under SB0036.

SB0036 Will Harm the Environment by Leading to a Loss of Tree Canopy and Pervious Cover

Montgomery County neighborhoods benefit from mature trees that not only provide beauty, shade, and animal habitat, but also improve air quality and decrease stormwater runoff. As the County's Climate Change Officer Sarah Kogel-Smucker noted: "Tree canopy is incredibly important to Montgomery County. Trees are climate superheroes that remove carbon pollution from our atmosphere while providing the shade needed to withstand hotter temperatures."⁷

Unfortunately, between 2014 and 2018 (the latest years for which data is available), Montgomery County lost 5,784 acres of tree canopy, reducing the percentage of tree canopy cover from 48.6% to 46.7%.⁸ SB0036 will only exacerbate this troubling trend.

⁵ Montgomery Planning. (2025). *CLIMATE ASSESSMENT FOR ZTA 25-02, WORKFORCE HOUSING – DEVELOPMENT STANDARDS* (hereinafter "Climate Assessment for ZTA 25-02"), p. 5. Available at: <https://montgomeryplanning.org/wp-content/uploads/2025/03/CA-ZTA-25-02-WH-DevStandards.pdf>

⁶ Elrich, M. (2024, August 9). *County Executive Marc Elrich Weekly Update Message 08.09.2024* [Video]. 9:36 – 12:12 minutes. YouTube. <https://www.youtube.com/watch?v=2AYJ92e3acc&t=2s>

⁷ Griffin, E. "County trees threatened by climate change, development, invasive plants and bugs (hereinafter "County trees threatened")." *MoCo 360*, 10 May 2024, <https://moco360.media/2024/05/10/county-trees-threatened-by-climate-change-development-invasive-plants-and-bugs/#:~:text=According%20to%20the%20tree%20canopy,the%20county's%20climate%20change%20officeer.>

⁸ Metropolitan Washington Council of Governments. (April 2024). *CONSERVING TREES AND FORESTS IN METROPOLITAN WASHINGTON*, p.29. Available at: file:///Users/Karin/Downloads/Conserving_Trees_combined_rpt_web041024v2.pdf

SB0036 Will Exacerbate School Overcrowding in the Walter Johnson and Other School Clusters

WMCA is concerned that increasing population density in Wildwood Manor and other nearby neighborhoods through townhouse construction will exacerbate school overcrowding in the Walter Johnson cluster.

Walter Johnson High School (WJHS) is currently at 133.6% capacity,⁹ North Bethesda Middle School (NBMS) is at 103.5%,¹⁰ and Ashburton Elementary School (Ashburton ES) offered a Change of School Assignment (COSA) option¹¹ to families in order to address overcrowding at the elementary school level. There simply is not enough space in the Walter Johnson cluster schools to accommodate more students that would be generated under SB0036.

While WJHS would thankfully be under capacity if a modified version of Woodward Boundary Study Option B is implemented in the 2027-2028 school year as recently recommended by Montgomery County Public Schools Superintendent Taylor,¹² NBMS would be at 91.8% capacity in 2031-32.¹³ This estimate is based on current assumptions and does not address dramatically increased population density that might occur as single-family homes in the WJ cluster are allowed to turn into 3 townhouses. It is easy to see that it wouldn't be long before NBMS is again over capacity. Furthermore, Ashburton ES would remain over capacity until a boundary study is conducted to address overcrowding at the elementary school level. That boundary study won't be able to account for possible 1-to-3 turnover in neighborhood homes rather than 1-to-1.

SB0036 Fails to Take into Consideration the Dense Development that Has Already Been Approved Along and Near Old Georgetown Road and Other Areas of Montgomery County and the State

By proposing to allow by-right townhouse development in single-family neighborhoods, SB0036 fails to consider the dense development that has already been approved along and near the Old Georgetown Road corridor:

⁹ Montgomery County Public Schools. (2025, October 24). *Woodward Option B Data Tables* (hereinafter "Woodward Option B"), p. 1. Available at:

https://drive.google.com/file/d/1oArFYgC_oD8l798hzzyyo3JzwyJPYT4h/view

¹⁰ Id.

¹¹ Montgomery County Public Schools. *Ashburton Elementary School*. Available at:

<https://www.montgomeryschoolsmd.org/schools/ashburtones/>

¹² Taylor, T. (2026 February 5). *Superintendent's Recommendation: Reopening of Charles W. Woodward High School and Expansion of Northwood High School* [PowerPoint slides], p. 20. Available at:

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¹³ Woodward Option B, p. 1.

- The 53.4 acre Rock Spring Centre property at the NW corner of the intersection of Old Georgetown Road and Rock Spring Drive is zoned Commercial Residential for mixed-use high-rise development.¹⁴
- The approved mixed-use development at Montgomery Mall would include 717 multi-family residential units.¹⁵
- The Grandview by Erickson Senior Living on 33 acres on Fernwood Road¹⁶ has been approved for up to 1,300 dwelling units for senior adults, 210 assisted living/memory care units, 50 skilled nursing units, and 5,300 square feet of commercial uses.¹⁷
- Democracy Center, which was approved by the Montgomery County Planning Board on 1/16/2025, would include a seven-story, 386 residential unit building in the Rock Spring area near Rockledge Drive, Fernwood Road, and Westlake Terrace.¹⁸
- Zoning Text Amendment 25-02, which became effective on November 1, 2025, allows duplexes, triplexes, townhouses, and apartment buildings in the R-40, R-60, R-90, and R-200 zones for properties that abut Montgomery County’s corridor roads.¹⁹

The Old Georgetown Road/Democracy Boulevard corridors and neighborhoods cannot accommodate the additional residential development that would result from SB0036.

Despite its Intentions, SB0036 Will Not Reduce Housing Costs

Despite its intent to increase affordable housing, evidence does not support the contention that SB0036 will reduce housing costs. Urban Institute researchers who studied upzoning reforms throughout the country between 2000 and 2019 found “no

¹⁴ Montgomery County Planning Board. MCPB Item No. 7-28-2022. *ROCK SPRING CENTRE: PRELIMINARY PLAN AMENDMENT NO. 11998092C, REGULATORY EXTENSION REQUEST #7; SITE PLAN AMENDMENT NOS. 82003036C, 82004017C, 82009003A, REGULATORY EXTENSION REQUEST #5*, p.2. Available at: <https://montgomeryplanningboard.org/wp-content/uploads/2022/07/Rock-Spring-Centre-Extension-Request-7-FINAL.pdf>

¹⁵ Montgomery County Planning Board. MCPB Item No. 3-26-2020. *ELP at Rock Spring, Local Map Amendment H-135*, p. 3. Available at: https://montgomeryplanningboard.org/wp-content/uploads/2020/03/A_H-135-ELP-Rock-Spring-Staff-Report_FINAL.pdf

¹⁶ The Grandview by Erickson Senior Living website. Available at: https://www.ericksonseniorliving.com/the-grandview?utm_source=google&utm_medium=local&utm_campaign=TGB

¹⁷ Montgomery County Planning Board. MCPB Item No. 21-074. (2021, July 27), Preliminary Plan No. 120210040, ELP Bethesda at Rock Spring, Date of Hearing: July 1, 2021 [Resolution], p. 2. Available at: <https://montgomeryplanningboard.org/wp-content/uploads/2021/07/ELP-Bethesda-at-Rock-Spring-Preliminary-Pln-No.-120210040-MCPB-No.-21-074-07012021.pdf>

¹⁸ Bethesda Today. Griffin, E. (2025, January 20). *Housing development approved for North Bethesda office park*. Available at: <https://bethesdamagazine.com/2025/01/20/housing-386-units-approved-north-bethesda/>

¹⁹ Montgomery Planning. *Zoning Text Amendment (ZTA) 25-02: Workforce Housing—Development Standards Implementation*. Available at: <https://montgomeryplanning.org/development/zoning/zoning-text-amendment-zta-25-02-workforce-housing-development-standards-implementation/>

statistically significant evidence that additional lower-cost units became available or moderated in cost in the years following reforms.”²⁰ In New York, “up-zoning did increase supply, but it did not drive down prices.”²¹ Similarly, a study of upzoning in Chicago over a 5 year period found “that the short-term, local-level impacts of upzoning are higher property prices but no additional new housing construction.”²²

Instead of SB0036, the State Should Consider and Pursue Other Effective Ways to Increase Workforce and Affordable Housing

WMCA notes that SB0036 has no affordability requirements. Instead of inappropriately preempting local zoning authority by passing SB0036, WMCA urges the Committee to consider other effective ways to address Maryland’s need for workforce and affordable housing units. The *Transit Oriented Development Act*, which would allow rail-centered development, is a promising solution that has already been implemented in Montgomery County. The *Housing Certainty Act* also holds promise. Other options for consideration include the following:

- “Implement strategies and policies to accelerate the construction of unbuilt pipeline units to meet [the State’s] housing goals;”²³
- Like Atlanta has done,²⁴ conduct an inventory of all publicly owned land to identify opportunities to build workforce and affordable housing;
- Consider increasing the percentage of required Moderately Priced Dwelling Unit (MPDU) units, adjusting the MPDU income requirements, requiring that MPDU units reflect the mixture of unit sizes available in the project, and ensuring that projects replacing projects meeting MPDU requirements at least maintain the percentage of affordable units;²⁵
- Establish a No Net Loss of Naturally Occurring Affordable Housing (NOAH) policy. Where NOAH exists in older multifamily developments slated for

²⁰ Stacy, C., Davis, C., Freemark, Y. S., Lo, L., MacDonald, G., Zheng, V., & Pendall, R. (2023). *Land-use reforms and housing costs: Does allowing for increased density lead to greater affordability?* *Urban Studies*, 60(14), 2919-2940. <https://doi.org/10.1177/00420980231159500>

²¹ Charles, J. Brian. “Will Up-Zoning Make Housing More Affordable?” *Governing*, 17 June 2019, <https://www.governing.com/archive/gov-zoning-density.html>

²² Freemark, Y. (2020). *Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction*. *Urban Affairs Review*, 56(3), 758-789. <https://doi.org/10.1177/1078087418824672>

²³ Govoni L. (2025, February 27). “Montgomery County’s Development Pipeline.” *The Third Place Blog*. Available at: <https://montgomeryplanning.org/blog-design/2025/02/montgomery-countys-development-pipeline/>

²⁴ Blakeley, K. “Atlanta Gets Creative With Affordable Housing in a Bid To Meet Goal of Creating 20,000 Homes.” *Realtor.com News & Insights*, 10 February 2025, <https://www.realtor.com/news/trends/atlanta-georgia-affordable-housing-city-land/>

²⁵ Montgomery County Civic Federation. “MCCF Resolution on Priorities and Approaches for Housing Policy and Legislation.”. *Civic Federation News*, June 2024, p. 17. Available at: <https://www.montgomerycivic.org/files/CFN202406-P.pdf>

redevelopment, policymakers should seek to ensure that replacement projects will include affordable units at least equivalent in number, size, and rental cost to those currently available. The State should pursue anti-displacement initiatives in vulnerable communities;²⁶

- Adopt policies to promote more home ownership opportunities in new developments; and
- other innovative affordable housing strategies.

Conclusion

WMCA urges you to oppose SB0036 to allow townhouse development in single-family zones, an approach that Montgomery County has already considered and rejected. The State should not override local zoning authority and risk harming the environment, overwhelming the State's infrastructure and stormwater management systems, overcrowding schools, and other negative effects by passing SB0036. Instead, the State should consider other effective ways to address the need for workforce and affordable housing. Thank you for your consideration of WMCA's concerns and recommendations.

Submitted by:

Karin Bolte, President
Wildwood Manor Citizens Association, Inc.

Mailing Address:

6008 Chatsworth Lane
Bethesda, MD 20814
(301) 648-0673
wmcapres@gmail.com

²⁶ Id. at pp. 17-18.

Opposition to House Bill 239_Senate Bill 36.pdf

Uploaded by: Kathy Broughton

Position: UNF

To Whom It May Concern,

I am writing to **oppose** the proposed Maryland legislation (**House Bill 239/Senate Bill 36**) that would allow the subdivision of single-family residential lots into up to three residential units, permit townhouses on these lots, reduce required setbacks to ten feet in the front and rear and five feet on the sides, and lower minimum lot sizes to 5,000 square feet.

While I understand the goal of increasing housing availability, this legislation takes a sweeping approach that risks creating overcrowding and placing significant burdens on already strained public resources in communities across Maryland, particularly in my county—Howard County.

Allowing multiple residential units and townhouses on lots originally designed for single-family homes would dramatically increase population density without corresponding investments in infrastructure. Many neighborhoods in Howard County are already experiencing crowded roads, limited parking, and aging stormwater and utility systems. This proposal would intensify those pressures and diminish overall neighborhood safety and livability.

Of particular concern is the impact on public schools and healthcare facilities. Many schools in Howard County are already operating at or near capacity, with crowded classrooms, limited staffing, and strained resources. Increasing residential density at this scale will inevitably add more students without a clear plan or funding to expand schools, hire educators, or improve facilities. Health care will also suffer a crushing blow. The Howard County General Hospital, in particular its Emergency Department, has long passed its tipping point with dangerously long wait times. Additional population density will further stretch the services the hospital provides, potentially affecting response times and quality of care.

The proposed reductions in setbacks and minimum lot sizes also raise serious quality-of-life and environmental concerns. Ten-foot front and rear setbacks and five-foot side setbacks significantly reduce green space, limit stormwater absorption, and increase impervious surface coverage. These changes increase the risk of flooding, reduce privacy, and erode the character of residential neighborhoods.

Housing affordability is a serious and complex issue, but it requires targeted solutions that balance growth with infrastructure capacity and community well-being. This legislation risks overcrowding neighborhoods and overwhelming essential services without ensuring that the new housing created will be affordable or sustainable.

For these reasons, I urge you to **oppose this legislation**.

Thank you for your time, I appreciate your consideration of my concerns.

Sincerely,

Kathy Broughton, Howard County Resident

Final SSHA Testimony CCs3.pdf

Uploaded by: Kelly Mitch

Position: UNF

SECTION 3 OF THE VILLAGE OF CHEVY CHASE

P.O. Box 15070

Chevy Chase, Maryland 20815

301-656-9117

www.chevychase3.org

Dear Brian J. Feldman, Chair, and Members of the Senate Education, Energy and the Environment Committee,

Please accept this as written testimony from Section 3 of the Village of Chevy Chase in opposition to SB 36, the Starter and Silver Homes Act of 2026 (“SSHA”). We want to reiterate the concerns expressed in our January 30, 2026 letter, which we submitted jointly with 11 neighboring communities.

We strongly support increasing the supply of moderate and low-priced housing in Maryland, including in our own community. We believe SSHA would undermine that goal. By mandating increased density without protecting affordability, the bill is likely to drive up home prices in our area rather than reduce them.

Additionally, SSHA would place significant strain on already overburdened infrastructure. Our stormwater management systems already are stretched beyond capacity. Increased density would reduce our tree canopy and green spaces, heighten fire risk, and worsen congestion along already heavily traveled corridors such as Connecticut Avenue south of the Capital Beltway and Brookville Road, as well as on our extremely narrow 16-foot residential streets.

The bill also represents an unprecedented usurpation of local land use authority. Local governments are best positioned to assess on-the-ground conditions and community needs. SSHA disregards comprehensive master planning developed through extensive public engagement. It directly conflicts with HB 1167, approved unanimously in the Senate and 136-1 in the House less than a year ago, which confirmed our municipal authority to regulate construction of four or fewer residential units.

If the Committee nonetheless decides to advance this bill, we strongly urge you to exempt small municipalities such as ours, which must carefully manage development and density to prevent flooding and other direct safety hazards.

We also recommend amendments to address specific concerns:

1. Setbacks should respect the existing building lines in a community.

2. New construction should comply with local ordinances regarding stormwater and public safety, tree management, traffic and parking.
3. Multifamily construction should be allowed but be subject to affordability requirements and the same ordinances as other residential development.
4. Vague language prohibiting “indirect” interference with the provisions of the bill should be stricken to avoid confusion among developers and homeowners alike and avoid years of litigation.

The amendments proposed by the Maryland Municipal League and Montgomery County Executive Marc Elrich provide a constructive starting point for improving the bill. If the Committee chooses to move SSHA forward, we encourage incorporation of those amendments in order to best incentivize more moderately priced housing in our state while preserving sensible local ordinances regulating setbacks, stormwater protections and the like.

Respectfully,

A handwritten signature in cursive script that reads "Kelly Mitch".

Kelly Mitch, Village Manager

Section 3 of the Village of Chevy Chase

2026Feb13_SB0036_UNF_HowardCountyCitizensAssoc_Mum

Uploaded by: Kristy Mumma

Position: UNF



Howard County Citizens Association
Since 1961...
The Voice Of The People of Howard County

Testimony - SB0036

Position: UNFAVORABLE

To: Education, Energy and Environment Committee Chair and Member

From: Kristy Mumma, representing the Howard County Citizens Association (HCCA)

Date: 2/13/2026

Subject: Opposition to SB0036 – Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Good Day Chairs and Members of the Committee,

My name is Kristy Mumma, and I am submitting testimony representing the **Howard County Citizens Association (HCCA)** and its membership. Since 1961, HCCA has advocated for the interests of Howard County residents, focusing on orderly growth, the preservation of community character, and the maintenance of our high quality of life through sound land-use planning.

HCCA strongly opposes **SB0036**. While we recognize the state's desire to address housing affordability, this "Starter and Silver Homes Act" is a direct assault on **Local Home Rule**, an assault on single-family home zoning, an assault on the ability of Howard County citizens to have a voice in how their own communities evolve, and frankly an assault on common sense.

Our opposition is based on the following critical points:

1. Bypasses Local Infrastructure Standards (APFO)

For decades, Howard County has utilized our Adequate Public Facilities Ordinance (APFO) to ensure that the pace of residential growth does not outstrip our infrastructure. SB0036 effectively bypasses these local safeguards by mandating density and prohibiting local zoning controls on lot size and setbacks. By forcing density into established neighborhoods without requiring the infrastructure tests our residents rely on, this bill risks overwhelming our schools and roads, water, sewer, fire, police and other key resources. Adding density "by right" under a state mandate would make it impossible for county to plan for new student seats, not to mention funding them. Increasing density without tying the costs of the increased loads placed on infrastructure is creating a deficit that local taxpayers—not the developers—will be forced to bridge. This is density without guardrails.

2. Elimination of Citizen Input and Planning

Zoning is not merely a technicality; it is a community pact. HCCA believes that land-use decisions should be made closest to the people they affect. This legislation strips the Howard County Council and our Department of Planning and Zoning of their authority to manage lot coverage and design elements.

Restrictions are needed for parking and infrastructure and removing them is removing too much local control **and borders on negligence for basic safety**. Also, what are the guardrails to protect our historic districts?

3. Incentivizing Investor Speculation over Homeownership

This bill creates a lucrative environment for outside investors and institutional speculators by stripping away lot-size and setback requirements and not requiring owner-occupancy. Instead of creating truly "affordable" starter homes, this bill will encourage the purchase and demolition or full remodel of existing modest homes to be replaced by high-density, multi-unit rentals. This shifts the character of our neighborhoods from stable, owner-occupied communities to high-turnover investment portfolios, offering little long-term benefit to the families the bill claims to help. Owner occupancy is common-sense!

4. Environmental Impacts

Our lot-line and setback regulations are also vital for stormwater management, tree canopy/ forest preservation, and watershed health—particularly in our Planned Service Areas. Prohibiting local jurisdictions from enforcing these provisions will lead to increased impervious surfaces and runoff, complicating our efforts to meet Chesapeake Bay restoration goals and protect local properties from flooding. We already know we have flooding problems in Howard County and across the state!

Conclusion

The "one-size-fits-all" approach of SB0036 fails to account for the careful balance Howard County residents have worked for years to maintain. Columbia is a master-planned jewel that has stood the test of time. This bill replaces that proven intentionality with fragmented development, risking the long-term stability and character of Howard County's most iconic community. True housing solutions must be collaborative, not coercive. We urge you, our state representatives, to protect our infrastructure and our right to local self-governance by issuing an **Unfavorable Report** on SB0036.

Respectfully Submitted,

Kristy Mumma

on behalf of Howard County Citizens Association (HCCA)

Letter of Opposition - HB 0239 SB 0036 Berwyn Heig

Uploaded by: Kyle Snyder

Position: UNF



Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000

MAYOR
Tiffany Papanikolas

COUNCIL MEMBERS
Edgar Moctezuma (Mayor Pro Tem)
David Wolfinger
Roger Gaines
Chris Brittan-Powell

Friday February 13th, 2026

Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: Letter of Opposition – HB 0239 / SB 0036 – Starter and Silver Homes Act of 2026

Dear Chair Feldman, and Members of the Committees:

On behalf of the Mayor and Town Council of the Town of Berwyn Heights, we respectfully submit this letter in strong opposition to HB 0239 / SB 0036, the Starter and Silver Homes Act of 2026.

The Town of Berwyn Heights supports policies that expand housing opportunities and address affordability challenges throughout Maryland. However, this legislation contains provisions that undermine the fundamental authority of municipalities to manage local zoning and land use decisions, a power that is foundational to responsible municipal governance. Zoning is not simply a regulatory function—it is directly tied to infrastructure planning, transportation systems, environmental conditions, public safety, and municipal fiscal stability. Berwyn Heights, like many built-out municipalities, must carefully balance growth with existing infrastructure limitations, stormwater capacity, roadway design, and community character.

This bill's statewide zoning mandates represent a one-size-fits-all approach that does not account for the unique conditions of individual municipalities. Local governments are best positioned to determine how and where housing growth should occur, based on comprehensive local plans and direct community input. Berwyn Heights urges the General Assembly to pursue housing policy through partnership, not preemption. Maryland should prioritize tools that assist local governments, including planning support, technical assistance, incentives, and funding mechanisms that enable municipalities to modernize zoning codes in ways that reflect local needs and conditions.

For these reasons, the Mayor and Town Council of Berwyn Heights respectfully urge the Committees to issue an Unfavorable Report on HB 0239 / SB 0036. Thank you for your consideration.

Respectfully,

Tiffany Papanikolas, Mayor

CC: District 22 State Delegation

SB 36_ Leanne Tobias.pdf

Uploaded by: Leanne Tobias

Position: UNF

LEANNE TOBIAS

WRITTEN TESTIMONY IN OPPOSITION

STARTER & SILVER HOMES ACT

FEBRUARY 17, 2026

I am Leanne Tobias, a decades-long resident of Bethesda and a retired commercial real estate investment fund manager and consultant with substantial expertise in market rate housing, affordable housing and the financing and development of sustainable real estate. While I'm submitting this testimony in my personal capacity, I also chair CCCFH, the Citizens Coordinating Committee on Friendship Heights, which represents 18 neighborhoods and 20,000 residents in Montgomery County on land use, housing and infrastructure issues.

As a long-time Maryland resident, I am committed to genuine housing affordability throughout our state. There are numerous state and local pathways to achieve this, including approaches recommended in Governor Moore's Transit Oriented Development Act and Housing Certainty Act. Unfortunately, the Starter and Silver Homes Act is not among them. ***Upzoning single-family neighborhoods for market-rate construction will not reduce housing prices, will not help Marylanders who are having trouble buying a home, and detracts attention and resources from effective solutions.***

Here's why the Starter and Silver Homes Act **won't work**:

1) ***Real estate is priced according to the market value of similar properties nearby and newly built homes are typically more expensive than existing homes.*** Even if new townhomes have smaller lots than nearby single-family homes, they have more efficient layouts, similar square footage and living space and updated features. As a result, new townhome prices track and frequently exceed the prices of nearby single-family homes.

This is currently true in much of Maryland. A new CCCFH median price comparison of a sample of 121 new townhomes to existing single-family homes in 7 Maryland counties found that ***new townhomes were more expensive in 5 of the 7 counties reviewed by a range of 9% to 41% (Baltimore, +21%; Charles +13%; Dorchester +18%; Montgomery +41%; Prince George's +9%).*** Median new townhome and existing single-family home prices were about the same in Anne Arundel County. In Harford County, the median new townhome price was 4% less expensive than the median-priced existing home. While additional in-depth research is necessary, these results indicate that upzoning single-family neighborhoods will not materially reduce housing prices for new buyers, seniors, and working families throughout Maryland.

2) ***Real estate equity investors demand substantial returns, so the private sector will not build homes for moderate-income and lower-income families without subsidy.*** As of 2026, organizations that invest up front in residential real estate (largely pension funds, insurance companies and private equity funds) require returns in the high teens to low twenties, for an

average of roughly 20%. As a result, private developers build luxury housing, which commands the higher rents or sale prices necessary to achieve the required returns. This holds true for all market-rate real estate, including townhomes, apartments and condominiums, and single-family developments. ***The need to generate financial returns in the 20% range means that housing that is affordable for low- to moderate-income Marylanders won't be built without subsidy, a result that won't be changed by upzoning single-family neighborhoods.***

A January 2026 study from Georgetown University's Center for Poverty and Inequality confirms that building market rate housing is unlikely to help low-income families. The study examines 2015-2023 housing trends in ***six metropolitan areas*** (Atlanta, Dallas, Houston, Phoenix, Seattle and Washington, DC) ***with higher housing growth than the national average. Over the eight years studied, the share of units occupied by higher income households increased, while the share of units occupied by lower income households declined or stayed flat.***

So if upzoning single-family neighborhoods won't work, what is the answer? A number of alternative approaches make sense:

•**Partner with local governments to upzone vacant and under-developed land for townhome and other missing middle construction.** While townhomes are the same price or ***more expensive*** than **existing** single-family homes, they are ***cheaper*** than **new** single-family construction. Build townhomes on designated redevelopment sites or on undeveloped land.

•**Subsidize the construction of affordable housing for moderate- to lower-income buyers and renters, including starters and silvers.** One creative approach is donating surplus publicly-owned sites for affordable housing construction. This strategy has been applied successfully in Montgomery County and is a centerpiece of Governor Moore's Transit-Oriented Development legislation. Governor Moore's proposal to designate these sites as enterprise zones is an excellent idea.

•**When fiscally feasible, use state funds to provide low-cost equity capital for new, mixed-income housing.** This mechanism replaces the 20% equity supplied by private investors with state-supplied equity requiring a return of under 10%. The lowered return requirements allow the owner to lease or sell a portion of the finished units at affordable rates. Montgomery County's Housing Production Fund has implemented this approach. If enacted at the state level, this strategy has the advantage of allowing Maryland to earn a financial return by increasing the inventory of affordable housing.

•**Expand Maryland's efforts to make mortgages less expensive.** As Maryland policy innovators have proposed, create a pilot program to guarantee and/or buy down the interest rate on privately-issued mortgage loans for first-time buyers who have encountered difficulty in purchasing a home. The state would establish a dedicated fund structured to reduce lenders' risk, capped per borrower and per year to limit state liability. This strategy could be administered in conjunction with downpayment assistance and other mortgage affordability

support already being implemented by the Department of Housing and Community Development through the Maryland Mortgage Program.

As currently written, the Starter and Silver Homes Act will not reduce housing prices and will not help Marylanders who are having trouble buying or renting a home. Defeat this highly flawed proposal and turn to effective solutions that will make housing more affordable for the people of Maryland.

SB 036 Testimony of Lloyd Guerci Feb 2026.docx.pdf

Uploaded by: Lloyd Guerci

Position: UNF

Education, Energy, and the Environment Committee
Bill Hearing on
SB0036, the Starter and Silver Homes Act of 2026
Tuesday, February 17, 2026

I'm Lloyd Guerci, a retired federal employee who has lived in the Washington, DC area for over 52 years and in Montgomery County for over 30 years. I oppose SB0036, the Starter and Silver Homes Act.

First, the Starter and Silver Homes Act would impose a sweeping override of local zoning powers and effectively undermine the longstanding power and authority of counties and some cities over land use, as well as the core principle of community residents' input into zoning. I object in principle to this fundamental change.

Second, the bill's impact would be far reaching and negative. In Montgomery County alone, Single-Family Zones (Residential Detached Zones) represent 53 percent of developable parcels. As now written, SB0036 would change many zoning standards and master plans along with procedures currently in place in Montgomery County. The substantive land use standards were adopted over time, in some cases in broad zoning code rewrites, after detailed examinations and reexaminations of the facts, including what revisions to the zoning code would achieve and any unintended consequences, such as to local neighborhoods. SB0036 would trash that extensive work of elected county officials, without a sound basis, including without a valid assessment of what would likely be brought about, what would be lost and the adverse ramifications. Moreover, the Starter and Silver Homes Act ignores recent Montgomery County efforts such as *More Housing Now*, which already creates opportunities for expanded and affordable housing.

More particularly, the Starter and Silver Homes Act implicitly rejects consideration of important local conditions. It is rigidly close-minded and arbitrarily precludes taking into account matters generally considered in planning. Its Procrustean approach irretrievably eliminates consideration of capacity for and impacts of additional residential buildings in single family neighborhoods, including infrastructure and services. The bill ignores capacity constraints of and problems relating to, among others:

- Schools
- On-street parking
- Roads and traffic, including safety
- Environmental concerns, flooding and stormwater systems (with climate change stormwater is an increasing problem)

This bill would create very real problems. As to schools, for example, the nearest elementary school to my home, Somerset School, was first constructed in 1928 and has been rebuilt. It is constrained by a lot of 3.76 acres including for playing fields – the smallest in the Montgomery County system, and less than generally required for an elementary school. It has been over capacity. The School Board said there is no room for an addition or relocatable classrooms.

To provide a feel for the real-world parking problems, consider the block where I live. There are 27 houses on this block, which is roughly 750 feet long. If consistent with SB0036 each house became three townhouses, there would be 81 residential units on this block. There is

more. There are 28 on-street parking spaces on this block, all on one side (the block was platted about 120 years ago and the street is narrow). In general, the vast majority of these spaces are occupied at night. When a private school at one end of my street has an event for parents, no on-street parking spaces are available, even next to fire hydrants. What would happen if there were 81 residential units on the block? There would be social problems. See, [Prince George's Co. residents fed up with neighborhood parking problems - WTOP News \(3/28/2025\)](#).

And consider this. Adjoining our neighborhood is Norwood Park, a very old park. The primary vehicle route to this M-NCPPC park is Norwood Drive. Norwood Park does not have adequate parking for moderate and high use periods. SB0036 does not provide for consideration of and is callously indifferent to already highly strained parking situations such as this.

Traffic safety is not simply ignored by the Starter and Silver Homes Act; it is undercut. Under existing Montgomery County procedures, in the master plan process, residents can and do speak at hearings to safety concerns such as to children playing. These pleas would be to no avail in the regime that would be imposed by the bill.

In short, under SB0036, overwhelming density could be added, even where infrastructure is stressed, but attendant problems would not be considered. This is the antithesis of planning.

Third, the bill's name - the Starter and Silver Homes Act - is at best a misnomer and more fairly viewed as misleading. For the most part, the bill would provide neither starter homes nor homes well-suited for aging people. For the Washington DC metropolitan area, a Washington Post article on Arlington, Virginia's experience provides a typical example of the economics of replacement of a single-family house with townhouses. See, [Va. appeals court says Arlington can eliminate single-family-only zoning - The Washington Post June 25, 2025](#)]:

Alex Wilson, a developer who owns several properties in Arlington. . . . converting two single-family homes into missing-middle housing.

... his plans for one missing-middle property — a run-down Cape Cod in the Claremont neighborhood he had bought for \$570,000 and turned into a semidetached duplex, each half of which he expects to sell for about \$1.2 million.

In the above example, a starter home is eliminated and townhouses priced beyond the financial reach of most people are built. And townhouses, with their multilevel stairs, are problematic for aging (silver) people.

One might hope that the above unsatisfactory (and apparently unintended) consequence gives rise to a new homeowner, albeit one financially very well off. But even that cannot be assumed. The occupant could just as easily be a renter in hedge fund - owned properties

In short, the Starter and Silver Homes Act is a blunt cudgel, applied sweepingly, that is unlikely to result in affordable housing and likely will reduce naturally occurring affordable housing (NOAH) and increase gentrification.

Fourth, the Starter and Silver Homes Act seemingly is premised in part on an assumption that a root cause of housing problems simply is an insufficient supply of buildable lots, which would be satisfactorily increased by demolishing single-family homes and building three townhomes in their places. There has not been an adequate diagnosis of a critical underlying housing constraint which broadly is demand at price points, and specifically there is not enough demand at price points for market rate housing to justify construction by the development sector. The underlying problem stems in substantial part from incomes that are inadequate to purchase homes. This results in limited demand at price points of the actual market.

The shortfall in demand at price points is reflected in the “Pipeline” of unbuilt projects-- an inventory of development projects that have been approved by but not completely built or built at all, even though there have been approvals. The large development pipeline has been noted many times by Montgomery County Executive Marc Elrich. Also, as noted in an October 2025 Montgomery County Planning Department Report, estimates from September 2025 show that in Montgomery County there are roughly 26,900 unbuilt units with initial Planning approvals and 13,200 that have all Planning approvals needed to move forward. Development Pipeline Analysis. Prince George’s County, that report noted, had 48,542 900 unbuilt units with initial Planning approvals. Elements that constrain construction of new units include interest rates, construction costs, weak demand/ job growth and policies, in the multifamily sector. Montgomery Planning Pipeline Report, *infra*, pp. 8-9. The same applies to single family units.

Inasmuch as income is not going up enough to give rise to construction of very large numbers of residences, wouldn’t it be nice if the Starter and Silver Homes Act were a magic wand that would reduce the price of the residences so that people in existing income bands could buy them? That seems to be a predicate hope of SB0036. It is unrealistic at least in magnitude. The costs of construction of a house include acquisition of an existing lot and building, demolition and disposal, design fees, site preparation and utility connection, labor, materials, general contractor fees /builder markup. *See*, Mid-Range Custom Home Construction Costs – Howard County, Maryland 2025 – Innovative Building Services. While smaller new residences would cost less than larger new houses, the Moore Administration does not say what homes would cost under their bill or at what income levels they would be affordable. It does not deal with the real-world facts as in the Arlington, VA example above. The Administration does not provide a breakdown of costs and say which costs would go down and how much under SB0036. Common sense dictates that under this bill notions of substantial cost reductions, to bring the costs of a residence to a level that many can afford, are unrealistic. Most of the public would be deceived if they thought that this bill would benefit them, instead of some developers, well-off people and investors.

In view of the above, the Committee should set aside the Governor’s Starter and Silver Homes Act of 2026 and meet with the Maryland Association of Counties (MACo) on what would work. Their Building Affordably in My Back Yard Act (BAMBY) deserves serious consideration. *See*, BAMBY Act Drops, Session of Housing Takes Shape – Conduit Street

Unfavorable_Oxford Response_SB36.pdf

Uploaded by: Lyndsey Ryan

Position: UNF

COMMISSIONER MEETINGS
2ND AND 4TH TUESDAY OF EACH MONTH
(410) 226-5122



101 Market Street
P.O. Box 339
Oxford, Maryland 21654

Commissioners of Oxford

Senator Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West Wing
11 Bladen Street
Annapolis, Maryland 21401

Re: Unfavorable Testimony on Senate Bill 36 - Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

February 13, 2026

Dear Senator Brian J. Feldman, Chair:

Please accept this letter as written testimony in opposition to Senate Bill 36.

The Commissioners of Oxford and the Planning Commission of Oxford, Maryland strongly oppose Senate Bill 36, as it would significantly limit the Town's ability to address increasing vulnerabilities due to flooding and other environmental risks.

By constraining local land-use authority, this legislation would place both existing and future homeowners at greater risk while also driving up public costs for disaster response, infrastructure repairs, and long-term resilience planning. Local governments are on the front lines of managing flooding impacts and must retain flexibility to respond to changing conditions and protect community safety.

SB 36 risks creating unintended consequences by weakening the ability of municipalities to adopt locally appropriate planning and zoning measures that reflect real, site-specific risks. Removing or restricting these tools shifts the burden on residents and increases future costs to taxpayers.

It is essential that local governments retain the authority necessary to protect public safety, reduce long-term infrastructure liabilities, and safeguard community investments.

For these reasons, we respectfully urge the Committee to issue an unfavorable report on Senate Bill 36.

On behalf of the Commissioners of Oxford
and the Planning Commission of Oxford, Maryland

Thank you for your consideration,

A handwritten signature in black ink that reads "Holly Wahl". The signature is written in a cursive, flowing style.

Holly K. Wahl
Town Manager
Town of Oxford
oxfordmanager@oxfordmd.gov
(410)226-5122

Zoning bill comments SB 36.pdf

Uploaded by: Mark Lombard

Position: UNF

Comments regarding SB 36:

As a Maryland resident, I am committed to, and support, genuine housing affordability throughout our state. Currently there are numerous mechanisms in the State of Maryland to achieve this goal that including approaches currently recommended in Governor Moore's Transit Oriented Development Act and Housing Certainty Act and locally-developed approaches to spur the construction of housing affordable to Maryland's working families, recent graduates, seniors and others who need help in buying a home.

The proposed Starter and Silver Homes Act (Senate Bill 36, House Bill 239) can be harmful to Maryland's residents and communities and will likely NOT meet the goal to make housing more affordable. I strongly oppose the Starter and Silver Homes Act in its current form and would rather see legislation that proactively partners with local governments and developers to improve housing affordability statewide.

I urge you to vote against the current version of the Starter and Silver Homes Act for the following reasons:

- 1)** It eliminates community input and causes local problems the state is not even aware of.
- 2)** Other states, including Connecticut and New Jersey, allow local governments to choose among alternative compliance pathways in meeting the need for affordable housing, such as building affordable or mixed income units, or renovating the existing affordable housing stock. A flexible approach for Maryland's counties and cities would result in more consensus and better housing plans than the potentially arbitrary zoning override proposed in the Starter and Silver Homes Act.
- 3)** The legislation would create expensive state infrastructure that we taxpayers would then have to pay for on top of the funding for local zoning programs. Much of existing aging infrastructure including roads, water and sewer systems in these neighborhoods is inadequate for townhouse occupancies; enactment of the Starter and Silver Homes Act would accelerate the deterioration of this infrastructure requiring costly replacements by us and other taxpayers.
- 4)** The legislation pre-empts current local zoning for single-family neighborhoods, preventing the crafting of decisions tailored to local requirements and needs and ignores the diverse needs of individual Maryland counties and municipalities. Direction from the state to solve community needs is a bad idea and pre-empts local authorities.

5) The legislation is bad for the environment by increasing wastewater, electricity, and natural gas demands as well as damage to the environment due to loss of tree canopy and increase in heat islands and traffic-induced climate emissions in areas currently with little or no mass transit. These environmentally unfriendly outcomes of the Starter and Silver Homes Act would seriously undercut Maryland's sustainability agenda.

6) The legislation will not produce the affordable housing needed to address Maryland's housing affordability crisis. The Starter and Silver Homes Act contains no affordability requirements. At the same time, median market prices of new, unsubsidized townhomes appear to exceed the median sales prices of existing single-family homes in counties across Maryland. Many Maryland property owners currently find their mortgage payments surpass their property taxes.

A new median price comparison by a prominent Maryland land use advocacy group with a comparison of a sample of 121 new townhomes to existing single-family homes in 7 Maryland counties found that new townhomes were more expensive in 5 of the 7 counties reviewed (Baltimore, +21%; Charles +13%; Dorchester +18%; Montgomery +41%; Prince George's +9%). This information suggests the Starter and Silver Homes Act will likely degrade housing affordability in Maryland's existing single-family neighborhoods.

7) The legislation could accelerate gentrification and the displacement of homeowners of color. An October 2025 impact analysis performed by Montgomery County's Office of Legislative Oversight found that Montgomery County legislation to build new townhomes and other multi-family housing in single-family zones along major roads "could have a negative impact on racial equity and social justice (RESJ) in Montgomery County" and "could disproportionately displace existing Black and Latinx homeowners for the development of market-rate housing units that primarily benefits White, Asian, and Pacific Islander community members."

The mandated statewide upzoning of existing single-family neighborhoods could produce similar results throughout Maryland: the replacement of smaller, older, less-expensive single-family units with more expensive townhomes, potentially accelerating the displacement of moderate-income homeowners and homeowners of color.

- 8) Property owners who purchased their current homes based on current population densities in their communities could suddenly be faced with higher population densities in their community that can cause more traffic, less parking, more burden on community infrastructure, and less quality of life than what they enjoy presently.

The Starter and Silver Homes Act is highly flawed and should be defeated in its current form. The legislation ignores the diversity of Maryland's counties and municipalities, eliminates community input and overrides local decision-making. The legislation would accelerate infrastructure deterioration and environmental degradation, problems that will be costly and difficult to correct. Most important, Senate Bill 36 will not make housing in Maryland more affordable and may accelerate the displacement of moderate-income families and homeowners of color.

I respectfully urge you to reject this version of the Starter and Silver Homes Act and instead enact legislation that allows local officials to partner with the state to ensure housing affordability.

Sincerely,

Mark Lombard
16013 Charles Hill Drive
Gaithersburg, MD
Home Phone: 301-926-9203

FC_OppositionToSB0036_Feb2026.pdf

Uploaded by: Marlene Saulsbury

Position: UNF

Marlene Saulsbury
18424 Forest Crossing Court
Olney, Maryland 20832
Vice President, Forest Crossing HOA

To: Maryland General Assembly

Re: Opposition to HB 0239/ SB 0036, the “Starter and Silver Homes Act of 2026.”

The Forest Crossing Homeowners Association is a 13-unit homeowners association located in Olney, Maryland, (Montgomery County). Our homes were built via the County Master Plan to include single-family detached (SFD) homes. The development also includes a 4-acre forest conservation parcel.

We are writing to inform you of our opposition to SB 36 and HB 239, the Starter and Silver Homes Act, as currently written.

The legislation raises serious concerns for our community. The bill would override our HOA covenants, the local zoning authority, and replace local planning decisions with a statewide mandate, limiting community input and reducing the role of locally elected officials.

We share the concerns of over 500 residents as well as the Greater Olney Civic Association (GOCA) who have signed a petition opposing the legislation due to concern about the potential strain on aging roads, water, and sewer infrastructure designed for single-family densities, as well as potential environmental impacts, including increased stormwater runoff, loss of tree canopy cover, and traffic-related emissions.

In addition, the legislation does not include affordability requirements. Available data suggest that new townhomes often sell for higher prices than existing single-family homes in many counties, raising questions about whether the bill would meaningfully address housing affordability. Concerns were also raised about the potential for redevelopment pressures that could displace moderate-income homeowners.

In conclusion Forest Crossing HOA is submitting this formal written testimony to the Senate Education, Energy, and the Environment Committee requesting an unfavorable report on SB0036. For the reasons outlined above, we ask that you oppose the bill as it now stands.

We welcome the opportunity for dialogue with you about how this bill could be amended to bring it in line with the realities of addressing housing challenges in the current environment and preserving the quality of life we all appreciate in Montgomery County.

Sincerely,

Marlene Saulsbury
Vice President, Forest Crossing HOA
202-590-8748
msaulsbury@cwla.org

SB0036_Wild Ones Chesapeake Bay_UNFav.pdf

Uploaded by: Marlene Smith

Position: UNF



Wild Ones Chesapeake Bay
15321 Colony Place
Waldorf, MD 20601
240-416-7108
chesapeakebay@wildoneschapters.org

*Deeply rooted in native plants,
promoting native landscapes
through education, advocacy and
collaborative action.*

Testimony: SB0036, Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Committee: Education, Energy, and the Environment

Hearing Date: February 17, 2026

Position: UNFAVORABLE

Chair - Brian Feldman; Vice Chair, Cheryl Kagan, and honorable members of the Committee:

Located in Southern Maryland, Wild Ones Chesapeake Bay¹, a 71-member chapter of the national organization Wild Ones², strives to preserve biodiversity through the preservation, restoration, and establishment of native plant communities across Southern Maryland. We **strongly urge you to oppose this bill** for the risks it will bring to our local ecosystems, including the native plants and creatures (biodiversity) that call Maryland home. We must take every step we can to save our treasured Chesapeake Bay and its watershed for future generations.

Higher-density housing as proposed by this bill has negative impacts on local ecosystems and their biodiversity including:

- **Loss of Natural Environments:** More housing means less forested areas. From 1999 to 2019, Maryland lost approximately 6,000 acres of forest each year due to development, totaling around 118,000 acres over that two-decade period. Recent studies indicate that while the rate of loss has slowed, development remains a significant cause of forest loss in the state.³
- **Increased Stormwater Runoff:** Allowing for smaller lots (down to 5,000 square feet) and reduced setbacks for townhomes and single-family homes increases density in existing areas. This will increase impervious surfaces, adding stress to our aging water and sewer systems, and contributing to higher stormwater runoff and its pollutants entering the Chesapeake Bay.
- **Storm Management Infrastructure Strain:** The legislation does not provide exemptions for areas with existing infrastructure constraints, which could lead to increased pressure on local storm management systems.
- **Reduced Local Environmental Control:** By limiting the ability of local governments to regulate lot coverage and building dimensions, the legislation reduces the effectiveness of local environmental standards that manage green space and environmental setbacks.

While we support efforts to help young families and seniors who earn too much to qualify for assistance and cannot afford to buy a home, we do not believe this bill will solve it. This bill moves away from respecting local control over zoning and land-use decisions by taking authority away from counties and imposing one-size-fits-all rules that do not reflect local conditions. Southern Maryland residents care deeply about local decision-making, and over the years the counties have developed creative, balanced solutions with limited state interference. This legislation would significantly and negatively change the relationship between the State and local governments.

Thank you for your time and for considering the real impacts this legislation would have on Southern Maryland and similar communities across Maryland.

Marlene Smith, President, Wild Ones Chesapeake Bay

¹Wild Ones Chesapeake Bay Chapter, <https://chesapeakebay.wildones.org/>

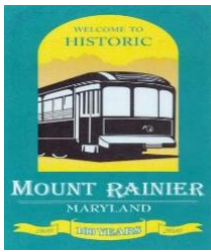
²Wild Ones Natural Landscapers, LTD, a nationwide nonprofit organization with local chapters throughout the country, including 5 chapters in Maryland, <https://wildones.org/>

³ https://www.bayjournal.com/news/growth_conservation/maryland-still-losing-forests-and-trees-though-at-a-slower-rate-study-finds/article_b1ddd3b0-675e-11ed-9ea9-072671365ff9.html

Opposition to Senate Bill 36.pdf

Uploaded by: Mayor Celina Benitez

Position: UNF



Office of The Mayor Celina Benitez

1 Municipal Place, Mount Rainier, Maryland 20712 Telephone: (301) 985-6585 MountRainierMD.org

February 12, 2026

Re: Opposition to Senate Bill 36, as written

Chair Feldman, Vice-Chair Kagan, and Members of the Education, Energy, and the Environment Committee:

On behalf of the City of Mount Rainier, we respectfully submit this testimony in **opposition to Senate Bill 36, as written**. While the City supports efforts to expand housing options across Maryland, HB 239 further removes municipalities from land use decision-making through state-level preemption and would undermine the limited but critical role cities play in shaping development outcomes.

In Prince George's County, municipalities do not hold primary zoning authority, with the exception of the City of Laurel. Instead, zoning and land use decisions are made at the county level. However, municipalities like Mount Rainier have historically played a **significant and meaningful role in shaping county zoning regulations** through extensive community engagement, municipal advocacy, and participation in county-led planning processes. These efforts require substantial time, resources, and coordination to ensure that local voices are heard and reflected in county policy.

SB 36 would take municipalities further out of the equation by imposing **state-level preemptive zoning mandates**, regardless of the collaborative processes currently in place between counties and municipalities. Even within a system where zoning authority already rests primarily with the county, this bill eliminates opportunities for municipal input and refinement, replacing them with one-size-fits-all standards that do not account for local conditions.

Mount Rainier is concerned that this approach disregards the realities municipalities must manage when new housing is introduced. Cities are responsible for addressing the downstream impacts of development, including increased demands on public works, stormwater infrastructure, street maintenance, insurance coverage, and other city services and amenities. These operational and fiscal responsibilities fall on municipalities, even when they lack final authority over zoning decisions. SB 36 would further disconnect decision-making from responsibility.

For these reasons, the City of Mount Rainier urges the Committee to **withhold a favorable report on SB 36, as written**, and instead pursue housing legislation that strengthens collaboration, expands local input, and equips municipalities and counties with tools to increase housing supply in a way that is responsive to local needs.

Thank you for the opportunity to provide testimony and for your consideration of municipal perspectives. Please feel free to contact me at 301.985.6585 or via email MayorBenitez@MountRainierMD.org if you have any questions.

Respectfully submitted,

Celina R. Benitez

Mayor Celina Benitez, City of Mount Rainier

SB0036_public_comment_MGribben.pdf

Uploaded by: Monica Gribben

Position: UNF

While I agree we need more affordable starter housing in Maryland, I oppose SB0036 and its upending of current zoning regulations. I live in a community with single family homes with two-car garages and at times the street parking is tight. If any neighbor sold their home and the buyer chose to demolish the single-family home to replace it with townhomes this would drastically change the character of the cul-de-sac in which I live and create a parking nightmare. Further, it would be difficult for trash and recycling trucks to navigate to the end of the court. I'm concerned about emergency equipment having sufficient access to get to a home in need. I question whether the U.S. Postal Service and other delivery providers would be able to maneuver such congested neighborhoods. The proposed density allowances of SB0036 would stretch already stretched county resources, possibly to a breaking point.

For environmental reasons, we are trying to create landscaping to better absorb the water that flows from neighboring lots. Allowing such dense zoning on land barely suited for the current density will create less permeability and more standing water and flooding.

I don't know what the answer is and don't want to say "not in my backyard." I want my young adult child to be able to afford a home. I believe we need a different approach. SB0036 makes me think of Joni Mitchell's line – "They paved paradise and put up a parking lot." Please don't pass SB0036 and allow developers to pave Maryland for affordable housing. Let's work together to come up with a different strategy for the next generation of home buyers and our seniors on fixed incomes.

Sincerely,

Monica

Monica Gribben
5809 Holger Ct.
Laurel, MD 20707

HB239 AGAINST_NJ.pdf

Uploaded by: Nathan Jankovsky

Position: UNF

Nathan Jankovsky

Resident, West Laurel, Maryland

First-time Homeowner

To: House Economic Matters Committee

Re: HB239 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

Position: Opposed

My name is **Nathan Jankovsky**, and I am a resident of **West Laurel, Maryland**. I am a first-time homeowner who has worked my entire life to be able to own a single-family residence with my wife. We deeply value the residential, tree-filled neighborhood we have loved living in for the last year and a half. The **West Laurel** represents approximately **1,800 residences**, primarily in Prince George’s County with some in Montgomery County, and I wish to testify **against HB239**.

Implementation of HB239 would devastate the character of our community, which includes ¼-acre lots, ½-acre lots, and considerably larger lots. By increasing permitted density to **8 units per acre**, the number of residences in West Laurel could increase by roughly **fourfold**. Even partial movement toward that density would create significant strain on local schools, the road system, and other public services.

It could transform our tree-filled rural residential neighborhood into a dense hodgepodge of residences, including townhouses, and would likely result in widespread tree removal to make room for additional housing. This would make the area far less attractive and more vulnerable to heat impacts associated with global warming.

Parking is already strained in many parts of our community—as in many older residential areas across the state—and the additional vehicles associated with newly permitted density would create an unworkable situation. Additionally, the bill would very likely harm the county’s tax base, creating a burden on current taxpayers.

HB239 appears to offer no benefit to the quality of life of current residents, aside from potential financial gain for developers.

Please vote against HB239.

Sincerely,

Nathan Jankovsky

Town of Poolesville

Uploaded by: Niles Anderegg

Position: UNF



TOWN OF
Poolesville
MARYLAND

Senator Brian Feldman
Miller Senate Office Building, 2 West Wing
11 Bladen St., Annapolis, MD 21401

Subject: Starter and Silver Homes Act of 2026

Dear Senator Feldman,

The Town of Poolesville is writing to express its opposition to the Starter and Silver Homes Act. The Town supports the goals of the act to increase housing affordability and diversity of housing types. But the approach this act takes to achieve these goals would severely limit local governments' ability to address local concerns by imposing a top-down housing policy. This letter will lay out the Town's concerns regarding the changes to local government authority in this act.

Zoning Setbacks and Lot Size

The Town of Poolesville is, as you know, situated within the agricultural reserve, and throughout its history, Poolesville has tried to maintain a balance between development and connecting to the heritage and economic environment of the Poolesville area. This is reflected in our comprehensive plan and the zone ordinance, which creates specific residential zones designed to reflect the local conditions in and around our community.

This legislation would make it impossible for the Town to maintain this balance, as it would eliminate the Town's ability to set different setbacks and lot-size standards based on the location of certain properties.

It is also important to note that the Town is not opposed to developing projects that are in keeping with the act's proposals. The Town created the Village Overlay Zone specifically to allow denser, smaller housing to accommodate the missing middle housing that this act seeks to address. This includes having no lot coverage and setbacks like those found in the act. But it is important that the Town has the ability to apply this overlay zone or other zoning tools in areas where these standards are most appropriate.

Townhouse by Right

Similar to our concerns above, creating a mandate to add townhouses in every zone limits the Town's ability to guide the development of its community in a holistic manner that accounts for the need not only for housing but also for other uses that work in tandem with housing, such as parkland. It imposes a one-size-fits-all approach to townhouse development. Once again, the Town is not opposed to this type of housing, as a townhouse project is underway in Poolesville Downtown, where it is appropriate and in keeping with the Town's long-term planning.

Lot coverage

The prohibition on lot coverage requirements also impacts the locality's ability to adapt to local conditions. Much of the soil in the area around Poolesville doesn't percolate, meaning that using lot coverage as a stormwater management tool is much more cost-effective and environmentally more sustainable for our area. Without this tool, the cost of stormwater management will work against the goals of this bill, which is to create more sustainable and affordable housing for seniors and young people.

Conclusion

The Goals of this legislation are admirable, but the approach the bill takes to achieve its goals is heavy-handed and top-down, ignoring the very real challenge municipalities face: creating standards that meet the local conditions of their communities rather than enforcing mandates. The state should work with municipalities to create a path forward that accounts for local concerns and conditions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Brown', with a long horizontal flourish extending to the right.

Jim Brown
President, Poolesville Town Commissioners

2026Feb13 SB36 Oppose Starter and Silver Homes Ac

Uploaded by: Pam Meister

Position: UNF

Board of County Commissioners

Joseph A. Vigliotti, President
Michael R. Guerin, Vice President
Thomas S. Gordon III
Kenneth A. Kiler
Susan W. Krebs



Carroll County Government

225 North Center Street
Westminster, Maryland 21157
410-386-2043; 1-888-302-8978
fax 410-386-2485
MD Relay 711/800-735-2258

February 13, 2026

Senator Brian Feldman
Chair, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Dear Chair Feldman and Members of the Senate Education, Energy, and the Environment Committee,

On behalf of the Board of Carroll County Commissioners, we respectfully submit this letter in opposition to **SB 36: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)**

Carroll County shares the State's interest in expanding housing availability. However, the approach proposed in this legislation, through broad prohibitions on local zoning authority, undermines the flexibility local governments rely on to respond effectively to housing needs in a way that reflects actual local conditions.

Local zoning is not arbitrary. It reflects years of comprehensive planning that considers infrastructure capacity, water and sewer availability, environmental conditions, public facilities, and the character of established communities. These factors vary significantly across jurisdictions. **Housing solutions that may be workable in one area may be infeasible or disruptive in another.**

In Carroll County, for example, many residential areas rely on private wells and septic systems or are constrained by limited public water and sewer capacity. Local zoning standards are calibrated to those realities. A uniform prohibition on local zoning tools does not account for these conditions and could create development pressure that existing infrastructure cannot support.

If the objective were solely to increase housing supply, local jurisdictions already possess the authority to adjust zoning where appropriate. The challenge is not reluctance, but feasibility. Local governments must balance growth with infrastructure, environmental protection, and community integrity.

The legislation also risks unintended consequences. When local governments lose targeted zoning tools, they may be forced to pursue broader, less precise code changes simply to retain control over growth patterns. That outcome would not improve housing availability and could lead to greater disruption for existing communities.

For these reasons, the Board of Carroll County Commissioners respectfully opposes SB 36 and urges the General Assembly to pursue housing solutions that work collaboratively with local governments rather than preempting them.

We appreciate the opportunity to share our perspective and remain willing to engage in constructive dialogue.

Sincerely,

THE BOARD OF COUNTY COMMISSIONERS OF CARROLL COUNTY



Joseph A. Vigliotti
President



Michael R. Guerin
Vice President



Thomas S. Gordon III



Kenneth A. Kiler



Susan W. Krebs

Paul Geller Unfavorable SB036 02172026.pdf

Uploaded by: Paul Geller

Position: UNF

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.

Paul Geller, Community Advocate
ppgusaAThotmail.com

SB 0036 Testimony 2-17-2026.pdf

Uploaded by: Paul Jarosinski

Position: UNF

SB0036 Cherrywood Homeowners Association, Inc. - Unfavorable



The Cherrywood Homeowners Association is a 606-unit homeowners association located in Olney, Maryland. We are a County Master Plan planned community that includes single-family detached (SFD) homes, townhouses, and MPDUs. In our SFD sections we have narrow streets without curb and gutters. With more housing and street parking, our roadways become one-way to impassable for trucks and emergency vehicles. We oppose SB0036 because our SFD sections were designed by civil engineers to only accommodate lower density housing.

Virtually every single family development in the State of Maryland over the last 50 years was designed by civil engineers to maximize the return on investment for the developer while providing desirable homes for future residents with the proper infrastructure and amenities for the zoning present at the time of construction. To go back decades later and allow the density to as much as triple is certain to create serious infrastructure problems especially when you consider that the original infrastructure is likely decades older than when the community was first built. Houses could be crammed into the community like the one in the picture overwhelming the existing design of the community. Under SB0036 these communities will begin to experience infrastructure failures and it will be too late to go back and undo the over-density. Is the State going to pay for these infrastructure failures? It would seem best to leave these zoning issues in the hands of the counties who will be responsible for the infrastructure.

In the Governor's press release, he stated he wanted to "unlock 300 acres of State-owned land" to build new housing. This plan makes sense. The purpose of Planning is to build attractive communities from the ground up with the required infrastructure for the planned density. SB0036 does NOT do this and actually removes the most popular form of housing choice in the State by trying to cram more housing into our SFD communities not designed for higher density. Different families have different needs and desires for housing based on their job and family situation. SFD housing should remain a choice for people who desire more climate friendly trees, green spaces, and room for their children to play in the yard. The new Starter and Silver

communities should be built on vacant parcels of land (e.g. vacant malls/parking lots/undeveloped land) where they can be designed with the proper infrastructure and amenities for higher density and older residents. To attempt to add these new homes to overload our existing communities will only chase more people out of Maryland in search of stable neighborhood zoning.

Lastly, the need for housing is likely overstated especially since the Comptroller's report uses 2023 data that are no longer valid (see addendum at the end). In Montgomery County, the County executive has already certified in 2025 that there is already enough housing in the pipeline until well past 2050. Since that time, layoffs and deportations have even further reduced the demand for housing. Page 3 of a January 2026 County report shows that median home sales prices dropped in 2025 and that "the County's population growth is estimated to be muted for the foreseeable future."

https://montgomerycountymd.granicus.com/Viewer.php?view_id=169&event_id=16694&meta_id=209763

In short, SB0036 dramatically rezones and over develops EXISTING communities where people have invested their life savings in a house and community that suits the needs of their family based on the zoning and restrictions at the time of their purchase. This plan does not guarantee that houses will be owner-occupied or provide any affordable housing realizing that teardowns involve additional costs (demolition, rubble removal, sewer/water reconfiguration) that drive up the cost of these smaller replacement homes making them EACH more expensive than the home they replace. It is far more cost-efficient to design those smaller homes on new parcels of land such as the ones the Governor suggested in his press release. **We join more than 700 others that have already written to you in asking that you give an unfavorable report on SB 0036.** We also understand that there is not one known SFD community in the State of Maryland where the governing body has endorsed this rezoning in their own community. Let the Counties take care of zoning and advise the Governor to start building his Starter and Silver communities on vacant State land as he suggested in his original press release.

We are happy to participate in further discussions.

Paul F. Jarosinski
President, Cherrywood Homeowners Association, Inc.

Addendum:

On page 10 of the Comptroller's report at the bottom of the page you will see that this outdated report was based on 2023 figures.

(<https://www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/research/housing-economy-print.pdf>). At that time 3-5 million people were crossing the border every year (2021-2024) creating an enormous housing demand. In 2025, however, those 3-5 million people crossing the border had been completely stopped and, according DHS figures, an additional 2.69 million people left the County. That is a difference of 5-8 million people JUST from 2023. That 2023 crises no longer exists and if DHS continues at the current pace, the housing demand will disappear on it's own by the end of 2027. Housing numbers are already changing with houses sitting on the market longer and prices decreasing or at least moderating. We also had an NYU Professor of Economics with an MA in statistics review the Comptroller report and disclose several critical flaws in that report. This report should not be the basis for eliminating SFD neighborhoods in Maryland. The main reason residents are fleeing Maryland, especially seniors, are the rising taxes and fees.

SB36:DRUMMOND.pdf

Uploaded by: R. Elizabeth Brenner-Leifer

Position: UNF



February 11, 2026

Dear Senators and Delegates,

My name is Elizabeth Brenner-Leifer; I am the Mayor of the Village of Drummond, in Montgomery County.

The Village, like many of our neighbors, is very concerned about the Starter and Silver Homes Act. While all are in agreement that the housing crisis must be addressed, the Act will not accomplish its worthy goals, and will lead to unintended consequences.

Our concerns are stated in the letter we signed with 11 other municipalities in Montgomery County. A copy is attached hereto. In summary,

- We object to the preemption of authority granted to counties and municipalities to determine building regulations within their jurisdictions.
- A rigid one-size-fit-all regulatory framework is inappropriate. Most notably, it does not consider the provision of infrastructure required for this higher level of density. It does not take into consideration water drainage systems, of which ours is already inadequate and overburdened. It does not take into consideration local attempts to preserve and restore the urban forest.
- Elimination of lot coverage limits and reduction of setbacks are likely to have the unintended consequence of encouraging larger homes. Such will result in a complete build out of lots, and leave a lack of sufficient yard area for stormwater drainage devices and canopy trees.
- Encouraging market-rate housing will mean developers can avoid local zoning incentives that include affordability components, including Montgomery County's recently-adopted workforce housing legislation.

We were informed about this Bill only 2 weeks before this hearing. A better, more progressive alternative would have been for the drafters to reach out and begin a discussion between the State and local governments. A better approach would be to help localities identify housing targets and to work cooperatively to achieve them. We note that the BABMY Act for example, lays out more of a cooperative approach.

We urge the Committee to hit the brakes on this legislation, and allow more time for local study and more operation with local governments.

Sincerely,

R. Elizabeth Brenner-Leifer
Mayor
Village of Drummond

Chevy Chase Village; Town of Chevy Chase; Town of Chevy Chase View; Town of Garrett Park;
Town of Glen Echo; Town of Kensington; Town of Somerset; Section 3 of the Village of Chevy Chase;
Section 5 of the Village of Chevy Chase; Village of Drummond;
Village of Martin's Additions; Village of North Chevy Chase

VIA EMAIL

January 30, 2026

RE: The Starter and Silver Homes Act of 2026

Dear Senators Waldstreicher and Love, and Delegates Kaufman, Shetty, Solomon, Korman, Wolek, and Woorman:

The undersigned municipalities have carefully reviewed the bill proposed by Governor Moore, entitled "The Starter and Silver Homes Act of 2026." We have many significant concerns that we wish to share with you.

We understand the important issue that the Governor seeks to address: the need for Maryland to increase the availability of moderately priced housing to attract and retain families and businesses and generate economic growth. For reasons stated below, we do not believe that this bill is fit for its purpose – and in fact, could even cut against achieving the stated goals of incentivizing more housing at more moderate prices.

We also object to this bill because it virtually eliminates all authority granted to municipalities and counties to determine building regulations within their jurisdictions. We remain grateful to you for supporting HB 1167/SB 36 last year (adopted 136-1 in the House; 44-0 in the Senate) and signed by Governor Moore. That law clarified the authority of municipalities in Montgomery County to set specific building regulations for all buildings containing from one to four housing units. As part of a negotiated compromise, we accepted the position of the Montgomery County Planning Board that our authority would not extend to multi-family buildings containing more than four units. Working in good faith to address housing concerns, we subsequently supported the County's Workforce Housing ZTA that authorizes duplex, townhouse and multi-family housing in single-family detached zones along the major corridors that abut or traverse our communities.

We had reason to expect reciprocal good faith, and that the municipal authority so carefully considered and reaffirmed last year would remain law for years to come. However, if the proposed bill becomes law, the good faith balance struck last year will be upended.

Following are specific provisions of this bill that we find deeply concerning:

- **Substantial reduction of building setbacks:**
 - **Front and rear setbacks:** Jurisdictions will be unable to require front or rear yard setbacks of more than 10 feet. Our municipalities and the County generally require minimum front setbacks of 25 feet or the established building line, whichever is greater. Rear setbacks are 20 feet or greater. The proposed setback reductions would allow for significantly greater impervious coverage, jeopardizing our ability to control storm water run-off on lots, which has become a major local government concern, and effectively permitting the removal of

numerous canopy trees while not leaving enough space for new trees to grow. It would lead over time to neighborhoods appearing jagged, with new homes extending much closer to the streets than older homes. Such a result is not consistent with standard urban and suburban planning practice.

- **Side setbacks.** Jurisdictions would be unable to establish side setbacks of more than 5 feet, as compared to current County and municipal requirements of at least 7 or 8 feet. Our stricter standards provide the space needed for fire and rescue equipment and personnel and reduce the risk that fire will spread between homes, thereby enhancing the safety of our communities. Again, impervious coverage will increase and complicate storm water management.

Our concern regarding looser setbacks is compounded by the proposed elimination of standards that set lot area coverage limits.

- **Permitting a row of three or more townhouses to be built by right.** This sets a rigid one-size-fits-all model for “missing middle housing” that is inappropriate for most of the lots in our communities and does not consider the provision of infrastructure required for this level of density.
- **Prohibiting regulations that “indirectly” violate the provisions of the bill.** Such general language creates uncertainty as to what would be legitimate to regulate and invites contentious proceedings and possible litigation.

As a result of these provisions, the consequences of this bill are likely to counter the stated purpose of promoting more affordable housing, for the following reasons:

- **Looser setbacks and elimination of lot area coverage limits will encourage larger single-family homes.** Developers would be entitled to take advantage of the expanded building area to build much larger single-family detached houses or to greatly enlarge existing housing. This will defeat the stated purpose of the bill, which was to encourage homes of moderate size and price. Rather than discourage “mansionization,” which was expressly the basis for enactment of HB 1232 (2006), the Starter and Silver Homes Act would actually encourage this trend without any counterbalancing public benefit. Such large homes would also decrease the opportunities for providing accessory dwelling units, a popular form of “missing middle” housing.
- **Undercutting the Montgomery County Workforce Housing ZTA.** A core purpose of this ZTA is to promote multi-family housing projects that include “workforce housing” - moderately-priced units that could be afforded by families earning the median income in the County. This bill provides no such incentive. As a result, the bill would encourage developers to sidestep the zoning incentives in the Workforce Housing ZTA and instead build only market-priced (expensive) housing.

We are surprised that the Governor’s staff has prepared a bill that enables construction of large single-family homes, does not acknowledge standard planning practice, and overrides

Montgomery County’s program to encourage multi-family housing inclusive of moderate-priced units. Further, we hope that in considering this bill, you and your colleagues will appreciate the core matter of policy consistency. All of you worked hard to secure the law that clarified our municipal authority, and we do not support a bill that reverses the good results achieved last year. However, we want to work constructively to find means of addressing the demand for more housing in our State. To that end, we look forward to consulting with you as the legislature reviews this bill and any proposed amendments during this session.

Thank you for considering our views.

Sincerely,

Chevy Chase Village	Town of Somerset
Town of Chevy Chase	Section 3 of the Village of Chevy Chase
Town of Chevy Chase View	Section 5 of the Village of Chevy Chase
Town of Garrett Park	Village of Drummond
Town of Glen Echo	Village of Martin’s Additions
Town of Kensington	Village of North Chevy Chase

cc: Montgomery County Council
Marc Elrich, County Executive
Mayor Jud Ashman, Gaithersburg
Mayor Monique Ashton, Rockville
Artie Harris, Chair, Montgomery County Planning Board

Valleys Planning Council SB0036 testimony.pdf

Uploaded by: Renee Hamidi

Position: UNF



Committee: Education, Energy, and the Environment Committee

Testimony on: SB0036 “Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026) “

Position: Unfavorable

Hearing Date: February 17, 2026

Valleys Planning Council, a non-profit that conserves land and resources, preserves historic character and maintains the rural feel and land uses in northwestern Baltimore County, urges SB0036 receive an unfavorable report based on what passing it will do to the value and desirability of existing housing; the resulting overloading of infrastructure; lack of workers to build the proposed housing; and what overbuilt areas will look like in a few decades. Most objectionably, the bill reduces home rule authority, eroding the ability of counties to plan for growth. On the heels of a bill last year that took away the right of counties to site solar facilities, this bill feels like the state is trying to inappropriately centralize zoning power.

Under this bill, the value of some existing homes would decrease. If I build three townhomes on my half-acre lot in a neighborhood of single-family homes, my neighbors’ homes will become less desirable, worth less, and produce less tax revenue for the county. The minimal setbacks called for in the bill will lead to homeowners finding themselves living cheek-by-jowl in areas where they thought they had “breathing room”. If these townhomes become rentals, conditions for existing homeowners may become untenable.

Infrastructure will be overloaded. In Baltimore County, where I live, the sewer system is subject to a consent decree. While it has spent hundreds of millions of dollars to repair and replace failing sewers, Baltimore County has not demonstrated that the fixes have resulted in adequate capacity for existing development. Adding thousands of homes will result in even more stress on an already-overloaded system. Schools, roads, and fire and emergency services will similarly be stressed. More impervious surfaces will lead to more stormwater runoff that will need to be managed even as climate change causes more frequent and larger storms.

Who will build all those houses? The trades are stretched thin as it is. Becoming a licensed electrician or a licensed journeyman plumber takes four to five years. Counties will have to hire more people to review plans.

Nationwide, families are smaller than they used to be. Logically, there will be fewer people buying homes in the decades to come. In 2060, who will want to live in townhouses sandwiched onto lots in established neighborhoods in 2030? Modern housing, especially that built specifically to be “affordable”, is not built to last the way houses built 75 years ago were. Baltimore County could end up with quantities of outdated, vacant homes, a problem Baltimore City has been facing for at least 40 years.

Counties should be able to decide where housing should go and what it should look like. Valleys Planning Council urges an unfavorable report on SB0036.

Renée Hamidi
Executive Director
Valleys Planning Council

Protect. Preserve. Enjoy.

Position HB 239 SB 36 _ 21026.pdf

Uploaded by: Richard Meehan

Position: UNF



TOWN OF OCEAN CITY

The White Marlin Capital of the World

February 13, 2026

Education, Energy, and the Environment Committee
Attn: Senator Brian J. Feldman
2 West Miller State Office Building
Annapolis, MD 21401

RE: Position of the Mayor and City Council of Ocean City on HB 239 / SB 36

Dear Chair Feldman and Members of the Education, Energy, and the Environment Committee,

On behalf of the Mayor and City Council of Ocean City, Maryland, we respectfully submit this letter expressing opposition to House Bill 239 and Senate Bill 36, the *Starter and Silver Homes Act of 2026*. While Ocean City supports responsible efforts to expand housing opportunities across the State, these bills, as drafted, create serious and unavoidable conflicts with municipal home rule authority, public safety, environmental law, and State-mandated planning and resiliency objectives.

Ocean City is a charter municipality vested with independent authority over zoning, land use regulation, and environmental protection. This authority is not discretionary; it is mandated by the Town Charter and exercised to protect the public health, safety, and welfare of residents and visitors alike. The Town's December 2025 Comprehensive Plan expressly relies on zoning, development standards, and code enforcement as the primary tools for implementing State land use, floodplain, environmental, and resiliency policies. House Bill 239 and Senate Bill 36 override those tools by prohibiting municipalities from regulating minimum lot size, setbacks, lot coverage, design standards, housing types, and subdivision patterns. In doing so, the bills directly preempt charter authority and undermine the mechanisms by which local governments carry out State planning objectives. Such blanket statewide mandates are inconsistent with Maryland's longstanding commitment to municipal home rule and locally driven implementation of State policy.

Ocean City's built environment which is characterized by narrow lots, elevated structures, floodplain construction, and seasonal population surges, requires locally tailored zoning controls to ensure fire and life safety. Setback and lot coverage requirements are essential to safe ladder placement, rescue angles, fire apparatus access, stabilization, and window or elevated deck rescue operations. The Comprehensive Plan identifies public safety infrastructure and emergency response capability as core planning priorities supported through land use regulation. By eliminating these local controls, House Bill 239 and Senate Bill 36 would compromise firefighter safety and emergency response effectiveness, particularly in dense coastal neighborhoods where access margins are already constrained.

P.O. Box 158, Ocean City, Maryland 21843-0158 | oceancitymd.gov | City Hall: (410) 289-8221 | Fax: (410) 289-8703

MAYOR

Richard W. Meehan

CITY COUNCIL

Matthew M. James
President

John F. Gehrig, Jr.
Jacob H. Mitrecic
Carol Proctor
Will Savage
Larry R. Yates

CITY MANAGER

Terence J. McGeen, PE

CITY CLERK

Diana L. Chavis, MMC

The bills also irreconcilably conflict with Ocean City's environmental and floodplain obligations, many of which are required under State and federal law and reinforced by the Comprehensive Plan. By prohibiting local governments from establishing lot coverage maximums, the bills would allow excessive impervious surface coverage. The Comprehensive Plan recognizes that Ocean City is a substantially developed barrier island where stormwater and flood risks must be managed incrementally through strict development controls. Eliminating lot coverage limits makes on-site stormwater management physically impossible in many cases and directly conflicts with stormwater management and Critical Area requirements.

Similarly, the bills cap allowable setbacks at ten feet, which conflicts with legally required environmental buffers, including Critical Area buffers and Ocean City's Buffer Management Areas. These setbacks are not aesthetic preferences; they are essential to flood protection, water quality preservation, erosion control, and long-term coastal resilience. The prohibition on local design and architectural standards is also overly broad and risks invalidating environmentally necessary design allowances and limitations, such as roof overhangs, structural elements, and site features tied to buffer protection and flood resilience. The Comprehensive Plan relies on these standards to reduce vulnerability in flood-prone areas.

In addition, the requirement that municipalities allow subdivision of improved lots conflicts with Critical Area restrictions that prohibit the creation of additional waterfront, or littoral, lots. This would force approvals that violate existing environmental law and undermine shoreline protection policies that have been carefully developed and enforced over decades.

Taken together, these provisions would prevent Ocean City from enforcing stormwater, erosion, floodplain, and Critical Area regulations, exposing both the Town and the State to compliance failures, increased environmental risk, and higher long-term costs associated with flooding and infrastructure damage. The Comprehensive Plan documents increasing nuisance flooding, sea level rise, and compound storm events, and assigns local government responsibility for managing these risks through floodplain management and land use regulation. Uniform statewide zoning mandates cannot account for the unique constraints of barrier-island and resort communities. Local zoning is not an obstacle to housing; it is the mechanism that ensures housing is safe, resilient, compatible with infrastructure capacity, and consistent with State planning goals.

For these reasons, the Mayor and City Council of Ocean City respectfully urge the General Assembly to reject House Bill 239 and Senate Bill 36 as currently drafted. At a minimum, we request that charter municipalities and coastal jurisdictions with adopted floodplain and environmental regulations be expressly exempted, and that municipal authority to regulate zoning, setbacks, lot coverage, design, and subdivision be preserved where necessary to protect public safety, environmental integrity, and compliance with State planning law.

Ocean City remains willing to work collaboratively with State leaders on housing solutions that respect home rule, protect first responders, safeguard the environment, and reflect the realities of Maryland's coastal communities.

Respectfully submitted,



Richard W. Meehan
Mayor

RJR-(Cumberland.Frostburg) SB36.HB239 (OPPOSED-Sen

Uploaded by: Richard Reinhardt

Position: UNF



Senator Brian J. Feldman, Chair
Senator Cheryl C. Kagan, Vice-Chair
Senate Education, Energy, and Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 36/ House Bill 239: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026) – OPPOSED

February 17, 2026

Dear Chairman Feldman, Vice-Chair Kagan, and Committee Members:

On behalf of our clients, the City of Cumberland and the City Frostburg, we write this letter in opposition to *Senate Bill 36/ House Bill 239: Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)*.

If you were to ask people across the country the question, “What is the American Dream?”, the most common response would be “home ownership”. Homeownership is widely regarded as a cornerstone of the American dream, symbolizing prosperity, stability, and personal achievement, though it faces significant challenges in today's economy. In fact, a survey conducted Realtor.com, in late 2024, found that “75% of Americans believe that homeownership is part of the American dream”. The survey also revealed that nearly “2 out of 3 respondents consider homeownership one of their life goals, while half are convinced that owning a home is necessary to attaining long-term wealth.”

Housing is not only considered to be *the* American dream, but it is also a critical component to the nation's economy. However, after decades of underbuilding following the Great Recession combined with an imbalance between supply and demand have been contributing causation factors to the country's pervasive housing shortage. The U.S Chamber of Commerce issued a 2025 report titled, “*The State of Housing in America*” where is stated that the United States has a housing shortage of over [4.7 million homes](#). High mortgage rates and soaring rents have been major contributors to this crisis, which now impacts the broader economy by reducing consumer spending, increasing employee turnover, and hindering businesses' ability to attract and retain talent.

Addressing this shortage is essential for stabilizing the market and supporting long-term economic resilience – this is also true for the State of Maryland. And while we applaud the laudable efforts of Governor Moore making this a priority of his Administration, Senate Bill 36/ House Bill 239 is *not* the policy solution that Maryland should invoke.

As proposed, this legislation prohibits local jurisdictions from adopting or enforcing certain zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for certain single-family homes with certain exceptions. The bill further preempts local jurisdictions from prohibiting certain housing types in certain zones subdivisions of certain lot types.

More specifically, if enacted SB36/HB239 would impede local zoning authority in the following ways:

- a. Minimum Lot Sizes - Local governments may not require lots larger than 5,000 square feet for single-family homes in areas connected.
- b. No Minimum House Size Requirements - Localities would be prohibited from setting minimum square footage for homes and minimum exterior dimensions.
- c. Setback restrictions - Caps how far local governments can go with setback and coverage requirements:
- d. Local governments would no longer be allowed to impose architectural style requirements, design standards, or exterior material mandates.
- e. Local jurisdictions may not prohibit townhouses in areas zoned for single-family residential use.

For both municipalities, these restrictions would create significant and negative impacts to existing neighborhoods and infrastructure.

Minimum lot size cap & subdividing lots: One of the housing challenges currently facing the cities are an aging housing stock, many of which, particularly in neighborhoods surrounding the University, has been altered into student rentals. As enrollment has declined, some of these properties are now vacant or not fully rented. While this has resulted in more available housing, it is not necessarily the type of housing that potential Cumberland and Frostburg residents and families are looking for.

Permitting the subdivision of lots could increase neighborhood density and significantly alter the neighborhoods character. Additionally, making newly subdivided lots available for development in more desirable neighborhoods may be more appealing to developers than renovating older houses. This could lead to an increase in blighted or vacant properties.

Both Cumberland and Frostburg have also struggled with properties having appropriate off-street parking in many neighborhoods and this could exacerbate the problem.

No limits to townhomes: This may alter the density and style of neighborhoods. This could encourage development companies to buy up single-family properties as they become available for townhouse projects which would reduce the availability of larger homes/lots for families.

No lot coverage maximum limit and cap on set-backs: For smaller lots that cannot be subdivided, the removal of lot coverage maximums and setting caps on setbacks requirements could allow for the construction of accessory dwelling units (in-law suites, tiny homes, small standalone structures, etc.) at the rear of properties. While this may increase housing supply, it would also contribute to higher residential density and a reduction in green space within established neighborhoods.

In some cases, it may make more financial sense for property owners to focus on the accessory dwelling units instead of reinvesting in the existing structure, potentially leading to blighted houses.

Reduced setback requirements could cause a host of other issues. Many streets lack sidewalks and have aging water and sewer infrastructure. Building closer to the public right-of-way may complicate future infrastructure projects, repairs, or sidewalk installation and could substantially increase the cost of these projects. It is for these reasons that the City of Cumberland and Frostburg, oppose this legislation and respectfully seek this committee to give Senate Bill 36/ House Bill 239 an UNFAVORABLE report.

Thank you for your consideration.

Sincerely,

Richard J. Reinhardt, II

Richard J. Reinhardt, II
Partner
Percy Public Affairs

Civic Letter re. The Starter and Silver Homes Act

Uploaded by: Rohit Khanna

Position: UNF

Chevy Chase Village; Town of Chevy Chase; Town of Chevy Chase View; Town of Garrett Park;
Town of Glen Echo; Town of Kensington; Town of Somerset; Section 3 of the Village of Chevy Chase;
Section 5 of the Village of Chevy Chase; Village of Drummond;
Village of Martin's Additions; Village of North Chevy Chase

VIA EMAIL

January 30, 2026

RE: The Starter and Silver Homes Act of 2026

Dear Senators Waldstreicher and Love, and Delegates Kaufman, Shetty, Solomon, Korman, Wolek, and Woorman:

The undersigned municipalities have carefully reviewed the bill proposed by Governor Moore, entitled "The Starter and Silver Homes Act of 2026." We have many significant concerns that we wish to share with you.

We understand the important issue that the Governor seeks to address: the need for Maryland to increase the availability of moderately priced housing to attract and retain families and businesses and generate economic growth. For reasons stated below, we do not believe that this bill is fit for its purpose – and in fact, could even cut against achieving the stated goals of incentivizing more housing at more moderate prices.

We also object to this bill because it virtually eliminates all authority granted to municipalities and counties to determine building regulations within their jurisdictions. We remain grateful to you for supporting HB 1167/SB 36 last year (adopted 136-1 in the House; 44-0 in the Senate) and signed by Governor Moore. That law clarified the authority of municipalities in Montgomery County to set specific building regulations for all buildings containing from one to four housing units. As part of a negotiated compromise, we accepted the position of the Montgomery County Planning Board that our authority would not extend to multi-family buildings containing more than four units. Working in good faith to address housing concerns, we subsequently supported the County's Workforce Housing ZTA that authorizes duplex, townhouse and multi-family housing in single-family detached zones along the major corridors that abut or traverse our communities.

We had reason to expect reciprocal good faith, and that the municipal authority so carefully considered and reaffirmed last year would remain law for years to come. However, if the proposed bill becomes law, the good faith balance struck last year will be upended.

Following are specific provisions of this bill that we find deeply concerning:

- **Substantial reduction of building setbacks:**
 - **Front and rear setbacks:** Jurisdictions will be unable to require front or rear yard setbacks of more than 10 feet. Our municipalities and the County generally require minimum front setbacks of 25 feet or the established building line, whichever is greater. Rear setbacks are 20 feet or greater. The proposed setback reductions would allow for significantly greater impervious coverage, jeopardizing our ability to control storm water run-off on lots, which has become a major local government concern, and effectively permitting the removal of

numerous canopy trees while not leaving enough space for new trees to grow. It would lead over time to neighborhoods appearing jagged, with new homes extending much closer to the streets than older homes. Such a result is not consistent with standard urban and suburban planning practice.

- **Side setbacks.** Jurisdictions would be unable to establish side setbacks of more than 5 feet, as compared to current County and municipal requirements of at least 7 or 8 feet. Our stricter standards provide the space needed for fire and rescue equipment and personnel and reduce the risk that fire will spread between homes, thereby enhancing the safety of our communities. Again, impervious coverage will increase and complicate storm water management.

Our concern regarding looser setbacks is compounded by the proposed elimination of standards that set lot area coverage limits.

- **Permitting a row of three or more townhouses to be built by right.** This sets a rigid one-size-fits-all model for “missing middle housing” that is inappropriate for most of the lots in our communities and does not consider the provision of infrastructure required for this level of density.
- **Prohibiting regulations that “indirectly” violate the provisions of the bill.** Such general language creates uncertainty as to what would be legitimate to regulate and invites contentious proceedings and possible litigation.

As a result of these provisions, the consequences of this bill are likely to counter the stated purpose of promoting more affordable housing, for the following reasons:

- **Looser setbacks and elimination of lot area coverage limits will encourage larger single-family homes.** Developers would be entitled to take advantage of the expanded building area to build much larger single-family detached houses or to greatly enlarge existing housing. This will defeat the stated purpose of the bill, which was to encourage homes of moderate size and price. Rather than discourage “mansionization,” which was expressly the basis for enactment of HB 1232 (2006), the Starter and Silver Homes Act would actually encourage this trend without any counterbalancing public benefit. Such large homes would also decrease the opportunities for providing accessory dwelling units, a popular form of “missing middle” housing.
- **Undercutting the Montgomery County Workforce Housing ZTA.** A core purpose of this ZTA is to promote multi-family housing projects that include “workforce housing” - moderately-priced units that could be afforded by families earning the median income in the County. This bill provides no such incentive. As a result, the bill would encourage developers to sidestep the zoning incentives in the Workforce Housing ZTA and instead build only market-priced (expensive) housing.

We are surprised that the Governor’s staff has prepared a bill that enables construction of large single-family homes, does not acknowledge standard planning practice, and overrides

Montgomery County’s program to encourage multi-family housing inclusive of moderate-priced units. Further, we hope that in considering this bill, you and your colleagues will appreciate the core matter of policy consistency. All of you worked hard to secure the law that clarified our municipal authority, and we do not support a bill that reverses the good results achieved last year. However, we want to work constructively to find means of addressing the demand for more housing in our State. To that end, we look forward to consulting with you as the legislature reviews this bill and any proposed amendments during this session.

Thank you for considering our views.

Sincerely,

Chevy Chase Village	Town of Somerset
Town of Chevy Chase	Section 3 of the Village of Chevy Chase
Town of Chevy Chase View	Section 5 of the Village of Chevy Chase
Town of Garrett Park	Village of Drummond
Town of Glen Echo	Village of Martin’s Additions
Town of Kensington	Village of North Chevy Chase

cc: Montgomery County Council
Marc Elrich, County Executive
Mayor Jud Ashman, Gaithersburg
Mayor Monique Ashton, Rockville
Artie Harris, Chair, Montgomery County Planning Board

Jorgensen Khanna critique of Comptroller Report.pdf

Uploaded by: Rohit Khanna

Position: UNF

SUMMARY

Upzoning Maryland: Ideological Choices Rather Than Good Policymaking

A Critique of the Comptroller of Maryland's Housing & the Economy Report and its Support for the Starter and Silver Homes Act

*by Dr. Erika A. Jorgensen & Rohit Khanna¹
February 8, 2026*

- The Maryland Comptroller's October 2025 report on housing and the economy² serves as the underlying policy analysis in support of the proposed Starter and Silver Homes Act (SB36/HB239) now in front of the Maryland legislature. Unfortunately, pervasive weaknesses in the analysis and data presented in the Comptroller's Report undermine the validity of its policy conclusions.
- A key point is that the report most often compares pre-pandemic years to the pandemic and soon after. The pandemic years are outliers and should not be used to project Maryland's future.

Is Maryland losing large numbers of residents, and is it because of high housing costs?

No, net outmigration is actually modest. During 2017-2019, about 0.4% of Maryland's population left each year, and the United Van Lines Annual Survey for 2025 assesses Maryland to be a 'balanced' state for domestic moves. The pandemic years were anomalies. And the Comptroller's Report itself shows net outmigration falling by half between 2023 and 2024.

People are moving out of Maryland for jobs or to be near family. The Comptroller's Report provides no evidence on why people are leaving Maryland. It speculates that the reason must be housing costs since those departing during 2020-2022 are younger and lower income than in pre-pandemic years. Surprisingly, the Report fails to consider the impact of remote work, which accounted for the bulk of increased interstate migration nationwide during the pandemic years, according to the Federal Reserve Bank of St. Louis. The United Van Lines Annual Survey for 2025, which does record reasons for moving, reports that 30% of Marylanders departing in 2025 left because of a job and that the same share relocated to be closer to family. Less than 3% cited cost as a reason for their move.

Outmigration is not leading to falling state income, a shrinking economy, and a declining state. Conclusions based on pandemic era data should be set aside. And according to the Center on Budget and Policy Priorities, calculations of lost income because of migration using IRS data are deeply flawed, especially because many moves are for retirement.

¹ Dr. Erika Jorgensen holds a PhD in Economics from Harvard University as well as degrees from Oxford University and Williams College. She was an Economic Adviser at the World Bank where she worked for 30 years as a macroeconomist analyzing economic policies and advising governments around the world. Dr. Jorgensen has lived in Bethesda MD since 2007. Rohit Khanna had a 30-year career at the United Nations and the World Bank, working on environment, energy, and climate finance programs and projects with governments in Africa, East Asia, Middle East and North Africa, Latin America and the Caribbean regions. Mr. Khanna retired from the World Bank as Manager for Global Energy Programs, and in that role oversaw or financed most of the Bank's analytical work in the energy sector. He has a Masters Degree in Public Administration from The American University.

² www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/research/housing-economy-print.pdf

SUMMARY p. 2

Are housing costs in Maryland too high? Are housing prices rising so fast that something must be done?

Housing prices are barely holding flat in real terms, and a buyers' market is emerging. The State of Maryland's own property tax assessments show dramatically lower residential price increases, plummeting over the last two years (to about 4% annual growth while inflation averaged 3.2 %). The median price of homes sold in Maryland in 2025 rose by 2.6% (less than inflation), and the number of units sold fell by 3.1%, according to the Maryland Association of Realtors, which has reported that a buyers' market is already in early stages.

Does Maryland's housing demand exceed supply, and is there a shortage of housing in Maryland?

Maryland's housing market, like those across the nation, is recovering from the unprecedented impacts of the pandemic era, and Maryland has now been hit with large job losses. Maryland's renter vacancy rates exceeded the national average in 2023 and, as of 2024, stood at about the same as those in New York, Virginia, North Carolina, District of Columbia, and Pennsylvania. Maryland's rental vacancy rates fall within the 5-8% band that define a balanced rental market, according to HUD.³ Homeowner vacancy rates were very similar across the 12 states used for comparison in the Report.⁴ This already weakening demand will be compounded dramatically by recent international immigration restrictions and federal layoffs (with 25,000+ jobs lost in Maryland in 2025).

Are Maryland's building costs leading to too little supply?

Building costs are high in Maryland. Compared to national averages, wages are higher, and land is more expensive because Maryland has the 4th highest median household income and is the 6th most densely populated state. Moreover, Marylanders rightfully expect high quality infrastructure and environmental protections. Yet, somehow, Maryland's median house prices as of July 2025 are 16th in the nation, so housing is actually cheaper in Maryland than might be expected!

It's no surprise that zoning and land use regulations would be stricter in Maryland, a densely populated and very wealthy state, than elsewhere. The point of zoning is not restriction but planning. Density needs to be planned in coordination with physical, social, and environmental infrastructure (including roads and parking, water and stormwater systems, electricity, public schools, and tree cover and greenspace). Once infrastructure is in place, density cannot exceed infrastructure capacity without undermining quality of life. Ramping up density in established single-family neighborhoods will accelerate deterioration and replacement costs of that infrastructure. Loss of tree canopy alone will create heat islands and diminish local air quality.

³ US Department of Housing and Urban Development.

⁴ Much of the Report's analysis focuses on a cohort of 12 states: Maryland, the top eight states where Maryland residents are moving to (Florida, Pennsylvania, North Carolina, Texas, Virginia, South Carolina, West Virginia, and Delaware), and the top three states where new Maryland residents are coming from (District of Columbia, New York, and New Jersey).

Do the Report's conclusions make sense?

Whether you will be persuaded by this Report depends on whether, first, you believe the story about surging outmigration, a shrinking tax base, and imminent economic decline; second, you accept that it is housing regulation that has caused a shortage of affordable homes in Maryland; and third, that somehow pre-empting single-family zoning is the magical costless solution.

Trickle-down benefits from upzoning are too small and too slow. Recent research shows that even under very optimistic assumptions, it will take decades for deregulation-driven supply expansion to generate widespread affordability. Just as importantly, new research confirms supply constraints including zoning are unimportant in explaining housing prices. Instead, the real problems in the housing market must be addressed: oligopoly in the homebuilding sector and income inequality. Upzoning will not create homes in Maryland that are 30 percent less expensive and cannot solve housing affordability as evidenced by experience across the US. In the meantime, local communities will bear the cost of erratic profit-driven building that imposes economic, environmental, and social costs on established neighborhoods.

*Detailed Critique of the Comptroller of Maryland's Housing & the Economy Report
and its Support for the Starter and Silver Homes Act*

“With fewer homes available and high interest rates locking out new generations of homebuyers, too many young families and seniors are left with few viable options to call Maryland home,” said Maryland Department of Housing and Community Development Secretary Jake Day. “The Starter and Silver Homes Act of 2026 would expand housing choices by enabling homes that are up to 30 percent less expensive than what’s currently available, unlocking homeownership for more Maryland families.” (from [Governor Moore Announces Housing Growth and Affordability Agenda for 2026 Legislative Session](#) , 1/6/2026)

“For cost-burdened households, trickle-down benefits from deregulation will be insufficient and too slow.” (Buchholz, Maximilian, et al. “[Inequality, Not Regulation, Drives America's Housing Affordability Crisis.](#)”)

“By providing rigorous analysis and data-driven insights, . . . this report aims to support evidence-based solutions that increase affordability and strengthen economic opportunity for all Marylanders.” (from Letter from the Comptroller, in [Comptroller of Maryland, State of the Economy Series: Housing & The Economy](#), October 2025).

The Comptroller of Maryland’s October 2025 report on housing and the economy⁵ serves as the underlying policy analysis in support of the proposed Starter and Silver Homes Act (SB36/HB239) now in front of the Maryland legislature. This bill significantly limits local zoning authority over single-family residential development, with the express goal of increasing housing supply, affordability, and flexibility—particularly for starter homes and “silver” (downsizing/aging-in-place) housing. The bill preempts local zoning controls to allow small lots with minimal setbacks and high lot coverage, and it allows townhouses in all single-family zones.

The proposed legislation represents a major policy change. Any such change should be supported by high quality data, careful analysis, and an assessment of the benefits and costs of such change relative to other options. Unfortunately, pervasive weaknesses in the analysis and data presented in the Comptroller’s Report undermine the validity of its policy conclusions. This note will lay out the most important weaknesses in the Report, following the structure of the report itself.

Is Maryland losing large numbers of residents, and is it because of high housing costs?

The Report claims Maryland has lost large numbers of residents to other states, with the most severe losses post-pandemic, but net outmigration is actually modest. Indeed, Maryland has had net domestic outmigration for many years, but it has been balanced by international in-migration, leaving the net impact on Maryland’s population very small. The Report focuses on domestic movements, which US Census estimates’ average for 2017-2019 show as about 0.4% of the population leaving the state each year pre-pandemic (which some

⁵ www.marylandcomptroller.gov/content/dam/mdcomp/md/reports/research/housing-economy-print.pdf

might not describe as “large”). Moreover, the United Van Lines Annual Survey for 2025 assesses Maryland to be a ‘balanced’ state for domestic moves.⁶

The Report claims outmigration has recently gotten dramatically worse, but the pandemic years are extreme outliers that cannot predict future trends. The Report tries to heighten concerns about migration by comparing 2021-2023 to an earlier period (2011-2019), presenting in bold font that almost half of outmigration occurred in the most recent three years. The pandemic years are outliers in so many ways that it is irresponsible to propose policy conclusions based on those years. Importantly, remote work allowed people to move closer to family or to cheaper housing locations temporarily.⁷ And the report’s own Figure 1 on population change from US Census estimates shows net outmigration falling by half between 2023 and 2024.

The Report speculates about what is driving outmigration, with no actual evidence. First, the Report is over-reliant on American Community Survey (ACS) one-year data on state-to-state moves, which are small samples and increasingly error prone since 2020, and it presents a false precision by failing to report statistical error bars. Second, they have no data on why people left the state. The Report’s Figure 4 shows that during 2010-2023, Marylanders moved to Florida and also to Pennsylvania. The Report jumps to the conclusion that a lower cost of living is motivating moves. Then, using IRS Statistics of Income (SOI) Migration Data, the Report argues that younger and lower income residents are now leaving the state (during 2020-2022 compared to the historical norm of those age 55 and over and higher income departing). Since the share of wealthier individuals (income over \$100,000)⁸ decreased (from 74% to 54% of all outmigration), they just make up out of the air that it must be housing costs driving people out of Maryland (and importantly, during 2020-22). To quote the Report, "This finding suggests that pre-pandemic, taxes and other factors may have been more prominent drivers of migration decisions, while more recently, housing affordability and overall cost of living are having a greater effect." Or maybe many, many other reasons. Crucially, they don't consider the likely impact of remote work, which for most US government jobs continued until spring 2024 (and, according to researchers at the Federal Bank of St. Louis, accounts for much of the rise in interstate migration across the US during 2020-2022). Third, the United Van Lines Annual Survey for 2025, which does record reasons for moving, reports that 30% of Marylanders departing in 2025 left because of a job and the same share to be closer to family. Less than 3% cited cost as a reason for their move.

A final warning from the Report tries to tie outmigration to falling state income, raising the specter of a shrinking economy and a declining state; but, again, this conclusion rests entirely on the pandemic years as well as overstating likely net effects. The Report

⁶ <https://www.unitedvanlines.com/newsroom/2025-national-movers-study>. United Van Lines is the largest moving company in the US. It publishes data each January comparing inbound moves to outbound moves for each state, excluding any states with fewer than 250 moves. This data (166,000 moves in 2025) is only a subset of all moves, since it is only those using large moving trucks, but typically, its findings are matched by government-issued data once it becomes available. <https://taxfoundation.org/data/all/state/state-migration-trends/>

⁷ Much of the rise in interstate migration during 2020-2022 can be attributed to the growing share of workers that are doing their jobs from home, according to Bick, A., Blandin, A., Marks, C., Mertens, K., & Hannah Rubinton. (2024, November 21). Why Do WFH Workers Move? Federal Reserve Bank of St. Louis On the Economy Blog. <https://www.stlouisfed.org/on-the-economy/2024/nov/why-do-wfh-workers-move>

⁸ Measured as Adjusted Gross Income.

notes that Maryland had the 7th highest net AGI loss from 2021 to 2022, according to IRS SOI migration data. First, yet again, conclusions based on pandemic era data should be set aside. Second, the Center on Budget and Policy Priorities has concluded that income migration claims based on IRS data are deeply flawed. The lost income is based on previous year earnings. People leaving a state do not take their income (and their job) with them. Further, many departures are for retirement, so IRS previous-year income is not a good measure of current-year income.⁹

Are housing costs in Maryland too high? Are housing prices rising so fast that something must be done?

The Report focuses on housing costs compared to those in states to which residents are moving, but not only is the Report’s analysis flawed, housing costs are quickly moderating in Maryland. First, it is not clear why the Report (drawing on Department of Housing and Community Development analysis) depends on American Community Survey (ACS) data on Maryland housing prices. As noted above, ACS Survey one-year data are small samples and increasingly error prone since 2020. This data is not high quality for a small state such as Maryland. Instead, what do we see in the state's own property assessments?

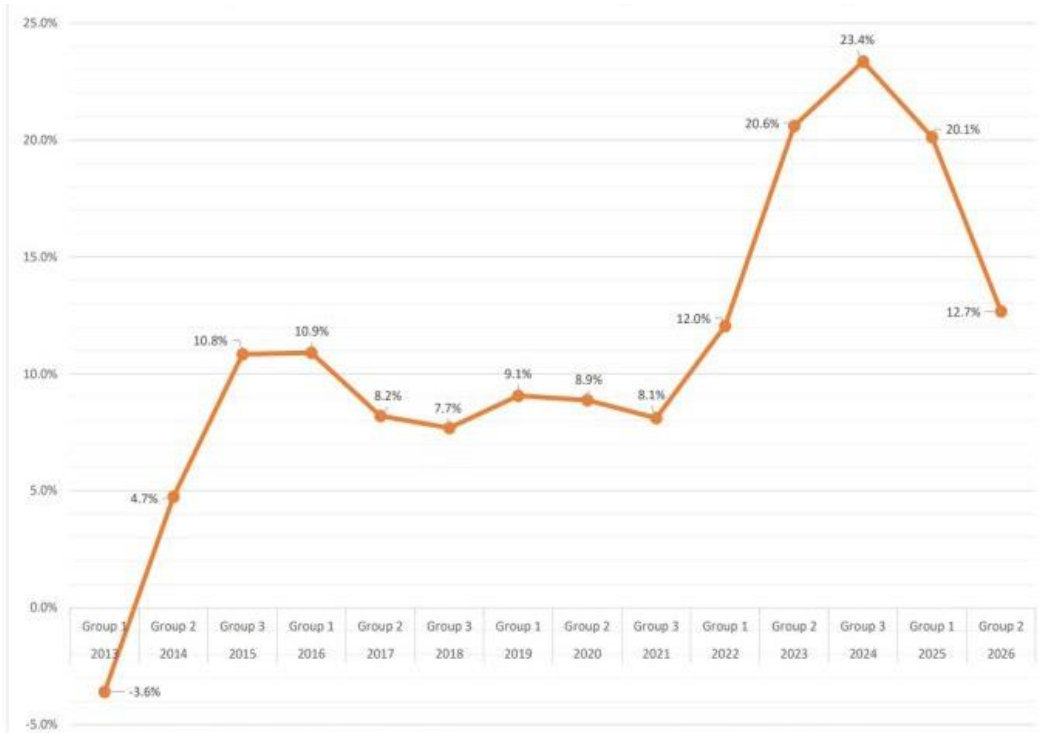
Housing prices are barely holding flat in real terms, and a buyers’ market is emerging. Property tax assessment increases, while still rising in nominal terms, have plummeted over the last two years (to about 4% annual growth while inflation averaged 3.2 % , and this does not consider that deceleration in housing prices implied by the drop in 3-year averages). (See Figure 1). Interestingly, the State Department of Assessments and Taxation (SDAT) does not seem to be on the same page as the Governor. “Property values are still rising, but at a more sustainable pace,” said SDAT Director Bob Yeager. “After the rapid increases seen during the post-COVID recovery, this moderation is an important step toward balancing household wealth growth with housing affordability.”¹⁰ Also, the Maryland Association of Realtors 2025 report shows that the median price of homes sold in Maryland in 2025 rose by 2.6% (less than inflation) and units sold fell by 3.1%. “The story I see in these numbers is that the market is shifting toward the buyer,” said Denise Lewis, 2026 President of Maryland Realtors. “We’re not yet in a true ‘buyer’s market’ as sales are down while prices continue to rise, but the movement in that direction is becoming increasingly clear.”¹¹

⁹ Mazerov, Michael. “State ‘Income Migration’ Claims Are Deeply Flawed.” Center on Budget and Policy Priorities. October 20, 2014. <https://www.cbpp.org/research/state-income-migration-claims-are-deeply-flawed>

¹⁰ <https://thebaynet.com/maryland-property-values-continue-rising-but-at-slower-pace-sdat-says/>.

¹¹ <https://www.mdrealtor.org/news/august-2024-housing-stat>

Figure 1. Change in Maryland Statewide Property Tax Assessments (2013-2026)



Note: Combined residential and commercial assessments. For 2026, residential assessments rose by 13.2% and combined by 12.7%.

Source: Maryland State Department of Assessments and Taxation [data tables](#).

Does Maryland housing demand exceed supply, and is there a shortage of housing in Maryland?

The Report claims that demand exceeds supply, but housing prices have flattened as Maryland’s housing market recovers from the unprecedented impacts of the pandemic era. As the Report admits, population growth and job creation drive demand for housing, but then it goes on to claim that Maryland is also suffering from slower economic growth because higher housing prices drive outmigration (see rebuttal of all these points above). First and most importantly, Maryland’s housing prices are now recovering from the unprecedented impacts of the pandemic era, and a buyers’ market is underway. Second, this dampening of demand will be compounded dramatically by recent international immigration restrictions and federal layoffs (with 25,000+ jobs lost in Maryland in 2025).

The Report claims that low vacancy rates also demonstrate excess demand, but the data show Maryland exceeding the national rate in 2023 and performing about the same as many other states in 2024. Homeowner vacancy rates were very similar across all 12 states,¹² and Maryland’s 2024 vacancy rate of 0.6% is also very close to the national rate of 1.0%.

¹² Much of the Report’s analysis focuses on a cohort of 12 states: Maryland, the top eight states where Maryland residents are moving to (Florida, Pennsylvania, North Carolina, Texas, Virginia, South Carolina, West Virginia, and

The story of rental vacancy rates is more complicated. In 2024, Maryland, New York, Virginia, North Carolina, District of Columbia, and Pennsylvania all had renter vacancy rates of 6-7% and the national rate was 6.8%. But in 2023, the US rate was 6.5% and Maryland stood at 7.3%, above the national average. In any case, it should be noted that the US Department of Housing and Urban Development describes a 5-8% vacancy rate as a balanced rental market, so we were and still are in a balanced rental market.

Are Maryland's building costs leading to too little supply?

Building costs are high in Maryland because wages are higher and land is expensive. Maryland is densely populated (the 6th most densely populated state), making land more expensive. Its residents are wealthy (median household incomes are 4th in the nation), so wages are higher and demand is higher for bigger, fancier houses. But Maryland's median house prices as of July 2025 are 16th in the nation, so housing is actually cheap in Maryland!

Building costs are high in Maryland because Marylanders expect high quality infrastructure and environmental protections. First, have you heard of those new-built towns in Arizona that have to truck in water because they did not coordinate infrastructure with the local town? Have you seen the homes in Pennsylvania where the water was flammable because of unregulated gas fracking? Those homes are much cheaper than homes in Maryland, Second, the Report notes that new infrastructure is expensive. But money cannot be saved by piggy-backing on existing infrastructure if that infrastructure is already at its limit, as it is in many established neighborhoods. Third, the Report seems to criticize the practice of charging developers for the extension or improvement of infrastructure made necessary by their development. Does the Comptroller think it's more fair for the whole community to have to subsidize private developers?

It is no surprise that zoning and land use regulations would be stricter in Maryland, a densely populated and very wealthy state, than elsewhere. First, despite Maryland's more restrictive regulations, ranked 6th according to the Report, median house prices put the state in 16th place. Second, most importantly, the Report seems to deny the whole point of zoning, which is not restriction but planning. Density needs to be planned in coordination with physical, social, and environmental infrastructure (including roads and parking, water and stormwater systems, electricity, public schools, and tree cover and greenspace). Once infrastructure is in place, density cannot exceed infrastructure capacity without undermining quality of life. Ramping up density in established single-family neighborhoods will accelerate deterioration and replacement costs of that infrastructure. Third, the Report's assumptions that building infill will make a lot of money for developers is probably true, but for it to reduce climate pollution, for example, requires pre-existing public transport infrastructure. Does cutting down all the trees in an established neighborhood to jam in more buildings and create a local heat sink help Maryland meet its climate goals?

The Report exhaustively reviews Maryland's many regulations related to housing, but single-family zoning does not appear. First, the Report correctly notes that regulations are worth reviewing and, perhaps, streamlining to reduce their time cost. Second, the Report admits

Delaware), and the top three states where new Maryland residents are coming from (District of Columbia, New York, and New Jersey).

that local governments need the revenue from development fees and taxes to support necessary infrastructure. Third, the Report weaves mention of affordable housing through the text seemingly to cast aspersions on current local regulations and taxes. The problem is that building more units will not reach deep enough to help families who are most cost-burdened, because their incomes are too low to afford any profitable market-rate housing, regardless of land use regulations.

The Report's conclusions and policy recommendations

Whether you will be persuaded by this Report depends on whether you believed the story about surging outmigration, a shrinking tax base, and imminent economic decline. First, one must set aside the Report's incorrect claims about outmigration and about high housing prices before considering the costly and irreversible policy changes proposed. Second, as an aside relevant for the whole report, please stop citing the very shoddy and unprofessional analysis coming out of Pew if you want your analysis taken seriously. (See Box 1 on problems with the July 2026 Pew web article). Third, the final section of the Report makes some amazing leaps in logic about what people want and the easy, costless ways to get it.

The Report claims, without much of any evidence, that it is regulation of density that has caused a shortage of affordable homes in Maryland and then lists proposals to expand housing supply. First, building with higher density on empty land near transit, if other necessary infrastructure is in place or planned, makes sense. Second, housing targets, frequently revised in the face of new data, can be useful as long as localities have flexibility in how to meet them. Third, it is good the Report gives credit to Montgomery and Anne Arundel Counties for their ongoing revisions to housing regulations in ways responsive to local conditions. These policies, rather than kneejerk deregulation, are shaped to local communities and constraints.

The Report's final call for the State to pre-empt local zoning for single-family neighborhoods is the wrong recommendation to achieve affordability: trickle-down benefits from upzoning are too small and too slow. First, recent research makes clear that even a dramatic, deregulation-driven supply expansion would take decades to generate widespread affordability. "Even a major positive shock to housing supply – sustained year after year – would take decades to meaningfully ameliorate residents' affordability challenges."¹³ If housing stock were to expand at a very fast rate of 1.5% per year (a rate achieved only by the top 10% of commuting zones during 2000-2020), it would take between 16 (very optimistic) to 106 (more realistic) years to reach affordability¹⁴ through supply expansion for 6 high-cost markets.¹⁵ Second, even leading supply-side scholars such as NYU law professor Vicki Been acknowledge that the market is unlikely to provide housing that is affordable to the poor. And it is odd that those who malign "trickle down" economics seem to accept the "filtering" argument that more

¹³ Sitaraman, Ganesh and Serkin, Christopher, Post-Neoliberal Housing Policy (April 23, 2025). U. Pa. L. Rev. (forthcoming), Vanderbilt Law Research Paper No. 5227899, Available at SSRN: <https://ssrn.com/abstract=5227899> or <http://dx.doi.org/10.2139/ssrn.5227899>

¹⁴ For today's median 1-bedroom unit to become affordable to a worker without college education and affordability defined as 30% of household income.

¹⁵ Buchholz, Maximilian, et al. "Inequality, Not Regulation, Drives America's Housing Affordability Crisis." OSF Preprints. 17 Jan. 2026. doi.org/10.31235/osf.io/95trz_v1.

market-driven supply of housing for higher income groups will eventually benefit lower income earners.

Proposals for upzoning ignore the fundamental structural issues in housing markets that arose in the aftermath of the 2008 financial crisis and drive the housing affordability crisis. As noted by researchers at Vanderbilt Law School, “after the crash, home building dried up, leading to mergers and a new oligopoly in the homebuilding sector The large homebuilders are financiers that borrow cheaper than real developers and use that cheap credit to speculate in land Because they are large and have significant access to capital, they can hold property for long periods of time – waiting to maximize their profits without engaging in construction.”¹⁶ Developers mitigate risks and maximize profits by trying to time the market so that not too much supply comes online at once. At the same time, for individuals without strong credit, tightened mortgage lending standards made purchasing a home more difficult.

None of these problems have to do with zoning but rather with income inequality. First, the variation in prices between housing markets cannot be explained by variations in zoning restrictions but mostly by income. A recent Federal Reserve Bank of San Francisco paper studied the impact of supply constraints including zoning on housing prices and concluded that “housing supply constraints are quantitatively unimportant in explaining rising housing costs across US cities.”¹⁷ The research found that differences in supply constraints among municipalities could not account for increases in housing prices or housing quantity in response to increased demand; what mattered was rising incomes. In other words, much of the variation can be explained by higher wages, especially among highly skilled, high-income earners. Second, rising income inequality has led to an affordability crisis for the bottom 50%. Across the US, including in Maryland, wages for the top 25% are rising faster than housing prices, reducing their housing costs relative to income. Meanwhile, housing costs are increasing for the bottom 50%. New housing supply, often in expensive infill projects, tends to cater to higher income groups, worsening the affordability crisis for lower-income earners.

Upzoning will not create homes in Maryland that are 30 percent less expensive, as claimed in Governor Moore’s announcement, and cannot solve housing affordability as evidenced by experience across the US. First, new townhouses are unlikely to drive down the price of housing: a preliminary review of new townhouses listed for sale in Montgomery County found the median price to be 40% above the December 2025 median sales price of existing single-family houses. (See Box 2 for examples across the US on the poor track record of upzoning, and Box 3 on why Austin is a bad example.) Second, the root cause of affordability problems is the mismatch between distribution of incomes and the distribution of housing (too many households with low incomes and too few homes priced within their means), not an overall

¹⁶ Sitaraman, Ganesh and Serkin, Christopher, Post-Neoliberal Housing Policy (April 23, 2025). U. Pa. L. Rev. (forthcoming), Vanderbilt Law Research Paper No. 5227899, Available at SSRN: <https://ssrn.com/abstract=5227899> or <http://dx.doi.org/10.2139/ssrn.5227899>

¹⁷ Louie, Schuyler, John Mondragon, and Johannes Wieland. 2025. “Supply Constraints Do Not Explain House Price and Quantity Growth Across U.S. Cities.” Federal Reserve Bank of San Francisco Working Paper 2025-06. <https://doi.org/10.24148/wp2025-06>

shortage of units. In Montgomery County, for example, the Council of Governments (COG)-derived targets required 75% of new housing to be affordable for those making 60% of the area median income. There is no upzoning strategy that can achieve this -- certainly not one that has no affordability mandates.

Box 1. Pew on Gentrification: It only counts as evidence if you show your work

Pew Charitable Trusts published an online article in July 2025 titled “New Housing Slows Rent Growth Most for Older, More Affordable Units.” The article provides ammunition to advocates for upzoning by claiming that new housing of any kind ends up *helping* lower-income families the most, rather than raising the threat of gentrification, which *harms* lower-income families.

But here’s the thing. The figures and tables of econometric results are great at bamboozling the uninitiated. **If Pew was serious or confident about their work, there would be a background paper setting out their methods, data, and results.** Instead, we can only guess, based on the short article and sloppy “Technical Annex.” **What we can conclude is that Pew’s empirical findings are purposely exaggerated and have questionable validity.**

First, the Pew article claims the poor were hurt most by rising rents over the last 7 years and that more housing kept rents lower, based on their analysis of ‘neighborhoods’(zip codes).

- Using data for 2017-2024, **the difference in rent increases between richer and poorer neighborhoods was trivial**, at about 2 percentage points. Given the sloppiness of the technical annex and the lack of a real report, it is impossible to know how this regression was set up, but most probably the dependent variable was % change in average rent from October 2017 to October 2024. The regression finds that lowest quartile (zip code) rents increased by 10% more than the highest quartile rents over 7 years. To illustrate what this might mean, average US rents rose by 51% from 2017 to 2024 according to Zillow. If this were the rate for the richest zip code quartile, then rents in the poorest quartile would have risen by 56% over 7 years, or 8% each year rather than 6%.
- **Other factors show up as far more important for rising rents.** The most powerful driver of rents in Pew’s own regression results was the share of residents working from home in 2017, pushing up rents by 141%! But a higher share working from home in 2023 meant a neighborhood had lower rent growth. **What does this mean? It is probably nonsense but should raise questions about this whole endeavor and its pseudoscientific air.**
- **Cities that added more new units had lower rent increases** (rent increases were cut in half) **but adding more new units in the neighborhood itself** (the zip code) **had almost no impact.** **Why?** Claiming that “housing markets are regional” seems to counter much of their justification in analyzing zip codes as the most relevant housing markets. **Again, their technical analysis falls short.**
- The extraordinary nature of the pandemic years makes this seven years a terrible period from which to draw medium- to long-term conclusions. **The “controls” for COVID are laughable.**
- Although there is no model written down, it is difficult to understand why causal statements are being made without any supply shocks in the regression table, with a mish mash of time periods and geographic units, and data from different sources.

Second, the Pew article claims that building any kind of housing reduces rent the most for poorer families.

- Even if you want to trust Pew’s econometrics, **Class C (lowest quality) buildings had rent increases that were just 4% less than for Class A**, e.g., if Class A rents rose by 6%, then rents in Class C rose by 5.8%! **Another trivial result.**

- Just 7% of the variation in rents is explained by the model. That is, **they have no idea what made rents go down more or less across cities.**
- In the 11 metro areas in the article, **the apartment supply "boom" was not driven by upzoning because the cities did not upzone**, It either was not a strategy adopted or was adopted so late in the study period that it would not have had much impact on supply. The chart is dominated by Austin's falling rents, but Austin did not upzone during this period.

Source: www.pew.org/en/research-and-analysis/articles/2025/07/31/new-housing-slows-rent-growth-most-for-older-more-affordable-units

Box 2. Upzoning Does Not Solve Housing Affordability: Examples from across the US

- ✓ A University of Virginia study of Charlottesville found significant underdevelopment of parcels under current zoning despite it being a small, high-demand city experiencing high housing costs. That finding suggests that zoning classification may not be the primary constraint on housing supply. (“Underdevelopment Despite Upzoning - University of Virginia School of Law”)
- ✓ Montgomery County’s analysis of its housing pipeline identified economic factors as the primary barrier to development of permitted units. It explains why, in Montgomery County, White Flint remain undeveloped, despite its prime location near Metro.
- ✓ *The Economist* noted that Los Angeles and Atlanta have practically identical zoning restrictions but quite different prices.
- ✓ Houston, the poster child of unrestricted zoning, ranks second worst amongst 50 metropolitan areas in availability of affordable rental homes for low-income people.
- ✓ Loosely-zoned Nashville, despite a building boom, still cannot produce enough housing and lower prices.
- ✓ Washington DC produced housing at rates on par with North Carolina, South Carolina, and Texas, without upzoning. In fact, it easily topped upzoned cities such as Portland OR, Spokane, and Minneapolis.

Box 3. Stop Talking About Austin: The primary drivers of housing prices in Austin were intense population growth driven by tech sector expansion, pandemic-era remote work demand for larger homes, and low interest rates. Not upzoning!

The Austin, Texas, housing market experienced one of the most dramatic boom-and-bust cycles in the United States over the last 10 years (2016–2026), shifting from a super-charged, rapid-growth environment to a significant, correction-driven buyer's market.

A growing Texas economy during 2011-18, with jobs rising faster than in the rest of the US, supported explosive population growth, generating high demand for housing. On the supply side, building costs were pushed up by a lack of skilled construction workers and secondarily by rising land prices and additional government regulations in Texas’ largest metropolitan areas. Rising building costs undermined profitability of entry-level housing. During 2016–2019, Austin was already a top destination, experiencing consistent population growth, tech expansion (Apple,

Tesla), and steady home value appreciation that outpaced many peer cities. Demand began outstripping supply, leading to a consistent tightening of inventory.

Then, during 2020–mid 2022, the pandemic triggered a "Zoomtown" effect. Remote workers and tech transplants rushed to Austin, driving home prices up over 60% in this short period. Homes were selling within days for well over asking price, often to cash buyers. Median home prices in the Austin metro peaked at over \$550,000 in May 2022.

Then, the combination of record-high prices, significantly rising mortgage rates, and a slowdown in migration caused the market to crash in late 2022 and 2023. Austin recorded the largest home price drop in the country, falling more than 11% from its 2022 peak. By late 2025, median home prices had fallen to roughly \$435,000–\$439,000 (a roughly 18%–23% drop from the 2022 peak). Active listings soared to six-year highs, shifting the power heavily to buyers.

In parallel, there was a massive building boom of apartments, unmatched in the rest of Texas or the rest of the country. Now, with the drop in demand, rents in the Austin area dropped for three consecutive years (2023–2025). However, nearly half of renters remain cost-burdened (more than 30% of income spent on rent and utilities) and almost a quarter are severely cost-burdened (more than 50% of income spent). Why? Because the rental market is segmented, and the building of luxury apartments did not have significant impact on low-end apartment rents.

As of early 2026, the market is continuing a "correction" phase, but with a slower pace of decline, characterized by high inventory and more moderate price adjustments. Zoning reforms enacted in May 2025 to reduce lot sizes but in the face of already falling home prices and elevated inventory levels so impact is uncertain.

Over the last decade, Austin transformed from a high-growth, moderately priced city to one of the most expensive in Texas. It is now undergoing a painful but normalizing correction to improve affordability and restore balance. While housing supply was important, the primary drivers of housing prices in Austin were intense population growth driven by tech sector expansion, pandemic-era remote work demand for larger homes, and low interest rates.

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testimony (1).pdf

Uploaded by: Rohit Khanna

Position: UNF

Testimony on SB0036 – The Starter and Silver Homes Act
February 17, 2026

I agree with the objective of promoting smaller homes across Maryland; but this bill is not fit for its purpose.

My concerns are outlined in the letter signed by 12 municipalities in Montgomery County which I have attached to my written testimony. In summary,

- First, I object to the virtual elimination of authority granted to municipalities and counties to determine building regulations within their jurisdictions.
- Second, a rigid one-size-fit-all model of townhouses is inappropriate for our already-compact, century-old towns and does not consider the provision of infrastructure required for this higher level of density.
- Third, looser setbacks and elimination of lot coverage limits are likely to have the perverse outcome of encouraging larger homes.
- And fourth, the exclusive focus on market-rate housing means that developers can side-step county-level zoning incentives for affordability.

Recent research from Georgetown and Vanderbilt Universities conclude that housing deregulation without policy direction invariably benefits higher income earners at the expense of low-income earners – precisely the population struggling most with affordability. (see attachment)

A better, more progressive alternative would have been a bill based on partnership between the State and local governments, rather than preemption, with:

- The State and local governments agreeing on targets.
- Local governments incentivized to develop housing growth plans, with affordability provisions.

Connecticut’s housing legislation that was signed by the Governor adopted this approach.

Secretary Day referred to Texas’ housing bill as a model for the Starter and Silver Homes Act in his remarks. However, it is worth noting that the Texas law applies only to new developments of 5 acres or more. The law applies to “a tract of land ... that will be platted and located in an area zoned for single-family homes; is five acres or more; and has no recorded plat.” Thus, existing neighborhoods are exempt.

The Montgomery County Executive, Maryland Municipal League and the Maryland Association of Counties have offered sensible amendments. These, and the proposed BAMBY legislation, should provide the basis for a fundamental re-writing of the proposed legislation that does not involve preemption of local zoning authority and respecting local planning.

Thank you.

A Progressive Approach to Housing

*Rohit Khanna*¹

Proposals for addressing the housing affordability crisis that focus primarily on upzoning ignore the fundamental structural issues in housing markets and obscure the many other causes of the affordability crisis.² Housing markets have many imperfections, because of which supply does not respond well to demand – and prices do not necessarily decline with increased supply (see appendix 1).

What then are the structural factors driving the housing affordability crisis?

Most important has been the impact of the 2008 financial crisis.

A report by the American Economic Liberties Project³ concluded that: “Due to a series of federal policy choices that began in the late 1970s and accelerated in the wake of the Great Financial Crisis, smaller homebuilders—generally speaking, any privately-held builder that makes under 500 closings per year—have had increasing difficulty accessing capital as the number of local financing sources has dwindled As a result, the number of homebuilders has fallen since the Great Financial Crisis and remains well below early 2000s levels At the same time, publicly-traded homebuilders—who now lead every major regional market—have apparently responded to Wall Street earnings expectations by hoarding land and establishing price floors for their homes, instead of building enough to meet demand. Although various other factors, such as construction costs and high interest rates, have also constrained homebuilding, this financing gap between smaller homebuilders and publicly traded national giants is a significant part of why, by some estimates, America is short nearly 4 million homes.”

As noted by Serkin & Sitaraman, “after the crash, home building dried up, leading to mergers and a new oligopoly in the homebuilding sector The large homebuilders are financiers that borrow cheaper than real developers and use that cheap credit to speculate in land⁴ Because they are large and have significant access to capital, they can hold property for long periods of time – waiting to maximize their profits without engaging in construction.” Developers mitigate risks and maximize profits by trying to time the market so that not too much supply comes online at once. At the same time, for individuals without strong credit, tightened mortgage lending standards made purchasing a home more difficult.

None of these problems have to do with zoning.

That is why variation in prices between markets cannot be explained by variations in zoning restrictions. One recent paper studied the impact of supply constraints, like zoning, on

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² See *Post-Neoliberal Housing Policy*, Christopher Serkin & Ganesh Sitaraman, Vanderbilt University, 2025.

³ [20251014-aelp-capitalcrunch-execsum-v3.pdf](#)

⁴ Matt Stoller, *It's the Land, Stupid: How the Homebuilder Model Constrains Housing Supply*, BIG (Aug. 15, 2024), <https://www.thebignewsletter.com/p/its-the-land-stupid-how-the-homebuilder>.

housing prices and concluded that “housing supply constraints are quantitatively unimportant in explaining rising housing costs across U.S. cities.”⁵ The paper found that differences in supply constraints among municipalities could not account for increases in housing prices or housing quantity in response to increased demand; what mattered was rising incomes.

In other words, much of the variation can be explained by higher wages, especially among highly skilled, high-income earners. Wages for the top 25% are rising faster than housing prices, reducing their housing costs relative to income. Meanwhile, housing costs are increasing for the bottom 50%. New housing supply, often in expensive infill projects, tends to cater to higher income groups, worsening the affordability crisis for lower-income earners. The claim that the Starter and Silver Homes Bill would result in home prices that would be 30% lower is hollow.

Leading supply-side scholars like NYU law professor Vicki Been acknowledge that the market is unlikely to result in housing that is affordable to the poor. A recent Georgetown University study⁶ of six metropolitan areas where newly built housing made up a larger share of the market than the national average concluded that:

- Newer housing stock in these metropolitan areas primarily consisted of small units in large multifamily buildings for the rental market or large single-family homes for homeowners and largely served moderate- and higher-income households.
- Even in areas where the supply of new housing units grew, the share of units serving lower-income renters decreased or stagnated.
- Rent growth was generally higher for units serving households with the lowest incomes when compared to those serving higher-income households.

“The report illustrates that addressing housing instability for lower-income households requires comprehensive strategies that go beyond a reliance on market-rate supply.”

It is odd that those who malign “trickle down” economics seem to accept the “filtering” argument that more market-driven supply of housing for higher income groups will eventually benefit lower income earners.

The root cause of affordability problems then is the mismatch between distribution of incomes and the distribution of housing (too many households with low incomes and too few homes priced within their means), not an overall shortage of units. In Montgomery County, for example, the COG-derived targets required 75% of new housing to be affordable for those making 60% of the area median income. There is no up-zoning strategy that can achieve this -- certainly not one that has no affordability mandates.

The Progressive Way Forward

A truly progressive housing strategy would be anchored in mixed income social housing – effectively a “public option” for housing – combined with a package of fiscal and policy interventions, driven by locally-determined housing targets and zoning policies.

Mixed Income Housing

⁵ See Schuyler Louie, et al., Supply Constraints Do Not Explain House Price and Quantity Growth Across U.S. Cities, NBER Working Paper, Mar. 2025, available at <http://www.nber.org/papers/w33576>.

⁶ [Abundance for Who? - Georgetown Center on Poverty and Inequality](#)

As noted by Serkin & Sitaraman, “The most effective way of guaranteeing affordable and workforce housing is to have more direct government involvement in housing markets

A housing market that is entirely incentivized around short-term profit accumulation is incapable of meeting the housing needs of working-class people. (Center for Social Housing: “The Only Way to Solve the Fundamentals of the Housing Crisis ...”)

While Maryland has several demand-side programs to assist first-time homebuyers and renters, it lacks programs to boost home building, beyond administering federal programs such as the Low-Income Housing Tax Credit. And demand-side measures in an inelastic market like housing, without adequate measures to boost supply, puts upward pressure on prices.

The Maryland Affordable Housing Trust provides small grants mostly to non-profits for rehabilitation projects. By comparison, since 2015 Washington DC has invested \$1.4 billion into the [Housing Production Trust Fund \(HTPF\)](#), which is DC’s primary tool for financing affordable housing development.

A recent study by the Center for Public Enterprise⁷ describes how “state governments across the country are working with their Housing Finance Agencies to capitalize housing investment funds and pilot a new class of supply-focused investment programs: subordinate and quickly revolving debt or equity investments with below-market interest rates that can fill strategic financing gaps in mixed-income projects helping to jumpstart housing production.” (See appendix 2)

Massachusetts has capitalized its program at \$50 million from the state with \$50 million local match; New York’s fund was capitalized at \$100 million from the state and \$115 million from private lenders; Michigan plans \$75 million using state funds, combined with taxable bonds and philanthropy.

Maryland already has a model that could be scaled up state-wide: Montgomery County’s highly regarded Housing Production Fund (HPF), which uses a very efficient leverage model to finance mixed-income social housing. One option would be for the State to establish a revolving loan fund for smaller homebuilders, administered by local or regional banks and credit unions.⁸

Fiscal and Policy Measures

The State should adopt fiscal measures and policies that incentivize the construction, retention, and enable the ownership, of smaller starter homes. Reducing the minimum lot size is a useful first step. The menu of options could include:

- Authorizing a county or municipality to establish zones within which to apply annual tax on properties zoned residential or mixed use that are not being developed to meet authorized uses or densities.
- Authorizing counties to impose transfer and recordation taxes either at a single uniform rate or through a progressive rate structure, with state law setting maximum allowable rates to ensure consistency.

⁷ [A-new-class-of-supply-focused-housing-investment-programs_CPE_web.pdf](#)

⁸ [20251014-aelp-capitalcrunch-execsum-v3.pdf](#)

- Establishing a loan guarantee program for first-time home buyers earning up to double the area median income, thereby reducing the mortgage costs for borrowers.
- Allowing factory-built homes to be titled as real property, following HUD/Fannie Mae/Freddie guidelines.
- State antitrust enforcers should use their existing authorities to scrutinize transactions that would exacerbate trends toward concentration in the homebuilding industry.
- Incentivizing homebuilders to build “starter” and “silver” homes on undeveloped parcels of State and County land, so that density and required infrastructure can be planned.

As proposed by the Maryland Association of Counties, revenues generated by fiscal measures should be dedicated to affordable housing initiatives, school construction, or other purposes related to housing development.

Local Housing Targets

Successful housing strategies inevitably require strong government leadership and direction guided by targets. Rather than mandating top-down targets and how local governments address housing affordability, Maryland might consider Connecticut’s approach, which requires local governments to create their own housing growth plans with targets and provides them incentives.

If Connecticut’s local governments create these plans or take certain steps to add more housing near train and bus stations or in downtowns, they will have access to a new state fund and can get more state reimbursement for what they spend on school construction.⁹

This approach would enable both community members and local decision-makers to better contextualize, understand, and respond to the housing shortage at a more local level by implementing **land-use changes that are planned locally through area master plans**. These decisions must be guided by thorough evaluations of infrastructure, social and environmental impacts, and school capacity, along with active community participation in developing a shared vision for neighborhoods that reflect local conditions.

⁹ [What to know about the CT housing bill passed in special session](#)

Appendix 1

- A University of Virginia study of Charlottesville found significant underdevelopment of parcels under current zoning despite it being a small, high-demand city experiencing high housing costs. That finding suggests that zoning classification may not be the primary constraint on housing supply. (“Underdevelopment Despite Upzoning - University of Virginia School of Law”)
- Montgomery County’s analysis of its housing pipeline identified economic factors as the primary barrier to development of permitted units. It explains why, in Montgomery County, White Flint remain undeveloped, despite its prime location near Metro.
- The Economist noted that Los Angeles and Atlanta have practically identical zoning restrictions, but quite different prices.
- Houston, the poster child of unrestricted zoning, ranks second worst amongst 50 metropolitan areas in availability of affordable rental homes for low-income people.
- Loosely zoned Nashville, despite a building boom, still cannot produce enough housing and lower prices.
- Washington DC produced housing at rates on par with North Carolina, South Carolina, and Texas, without upzoning. In fact, it easily topped upzoned cities such as Portland (OR), Spokane, and Minneapolis.
- In Seattle, upzoned areas saw new multi-family structures that were cheaper than “McMansions” but more expensive (and smaller) than the “naturally occurring affordable homes” that they replaced. And the overall impact was to reduce the supply of single-family homes.

Appendix 2

The Center for Public Enterprise notes that the benefits to the HFA of these types of programs are threefold:

- Develop new project pipelines. A powerful use for these types of tools is unsticking stalled market-rate projects. HFAs can pull forward housing production on existing projects that are fully entitled but would otherwise be stuck waiting for private equity or other gap financing, thereby speeding up the production of housing in the state and adding affordability without needing LIHTC. These tools can also provide an offramp for unsuccessful LIHTC applicants, providing an alternate pathway for projects that would otherwise wait years for funding. (“A-new-class-of-supply-focused-housing-investment-programs_CPE_web”) (“A-new-class-of-supply-focused-housing-investment-programs_CPE_web”)
- Recycle capital quickly. "These funds are designed to recycle public capital quickly, though the timing varies by structure." (“A-new-class-of-supply-focused-housing-investment-programs_CPE_web”) In each model, repayments replenish the fund so that the initial appropriation can support multiple projects. The funds grow, not diminish, over time. Unlike traditional subsidies, revolving loan funds do not require new budget appropriations, except for capital increases.
- Addressing a broader range of housing needs. "These programs unlock affordability through mixed-income production, with a significant portion of developments serving households above 60% AMI all the way up to market rate, meeting goals for housing production across the income spectrum." (“A-new-class-of-supply-focused-housing-investment-programs_CPE_web”) (“A-new-class-of-supply-focused-housing-investment-programs_CPE_web”)

SB36 should safeguard infrastructure for education

Uploaded by: Ryan Powers

Position: UNF

Dear Education, Energy, and the Environment Committee,

SB36 needs significant safeguards in place to protect infrastructure and quality of life. I am writing to express my concerns that this bill subsumes Howard County's councilmanic power to decide local zoning issues. This bill is overbroad in its restrictions on a county's ability to react to density changes within a community. Roads, schools, police, fire, EMS, and other services need to be carefully balanced with housing so that quality of life issues are not degraded. Though this bill provides flexibility on environmental and safety issues, it is unclear how things like stormwater management won't be considerably affected by reducing setback requirements and allowing smaller lots.

This bill's restrictions on setback requirements and minimum lot sizes, as well as the addition of townhomes by right, effectively ends traditional single-family zoning. While that may be at least some of the point of this bill, doing so by opening development floodgates to drastically change neighborhoods quickly, without any plan for "gentle density", will result in significant unintended results.

The infrastructure needs of counties encompassing education, energy, and the environment are crucial and this bill does not do enough to protect them. Please add amendments to this bill in keeping with the spirit and law of Adequate Public Facilities Ordinances. Preserve the ability of a county to make local decisions.

Thank you,

Ryan Powers, Howard County

SB0036 - Starter and Silver Homes Act of 2026 - Si

Uploaded by: Samantha Jones

Position: UNF



CALVERT COUNTY BOARD OF COUNTY COMMISSIONERS

150 Main Street
Prince Frederick, Maryland 20678
410-535-1600
www.calvertcountymd.gov

Board of Commissioners

Mark C. Cox Sr.
Catherine M. Grasso
Earl F. Hance
Mike Hart
Todd Ireland

February 11, 2026

Via Electronic Mail

The Honorable Brian J. Feldman
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB0036 - Starter and Silver Homes Act of 2026

Chair Feldman, Vice Chair Kagen and Committee Members:

The Calvert County Board of County Commissioners (BOCC) writes in **opposition to Senate Bill 36**. The BOCC recognizes Maryland's need to expand housing options, and we appreciate the intent to assist young families and senior citizens who are priced out of the market. However, SB 36 is a one-size-fits-all mandate that would disproportionately harm Calvert County, undermine the County's long-standing growth management framework, and disenfranchise our residents by preempting the local planning and zoning processes that are built on decades of public participation.

1) SB 36 strips local control and disenfranchises citizens

Maryland counties have a long tradition of implementing State planning goals through locally adopted Comprehensive Plans and zoning ordinances, developed through extensive public engagement. Calvert County residents consistently and passionately participate in growth and zoning decisions because these decisions directly affect quality of life, neighborhood character, and the preservation of rural and waterfront communities.

SB 36 would effectively wipe out major locally adopted standards and policies by requiring broad "by-right" changes and limiting the County's ability to apply common zoning tools in single-family areas. This is not a minor adjustment. It is a fundamental restructuring of local land use authority. If the State dictates sweeping changes of this magnitude, it raises a basic question: what is the purpose of encouraging robust public participation at the local level if local decisions can be overridden wholesale by State preemption?

2) The bill would force significant rewrites of Calvert's Comprehensive Plan and implementing laws

As drafted, SB 36 would require substantial and costly updates to the County's planning framework, including but not limited to:

- Calvert County's Comprehensive Plan growth management strategy and assumptions (including where and how residential growth is intended to occur);
- Town Center plans intended to direct development toward locations with services and infrastructure;
- The Zoning Ordinance and use tables (including standards related to housing types, setbacks, lot coverage, and other dimensional controls);
- Subdivision regulations and lot-splitting standards that shape neighborhood patterns and long-term infrastructure obligations; and
- Related implementation documents and programs that translate planning policy into enforceable standards.

These changes would not only consume limited staff and fiscal resources but would also functionally undo decades of citizen-involved planning and negotiated community expectations.

3) Calvert County's geography and infrastructure cannot absorb mandated density increases

Calvert County is a peninsula with extensive tidal shoreline and limited options for transportation expansion. The County's transportation network is already constrained by geography and environmental limitations, and additional growth pressure would fall heavily on the corridor that residents and emergency services rely on every day.

Calvert County is also primarily a residential community, with a substantial majority of our workforce commuting outside the County for employment. Any significant increase in housing units without corresponding increases in local jobs will intensify outbound commuting, exacerbate congestion, and strain the regional transportation system, especially during AM and PM peak hours.

Importantly, MD 2/4 is Calvert County's sole north-south transportation corridor and is owned and managed by the State. The County therefore depends on the State for roadway improvements to address congestion and safety. At the same time, the impacts of growth on infrastructure would be further intensified by ongoing State and County budget constraints projected into the future.

4) Environmental concerns and failing septic systems

Calvert County's land and water resources are central to our economy and way of life. The county's extensive shoreline, sensitive waterways and highly erodible soils require careful growth management. Increased density can increase impervious surfaces, stormwater runoff and erosion that threaten local creeks and the Chesapeake Bay.

The county also has numerous communities that rely on onsite septic systems. Failing septic systems are a real concern, particularly in older communities and areas with soil and groundwater limitations. Policies that increase development intensity and subdivision lot splitting can increase wastewater loads and raise the risk of system failures, costly repairs and water quality impacts. SB 36 would add pressure to manage these risks while limiting local tools used to protect environmental resources and public health.

5) No guarantee of affordability

Even where small lots and mixed housing types already exist in Calvert County, housing costs remain out of reach for many households. This reflects a core concern raised repeatedly by residents: reducing minimum lot size or expanding "by-right" entitlements does not automatically produce attainable housing, and can instead increase speculative pressure and infrastructure demand. Calvert County supports workable, targeted solutions to affordability, but SB 36 does not ensure affordability outcomes.


For these reasons, the BOCC respectfully urges the committee to consider the impacts of this legislation and request an unfavorable report as written.

Thank you for the opportunity to share our perspective. Should you have any questions or wish to discuss these concerns further, please contact Planning & Zoning Director Jason Brinkley at 410-535-1600 ext. 2334.


Sincerely,
BOARD OF COUNTY COMMISSIONERS
CALVERT COUNTY, MARYLAND



Todd Ireland, President




Mark C. Cox Sr., Vice President



Catherine M. Grasso



Earl F. Hance



Mike Hart

2026 SB36-Silver & Starter Home Act LAC-02-13-2026

Uploaded by: Sara Arthur

Position: UNF

Executive Committee

Igor Conev, CMCA, AMS, PCAM, CIRMS – Chair	Scott J. Silverman, Esq. – Vice Chair
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Hillary A. Collins, Esq.	Barbara Leonard
Nura Rafati, Esq.	Angela Vazquez, CMCA, AMS, PCAM
Vicki Caine	John Latham
John M. Oliveri, Esq.	Chris C. Petrik, CMCA, AMS, PCAM
Ellen Throop, Esq.	Sandra Utley
Katleen Elmore, Esq. (Emeritus Member)	Sara H. Arthur, Esq. (Non-Voting Member)
Robin C. Manougian, CIRMS, EBP	
Charlene Morazzani Hood, MS, MS, CMCA, AMS, PCAM (Emeritus Member)	

February 13, 2026

Sen. Brian J. Feldman, Chair brian.feldman@senate.maryland.gov
Sen. Cheryl C. Kagan, Vice Chair cheryl.kagan@senate.maryland.gov
Senate Education, Energy, and the Environment Committee
2 West Miller Senate Office Bldg.
Annapolis, Maryland 21401

Re: Senate Bill 36

Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)

Hearing Date: February 17, 2026 at 1:00pm

Position: OPPOSE

Dear Chairperson Feldman, Vice Chairperson Kagan and Members of the Education, Energy, and Environment Committee:

This letter is submitted on behalf of the Maryland Legislative Action Committee (“MD-LAC”) of the Community Associations Institute (“CAI”). CAI represents individuals who reside in and professionals who work with condominiums, homeowners associations, and cooperatives throughout the State of Maryland. With this letter, MD-LAC seeks to voice its opposition to the passage of **SB36** based on the numerous concerns discussed below.

As drafted, **SB36** would restrict local jurisdictions from adopting or enforcing zoning provisions relating to lot size, dimensions, setback requirements, lot coverage, and design or architectural elements for single-family homes. It would also prevent local jurisdictions from prohibiting certain types of housing in zones designated for single-family homes and from prohibiting the subdivision of certain types of lots. These restrictions will negatively impact community associations, which are required for most subdivisions, including detached condominium units, condominium townhomes and single-family attached and detached lots, without consideration of the existing restrictive covenants, usage of common areas and common

SB36 Written Testimony by MD-LAC
February 13, 2026
Page 2

facilities, neighborhood compatibility, and/or other adverse indirect impacts on infrastructure, etc.

While the MD-LAC appreciates the need for increased housing within the State of Maryland, **SB36** does not account for jurisdictions and/or individual communities that already experience issues with population density, including traffic congestion, limited parking, safety considerations, and overcrowded schools. While the State can and should promote the development of additional housing in future communities, it should not interfere in existing contractual relationships between a property owner and its community association.

There are over 7,100 existing community associations in the State of Maryland. Over 1 million people currently live in those associations. Condominium associations date back to the 1970s and are subject to the Maryland Condominium Act. Homeowners associations have existed in Maryland since the 1920s, and the Maryland HOA Act was enacted to bring consistency to those associations and ensure individual owners' rights. While there is an exemption in **SB36** for subdivisions that were created within the last three years, the MD-LAC is concerned about the impact of the bill on community associations formed more than three years ago and that have been successfully operating for decades.

These communities were developed by zoning and engineering professionals who considered a specific population density, as well as the impact of the anticipated population of new homeowners upon traffic, schools, parking, facilities, both within and around the community, and other infrastructure. Disregarding existing maximum density restrictions will result in the mass expansion of the number of residents within a community. Proposed **SB36** also does not take into consideration the specific aspects of the over 7,100 existing communities with unique and complex zoning elements, stemming in part from the various and distinctly different codes and regulations imposed by the 23 counties in the State. The bill, as proposed, despite the well-intended goal, will be nearly impossible to implement given the diversity among local governments.

There is also a concern about the conflicts that might be created. **SB36** will more than likely result in significant disputes between counties, community associations and residents with the creation of new housing structures, the future occupants of which will use the common areas, such as parking, common amenities and facilities. Furthermore, it is unclear whether the future owners of these new housing structures should contribute to the currently mandated insurance and reserves for communities.

The aforesaid impact could not only delay implementation of the new law as jurisdictions try to implement it, but also lead to protracted litigation among those parties directly impacted. It will also be catastrophic to the model of community association governance. Accordingly, we ask that you consider exempting existing subdivisions that (1) are subject to condominium regimes and/or homeowners associations; or (2) are otherwise already subject to restrictive covenants.

SB36 Written Testimony by MD-LAC
February 13, 2026
Page 3

For the foregoing reasons, the MD-LAC respectfully requests that the Committee give **SB36** an **unfavorable** report.

We are available to answer any questions the Committee Members may have. Please feel free to contact Lisa Harris Jones, lobbyist for the MD-LAC, at 410-366-1500 or email at lisa.jones@mdlobbyist.com. You may also contact Igor Conev, Chair of the MD-LAC at 443-614-2787, or e-mail at igor@ocmannproperties.com, or Sara H. Arthur, Member MD-LAC at 410-268-7788, or e-mail at sha@arthurlaw.net

Sincerely,

Sara H. Arthur

Member, CAI MD-LAC

Igor Conev

Chair, CAI MD-LAC

CAI is a national organization dedicated to fostering vibrant, competent, harmonious community associations for more than fifty years. Its members include community association volunteer leaders, professional managers, community management firms, and other professionals and companies that provide products and services to common interest associations. As part of its mission, CAI advocates for legislative and regulatory policies that support responsible governance and effective management. As part of this purpose, state Legislative Action Committees represent CAI members before state legislatures and agencies on issues such as governance, assessment collection, insurance, and construction defects.

SB36_Sykesville_Opposed.pdf

Uploaded by: Stacy Link

Position: UNF



Stacy C. Link
Mayor of Sykesville, MD

n Street, Sykesville, MD 21784
p: 410.795.8959
f: 410.795.3818
e: slink@sykesville.net
townofsykesville.org

February 13, 2026

Chair Feldman, Vice Chair Kagan and members of the Committee.

I will be providing testimony in opposition to bill SB36 alongside mayors across Maryland who all understand exactly what is at stake.

Let me be clear from the start: municipalities want more housing. We want the same outcomes Governor Moore wants — more inventory, more affordability, more options for young families and seniors. We are already modernizing zoning, encouraging infill, and planning for growth.

But SB36 does something fundamentally different.

It strips municipalities of their zoning authority — the very authority we use to ensure growth is safe, feasible, and fiscally responsible. And I am here to say, as plainly as I can: that is unacceptable.

This bill is built on the false premise that local zoning is a primary barrier to housing production. It is not.

Housing affordability is shaped by state-controlled factors: utility regulation, energy costs, environmental permitting timelines, infrastructure financing, and property tax assessments. Municipalities do not control these drivers — but we live with the consequences when residents can't afford their homes.

And here is the part that should give every member of this Committee pause:

Even DHCD's own data contradicts the one-size-fits-all mandate in this bill.

According to DHCD's published 2030 growth targets, resulting from Governor Moore's "Housing Starts Here" executive order:

- Sykesville with 1,601 housing units — is expected to add 89 units between now and 2030. (We have 47 new townhomes coming online in 2027.)
- Havre de Grace: 365 units
- Leonardtown: 124
- Hagerstown target— 978 units
- No targets were even set for Barnesville & 40 other municipalities. But should this bill pass—they'll too lose their ability to participate in creating of a real solution.

DHCD knows that municipalities are not interchangeable.

Different size, different infrastructure, different capacity, different needs.

And yet SB36 ignores all of that.

DHCD's own data shows that only 30% of the targeted growth is municipal while the balance is in unincorporated areas. And if you remove Ocean City as an outlier, that figure drops to less than 25%. But here's the kicker, the legislation is only targeting priority growth areas, which is EVERY municipality in Maryland. So what are we doing?

If the State wants legislation that actually produces housing, then use your own data.
Trust your own analysis then build a framework that reflects the reality you already documented.
Mandating density without acknowledging these constraints is not just impractical — it risks public health, environmental compliance, and the financial stability of the very communities you expect to absorb this growth.

And the justification for this bill's preemption simply isn't true. According to DHCD:

- ✓ “Townhouses are typically 25–30% less expensive than single-family homes.”
- ✓ “Creating new housing options 30% less expensive will unlock homeownership for many more Maryland families.”

That sounds compelling — until you look at actual Maryland data.

According to Redfin *Housing Market Trends* in our zip code (South Carroll County's Freedom District) Current Median Sale Price for a:

- **single-family home = \$557,500**
- **townhouse = \$564,365 (\$7K MORE!!)**

Clearly, Townhouses in Sykesville do NOT sell for 25–30% less than single-family homes.

As DHCD reports, Maryland stopped building homes in 2011. So let me give you the real numbers from the Town of Sykesville, where we have built more townhouses than any other housing type in the last 15 years.

Raincliffe Townhomes (125 constructed 2011–2014)

- 2011: \$319,365 → first to come online
- 2014: \$364,340 → last to come online and sold to original owners; **MEDIAN HOME (all types) PRICE** in Sykesville that year \$357k

The very same house that was built and sold in 2011, sold again in 2016 for \$365k and again changed hands in 2020 for a sale price of \$405k. And now houses in that subdivision are selling for \$508k

Another townhome community came online in 2020 with its final home receiving U&O in Dec 2023.

Below are sale prices when unit originally sold (from SDAT Real Property Data Search) as compared to the Median Home Sale (all types) Prices during that year in 21784 zip code (from Redfin):

Parkside at Warfield Townhomes (149 constructed 2020–2024)

- 2020: \$468,855–\$498,900 **MEDIAN \$420k**
- 2021: \$474,015–\$568,265 **MEDIAN \$440k**
- 2022: \$539,990–\$561 **MEDIAN \$468k**
- 2023: \$567,000 **MEDIAN \$485k**
- 2024: \$600,000 **MEDIAN \$521k**
- And in 2025, these units are now selling for \$700,000 with **MEDIAN \$507,500**

From 2011 to the present, every single town home in Sykesville has sold for more than the median. **And since 2020 every newly constructed Townhouse sold for \$80K more than the median.**

So I ask this Committee:

Where is the Maryland specific data proving that SB36 will create affordability across Maryland's municipalities?

Because the real-world data we have says the opposite.

This is why municipalities are pushing back.

Not because we oppose housing — but because the State’s rationale is not supported by evidence in Maryland’s economy. DHCD cites data from South Carolina and Texas. How does those state’s cost of living compare to ours? What’s the cost of building in those economies? What are their tax structures?

Municipalities want to be part of the solution. But in order for that to happen, we must be part of the planning process!

Municipalities are not asking for loopholes.

We are asking for reality.

We are asking for partnership, not preemption.

If the State wants real, measurable housing outcomes, the path is not SB36.

The path is a different bill entirely — one that:

- Sets statewide housing goals based on DHCD’s own data;
- Recognizes actual water and sewer capacity, not theoretical maps;
- Provides technical assistance, infrastructure funding, and cross-agency coordination.
- And allows municipalities to determine how to meet the targets within their own boundaries.

Set the goals.

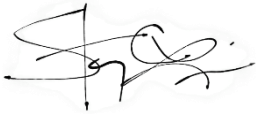
Hold us accountable.

But let us implement solutions that actually work in our communities.

SB36, as written, will not get you there.

But municipalities stand ready to help craft the legislation that will.

Thank you,

A handwritten signature in black ink, appearing to read 'Stacy C. Link', with a stylized flourish at the end.

Stacy C. Link

Mayor of Sykesville, Maryland

C: (443)829-7509

Ltr to Senate Education, Energy, and the Environme

Uploaded by: Stephen Shapiro

Position: UNF

STEPHEN M. SHAPIRO

5111 Westridge Road, Bethesda, Maryland 20816

(301) 229-6241; SteveS@md.net

February 13, 2026

Hon. Brian J. Feldman
Chair, Education, Energy, and the Environment Committee
Senate of Maryland
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Re: Objections to SB 36

Dear Chair Feldman and other Members of the Education, Energy, and the Environment Committee:

I'm writing to express concerns with SB 36 and to recommend an unfavorable report on the bill.

This bill would override local zoning boards and establish inflexible zoning standards for most lots served with public water and sewer service across the State.

While encouraging denser zoning in certain areas served by public utilities may be a worthy goal, doing so with a universal mandatory standard would reverse decades of wise state policy assigning such authority to local zoning boards. And in so doing, the proposed standard could have significant negative environmental impacts and impose unintended financial and other obligations on our state and local governments for unplanned infrastructure.

Most zoning decisions should be made at the local level, except perhaps where such decisions may set significant burdens for the state or for surrounding jurisdictions. The standards set forth in this bill would do the opposite.

I live in southwest Montgomery County, Legislative District 16, near the Washington, D.C. border. My street was developed 75 years ago, with 8,000 sf lots. Nearby streets are older and have 6,000 sf lots. Other neighborhoods within my civic association have larger lots. While townhouses and 5,000 sf lots may be appropriate in some parts of my neighborhood, they would not be for others.

On my street, three homes were recently torn down and replaced by much larger new dwellings. They occupy nearly every square foot of their lots, and required the removal of almost every large tree on their properties—trees mostly older than our street. This is not something that should be encouraged or required everywhere in

our state. Similarly, a 5-foot setback would be inappropriate for my neighborhood and many other existing subdivisions. That would set dwellings only 10 feet apart.

Perhaps some of the standards in SB 36 might be reasonable for certain new subdivisions. But “perhaps” and “certain” are important qualifiers that the State should respect. For example, a requirement to increase density could unwittingly cause a substantial increase in the size of a planned new development. In some circumstances this may be fine. In others, it could overwhelm the capacity of roads, schools, and other infrastructure—and obligate the state and local governments to fund the necessary infrastructure to meet that unplanned need. It is hard enough to come up with funds for infrastructure to meet Adequate Public Facilities Ordinances for development that is planned. It is another matter when such development is unplanned and imposed by fiat through state law.

There are likely ways that the State could promote denser development, where appropriate, without the negative impacts that are certain to result from an inflexible statewide standard that removes local boards from the zoning process. I would encourage the Department of Planning to work with local zoning boards, perhaps through the Maryland Association of Counties, to develop a more viable solution than the one currently before the Committee in SB 36.

In the mean time, I suggest an unfavorable report on the bill as written.

Respectfully yours,

/s/

Stephen M. Shapiro. P.E.

5111 Westridge Road

Bethesda, MD 20816

(301) 229-6241

SteveS@md.net

SB0036 Letter of Opposition_GOCA.pdf

Uploaded by: Thomas Canavan

Position: UNF



February 11, 2026

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB36 – Starter and Silver Homes Act of 2026
Position: Unfavorable

Dear Chair Feldman and Members of the Committee:

On behalf of the Greater Olney Civic Association (GOCA), I respectfully submit this testimony in opposition to Senate Bill 36, the Starter and Silver Homes Act of 2026.

GOCA represents over 30 homeowners and civic associations, serving more than 50,000 residents in Montgomery County. During our February 2026 meeting, we unanimously voted to oppose SB0036. Additionally, over 500 residents have signed a petition against this legislation.

SB0036 would generally override local zoning powers throughout Maryland, removing significant community input and replacing it with a statewide requirement for locally customized planning decisions. Eliminating local control over single-family zoning ignores established master planning procedures and decisions made by local elected officials.

The bill would strain aging infrastructure in established neighborhoods, including roads, water, and sewer systems already under pressure. Increased density without coordinated upgrades will worsen deterioration and raise costs. It also heightens concerns about stormwater runoff, tree loss, heat island effects, and traffic emissions, especially where transit access is limited.

Notably, SB0036 lacks any affordability requirements. Without mandates or subsidies, the bill probably won't deliver significant housing relief and might instead promote redevelopment that displaces moderate-income homeowners.

For these reasons, GOCA believes SB0036 is fundamentally flawed and should not advance at his time. We respectfully urge the Committee to issue an unfavorable report on Senate Bill 36.

Respectfully submitted,

Curtis H. Chappell
President
Greater Olney Civic Association

Letter of Opposition - HB 0239 SB 0036 Berwyn Heig

Uploaded by: Tiffany Papanikolas

Position: UNF



Town of Berwyn Heights

5700 Berwyn Road
Berwyn Heights, MD 20740
Tel. (301) 474-5000

MAYOR
Tiffany Papanikolas

COUNCIL MEMBERS
Edgar Moctezuma (Mayor Pro Tem)
David Wolfinger
Roger Gaines
Chris Brittan-Powell

Friday February 13th, 2026

Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: Letter of Opposition – HB 0239 / SB 0036 – Starter and Silver Homes Act of 2026

Dear Chair Feldman, and Members of the Committees:

On behalf of the Mayor and Town Council of the Town of Berwyn Heights, we respectfully submit this letter in strong opposition to HB 0239 / SB 0036, the Starter and Silver Homes Act of 2026.

The Town of Berwyn Heights supports policies that expand housing opportunities and address affordability challenges throughout Maryland. However, this legislation contains provisions that undermine the fundamental authority of municipalities to manage local zoning and land use decisions, a power that is foundational to responsible municipal governance. Zoning is not simply a regulatory function—it is directly tied to infrastructure planning, transportation systems, environmental conditions, public safety, and municipal fiscal stability. Berwyn Heights, like many built-out municipalities, must carefully balance growth with existing infrastructure limitations, stormwater capacity, roadway design, and community character.

This bill's statewide zoning mandates represent a one-size-fits-all approach that does not account for the unique conditions of individual municipalities. Local governments are best positioned to determine how and where housing growth should occur, based on comprehensive local plans and direct community input. Berwyn Heights urges the General Assembly to pursue housing policy through partnership, not preemption. Maryland should prioritize tools that assist local governments, including planning support, technical assistance, incentives, and funding mechanisms that enable municipalities to modernize zoning codes in ways that reflect local needs and conditions.

For these reasons, the Mayor and Town Council of Berwyn Heights respectfully urge the Committees to issue an Unfavorable Report on HB 0239 / SB 0036. Thank you for your consideration.

Respectfully,

Tiffany Papanikolas, Mayor

CC: District 22 State Delegation

HB239 AGAINST.pdf

Uploaded by: Tinsley Sumrell

Position: UNF

Tinsley Sumrell

Resident, West Laurel, Maryland

First-time Homeowner

To: House Economic Matters Committee

Re: HB239 – Land Use – Zoning – Limitations (Starter and Silver Homes Act of 2026)

Position: Opposed

My name is **Tinsley Sumrell**, and I am a resident of **West Laurel, Maryland**. I am a first-time homeowner who has worked my entire life to be able to own a single-family residence with my husband. We deeply value the residential, tree-filled neighborhood we have loved living in for the last year and a half. The **West Laurel** represents approximately **1,800 residences**, primarily in Prince George’s County with some in Montgomery County, and I wish to testify **against HB239**.

Implementation of HB239 would devastate the character of our community, which includes ¼-acre lots, ½-acre lots, and considerably larger lots. By increasing permitted density to **8 units per acre**, the number of residences in West Laurel could increase by roughly **fourfold**. Even partial movement toward that density would create significant strain on local schools, the road system, and other public services.

It could transform our tree-filled rural residential neighborhood into a dense hodgepodge of residences, including townhouses, and would likely result in widespread tree removal to make room for additional housing. This would make the area far less attractive and more vulnerable to heat impacts associated with global warming.

Parking is already strained in many parts of our community—as in many older residential areas across the state—and the additional vehicles associated with newly permitted density would create an unworkable situation. Additionally, the bill would very likely harm the county’s tax base, creating a burden on current taxpayers.

HB239 appears to offer no benefit to the quality of life of current residents, aside from potential financial gain for developers.

Please vote against HB239.

Sincerely,

Tinsley Sumrell

Scagliarini - Opposing SB36.pdf

Uploaded by: Tracy Scagliarini

Position: UNF

I am Tracy Scagliarini, a member of the Board of Directors of the Laurel Historical Society and a member of the West Laurel Civic Association. I wish to Oppose SB36 in its current form.

As a member of the BoD of The Laurel Historical Society the proposed language does not provide adequate protections for historic resources. I recognize the urgent need to address Maryland's housing crisis and support thoughtful development; however, new development in current and future Historic Districts must be sensitive to the character of our community.

We respectfully urge amendments that would:

- Provide protections for existing and future Historic Districts
- Exclude projects that demolish designated historic resources
- Allow time for coordination with municipalities to adopt policies that align with local planning and preservation goals
- Ensure new development is compatible in mass, scale, and setbacks with surrounding historic resources

Without these safeguards, SB 36 risks undermining decades of local and statewide preservation efforts. We encourage legislation that balances housing needs with the protection of Maryland's historic places.

As a member of the WLCA which represents 1800 residences, mainly in Prince George's County but some in Montgomery County, implementation of SB36 would devastate the character of our community, which is partly on $\frac{1}{4}$ - $\frac{1}{2}$ acre and partly on considerable larger lots. By increasing the permitted density to 8 units per acre, the number of residences in West Laurel could increase by about 4-fold. Even getting part-way to that end would create an inordinate strain on the local schools, on the road system and on other public services. It could turn our tree-filled rural residential neighborhood into a very dense hodgepodge of residences, including townhouses, that would then be largely devoid of trees, which would have been chopped down to make way for the additional residences – so, much less attractive to us and much more subject to global warming. And critically, since parking is already very strained in much of our community – as in many older residential communities in the state – it would create an unworkable nightmare by the parking of all the vehicles of all the newly permitted residents. Additionally, it would very likely be to the detriment of the tax base of the county, hence create a burden on all the current tax-payers in the county. SB36 seems to provide no upside to the current residents' quality of life, except for those who are developers who are in it for the profit.

Please, vote against SB36. Thank you for your consideration and for your continued commitment to our shared heritage and communities.

Kind regards,

Tracy Scagliarini

Reason Foundation

Uploaded by: Aubri Strachan

Position: INFO

Comments on Senate Bill 36: Housing Supply and Minimum Lot Size Reform

Prepared for: Members of the Maryland House Environment and Transportation Committee

Prepared by: Christina Mojica
Senior Policy Analyst
Reason Foundation

Date: February 16, 2026



Dear members of the committee,

My name is Christina Mojica, and I serve as a Senior Policy Analyst with Reason Foundation's Land Use and Housing Policy Team. Reason Foundation is a nonprofit research organization dedicated to advancing free minds and free markets. Our housing team works with lawmakers nationwide on zoning reform, regulatory modernization, and housing affordability.

We share the same goal as the sponsors of SB 36: expanding housing opportunities by reducing regulatory barriers that unnecessarily increase the cost of building homes. SB 36 takes a targeted approach to modernizing zoning rules in areas already designated for residential use by addressing minimum lot sizes, dimensional standards, and related development constraints, including minimum lot size caps in sewered areas, reasonable setback limits, and limits on local bans of townhouses and small lot subdivisions. SB 36 also prevents local bans on townhouses in single-family zones and protects the ability to subdivide certain improved lots into up to three lots, subject to basic local law and a three-year limitation.

Land costs are one of the primary drivers of housing affordability. In high-cost markets, land alone can account for up to [60%](#) of a home's total value. When zoning rules require developers to purchase more land than is necessary through large minimum lot size mandates, they directly raise per-unit housing costs and reduce the financial feasibility of smaller, entry-level homes.

[Research](#) shows that minimum lot size regulations raise housing costs in two distinct ways:

- **Direct cost effect:**
Larger mandated lots require more land per home, increasing both land acquisition and construction costs.
- **Supply constraint effect:**
Larger lots reduce density and artificially constrain supply, which inflates land values



over time.

A study of the [Boston](#) metropolitan area found:

- Homes in jurisdictions with restrictive minimum lot size rules were approximately 20% more expensive than comparable homes in areas without such restrictions.
- Prices rose as high as 40% within a decade after lot requirements were tightened.

By establishing a 5,000-square-foot cap in areas connected or planned to be connected to public water and sewer, SB 36 prevents excessive land mandates that price out smaller homes while still preserving health and safety standards. The bill does not require anyone to build smaller homes, but it removes arbitrary regulatory barriers that make modest homes financially infeasible.

SB 36 also addresses related dimensional standards that can undermine the effectiveness of lot size reform. The bill prevents local minimum home size requirements, excessive setback mandates, and aesthetic design requirements that increase costs without improving safety. These provisions ensure that smaller lots can function in practice rather than only in theory, while preserving building and safety codes.

Experience from jurisdictions with more flexible lot size standards demonstrates how modest reforms can improve housing supply. [Houston](#), for example, allows lots as small as 1,400 square feet in many areas and has consistently maintained more attainable home prices than comparable large metropolitan areas with more restrictive land use rules. Allowing smaller lots does not mandate density. It simply makes smaller, more affordable homes financially viable and allows the market to respond to demand.

At its core, SB 36 reflects the principle that local control does not mean empowering regulations that price out entry-level housing. True local control begins with the right of property owners to use their land within clear health and safety boundaries.

Thank you for your consideration.

Respectfully submitted,

Christina Mojica

Senior Policy Analyst

Reason Foundation

Christina.mojica@reason.org



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Uploaded by: Reuben Collins

Position: INFO



Charles County Government

CHARLES COUNTY COMMISSIONERS

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Acting County Administrator

February 17, 2026

RE: Letter of Information for SENATE BILL 36 - Land Use - Zoning - Limitations
(Starter and Silver Homes Act of 2026)

Dear Members of the Senate Education, Energy and the Environment Committee:

On behalf of the Charles County Board of County Commissioners, I write to provide information for the Economic Matters Committee concerning Senate Bill 36, which proposes to significantly alter existing local authority over certain land use and zoning matters. Local control of land use and zoning in Maryland has deep roots in the state's commitment to home-rule and community self-determination. While the State authorizes zoning through enabling legislation, Maryland has long placed primary responsibility for land-use decisions in the hands of counties and municipalities. This framework reflects the understanding that land-use issues are inherently local, shaped by distinct histories, geographies, economies, and civic priorities. Over time, local zoning authority has become a central tool for managing growth, protecting environmental and historic resources, coordinating infrastructure, and balancing private property rights with the public interest. The importance of local control in Maryland lies in its flexibility and responsiveness, allowing communities to adapt state policy goals to local conditions while giving residents a direct voice in shaping the places where they live and work.

Several bills this session would remove local authority of land use and zoning, taking a "stick" rather than "carrot" approach to promoting greater amounts of housing across the State. It is important that the legislature preserves local land use and zoning authority for individual jurisdictions to adequately manage infrastructure, keep up with growth, respond to community concerns and vision, and maintain a fiscally constrained budget. It is also important to mention that the Maryland Department of Housing and Community Development has published a 2030 Housing Production Target for Charles County which is 5,516 units. With a 10-year average of 822 new residential units per year (including 1,178 in 2025) and an additional 200-300 units per year within our municipalities, Charles County is on target to meet the published DHCD target without state intervention in applicable regulations. Charles County is managing growth responsibly and effectively, while also meeting state targets. *Should this bill be found favorable, we urge the Senate to exempt counties already meeting the DHCD housing targets, as they are meeting their prescribed contribution of new housing units without undue fiscal impact.*

The proposed Starter and Silver Homes Act of 2026 (HB 239/SB 36) erodes local zoning authority, impacts neighborhood character, limits the County's ability to effectively manage infrastructure, and inhibits the ability of the public to provide input and the effectiveness of their feedback. Limiting local

discretion over lot sizes, housing types, and development standards could undermine carefully developed comprehensive plans, strain local infrastructure, and alter neighborhood character without sufficient coordination or public input. Uniform, statewide mandates, such as the proposed Starter and Silver Homes Act of 2026, do not adequately account for the wide variation in local conditions, including differences in infrastructure capacity, environmental constraints, housing markets, and fiscal impacts. Local government decisions are best made by local governments.

We recognize the intent of this bill is to accelerate local regulatory approvals to produce more housing per year. However, ironically, the greatest lag in local regulatory approvals is in meeting the State's stormwater regulations that are mandated to be administered by the counties. We believe that a more effective approach to faster housing approvals would be a cooperative effort between the State and local regulatory agencies to provide flexibility in reaching the State performance goals, rather than the rigid processes currently in place. Instead of shattering the integrity of local regulations, a cooperative approach to "how we get there" would be significantly less damaging to the counties and municipalities, while still accomplishing the intended housing goals. Charles County respectfully urges the General Assembly to carefully consider the impact of this proposal on local governments that are already planning for, and accommodating, growth in a responsible and transparent manner. Preserving local land-use and zoning authority is essential to ensuring that development aligns with community vision, infrastructure capacity, fiscal sustainability, and meaningful public participation.

Charles County remains committed to meeting Maryland's housing goals and supporting affordability, but firmly believes these objectives are best achieved through collaboration and partnership, not broad state preemption. We ask the Legislature to continue to respect and uphold the long-standing principle of local control in land-use decision-making.

**COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND**



Reuben B. Collins, II, Esq., President



Ralph E. Patterson, II, M.A.
Vice President



Gilbert O. Bowling, III



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