

February 24, 2026

Delegate Melissa R. Wells
Chair
Government, Labor, and Elections Committee

Delegate Kenneth P. Kerr
Vice Chair
Government, Labor, and Elections Committee

Members
Government, Labor, and Elections Committee
Maryland House of Delegates
6 Bladen Street
Annapolis, Maryland 21401

Re: Opposition to HB1178 – Municipalities – Annexation – Limitations

Chair Wells, Vice Chair Kerr, and Members of the Committee:

I write to express my strong opposition to House Bill 1178.

This legislation represents a renewed version of last year's annexation restriction proposal. In substance, it advances the same limitations previously introduced and widely opposed by municipalities across the State of Maryland. The concerns raised in 2025 remain unchanged in 2026.

Last year, similar legislation was presented as sweeping emergency legislation without a demonstrated statewide crisis. There was no need then for such an extraordinary statutory intervention, which is precisely why the effort failed. There remains no need now.

If annexation law warranted review, it should have been undertaken through a thoughtful, statewide study or structured framework involving municipalities, counties, legislators, and stakeholders, as was suggested last year. No such study has occurred. No comprehensive framework has been developed. Instead, we are presented with an emergency bill revisiting the same narrow theory without the deliberate review previously recommended.

Moreover, we have yet to see a clearly articulated root cause justifying this legislation. There has been no statewide data, no structural deficiency identified in annexation law, and no evidence demonstrating systemic abuse requiring this level of statutory overhaul. The absence of a substantiated problem makes the proposed solution all the more questionable.

I work with several municipalities regarding annexation efforts and growth planning, and I previously served two terms as a County Commissioner in St. Mary's County. I remain a strong and consistent supporter of local government autonomy within our municipalities. Annexation

authority is not simply about boundary lines. It directly impacts service delivery, infrastructure coordination, fiscal stability, economic development, taxation policy, and long-term planning.

Counties and our State should be welcoming responsible annexation when municipalities are prepared to extend services and invest in infrastructure. Municipal growth, when done lawfully and thoughtfully, strengthens communities. It should not be curtailed through additional political veto points that introduce uncertainty and delay.

This legislation would impose restrictions not only on municipalities in Prince George's County, but also in our very own municipality in St. Mary's County and municipalities across Maryland that one can only assume have no connection to the circumstances that appear to have prompted this proposal. Although no further reasoning has yet been given.

The Maryland Municipal League is expected to oppose this legislation, as it did similar proposals last year. Additionally, every municipality I have worked with has opposed this renewed effort. This is not an isolated concern. It is a statewide one.

I. Constitutional Concerns – Due Regard and Home Rule

The Maryland Constitution, Article III, Section 4, explicitly mandates that legislative districts give due regard to natural and municipal boundaries during redistricting. The Maryland Court of Appeals held in *In re: Legislative Districting*, 271 Md. 320 (1974), that the due regard clause requires deference to municipal boundaries.

HB1178 reverses that principle. Rather than legislative districts giving due regard to municipal boundaries, the bill elevates legislative district lines temporary political constructs that shift every decade above municipal governance authority.

A municipality is a political subdivision of the State. Its boundaries deserve the same respect in annexation matters as counties receive in the redistricting process. Conditioning annexation authority on legislative delegation consent conflicts with the constitutional structure of municipal home rule under Article XI-E.

II. Election Law and Political Representation

This bill fails to demonstrate how tying annexation authority to legislative district lines serves any legitimate election law purpose.

Municipal boundaries do not alter state representation. Annexation does not change the number of delegates, senators, or members of Congress allocated to a district. State and federal representation is governed by population-based redistricting processes independent of municipal boundary changes.

Municipal elections are separate and independently governed under Maryland law. Municipal boundaries define municipal governance, not state legislative representation. Tying annexation

authority to political district maps conflates two separate frameworks that operate independently of one another.

The bill does not substantiate how aligning annexation decisions with any level of a political map, rather than a boundary map tied to service delivery and governance, produces a meaningful public benefit. This bill's weakness is evident in its presentation. It fails to articulate how this structural shift improves governance or protects representation.

III. Inconsistency with Established Annexation Law

This bill is legally questionable and inconsistent with the longstanding interpretation of Maryland's annexation laws.

In 2002, the Maryland Attorney General issued an opinion concluding that Maryland's general annexation statute impliedly permits a municipal corporation to annex land in an adjacent county. 87 Op. Att'y Gen. Md. 161 (2002). That opinion arose from the City of Havre de Grace seeking to annex an island in the Susquehanna River located in Cecil County.

If annexation across county lines is permissible under Maryland law, it defies logic to prohibit annexation across legislative district lines, which are artificial political boundaries unrelated to service delivery or municipal function.

Additionally, in *Town of Forest Heights v. Maryland-National Capital Park and Planning Commission*, the Supreme Court of Maryland clarified the scope of annexation consent requirements under existing law. The Court rejected arguments that tax-exempt entities possess categorical veto authority absent express statutory language.

HB1178 now attempts to impose precisely that categorical consent requirement by mandating approval from governmental entities and 501(c) tax-exempt entities prior to annexation.

While the General Assembly may amend statutes prospectively, this renewed initiative appears to revisit and relitigate issues already addressed and resolved through judicial interpretation.

Maryland has a functioning judicial process to resolve annexation disputes. Courts have handled these matters effectively and consistently. There is no need for sweeping emergency legislation to override settled case law.

IV. Timing and Redistricting Concerns

The timing of this legislation is particularly inappropriate given the ongoing public debate over legislative redistricting.

Introducing a bill that ties municipal annexation authority to legislative district boundaries during an active redistricting climate creates instability and uncertainty for municipalities engaged in lawful growth planning.

Further, the bill fails to clearly define what legislative district it references. Does it refer to:

- State senatorial districts
- House of Delegates districts
- Congressional districts
- County council districts
- Or some combination thereof

The absence of specificity renders the bill ambiguous and administratively unworkable. Legislative districts overlap, shift, and are periodically redrawn. Municipal annexation authority should not be conditioned on undefined political lines.

V. Statewide Impact and Institutional Considerations

As with last year's proposal, there is no demonstrated statewide emergency in annexation law.

This bill affects every municipality in Maryland, not just one jurisdiction. Annexation law intersects with election law, constitutional law, taxation frameworks, zoning authority, and judicial review standards. Changing one provision in isolation risks unintended consequences across multiple areas of state and local governance.

Beyond the specific policy concerns outlined above, this matter implicates the integrity of Maryland's constitutional framework and the institutional balance between State and municipal governance.

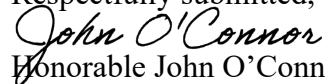
Maryland's annexation statutes have operated for decades within a structured legal framework that has been interpreted by our courts and relied upon by municipalities in good-faith planning, infrastructure investment, and economic development. When legislation is introduced without a demonstrated statewide deficiency, without a study, and without definitional clarity, it risks unsettling that stability.

The General Assembly plays a critical role in preserving uniformity, predictability, and constitutional balance across local government law. Legislation that revisits issues previously addressed by both the legislature and the judiciary, without new tangible evidence of systemic harm, risks undermining that institutional stability. One municipality planning and taking action before another is not systemic harm.

If annexation policy warrants reconsideration, it should occur through deliberate study, broad stakeholder engagement, and structured review, not through renewed measures tied to temporary political boundaries or other provisions in which statewide implications are

For these reasons, I respectfully urge the Committee to issue an unfavorable report on HB1178.

Respectfully submitted,



Honorable John O'Connor - CSMC 2014-2022