

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

February 27, 2026

Senator Brian Feldman, Chair
Senator Cheryl Kagan, Vice Chair
Senate Education, Energy, and the Environment Committee

Delegate Kriselda Valderrama, Chair
Delegate Lorig Charkoudian, Vice Chair
House Economic Matters Committee

RE: The Starter and Silver Homes Act of 2026

Dear Senators Feldman and Kagan and Delegates Valderrama and Charkoudian:

Our twelve municipalities are deeply concerned about the Starter and Silver Homes Act (the "Bill") introduced by the Department of Housing and Community Development ("DHCD"). We stated our concerns in our January 30th letter to our State delegations, and many of us testified before you during the public hearings held by your respective committees.

Summary of Our Views

We appreciate the need for Maryland to increase the availability of moderately-priced housing. However, the initial Bill was not fit for its purpose, and while we appreciate DHCD's efforts to now shape a more acceptable bill, the amendments offered do not adequately address our concerns and indeed create a new issue. Substantial changes are being made in haste, and there is not enough time remaining in this legislative session to carefully assess the impact of the Bill that bears so substantially on the rights and duties of counties and local governments to determine land use policy. We therefore respectfully request that the Committees take no further action on this Bill.

We also note that opposition to the Bill is strong and widespread among Maryland's counties and municipalities. Some have said directly that they oppose the Bill. Others have indicated that they are "favorable with amendments," but their proposed amendments are so sweeping that their underlying concerns and objections about the impact of this Bill are self-evident. For example, the Prince George's County Council and Montgomery County Executive Marc Elrich have asked

that their respective counties be exempted, and MACo and MML have both proposed an amendment to exempt all of Maryland's municipalities.

Accepted Amendments do not Adequately Address Specific Bill flaws.

To date, at least 28 amendments have been offered by various stakeholders. This strong reaction has led DHCD to quickly accept 13 amendments, and to state that it will negotiate on many of the others. We have reviewed the amendments accepted to date by DHCD. Most are not material to our communities. A few are, and DHCD considers them genuine concessions to address concerns expressed by local authorities:

- Front-yard setbacks must now be the greater of 10 feet or the “average building set back line” of adjacent lots;
- A legislative body “may require that building height be consistent with” adjacent buildings; and
- A lot coverage limit, prohibited by the initial Bill, is now set at an upper limit of 75% of the area of the lot after subtracting the areas reserved for setbacks.

While these concessions are helpful, many problems remain with the specifics of the amended Bill:

- Side setbacks are still only 5 feet, and the rear setback remains at only 10 feet. This leaves us with the same concerns regarding safety, tree canopy protection, increased impervious surface, and storm water management that we expressed in our previous letter.
- The proposed lot coverage maximum will permit homes that can have footprints 45% to 70% larger than Montgomery County currently permits for lot sizes typically found in R-60 and R-90 (single-family detached) neighborhoods. This will allow developers to build larger and more expensive detached single-family homes – directly counter to the intent of the Bill. Also, the proposed metric is a novel one not used in Montgomery or other counties and introduces uncertainty in application.
- The Bill still provides that no local regulation can “indirectly” prevent a developer from taking advantage of the loosened setbacks of this Bill. This creates uncertainty regarding the primacy of important regulations on other matters, such as off-street parking and storm water runoff, and raises the prospect of contentious proceedings and even litigation.
- No local regulation can directly or indirectly prohibit construction of 3 or more townhomes in a row. Again, the word “indirectly” carries great weight, with the prospect that appropriate county and local conditions would be invalidated, thereby creating, in effect, the opportunity for developers to construct townhomes by right.

We do not believe that promoting this particular form of missing-middle housing is appropriate for our fully developed communities with large numbers of small lots.

Unresolved Fundamental Issues

Beyond these continuing issues, we believe that there are fundamental problems with the Bill that cannot be easily addressed with any specific adjustments.

- **Pre-emption of county and municipal authority.** The DHCD now acknowledges the legitimacy and value of local authorities regulating front setbacks and height and recognizes that some standard for maximum lot coverage is necessary. Why then preempt our authority to set side and rear setback distances and interfere with our local building ordinances at all? The Bill would require us to accept lessened, but still material, restrictions that will reduce privacy, worsen storm water runoff, reduce tree canopy protection, and permit larger single-family detached homes. More generally, counties and municipalities would lose the ability to match housing density to infrastructure development. Just last year, the General Assembly and the Governor affirmed local control over building regulations for buildings containing up to 4 housing units in Montgomery County municipalities within the Regional District. This law should remain in force.
- **Townhomes as the solution to affordability bears scrutiny.** Secretary Day justifies the Bill on the premise that expanding opportunity for townhome construction would create more affordable housing, stating that townhome construction can be 30% less expensive than single family homes. However, new townhomes in Montgomery County are not “affordable” as the Secretary uses the term: They generally sell for over \$1 million in our neighborhoods. Further, developers have ample opportunity to build townhomes across the County: Over the past 3 years, nearly 20% more townhomes have been permitted, more than 1,425 units, than new traditional single-family residences. These facts undercut the premise of the Bill and raise the question as to why townhomes need any special promotion.
- **Townhomes everywhere should not be the sole means of addressing the need for missing middle housing.** We object to a narrow focus on 3 or more townhomes in a row as the single state-wide preferred “missing middle” housing type, across all counties and municipalities of all sizes and applicable equally to new developments and established communities. Bill supporters cite the recent Texas “Starter Homes Act” as a precedent for the Bill, but it differs markedly from the Texas legislation, as the Texas law applies only to new developments of 5 acres or more and states explicitly that it does not apply to existing neighborhoods. Other states that have

acted on residential zoning also have avoided the “one-size-fits-all” solution advocated in this Bill.

- **Too much, too fast for careful assessment.** Finally, the large number of amendments submitted to-date to fix the problems within the Bill—and with no doubt many more to be proposed—creates a problem of its own: this consequential Bill is becoming increasingly complex, with stakeholders and legislators having only a few weeks to carefully consider the potential conflicts among and consequences arising from rapidly changing provisions. We fear that a rushed effort will have unintended and counterproductive consequences, such as permitting larger single-family detached houses. To cite another example: Montgomery County’s Workforce Housing initiative creates opportunities for more housing types and including moderately priced units, to be built around single-family residential neighborhoods. Based on the “indirect prohibition” discussed above, the Bill could enable developers to construct only market rate townhomes instead, undercutting the County’s action.

In summary, we believe that it is unreasonable to expect a good bill on such a critical and sensitive issue to be developed in such a short time. As we said in our previous letter, we understand the issue that Governor Moore seeks to address: the need for Maryland to have a broader array of housing options so that it can retain and attract jobs and families and spur economic growth. But more time and work are needed, involving DHCD and stakeholders, to shape a bill that can earn broad support. We are willing to join that effort.

Thank you for considering our views.

Sincerely,

Chevy Chase Village

Town of Somerset

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Section 5 of the Village of Chevy Chase

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Village of Drummond

Town of Glen Echo

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cc: Senate President William Ferguson
House Speaker Joseline Peña-Melnyk
Senators Jeff Waldstreicher and Sara Love, and Delegates Aaron Kaufman, Emily Shetty,
Jared Solomon, Marc Korman, Sarah Wolek, and Teresa Woorman
County Executive Marc Elrich
Montgomery County Councilmembers
Planning Board Chair Artie Harris
Planning Department Director Jason Sartori