



House Bill 1517

Land Use - Qualified Project - Retaliatory Downzoning

MACo Position: **OPPOSE**

To: Economic Matters Committee

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The Maryland Association of Counties (MACo) **OPPOSES** HB 1517. This bill would require, in certain circumstances, that if a local elected official acknowledges or responds to constituent concerns regarding a development project, the local government may then be compelled to approve that project and allow a higher residential density than would otherwise be authorized under local law.

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. Counties welcome tools to help advance housing at all levels, where it fits within their infrastructure capacity.

A central focus for the Administration, local governments, and the public has been assessing how housing-related processes can be improved. While HB 1517 aims to respond to those concerns, connecting public statements about policy issues with eventual official actions is an unfair and ineffective solution. HB 1517 would create sweeping legal, policy, and implementation problems while also striking at the heart of representative local government.

Key county concerns include:

Conflicts with the First Amendment – The First Amendment to the United States Constitution protects political speech and the ability of elected officials to engage with the public on matters of public concern. HB 1517 raises profound constitutional concerns by effectively punishing local governing bodies and elected officials for acknowledging or responding to constituent concerns related to certain development projects. This is an extraordinary and deeply troubling use of State preemption authority. Elected officials should not be curbed from representing and responding to their constituents, for fear that doing so could expose those same constituents to state-mandated actions triggered by that representation. **This is not sound policy, nor is it how representative government is supposed to function.**

Abandonment of Constituent Say – HB 1517 would also undermine one of the most basic expectations of democratic government: that constituents can raise concerns with their elected officials and expect to be heard. By making local engagement a potential trigger for State intervention, the bill creates a counterproductive incentive for elected officials to remain silent and ignore the people they serve. That is an unacceptable premise for any legislation, particularly one dealing with land use and neighborhood change. Whatever one's position on a given project, residents should not be effectively cut out of the process - Maryland is a state that values the democratic process, and this element of the bill would effectively and unfortunately decrease that important and needed interaction.

Abandonment of Smart Growth Principles – Maryland's growth policies have long been grounded in planning, infrastructure capacity, and coordination between the State and local governments. HB 1517 departs from those principles entirely. Rather than promoting housing in a thoughtful and sustainable way, the bill would impose a blunt state override untethered from local planning, school capacity, transportation access, water and sewer availability, public safety, or other on-the-ground realities. In practice, the bill would weaken the integrity of the local planning process and substitute a state penalty for sound local land use judgment.

Counties remain committed to partnering with the State to address Maryland's housing needs in a pragmatic and balanced manner. HB 1517 is not a solution to the current housing crisis. This bill would have far-reaching negative consequences for the people of Maryland. It would disrupt local decision-making in a way that would chill constituent engagement, erode public trust, and create serious legal and practical consequences for county governments. For these reasons, MACo strongly and respectfully urges the Committee to issue an **UNFAVORABLE** report on HB 1517.