



House Bill 1538

*Land Use - Accessory Dwelling Units - Requirements and Prohibitions
(Maryland Generational Housing Act of 2026)*

MACo Position: **OPPOSE**

To: Economic Matters Committee

Date: March 13, 2026

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** HB 1538. The bill would effectively triple the density allowed in any area zoned for single-family zoning.

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.

A central focus for the Administration, local governments, and the public has been assessing how current systems function and where processes can be improved. HB 1538 falls dramatically short of a well-tailored response to Maryland's current needs and would create significant on-the-ground challenges at the community level.

Under state law, counties make density decisions by weighing multiple considerations, including infrastructure capacity, geography, environmental conditions, and community input. By authorizing the development of multiple accessory dwelling units without sufficient regard for system capacity or other local planning factors, HB 1538 abandons decades of practice related to responsible growth management. Counties will be left with no recourse to manage overwhelmed classrooms, overstressed transportation networks, overflowing wastewater treatment facilities, and potential public health and safety worries.

Counties remain committed to partnering with the State to address Maryland's housing needs in a pragmatic and balanced manner. HB 1538 abandons long-standing smart growth principles and well-considered local planning processes while creating significant operational and fiscal challenges for local governments. For these reasons, MACo respectfully urges the Committee to issue an **UNFAVORABLE** report on HB 1538.