



March 2, 2022

Senator Paul G. Pinsky
Chair, Education, Health, and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Opposition to Senate Bill 871 - Accessory Dwelling Unit Authorization and Promotion Act

Dear Chair and Members of the Committee:

The Mayor and City Council of Gaithersburg oppose Senate Bill 871 because it squarely preempts local zoning and land use authority without due justification.

This bill requires local governments to adopt local laws authorizing the development and use of accessory dwelling units on land zoned for residential use. Further, local governments are prohibited from counting the square footage or any other measurement of any accessory dwelling unit towards density, space or other reasonable limitations set to regulate capacity.

I will decline to elaborate upon the significant history and issues experienced by the City of Gaithersburg specific to regulating accessory dwelling units. Suffice it to say, it has presented a challenge.

But this is our job, responsibility and duty as a local government: to make these land use and zoning policy decisions according to our own unique geography, demographics, needs and goals. It is logistically infeasible for us to come to the Maryland General Assembly whenever we seek a change in a law that governs our built environment. It questions the integrity of a governance system where local governments hold jurisdiction over property and also receive the majority of their funding through taxes on that property. Most importantly, it takes away one of our most cherished authorities - our land use authority - with little, if any, justification whatsoever.

For the reasons stated herein, we respectfully request an unfavorable report on Senate Bill 871.

Respectfully submitted,

Jud Ashman
Mayor

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