

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 7-26: BUILDINGS - SCOPE AND APPLICABILITY - EXEMPTIONS - BUILDINGS OR STRUCTURES USED EXCLUSIVELY FOR AGRICULTURAL PURPOSES - AMENDMENTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 7-26 would have a minimal impact on racial equity and social justice (RESJ) in the County. Because of the small number of businesses likely to be impacted, exempting agricultural businesses from building permitting requirements is not likely to meaningfully impact racial and social inequities in the County.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF BILL 7-26

Under the current County Code, there is an exemption to building permitting requirements for “a building or structure used exclusively for agricultural purposes on land used exclusively on agriculture.”³ Agricultural purposes are not defined in Chapter 8 of the County Code and the exemption has been interpreted narrowly in practice. Currently, the exemption is not applied to structures where agricultural business operations are performed or processed for market.⁴

According to the lead sponsors, the purpose of Bill 7-26 is to “allow Montgomery County agricultural operators to run their businesses with less interference from inconsistent and unnecessary regulations.”⁵ If enacted, Bill 7-26 would:⁶

- Define agricultural purposes in Chapter 8 to include “the business, administration, or management of agriculture and the processing of an agricultural product to prepare the product for market,” which aligns with definitions of agriculture set in other sections of the County Code;⁷
- Clarify that the exemption does not extend to buildings or structures where customers consume food or beverage, such as a brewery; and
- Delete confusing language regarding the exemption in Chapter 8, which would have no legal effect.

The Council introduced Bill 7-26 on February 10, 2026.

This RESJIS builds on the one for Zoning Text Amendment (ZTA) 23-09, which OLO published in January 2024.⁸ Please refer to this RESJIS for background on racial inequities in the agriculture reserve and agricultural businesses.

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ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 7-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

Current and prospective owners of agricultural businesses would benefit from being exempt from building permitting requirements. This would likely save them time and costs associated with getting a permit for certain building activities needed for their businesses. As shown in Table A (Appendix), agriculture producers in the County are predominantly White. Black, Latinx, and Asian community members are largely underrepresented among agriculture producers, while Native American community members are proportionately represented. However, an analysis of 2022 Census of Agriculture Data by Montgomery Planning shows there have been no more than 600 farms in the County over a 25-year period.⁹ Therefore, a small number of current and prospective businesses are likely to be impacted by this Bill. This is not likely to meaningfully impact racial and social inequities in the County.

Therefore, OLO anticipates Bill 7-26 would have a minimal impact on RESJ in the County.

RECOMMENDED AMENDMENTS

The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.¹⁰ OLO anticipates Bill 7-26 would have a minimal impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

APPENDIX

Table A. Agriculture Producers by Race and Ethnicity, Montgomery County

Race or ethnicity	# (%) of Agriculture Producers	% County Population
Asian	28 (2.4)	15.4
Black	23 (1.9)	18.6
Native American	2 (0.2)	0.6
Pacific Islander	-	0.0
White	1,135 (95.5)	42.1
Latinx	34 (2.9)	21.0

Source: [2022 Census of Agriculture](#), U.S. Department of Agriculture and [Table DP05](#), 2024 American Community Survey 5-Year Estimates, Census Bureau.

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¹ Definition of racial equity and social justice adopted from M. Gamblin et al., [“Applying Racial Equity to U.S. Federal Nutrition Programs,”](#) Bread for the World and [Racial Equity Tools](#).

² Ibid.

³ [Code of Montgomery County Regulations Sec. 8-14](#)

⁴ [Introduction Staff Report for Bill 7-26](#), Montgomery County Council, introduced February 10, 2026.

⁵ [“Council President Fani-González, Council Vice President Balcombe and Councilmember Luedtke Introduce Bill to Remove Red Tape For Farms and Agriculture,”](#) Press Releases, Montgomery County Council, February 10, 2026.

⁶ Ibid.

⁷ Montgomery County Code of Regulations [Chapter 2B](#) and [Sec. 59-C-9](#)

⁸ [RESJS for ZTA 23-09](#), Office of Legislative Oversight, January 3, 2024.

⁹ [“Summary of Montgomery County Agricultural Industry from the USDA Census and Agriculture and Gross Regional Product Data,”](#)

Montgomery Planning, 2024.

¹⁰ [Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council.](#)