

SENATE BILL 917

L6

9lr3120
CF HB 1045

By: **Senators Lam and Young**

Introduced and read first time: February 14, 2019

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 22, 2019

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 2019

CHAPTER _____

1 AN ACT concerning

2 **Land Use – Comprehensive Plans – Housing Element**

3 FOR the purpose of requiring the planning commissions for certain local jurisdictions to
4 include a housing element in the comprehensive plan for their respective
5 jurisdictions; ~~requiring the housing element in certain comprehensive plans to~~
6 ~~include a plan to address certain issues;~~ providing for the contents of the housing
7 element in certain comprehensive plans; providing for the application of this Act;
8 providing for a delayed effective date; defining certain terms; and generally relating
9 to the requirement of a housing element in comprehensive plans.

10 BY repealing and reenacting, with amendments,
11 Article – Land Use
12 Section 1–406 and 3–102
13 Annotated Code of Maryland
14 (2012 Volume and 2018 Supplement)

15 BY adding to
16 Article – Land Use
17 Section 1–407.1 and 3–114
18 Annotated Code of Maryland
19 (2012 Volume and 2018 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Land Use**

2 1–406.

3 (a) (1) The planning commission for a charter county shall include in the
4 comprehensive or general plan the visions under § 1–201 of this title and the following
5 elements:

6 (i) a development regulations element;

7 (ii) **A HOUSING ELEMENT;**

8 **(III)** a sensitive areas element;

9 ~~[(iii)]~~ **(IV)** a transportation element; and

10 ~~[(iv)]~~ **(V)** a water resources element.

11 (2) If current geological information is available, the plan shall include a
12 mineral resources element.

13 (b) The planning commission for a charter county may include in the plan a
14 priority preservation area element developed in accordance with § 2–518 of the Agriculture
15 Article.

16 **1–407.1.**

17 ~~**THE HOUSING ELEMENT SHALL INCLUDE A PLAN TO ADDRESS:**~~

18 ~~**(1) THE NEED FOR AFFORDABLE HOUSING WITHIN THE LOCAL**~~
19 ~~**JURISDICTION, INCLUDING LOW AND MODERATE INCOME HOUSING; AND**~~

20 ~~**(2) IF APPLICABLE, THE IMPACTS OF GENTRIFICATION.**~~

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

23 **(2) “AREA MEDIAN INCOME” HAS THE MEANING STATED IN § 4–1801**
24 **OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

25 **(3) “LOW-INCOME HOUSING” MEANS HOUSING THAT IS AFFORDABLE**
26 **FOR A HOUSEHOLD WITH AN AGGREGATE ANNUAL INCOME THAT IS BELOW 60% OF**
27 **THE AREA MEDIAN INCOME.**

1 **(4) "WORKFORCE HOUSING" HAS THE MEANING STATED IN § 4-1801**
2 **OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

3 **(B) A HOUSING ELEMENT MAY INCLUDE GOALS, OBJECTIVES, POLICIES,**
4 **PLANS, AND STANDARDS.**

5 **(C) A HOUSING ELEMENT SHALL ADDRESS THE NEED FOR AFFORDABLE**
6 **HOUSING WITHIN THE COUNTY, INCLUDING:**

7 **(1) WORKFORCE HOUSING; AND**

8 **(2) LOW-INCOME HOUSING.**

9 3-102.

10 (a) (1) The planning commission for a local jurisdiction shall include in the
11 comprehensive plan the following elements:

12 (i) a community facilities element;

13 (ii) an area of critical State concern element;

14 (iii) a goals and objectives element;

15 (iv) **A HOUSING ELEMENT;**

16 (v) a land use element;

17 [[v)] **(VI)** a development regulations element;

18 [[vi)] **(VII)** a sensitive areas element;

19 [[vii)] **(VIII)** a transportation element; and

20 [[viii)] **(IX)** a water resources element.

21 (2) If current geological information is available, the plan shall include a
22 mineral resources element.

23 (3) The plan for a municipal corporation that exercises zoning authority
24 shall include a municipal growth element.

25 (4) The plan for a county that is located on the tidal waters of the State
26 shall include a fisheries element.

1 (b) (1) The planning commission for a local jurisdiction may include in the plan
2 additional elements to advance the purposes of the plan.

3 (2) The additional elements may include:

4 (i) community renewal elements;

5 (ii) conservation elements;

6 (iii) flood control elements;

7 (iv) [housing elements;

8 (v)] natural resources elements;

9 [(vi)] (v) pollution control elements;

10 [(vii)] (VI) the general location and extent of public utilities; and

11 [(viii)] (VII) a priority preservation area element developed in
12 accordance with § 2–518 of the Agriculture Article.

13 **3–114.**

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15 ~~(1) THE NEED FOR AFFORDABLE HOUSING WITHIN THE LOCAL~~
16 ~~JURISDICTION, INCLUDING LOW AND MODERATE INCOME HOUSING; AND~~

17 ~~(2) IF APPLICABLE, THE IMPACTS OF GENTRIFICATION.~~

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

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21 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

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23 FOR A HOUSEHOLD WITH AN AGGREGATE ANNUAL INCOME THAT IS BELOW 60% OF
24 THE AREA MEDIAN INCOME.

25 (4) “WORKFORCE HOUSING” HAS THE MEANING STATED IN § 4–1801
26 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

1 **(B) A HOUSING ELEMENT MAY INCLUDE GOALS, OBJECTIVES, POLICIES,**
2 **PLANS, AND STANDARDS.**

3 **(C) A HOUSING ELEMENT SHALL ADDRESS THE NEED FOR AFFORDABLE**
4 **HOUSING WITHIN THE LOCAL JURISDICTION, INCLUDING:**

5 **(1) WORKFORCE HOUSING; AND**

6 **(2) LOW-INCOME HOUSING.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
8 apply only prospectively and may not be applied or interpreted to have any effect on or
9 application to any comprehensive or general plan adopted or enacted before the effective
10 date of this Act.

11 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 ~~October 1, 2019.~~ June 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.