

SENATE BILL 484

L6, C9

4lr4508
CF 4lr4509

By: **The President (By Request – Administration) and Senators Beidle, Brooks, Charles, Elfreth, Gile, Lam, McKay, and Waldstreicher**

Introduced and read first time: January 22, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Affordable Housing – Zoning Density and Permitting**
3 **(Housing Expansion and Affordability Act of 2024)**

4 FOR the purpose of prohibiting a local legislative body from prohibiting the placement of
5 certain manufactured homes in a zoning district that allows single-family
6 residential uses under certain circumstances; prohibiting a local jurisdiction from
7 using an element of an adequate public facilities law to deny a certain permit for a
8 State-funded affordable housing project or to restrict or limit the development of the
9 project in certain manners; requiring local jurisdictions to allow an increase in
10 density of certain qualified projects in certain districts or zones for certain properties
11 formerly owned by the State, located within a certain distance of a rail station, or
12 owned or controlled by a nonprofit organization; providing for the calculation of
13 residential density in certain zoning districts; prohibiting the application of certain
14 zoning requirements under certain circumstances; establishing limits on the
15 maximum number of public hearings on certain projects under certain
16 circumstances; defining certain terms; providing for the termination of a portion of
17 this Act; and generally relating to land use and zoning for affordable housing.

18 BY repealing and reenacting, with amendments,

19 Article – Land Use
20 Section 1–401 and 10–103
21 Annotated Code of Maryland
22 (2012 Volume and 2023 Supplement)

23 BY adding to

24 Article – Land Use
25 Section 4–104(c) and 7–105; and 7–501 through 7–506 to be under the new subtitle
26 “Subtitle 5. Housing Expansion and Affordability”
27 Annotated Code of Maryland
28 (2012 Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
 2 Article – Land Use
 3 Section 7–101
 4 Annotated Code of Maryland
 5 (2012 Volume and 2023 Supplement)

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

8 **Article – Land Use**

9 1–401.

10 (a) Except as provided in this section, this division does not apply to charter
 11 counties.

12 (b) The following provisions of this division apply to a charter county:

13 (1) this subtitle, including Parts II and III (Charter county –
 14 Comprehensive plans);

15 (2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,
 16 and “Sensitive area”);

17 (3) § 1–201 (Visions);

18 (4) § 1–206 (Required education);

19 (5) § 1–207 (Annual report – In general);

20 (6) § 1–208 (Annual report – Measures and indicators);

21 (7) Title 1, Subtitle 3 (Consistency);

22 (8) Title 1, Subtitle 5 (Growth Tiers);

23 (9) § 4–104(b) (Limitations – Bicycle parking);

24 (10) **§ 4–104(c) (LIMITATIONS – MANUFACTURED HOMES);**

25 (11) § 4–208 (Exceptions – Maryland Accessibility Code);

26 ~~[(11)]~~ (12) § 4–210 (Permits and variances – Solar panels);

27 ~~[(12)]~~ (13) § 4–211 (Change in zoning classification – Energy generating
 28 systems);

- 1 [(13)] (14) § 4–212 (Agritourism);
- 2 [(14)] (15) § 4–213 (Alcohol production);
- 3 [(15)] (16) § 4–214 (Agricultural alcohol production);
- 4 [(16)] (17) § 4–215 (Pollinator–friendly vegetation management);
- 5 [(17)] (18) § 5–102(d) (Subdivision regulations – Burial sites);
- 6 [(18)] (19) § 5–104 (Major subdivision – Review);
- 7 [(19)] (20) Title 7, Subtitle 1 (Development Mechanisms);
- 8 [(20)] (21) Title 7, Subtitle 2 (Transfer of Development Rights);
- 9 [(21)] (22) except in Montgomery County or Prince George’s County, Title
10 7, Subtitle 3 (Development Rights and Responsibilities Agreements);
- 11 [(22)] (23) Title 7, Subtitle 4 (Inclusionary Zoning);
- 12 (24) TITLE 7, SUBTITLE 5 (HOUSING EXPANSION AND
13 AFFORDABILITY);
- 14 [(23)] (25) § 8–401 (Conversion of overhead facilities);
- 15 [(24)] (26) for Baltimore County only, Title 9, Subtitle 3 (Single–County
16 Provisions – Baltimore County);
- 17 [(25)] (27) for Frederick County only, Title 9, Subtitle 10 (Single–County
18 Provisions – Frederick County);
- 19 [(26)] (28) for Howard County only, Title 9, Subtitle 13 (Single–County
20 Provisions – Howard County);
- 21 [(27)] (29) for Talbot County only, Title 9, Subtitle 18 (Single–County
22 Provisions – Talbot County); and
- 23 [(28)] (30) Title 11, Subtitle 2 (Civil Penalty).
- 24 (c) This section supersedes any inconsistent provision of Division II of this article.
25 4–104.

1 **(C) A LEGISLATIVE BODY MAY NOT PROHIBIT THE PLACEMENT OF A NEW**
2 **MANUFACTURED HOME IN A ZONE THAT ALLOWS SINGLE-FAMILY RESIDENTIAL**
3 **USES IF THE MANUFACTURED HOME:**

4 **(1) MEETS THE DEFINITION OF A MANUFACTURED HOME IN**
5 **§ 9-102(A) OF THE COMMERCIAL LAW ARTICLE; AND**

6 **(2) IS, OR WILL BE AFTER PURCHASE, CONVERTED TO REAL**
7 **PROPERTY IN ACCORDANCE WITH TITLE 8B, SUBTITLE 2 OF THE REAL PROPERTY**
8 **ARTICLE.**

9 7-101.

10 To encourage the preservation of natural resources or the provision of affordable
11 housing and to facilitate orderly development and growth, a local jurisdiction that exercises
12 authority granted by this division may enact, and is encouraged to enact, local laws
13 providing for or requiring:

14 (1) the planning, staging, or provision of adequate public facilities and
15 affordable housing;

16 (2) off-site improvements or the dedication of land for public facilities
17 essential for a development;

18 (3) moderately priced dwelling unit programs;

19 (4) mixed use developments;

20 (5) cluster developments;

21 (6) planned unit developments;

22 (7) alternative subdivision requirements that:

23 (i) meet minimum performance standards set by the local
24 jurisdiction; and

25 (ii) reduce infrastructure costs;

26 (8) floating zones;

27 (9) incentive zoning; and

28 (10) performance zoning.

29 **SUBTITLE 5. HOUSING EXPANSION AND AFFORDABILITY.**

1 7-501.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "ADEQUATE PUBLIC FACILITY LAW" MEANS A LOCAL LAW PROVIDING
5 FOR OR REQUIRING THE PLANNING, STAGING, OR PROVISION OF ADEQUATE PUBLIC
6 FACILITIES, AS AUTHORIZED UNDER § 7-101(1) OF THIS TITLE.

7 (C) "AFFORDABLE" MEANS THAT HOUSING COSTS DO NOT EXCEED 30% OF
8 A HOUSEHOLD'S INCOME.

9 (D) "AFFORDABLE DWELLING UNIT" MEANS A DWELLING UNIT THAT IS
10 AFFORDABLE TO HOUSEHOLDS EARNING 60% OR LESS OF THE AREA MEDIAN
11 INCOME.

12 (E) "AREA MEDIAN INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME FOR
13 THE AREA ADJUSTED FOR HOUSEHOLD SIZE AS PUBLISHED AND ANNUALLY
14 UPDATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

15 (F) "BOARD OF APPEALS" MEANS A BOARD OF APPEALS ESTABLISHED
16 UNDER TITLE 4, SUBTITLE 3 OF THIS ARTICLE.

17 (G) "COTTAGE CLUSTER" MEANS A GROUPING OF NOT FEWER THAN FOUR
18 DETACHED HOUSING UNITS PER ACRE THAT:

19 (1) HAVE A FOOTPRINT OF LESS THAN 900 SQUARE FEET EACH; AND

20 (2) INCLUDE A COMMON COURTYARD.

21 (H) "HISTORIC DISTRICT COMMISSION" OR "HISTORIC PRESERVATION
22 COMMISSION" MEANS A COMMISSION ESTABLISHED UNDER TITLE 8, SUBTITLE 2 OF
23 THIS ARTICLE.

24 (I) "MIDDLE HOUSING" MEANS:

25 (1) DUPLEXES;

26 (2) TRIPLEXES;

27 (3) QUADPLEXES;

28 (4) COTTAGE CLUSTERS; OR

1 **(5) TOWN HOUSES.**

2 **(J) “MIXED-USE” MEANS A COMBINATION OF HOUSING, RETAIL, AND**
3 **OFFICE SPACE.**

4 **(K) “PERMIT” MEANS A BUILDING PERMIT OR OTHER PERMIT ISSUED IN**
5 **WRITING, AS REQUIRED BY A LOCAL JURISDICTION, TO AUTHORIZE THE START OF**
6 **PREDEVELOPMENT OR CONSTRUCTION ACTIVITIES TO CONSTRUCT, ALTER,**
7 **DEMOLISH, OR RELOCATE AN EXISTING OR NEW STRUCTURE.**

8 **(L) “PLANNING COMMISSION” INCLUDES A PLANNING COMMISSION OR**
9 **BOARD ESTABLISHED UNDER:**

10 **(1) TITLE 2 OF THIS ARTICLE;**

11 **(2) DIVISION II OF THIS ARTICLE; OR**

12 **(3) TITLE 10 OF THE LOCAL GOVERNMENT ARTICLE.**

13 **(M) “TOWN HOUSE” MEANS A COMPLEX OF DWELLING UNITS CONSTRUCTED**
14 **IN A ROW OF TWO OR MORE ATTACHED UNITS, WHERE EACH DWELLING UNIT IS**
15 **LOCATED ON AN INDIVIDUAL LOT OR PARCEL AND SHARES AT LEAST ONE COMMON**
16 **WALL WITH AN ADJACENT DWELLING UNIT.**

17 **(N) “UNREASONABLE LIMITATION OR REQUIREMENT” INCLUDES ANY**
18 **LIMITATION OR REQUIREMENT THAT HAS A SUBSTANTIAL ADVERSE IMPACT ON:**

19 **(1) THE VIABILITY OF AN AFFORDABLE HOUSING DEVELOPMENT IN A**
20 **QUALIFIED PROJECT;**

21 **(2) THE DEGREE OF AFFORDABILITY OF AFFORDABLE DWELLING**
22 **UNITS IN A QUALIFIED PROJECT; OR**

23 **(3) THE ALLOWABLE DENSITY OF THE QUALIFIED PROJECT.**

24 **7-502.**

25 **(A) IN THIS SECTION, “QUALIFIED PROJECT” MEANS A RESIDENTIAL**
26 **PROJECT THAT:**

27 **(1) CONSISTS OF NEW CONSTRUCTION OR SUBSTANTIAL**
28 **RENOVATION;**

- 1 **(2) IS ON PROPERTY THAT:**
- 2 **(I) WAS FORMERLY OWNED BY THE STATE;**
- 3 **(II) CONSISTS OF MORE THAN ONE BUILDING;**
- 4 **(III) INCLUDES AT LEAST ONE BUILDING THAT WAS BUILT MORE**
5 **THAN 50 YEARS BEFORE THE DATE OF APPLICATION FOR THE PROJECT; AND**
- 6 **(IV) IS APPROPRIATE FOR REDEVELOPMENT AS DETERMINED BY**
7 **THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT;**
- 8 **(3) CONTAINS AT LEAST 50% OF UNITS THAT ARE AFFORDABLE**
9 **DWELLING UNITS; AND**
- 10 **(4) IS DEED-RESTRICTED TO INCLUDE 50% OF UNITS THAT ARE**
11 **AFFORDABLE DWELLING UNITS FOR A PERIOD OF AT LEAST 40 YEARS.**
- 12 **(B) (1) IN ACCORDANCE WITH THIS SUBSECTION, A LOCAL JURISDICTION**
13 **SHALL ALLOW THE DENSITY OF A QUALIFIED PROJECT TO EXCEED THE DENSITY**
14 **OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE.**
- 15 **(2) IN AN AREA ZONED EXCLUSIVELY FOR SINGLE-FAMILY**
16 **RESIDENTIAL USE, A QUALIFIED PROJECT MAY INCLUDE MIDDLE HOUSING UNITS.**
- 17 **(3) IN AN AREA ZONED EXCLUSIVELY FOR MULTIFAMILY**
18 **RESIDENTIAL USE, A QUALIFIED PROJECT:**
- 19 **(I) SHALL HAVE A DENSITY LIMIT THAT EXCEEDS BY 30% THE**
20 **ALLOWABLE DENSITY IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED**
21 **PROJECT; AND**
- 22 **(II) MAY CONSIST OF MIXED-USE.**
- 23 **(4) IN AN AREA ZONED EXCLUSIVELY FOR NONRESIDENTIAL USE, A**
24 **QUALIFIED PROJECT MAY CONSIST OF MIXED-USE DEVELOPMENT WITH DENSITY**
25 **LIMITS THAT DO NOT EXCEED THE HIGHEST ALLOWABLE DENSITY IN THE LOCAL**
26 **JURISDICTION'S MULTIFAMILY RESIDENTIAL ZONES.**
- 27 **(5) IN AN AREA ZONED FOR MIXED-USE, A QUALIFIED PROJECT MAY**
28 **INCLUDE 30% MORE HOUSING UNITS THAN ARE ALLOWED IN THAT ZONE FOR USES**
29 **THAT ARE NOT PART OF A QUALIFIED PROJECT.**

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

3 **(2) “QUALIFIED PROJECT” MEANS A RESIDENTIAL PROJECT THAT:**

4 **(I) CONSISTS OF NEW CONSTRUCTION OR SUBSTANTIAL**
5 **RENOVATION;**

6 **(II) IS ON PROPERTY THAT IS LOCATED WITHIN 1 MILE OF A RAIL**
7 **STATION LOCATED IN THE STATE;**

8 **(III) CONTAINS AT LEAST 25% OF UNITS THAT ARE AFFORDABLE**
9 **DWELLING UNITS; AND**

10 **(IV) IS DEED-RESTRICTED TO INCLUDE 25% OF UNITS THAT ARE**
11 **AFFORDABLE DWELLING UNITS FOR A PERIOD OF AT LEAST 40 YEARS.**

12 **(3) “RAIL STATION” MEANS A PRESENT OR PLANNED:**

13 **(I) MARC STATION ALONG THE PENN, CAMDEN, OR**
14 **BRUNSWICK LINES;**

15 **(II) BALTIMORE METRO SUBWAYLINK STATION;**

16 **(III) BALTIMORE LIGHT RAILLINK STATION;**

17 **(IV) METRORAIL SYSTEM STATION IN THE STATE; OR**

18 **(V) ANY OTHER PASSENGER RAIL STATION.**

19 **(B) (1) IN ACCORDANCE WITH THIS SUBSECTION, A LOCAL JURISDICTION**
20 **SHALL ALLOW THE DENSITY OF A QUALIFIED PROJECT TO EXCEED THE DENSITY**
21 **OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE.**

22 **(2) IN AN AREA ZONED EXCLUSIVELY FOR SINGLE-FAMILY**
23 **RESIDENTIAL USE, A QUALIFIED PROJECT MAY INCLUDE MIDDLE HOUSING UNITS.**

24 **(3) IN AN AREA ZONED EXCLUSIVELY FOR MULTIFAMILY**
25 **RESIDENTIAL USE, A QUALIFIED PROJECT:**

1 **(I) SHALL HAVE A DENSITY LIMIT THAT EXCEEDS BY 30% THE**
2 **ALLOWABLE DENSITY IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED**
3 **PROJECT; AND**

4 **(II) MAY CONSIST OF MIXED-USE.**

5 **(4) IN AN AREA ZONED EXCLUSIVELY FOR NONRESIDENTIAL USE, A**
6 **QUALIFIED PROJECT MAY CONSIST OF MIXED-USE, WITH DENSITY LIMITS THAT DO**
7 **NOT EXCEED THE HIGHEST ALLOWABLE DENSITY IN THE LOCAL JURISDICTION'S**
8 **MULTIFAMILY RESIDENTIAL ZONES.**

9 **(5) IN AN AREA ZONED FOR MIXED-USE, A QUALIFIED PROJECT MAY**
10 **INCLUDE 30% MORE HOUSING UNITS THAN ARE ALLOWED IN THAT ZONE FOR USES**
11 **THAT ARE NOT PART OF A QUALIFIED PROJECT.**

12 **7-504.**

13 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
14 **INDICATED.**

15 **(2) "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION THAT IS**
16 **TAX-EXEMPT UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

17 **(3) "QUALIFIED PROJECT" MEANS A RESIDENTIAL PROJECT THAT:**

18 **(I) CONSISTS OF NEW CONSTRUCTION OR SUBSTANTIAL**
19 **RENOVATION;**

20 **(II) IS ON LAND, INCLUDING LAND THAT IS SUBJECT TO A**
21 **GROUND LEASE, THAT:**

22 1. **IS WHOLLY OWNED BY A NONPROFIT ORGANIZATION;**
23 **OR**

24 2. **INCLUDES IMPROVEMENTS OWNED BY AN ENTITY**
25 **THAT IS CONTROLLED BY A NONPROFIT ORGANIZATION;**

26 **(III) CONTAINS AT LEAST 50% OF UNITS THAT ARE AFFORDABLE**
27 **DWELLING UNITS; AND**

28 **(IV) IS DEED-RESTRICTED TO INCLUDE 50% OF UNITS THAT ARE**
29 **AFFORDABLE DWELLING UNITS FOR A PERIOD OF AT LEAST 40 YEARS.**

1 **(B) (1) IN ACCORDANCE WITH THIS SUBSECTION, A LOCAL JURISDICTION**
2 **SHALL ALLOW THE DENSITY OF A QUALIFIED PROJECT TO EXCEED THE DENSITY**
3 **OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE.**

4 **(2) IN AN AREA ZONED EXCLUSIVELY FOR SINGLE-FAMILY**
5 **RESIDENTIAL USE, A QUALIFIED PROJECT MAY INCLUDE MIDDLE HOUSING UNITS.**

6 **(3) IN AN AREA ZONED EXCLUSIVELY FOR MULTIFAMILY**
7 **RESIDENTIAL USE, A QUALIFIED PROJECT:**

8 **(I) SHALL HAVE A DENSITY LIMIT THAT EXCEEDS BY 30% THE**
9 **ALLOWABLE DENSITY IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED**
10 **PROJECT; AND**

11 **(II) MAY CONSIST OF MIXED-USE.**

12 **(4) IN AN AREA ZONED EXCLUSIVELY FOR NONRESIDENTIAL USE, A**
13 **QUALIFIED PROJECT MAY CONSIST OF MIXED-USE DEVELOPMENT WITH DENSITY**
14 **LIMITS THAT DO NOT EXCEED THE HIGHEST ALLOWABLE DENSITY IN THE LOCAL**
15 **JURISDICTION'S MULTIFAMILY RESIDENTIAL ZONES.**

16 **(5) IN AN AREA ZONED FOR MIXED-USE, A QUALIFIED PROJECT MAY**
17 **INCLUDE 30% MORE HOUSING UNITS THAN ARE ALLOWED IN THAT ZONE FOR USES**
18 **THAT ARE NOT PART OF A QUALIFIED PROJECT.**

19 **7-505.**

20 **A LOCAL JURISDICTION MAY NOT IMPOSE ANY UNREASONABLE LIMITATION**
21 **OR REQUIREMENTS ON A QUALIFIED PROJECT UNDER THIS SUBTITLE, INCLUDING**
22 **LIMITATIONS ON OR REQUIREMENTS CONCERNING:**

23 **(1) HEIGHT;**

24 **(2) SETBACK;**

25 **(3) BULK;**

26 **(4) PARKING;**

27 **(5) LOADING, DIMENSIONAL, OR AREA; OR**

28 **(6) SIMILAR REQUIREMENTS.**

1 **7-506.**

2 **EXCEPT AS OTHERWISE PROVIDED OR REQUIRED BY STATE LAW, A LOCAL**
3 **GOVERNMENT MAY NOT REQUIRE THAT A QUALIFIED PROJECT UNDER THIS**
4 **SUBTITLE BE REVIEWED AT MORE THAN ONE PUBLIC HEARING BEFORE EACH OF**
5 **THE FOLLOWING:**

6 **(1) THE LOCAL GOVERNING BODY;**

7 **(2) THE PLANNING COMMISSION;**

8 **(3) A HISTORIC DISTRICT COMMISSION OR HISTORIC PRESERVATION**
9 **COMMISSION; AND**

10 **(4) THE BOARD OF APPEALS.**

11 10-103.

12 (a) Except as provided in this section, this division does not apply to Baltimore
13 City.

14 (b) The following provisions of this division apply to Baltimore City:

15 (1) this title;

16 (2) § 1-101(m) (Definitions – “Priority funding area”);

17 (3) § 1-101(o) (Definitions – “Sensitive area”);

18 (4) § 1-201 (Visions);

19 (5) § 1-206 (Required education);

20 (6) § 1-207 (Annual report – In general);

21 (7) § 1-208 (Annual report – Measures and indicators);

22 (8) Title 1, Subtitle 3 (Consistency);

23 (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties –
24 Comprehensive Plans; Implementation);

25 (10) § 4-104(b) (Limitations – Bicycle parking);

26 (11) **§ 4-104(C) (LIMITATIONS – MANUFACTURED HOMES);**

1 **(I) WITH FEDERAL LOW-INCOME TAX CREDITS GRANTED IN**
2 **ACCORDANCE WITH 26 U.S.C. § 42; OR**

3 **(II) UNDER TITLE 4, SUBTITLE 2, SUBTITLE 4, OR SUBTITLE 12**
4 **OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

5 **(B) IN MAKING A DECISION ON A PERMIT APPLICATION FOR A**
6 **STATE-FUNDED AFFORDABLE HOUSING PROJECT, A LOCAL JURISDICTION MAY NOT**
7 **USE AN ELEMENT OF AN ADEQUATE PUBLIC FACILITY LAW TO:**

8 **(1) DENY THE PERMIT; OR**

9 **(2) UNREASONABLY RESTRICT OR LIMIT THE DEVELOPMENT OF THE**
10 **PROJECT, INCLUDING ANY RESTRICTION OR LIMITATION THAT MAY RESULT IN A**
11 **SUBSTANTIAL ADVERSE IMPACT ON:**

12 **(I) THE VIABILITY OF THE AFFORDABLE HOUSING**
13 **DEVELOPMENT;**

14 **(II) THE DEGREE OF AFFORDABILITY OF THE AFFORDABLE**
15 **DWELLING UNITS; OR**

16 **(III) THE ALLOWABLE DENSITY OF THE PROJECT.**

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2024. Section 2 of this Act shall remain effective for a period of 15 years and, at
19 the end of September 30, 2039, Section 2 of this Act, with no further action required by the
20 General Assembly, shall be abrogated and of no further force and effect.