

HOUSE BILL 1651

L6, C8

8lr3430

By: **Delegate Wilkins**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~Local Jurisdictions – Housing – Sustainable Communities – Comprehensive~~
3 ~~Plans Designation~~

4 FOR the purpose of expanding the criteria ~~that the Smart Growth Subcabinet must~~
5 ~~consider when designating or redesignating an area as a sustainable community on~~
6 ~~which a sustainable community designation may be based to include whether the~~
7 ~~sustainable community plan addresses certain housing issues; expanding the~~
8 ~~elements that a planning commission of a local jurisdiction must include in a~~
9 ~~comprehensive plan to include a certain housing element; altering the elements that~~
10 ~~a planning commission of certain jurisdictions may include in a comprehensive plan;~~
11 ~~and generally relating to local jurisdictions and housing~~ sustainable communities.

12 BY repealing and reenacting, with amendments,
13 Article – Housing and Community Development
14 Section 6–205
15 Annotated Code of Maryland
16 (2006 Volume and 2017 Supplement)

17 ~~BY repealing and reenacting, with amendments,~~
18 ~~Article – Land Use~~
19 ~~Section 1–406 and 3–102~~
20 ~~Annotated Code of Maryland~~
21 ~~(2012 Volume and 2017 Supplement)~~

22 ~~BY adding to~~

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 ~~Section 1 – 411.1 and 3 – 114~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(2012 Volume and 2017 Supplement)~~

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

7 **Article – Housing and Community Development**

8 6–205.

9 (a) The Smart Growth Subcabinet, on the recommendation of the Secretary, may
 10 designate an area as a sustainable community if the sponsor demonstrates that past and
 11 current trends in homeownership, property values, commercial and residential vacancy,
 12 and business or housing investment show a need for reinvestment in the area and if:

13 (1) entities in the community, such as local governments, employers,
 14 educational institutions, civic organizations, community organizations, or cultural
 15 organizations, support the proposed sustainable community plan and have pledged
 16 resources to develop or implement it;

17 (2) the proposed sustainable community plan addresses the need for
 18 reinvestment in the area and will enhance the area, and give individuals of different
 19 incomes a range of housing options, employment opportunities, and other amenities;

20 (3) a community in the proposed area is culturally or historically
 21 significant;

22 (4) the proposed area is near a town center or a transportation center;

23 (5) the proposed sustainable community plan is consistent with and
 24 complements other existing or proposed projects for housing, commercial or community
 25 development, education, historic preservation, neighborhood revitalization, transportation,
 26 or other things significant to the comprehensive enhancement of the community; [or]

27 (6) there is a demonstrated need for financing assistance for small
 28 businesses, nonprofit organizations, or microenterprises; **OR**

29 **(7) THE PROPOSED SUSTAINABLE COMMUNITY PLAN ADDRESSES:**

30 ~~(I) THE IMPACTS AND RISKS OF GENTRIFICATION; AND~~

31 ~~(II) THE DEMAND FOR AFFORDABLE HOUSING, INCLUDING AN~~
 32 ~~INVENTORY OF AFFORDABLE HOUSING~~ THE NEED FOR AFFORDABLE HOUSING,
 33 INCLUDING THE NEED FOR LOW- AND MODERATE-INCOME HOUSING.

1 (b) (1) To maintain a sustainable community designation:

2 (i) every 5 years a sponsor shall file an updated plan and application
3 with the Department; and

4 (ii) the Secretary shall make designation recommendations for
5 approval by the Smart Growth Subcabinet under § 6–204 of this subtitle.

6 (2) The Department shall convene an interagency review team from the
7 agencies of the Smart Growth Subcabinet to:

8 (i) review applications and plans;

9 (ii) provide assistance and guidance to applicants; and

10 (iii) make recommendations to the Secretary.

11 (3) The Smart Growth Subcabinet may redesignate an area as a
12 sustainable community taking into consideration the factors in subsection (a) of this
13 section.

14 ~~Article — Land Use~~

15 ~~1–406.~~

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

19 ~~(i) a development regulations element;~~

20 ~~(ii) a sensitive areas element;~~

21 ~~(iii) a transportation element; [and]~~

22 ~~(iv) a water resources element; AND~~

23 ~~(v) A HOUSING ELEMENT.~~

24 ~~(2) If current geological information is available, the plan shall include a~~
25 ~~mineral resources element.~~

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

1 ~~1-411.1.~~

2 ~~A HOUSING ELEMENT SHALL INCLUDE A PLAN TO ADDRESS:~~

3 ~~(1) THE IMPACTS AND RISKS OF GENTRIFICATION; AND~~

4 ~~(2) THE DEMAND FOR AFFORDABLE HOUSING, INCLUDING AN~~
 5 ~~INVENTORY OF AFFORDABLE HOUSING.~~

6 ~~3-102.~~

7 ~~(a) (1) The planning commission for a local jurisdiction shall include in the~~
 8 ~~comprehensive plan the following elements:~~

9 ~~(i) a community facilities element;~~

10 ~~(ii) an area of critical State concern element;~~

11 ~~(iii) a goals and objectives element;~~

12 ~~(iv) a land use element;~~

13 ~~(v) a development regulations element;~~

14 ~~(vi) a sensitive areas element;~~

15 ~~(vii) a transportation element; [and]~~

16 ~~(viii) a water resources element; AND~~

17 ~~(IX) A HOUSING ELEMENT.~~

18 ~~(2) If current geological information is available, the plan shall include a~~
 19 ~~mineral resources element.~~

20 ~~(3) The plan for a municipal corporation that exercises zoning authority~~
 21 ~~shall include a municipal growth element.~~

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

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

26 ~~(2) The additional elements may include:~~

- 1 ~~(i) community renewal elements;~~
- 2 ~~(ii) conservation elements;~~
- 3 ~~(iii) flood control elements;~~
- 4 ~~(iv) housing elements;~~
- 5 ~~(v) natural resources elements;~~
- 6 ~~[(vi)] (v) pollution control elements;~~
- 7 ~~[(vii)] (VI) the general location and extent of public utilities; and~~
- 8 ~~[(viii)] (VII) a priority preservation area element developed in~~
9 ~~accordance with § 2-518 of the Agriculture Article.~~

10 ~~§ 114.~~

11 ~~A HOUSING ELEMENT SHALL INCLUDE A PLAN TO ADDRESS:~~

12 ~~(1) THE IMPACTS AND RISKS OF GENTRIFICATION; AND~~

13 ~~(2) THE DEMAND FOR AFFORDABLE HOUSING, INCLUDING AN~~
14 ~~INVENTORY OF AFFORDABLE HOUSING.~~

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.