

# HOUSE BILL 1045

L6

9lr2194  
CF SB 917

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By: ~~Delegate Lierman~~ **Delegates Lierman, Boyce, Holmes, Lafferty, Lehman, Love,  
Stewart, and Wells**

Introduced and read first time: February 8, 2019

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

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## 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:

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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.

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

(2) The additional elements may include:

(i) community renewal elements;

(ii) conservation elements;

(iii) flood control elements;

(iv) [housing elements;

(v)] natural resources elements;

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

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

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

**3-114.**

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

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

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

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

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

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

**(4) “WORKFORCE HOUSING” HAS THE MEANING STATED IN § 4-1801 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:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.