

# HOUSE BILL 283

C9

4r2091  
CF SB 333

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By: **Delegate Palakovich Carr**

Introduced and read first time: January 12, 2024

Assigned to: Environment and Transportation

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Committee Report: Favorable

House action: Adopted

Read second time: February 13, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Housing and Community Development – Affordable Housing – Identifying**  
3 **Suitable Property**

4 FOR the purpose of repealing a requirement that the Department of Housing and  
5 Community Development identify certain property as suitable for use or  
6 redevelopment; prohibiting the Department from identifying certain property for use  
7 or redevelopment as affordable housing; requiring the Department to consider  
8 certain factors when identifying whether a property is suitable for use or  
9 redevelopment as affordable housing; and generally relating to the use or  
10 redevelopment of property as affordable housing.

11 BY repealing and reenacting, with amendments,  
12 Article – Housing and Community Development  
13 Section 2–203(b)  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – State Finance and Procurement  
18 Section 5–310(c)(1)(i)  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – State Finance and Procurement

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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 Section 5–310(d)  
 2 Annotated Code of Maryland  
 3 (2021 Replacement Volume and 2023 Supplement)

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

6 **Article – Housing and Community Development**

7 2–203.

8 (b) (1) (i) Not later than 60 days after the notice provided under § 5–310(d)  
 9 of the State Finance and Procurement Article, the Department shall, in consultation with  
 10 the unit of State government that controls the property, determine if the property is  
 11 suitable for use or redevelopment as affordable housing.

12 (ii) The Department [shall] **MAY NOT** identify a property as suitable  
 13 for use or redevelopment as affordable housing if the property:

14 1. is located [in] **OUTSIDE** an area designated as a priority  
 15 funding area under Title 5, Subtitle 7B of the State Finance and Procurement Article; **OR**

16 2. [does not belong] **BELONGS** in a category of property  
 17 listed in § 5–310(c)(1)(i) of the State Finance and Procurement Article[;

18 3. is adequately sized for any type of residential use;

19 4. has access to public utilities; and

20 5. has access to feasible ingress and egress points.

21 (iii) The Department may consider other factors in addition to the  
 22 provisions of subparagraph (ii) of this paragraph when determining the suitability of a  
 23 property for use or redevelopment as affordable housing].

24 **(III) WHEN DETERMINING IF A PROPERTY IS SUITABLE FOR USE**  
 25 **OR REDEVELOPMENT AS AFFORDABLE HOUSING, THE DEPARTMENT SHALL**  
 26 **CONSIDER WHETHER THE PROPERTY:**

27 1. **IS ADEQUATELY SIZED FOR ANY TYPE OF**  
 28 **RESIDENTIAL USE;**

29 2. **HAS ACCESS TO PUBLIC UTILITIES;**

30 3. **HAS ACCESS TO FEASIBLE INGRESS AND EGRESS**  
 31 **POINTS; AND**

1                                   **4. MEETS ANY OTHER FACTORS DETERMINED BY THE**  
2 **DEPARTMENT THAT ARE NECESSARY FOR THE PROPERTY TO BE USED OR**  
3 **REDEVELOPED AS AFFORDABLE HOUSING.**

4                   (2) The Department shall compile and regularly update a list of properties  
5 it has determined are suitable for use or redevelopment as affordable housing.

6                   (3) For each property included in the list required under paragraph (2) of  
7 this subsection, the Department shall:

8                                   (i) give notice of the determination to:

9                                                           1. the unit of State government that controls the property;

10 and

11                                                           2. the State Treasurer; and

12                                   (ii) advise the unit of State government of the requirements of  
13 subsection (c) of this section.

14                   (4) The list required under paragraph (2) of this subsection shall be made  
15 available to the public.

#### 16                                   **Article – State Finance and Procurement**

17 5–310.

18                   (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, this  
19 subsection applies to the following categories of real property owned by the State in fee  
20 simple:

21                                                           1. property acquired with Program Open Space funds under  
22 Title 5, Subtitle 9 of the Natural Resources Article;

23                                                           2. property acquired with Rural Legacy Program funds  
24 under Title 5, Subtitle 9A of the Natural Resources Article;

25                                                           3. public park land and recreational areas acquired under  
26 Title 5, Subtitle 10 of the Natural Resources Article;

27                                                           4. wildland and open areas acquired under Title 5, Subtitle  
28 12 of the Natural Resources Article;

29                                                           5. heritage conservation areas acquired with funds under  
30 Title 5, Subtitle 15 of the Natural Resources Article;

1                                   6.     forest conservation areas acquired under Title 5, Subtitle  
2 6 of the Natural Resources Article;

3                                   7.     GreenPrint areas acquired under Title 5, Subtitle 15A of  
4 the Natural Resources Article;

5                                   8.     property identified in the most current public lands  
6 acreage report published by the Department of Natural Resources that is classified under  
7 designated land units or under undesignated land units within an agency or program; and

8                                   9.     outdoor recreation, open space, conservation,  
9 preservation, park, or forest land property identified by the Department of Natural  
10 Resources in regulation.

11           (d)    The Department shall notify the Department of Housing and Community  
12 Development and, in accordance with § 2–1257 of the State Government Article, the Senate  
13 [Education, Health, and Environmental Affairs] Committee **ON EDUCATION, ENERGY,**  
14 **AND THE ENVIRONMENT**, the Senate Budget and Taxation Committee, the House  
15 Environment and Transportation Committee, and the House Appropriations Committee of  
16 any property submitted to the Department under subsection (a)(1) of this section which has  
17 not been disposed of under subsection (b) of this section.

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
19 1, 2024.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.