
By: **Delegates McIntosh, Barve, Bobo, Bronrott, Cane, V. Clagett, Frush,
Hogan, Holmes, Malone, McConkey, Montgomery, Parker, Sossi, and
Stern**

Introduced and read first time: February 10, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use - Comprehensive Plans - Workforce Housing Elements**

3 FOR the purpose of requiring a planning commission, when developing a
4 comprehensive plan, to include a workforce housing element that contains goals,
5 objectives, principles, and policies designed to support the availability of
6 workforce housing for homeownership or rental under certain circumstances;
7 defining a certain term; requiring a workforce housing element to be included in
8 any new comprehensive plan or any amendment or addition adopted on or after
9 a certain date; providing that a workforce housing element is not required to be
10 included in a new comprehensive plan or an amendment or addition under
11 certain circumstances; providing that a workforce housing element is a tool for
12 certain purposes and does not have the force of law; requiring the Maryland
13 Department of Planning to establish a task force on workforce housing for
14 certain purposes; requiring the Department to report annually to the Maryland
15 General Assembly on the implementation of this Act; providing for a delayed
16 effective date; and generally relating to comprehensive plans and workforce
17 housing elements.

18 BY repealing and reenacting, with amendments,
19 Article 66B - Land Use
20 Section 1.03 and 3.05
21 Annotated Code of Maryland
22 (2003 Replacement Volume and 2004 Supplement)

23 Preamble

24 WHEREAS, Maryland has recently begun to experience significant gaps in
25 housing that is affordable for many in the State's public and private sector workforce,
26 particularly teachers, nurses, police, firefighters, and other public service employees;
27 and

28 WHEREAS, According to data compiled from the Maryland Department of
29 Planning and the Maryland Association of Realtors, average home prices statewide

1 increased from \$131,902 in 2000 to \$182,449 in 2003, an increase of 38.3%, while
2 during the same period, average household income rose from \$55,950 to \$59,286, an
3 increase of only 6%, representing an appreciation in average home prices that is more
4 than six times the rise in average household income for that period of time; and

5 WHEREAS, According to the Maryland Department of Housing and Community
6 Development, about 33% of all households statewide cannot afford the median rent in
7 their county of residence, while about 41% of all urban households do not meet the
8 rental housing affordability threshold; and

9 WHEREAS, A growing number of private and public sector employees are faced
10 with very long commutes to homes outside the jurisdiction where they work, and even
11 outside the State, because they cannot afford homes in the same jurisdiction as their
12 place of employment, which causes more congestion on our roads and more pollution
13 in our environment, and jeopardizes the quality of the public safety and other services
14 that a jurisdiction can provide; and

15 WHEREAS, Many private and public sector employers are losing valuable
16 prospective employees because those applicants cannot afford to live in the same
17 jurisdiction as their prospective place of employment; and

18 WHEREAS, Local governments may know the needs of their communities and
19 what solutions can work the most effectively but are often hindered by inadequate
20 resources to evaluate and address these goals; and

21 WHEREAS, The State is in a unique position to provide direction and assistance
22 to the local governments to alleviate this growing workforce housing crisis; now,
23 therefore,

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

26 **Article 66B - Land Use**

27 1.03.

28 (a) (1) When developing a comprehensive plan for a charter county, a
29 planning commission shall include:

30 (i) A transportation plan element which shall:

31 1. Propose the most appropriate and desirable patterns for
32 the general location, character, and extent of the channels, routes, and terminals for
33 transportation facilities, and for the circulation of persons and goods on a schedule
34 that extends as far into the future as is reasonable;

35 2. Provide for bicycle and pedestrian access and travelways;

36 and

- 1 3. Include an estimate of the probable utilization of any
2 proposed improvement;
- 3 (ii) If current geological information is available, a mineral
4 resources plan element that:
- 5 1. Identifies undeveloped land that should be kept in its
6 undeveloped state until the land can be used to provide or assist in providing a
7 continuous supply of minerals, as defined in § 15-801(i) of the Environment Article;
- 8 2. Identifies appropriate postexcavation uses for the land
9 that are consistent with the county's land planning process;
- 10 3. Incorporates land use policies and recommendations for
11 regulations:
- 12 A. To balance mineral resource extraction with other land
13 uses; and
- 14 B. To the extent feasible, to prevent the preemption of
15 mineral resources extraction by other uses; and
- 16 4. Has been reviewed by the Department of the Environment
17 to determine whether the proposed comprehensive plan is consistent with the
18 programs and goals of the Department;
- 19 (iii) An element which contains the planning commission's
20 recommendation for land development regulations to implement the comprehensive
21 plan and which encourages:
- 22 1. Streamlined review of applications for development,
23 including permit review and subdivision plat review within the areas designated for
24 growth in the comprehensive plan;
- 25 2. The use of flexible development regulations to promote
26 innovative and cost-saving site design and protect the environment; and
- 27 3. Economic development in areas designated for growth in
28 the comprehensive plan through the use of innovative techniques; [and]
- 29 (iv) A sensitive areas element that contains goals, objectives,
30 principles, policies, and standards designed to protect sensitive areas from the
31 adverse effects of development; AND
- 32 (V) A WORKFORCE HOUSING ELEMENT THAT CONTAINS GOALS,
33 OBJECTIVES, PRINCIPLES, AND POLICIES DESIGNED TO SUPPORT THE AVAILABILITY
34 OF WORKFORCE HOUSING, FOR HOMEOWNERSHIP OR RENTAL, WHICH MAY
35 INCLUDE:

- 1 1. PRESERVATION AND RENOVATION OF EXISTING HOUSING
2 STOCK;
- 3 2. REDEVELOPMENT OF EXISTING RESIDENTIAL AREAS;
- 4 3. STREAMLINED REGULATORY PROCESSES AND REDUCED
5 REGULATORY FEES FOR CONSTRUCTION OR RENOVATION;
- 6 4. FINANCIAL INCENTIVES FOR CONSTRUCTION OR
7 RENOVATION, INCLUDING LOCAL PROPERTY TAX CREDITS;
- 8 5. SPECIAL ZONING REGULATIONS FOR CONSTRUCTION OR
9 RENOVATION, INCLUDING INCLUSIONARY ZONING;
- 10 6. EFFORTS TO PRESERVE WORKFORCE HOUSING STOCK
11 FOR SUBSEQUENT FIRST-TIME HOME BUYERS AND RENTERS;
- 12 7. COORDINATION WITH NEIGHBORING JURISDICTIONS;
- 13 8. COORDINATION WITH PRIVATE SECTOR EMPLOYERS; AND
- 14 9. LEVERAGING OF FEDERAL FINANCIAL ASSISTANCE.

15 (2) The channels, routes, travelways, and terminals required under
16 paragraph (1)(i) of this subsection may include all types of highways or streets, bicycle
17 ways, sidewalks, railways, waterways, airways, routings for mass transit, and
18 terminals for people, goods, and vehicles related to highways, airways, waterways,
19 and railways.

20 (3) The mineral resources plan element required under paragraph (1)(ii)
21 of this subsection shall be incorporated in:

22 (i) Any new comprehensive plan adopted after July 1, 1986 for all
23 or any part of a jurisdiction; and

24 (ii) Any amendment or addition that is adopted after July 1, 1986
25 to a comprehensive plan that was in effect on July 1, 1985.

26 (4) (I) THIS PARAGRAPH APPLIES TO THE WORKFORCE HOUSING
27 ELEMENT REQUIRED UNDER PARAGRAPH (1)(V) OF THIS SUBSECTION.

28 (II) IN THIS SUBSECTION, "WORKFORCE HOUSING" MEANS
29 HOUSING FOR HOUSEHOLDS WITH AN INCOME THAT IS GREATER THAN 50% BUT
30 DOES NOT EXCEED 120% OF THE MEDIAN HOUSEHOLD INCOME FOR HOUSEHOLDS
31 WITHIN A JURISDICTION AS CALCULATED EACH YEAR BY THE MARYLAND
32 DEPARTMENT OF PLANNING.

33 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS
34 PARAGRAPH, THE WORKFORCE HOUSING ELEMENT SHALL BE INCORPORATED IN:

1 1. ANY NEW COMPREHENSIVE PLAN ADOPTED ON OR AFTER
2 OCTOBER 1, 2006; AND

3 2. ANY AMENDMENT OR ADDITION ADOPTED ON OR AFTER
4 OCTOBER 1, 2006, TO A COMPREHENSIVE PLAN THAT WAS IN EFFECT ON OCTOBER 1,
5 2005.

6 (IV) THE WORKFORCE HOUSING ELEMENT IS NOT REQUIRED TO BE
7 INCLUDED IN A NEW COMPREHENSIVE PLAN, OR AN AMENDMENT OR ADDITION TO A
8 COMPREHENSIVE PLAN, IF:

9 1. THE HOMEOWNERSHIP AFFORDABILITY INDEX FOR
10 FIRST-TIME HOME BUYERS IN THE JURISDICTION, OR IF THE JURISDICTION IS A
11 MUNICIPAL CORPORATION IN THE COUNTY IN WHICH THE MUNICIPAL
12 CORPORATION IS LOCATED, IS 90 OR GREATER, AS CALCULATED EACH YEAR BY THE
13 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; OR

14 2. THERE IS A SIGNIFICANT ABERRATION IN ANY YEAR IN
15 THE HOMEOWNERSHIP AFFORDABILITY INDEX FOR FIRST-TIME HOME BUYERS IN
16 THE JURISDICTION DUE TO FLUCTUATIONS IN THE RESORT PROPERTY SALES
17 MARKET IN THE JURISDICTION, OR IF THE JURISDICTION IS A MUNICIPAL
18 CORPORATION IN THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS
19 LOCATED.

20 (V) THE WORKFORCE HOUSING ELEMENT IS A TOOL FOR
21 PLANNING PURPOSES ONLY AND DOES NOT HAVE THE FORCE OF LAW.

22 (b) (1) A planning commission shall include in its comprehensive plan all
23 elements required in subsection (a) of this section and the visions set forth in § 1.01 of
24 this article.

25 (2) At least once every 6 years, the planning commission shall review
26 and, if necessary, revise or amend a comprehensive plan to include all elements
27 required in subsection (a) of this section and the visions set forth in § 1.01 of this
28 article.

29 (3) If the comprehensive plan for each geographic section or division is
30 reviewed and, if necessary, revised or amended at least once every 6 years, the
31 planning commission may prepare comprehensive plans for one or more major
32 geographic sections or divisions of the local jurisdiction.

33 (c) (1) A planning commission shall implement the visions set forth in § 1.01
34 of this article through the comprehensive plan elements required under subsection (a)
35 of this section.

36 (2) A local legislative body that has adopted a comprehensive plan may
37 adopt regulations implementing the visions stated in § 1.01 of this article in a
38 comprehensive plan.

1 (d) On or before July 1, 1997, and subsequently at intervals of not more than
2 6 years which correspond to the comprehensive plan revision under subsection (b) of
3 this section, a charter county shall ensure that the implementation of the provisions
4 of the comprehensive plan that comply with § 1.01 of this article and subsection
5 (a)(1)(iii) and (iv) of this section are achieved through the adoption of:

- 6 (1) Applicable zoning ordinances and regulations;
- 7 (2) Planned development ordinances and regulations;
- 8 (3) Subdivision ordinances and regulations; and
- 9 (4) Other land use ordinances and regulations that are consistent with
10 the comprehensive plan.

11 3.05.

12 (a) (1) A planning commission shall make and approve a plan which the
13 commission shall recommend to the local legislative body for adoption.

14 (2) The plan shall:

15 (i) Serve as a guide to public and private actions and decisions to
16 insure the development of public and private property in appropriate relationships;
17 and

18 (ii) Include any areas outside of the boundaries of the plan which,
19 in the planning commission's judgment, bear relation to the planning responsibilities
20 of the commission.

21 (3) (i) The elements of the plan may be expressed in words, graphics,
22 or any other appropriate form.

23 (ii) 1. The elements of the plan shall be interrelated.

24 2. Each element shall describe how it relates to each of the
25 other elements and to the statement of objectives, principles, policies, and standards.

26 (4) The plan shall contain at a minimum the following elements:

27 (i) A statement of goals and objectives, principles, policies, and
28 standards, which shall serve as a guide for the development and economic and social
29 well-being of the local jurisdiction;

30 (ii) A land use plan element, which:

31 1. Shall propose the most appropriate and desirable patterns
32 for the general location, character, extent, and interrelationship of the uses of public
33 and private land, on a schedule that extends as far into the future as is reasonable;
34 and

- 1 2. May include public and private, residential, commercial,
2 industrial, agricultural, and recreational land uses;
- 3 (iii) A transportation plan element which shall:
- 4 1. Propose the most appropriate and desirable patterns for
5 the general location, character, and extent of the channels, routes, and terminals for
6 transportation facilities, and for the circulation of persons and goods on a schedule
7 that extends as far into the future as is reasonable;
- 8 2. Provide for bicycle and pedestrian access and travelways;
9 and
- 10 3. Include an estimate of the probable utilization of any
11 proposed improvement;
- 12 (iv) A community facilities plan element, which:
- 13 1. Shall propose the most appropriate and desirable patterns
14 for the general location, character, and extent of public and semipublic buildings,
15 land, and facilities on a schedule that extends as far into the future as is reasonable;
16 and
- 17 2. May include parks and recreation areas, schools and other
18 educational and cultural facilities, libraries, churches, hospitals, social welfare and
19 medical facilities, institutions, fire stations, police stations, jails, or other public office
20 or administrative facilities;
- 21 (v) If current geological information is available, a mineral
22 resources plan element that:
- 23 1. Identifies undeveloped land that should be kept in its
24 undeveloped state until the land can be used to provide or assist in providing a
25 continuous supply of minerals, as defined in § 15-801(i) of the Environment Article;
- 26 2. Identifies appropriate post-excavation uses for the land
27 that are consistent with the county's land planning process;
- 28 3. Incorporates land use policies and recommendations for
29 regulations:
- 30 A. To balance mineral resource extraction with other land
31 uses; and
- 32 B. To the extent feasible, to prevent the preemption of
33 mineral resources extraction by other uses; and
- 34 4. Has been reviewed by the Department of the Environment
35 to determine whether the proposed plan is consistent with the programs and goals of
36 the Department;

1 (vi) An element which shall contain the planning commission's
 2 recommendation for land development regulations to implement the plan and which
 3 encourages the following:

4 1. Streamlined review of applications for development,
 5 including permit review and subdivision plat review within the areas designated for
 6 growth in the plan;

7 2. The use of flexible development regulations to promote
 8 innovative and cost-saving site design and protect the environment; and

9 3. Economic development in areas designated for growth in
 10 the plan through the use of innovative techniques;

11 (vii) Recommendations for the determination, identification, and
 12 designation of areas within the county that are of critical State concern; [and]

13 (viii) A sensitive area element that contains goals, objectives,
 14 principles, policies, and standards designed to protect sensitive areas from the
 15 adverse effects of development; AND

16 (IX) A WORKFORCE HOUSING ELEMENT THAT CONTAINS GOALS,
 17 OBJECTIVES, PRINCIPLES, AND POLICIES DESIGNED TO SUPPORT THE AVAILABILITY
 18 OF WORKFORCE HOUSING, FOR HOMEOWNERSHIP OR RENTAL, WHICH MAY
 19 INCLUDE:

20 1. PRESERVATION AND RENOVATION OF EXISTING HOUSING
 21 STOCK;

22 2. REDEVELOPMENT OF EXISTING RESIDENTIAL AREAS;

23 3. STREAMLINED REGULATORY PROCESSES AND REDUCED
 24 REGULATORY FEES FOR CONSTRUCTION OR RENOVATION;

25 4. FINANCIAL INCENTIVES FOR CONSTRUCTION OR
 26 RENOVATION, INCLUDING LOCAL PROPERTY TAX CREDITS;

27 5. SPECIAL ZONING REGULATIONS FOR CONSTRUCTION OR
 28 RENOVATION, INCLUDING INCLUSIONARY ZONING;

29 6. EFFORTS TO PRESERVE WORKFORCE HOUSING STOCK
 30 FOR SUBSEQUENT FIRST-TIME HOME BUYERS AND RENTERS;

31 7. COORDINATION WITH NEIGHBORING JURISDICTIONS;

32 8. COORDINATION WITH PRIVATE SECTOR EMPLOYERS; AND

33 9. LEVERAGING OF FEDERAL FINANCIAL ASSISTANCE.

34 (5) (i) The transportation element may include all types of highways
 35 and streets, bicycle ways, sidewalks, railways, waterways, airways, routings for mass

1 transit, and terminals for people, goods, and vehicles related to highways, airways,
2 waterways, and railways.

3 (ii) The mineral resources plan element shall be incorporated in:

4 1. Any new plan adopted after July 1, 1986 for all or any part
5 of a local jurisdiction; and

6 2. Any amendment or addition that is adopted after July 1,
7 1986 to a plan that was in effect on July 1, 1985.

8 (III) 1. THIS SUBPARAGRAPH APPLIES TO THE WORKFORCE
9 HOUSING ELEMENT REQUIRED UNDER PARAGRAPH (4)(IX) OF THIS SUBSECTION.

10 2. IN THIS SUBSECTION, "WORKFORCE HOUSING" MEANS
11 HOUSING FOR HOUSEHOLDS WITH AN INCOME THAT IS GREATER THAN 50% BUT
12 DOES NOT EXCEED 120% OF THE MEDIAN HOUSEHOLD INCOME FOR HOUSEHOLDS
13 WITHIN A JURISDICTION AS CALCULATED EACH YEAR BY THE MARYLAND
14 DEPARTMENT OF PLANNING.

15 3. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 4 OF THIS
16 SUBPARAGRAPH, THE WORKFORCE HOUSING ELEMENT SHALL BE INCORPORATED
17 IN:

18 A. ANY NEW COMPREHENSIVE PLAN ADOPTED ON OR AFTER
19 OCTOBER 1, 2006; AND

20 B. ANY AMENDMENT OR ADDITION ADOPTED ON OR AFTER
21 OCTOBER 1, 2006, TO A COMPREHENSIVE PLAN THAT WAS IN EFFECT ON OCTOBER 1,
22 2005.

23 4. THE WORKFORCE HOUSING ELEMENT IS NOT REQUIRED
24 TO BE INCLUDED IN A NEW COMPREHENSIVE PLAN, OR AN AMENDMENT OR
25 ADDITION TO A COMPREHENSIVE PLAN, IF:

26 A. THE HOMEOWNERSHIP AFFORDABILITY INDEX FOR
27 FIRST-TIME HOME BUYERS IN THE JURISDICTION, OR IF THE JURISDICTION IS A
28 MUNICIPAL CORPORATION IN THE COUNTY IN WHICH THE MUNICIPAL
29 CORPORATION IS LOCATED, IS 90 OR GREATER, AS CALCULATED EACH YEAR BY THE
30 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; OR

31 B. THERE IS A SIGNIFICANT ABERRATION IN ANY YEAR IN
32 THE HOMEOWNERSHIP AFFORDABILITY INDEX FOR FIRST-TIME HOME BUYERS IN
33 THE JURISDICTION DUE TO FLUCTUATIONS IN THE RESORT PROPERTY SALES
34 MARKET IN THE JURISDICTION, OR IF THE JURISDICTION IS A MUNICIPAL
35 CORPORATION IN THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS
36 LOCATED.

37 5. THE WORKFORCE HOUSING ELEMENT IS A TOOL FOR
38 PLANNING PURPOSES ONLY AND DOES NOT HAVE THE FORCE OF LAW.

1 (6) (i) The plan may include any additional elements which, in the
2 judgment of the planning commission, will further advance the purposes of the plan.

3 (ii) The additional plan elements may include:

- 4 1. Community renewal elements;
- 5 2. Housing elements;
- 6 3. Flood control elements;
- 7 4. Pollution control elements;
- 8 5. Conservation elements;
- 9 6. Natural resources elements; and
- 10 7. The general location and extent of public utilities.

11 (7) (i) Each planning commission of a county that is located on the
12 tidal waters of the State and that exercises authority under this article shall include
13 in its plan the designation of areas on the tidal water or in close proximity to the tidal
14 water for the following purposes:

- 15 1. Loading and unloading finfish and shellfish;
- 16 2. Processing finfish and shellfish; and
- 17 3. Docking and mooring commercial fishing boats and
18 vessels.

19 (ii) The designated areas under subparagraph (i) of this paragraph
20 shall be geographically located to:

- 21 1. Facilitate the commercial harvesting of finfish and
22 shellfish; and
- 23 2. Assure reasonable access to the waterways of the State by
24 commercial watermen.

25 (b) (1) Each local jurisdiction shall adopt and include in their plans all of the
26 elements required in subsection (a) of this section and all of the visions set forth in §
27 1.01 of this article.

28 (2) At least once every 6 years, each planning commission shall review
29 and if necessary revise or amend the local plan to include all of the elements required
30 in subsection (a) of this section and all of the visions set forth in § 1.01 of this article.

31 (3) If the plan for each geographic section or division is reviewed and, if
32 necessary, revised or amended at least once every 6 years, the planning commission

1 may prepare plans for one or more major geographic sections or divisions of the
2 jurisdiction.

3 (c) (1) In preparing a plan, a planning commission shall carefully and
4 comprehensively survey and study:

5 (i) Present conditions;

6 (ii) Projections of future growth of the local jurisdiction; and

7 (iii) The relation of the local jurisdiction to neighboring
8 jurisdictions.

9 (2) The planning commission shall make the plan with the general
10 purpose of guiding and accomplishing the coordinated, adjusted, and harmonious
11 development of the local jurisdiction and its environs.

12 (3) A plan shall promote, in accordance with present and future needs:

13 (i) The health, safety, morals, order, convenience, prosperity, and
14 the general welfare of the local jurisdiction; and

15 (ii) Efficiency and economy in the development process.

16 (4) A plan shall provide for:

17 (i) Transportation needs;

18 (ii) The promotion of public safety;

19 (iii) Light and air;

20 (iv) The conservation of natural resources;

21 (v) The prevention of environmental pollution;

22 (vi) The promotion of a healthful and convenient distribution of
23 population;

24 (vii) The promotion of good civic design and arrangement;

25 (viii) The wise and efficient expenditure of public funds;

26 (ix) Adequate public utilities; and

27 (x) An adequate supply of other public requirements.

28 (d) (1) The commission shall have power to promote public interest in and
29 understanding of the plan.

1 (2) The commission shall consult with public officials and agencies,
2 public utility companies, civic, educational, professional, and other organizations, and
3 citizens about protecting or executing the plan.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland
5 Department of Planning shall establish a task force on workforce housing to provide
6 the counties and municipal corporations with technical assistance, the development of
7 "best practices", and general guidance on workforce housing and other affordable
8 housing issues.

9 SECTION 3. AND BE IT FURTHER ENACTED, That the Maryland
10 Department of Planning shall report to the General Assembly on or before December
11 31 each year, in accordance with § 2-1246 of the State Government Article, on the
12 implementation of this Act.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2006.