

# SENATE BILL 903

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CF HB 852

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By: **Senator A. Washington**

Introduced and read first time: February 15, 2023

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Expedited Development Review Processes for Affordable Housing –**  
3 **Application to Religious Organizations**

4 FOR the purpose of requiring, on or after a certain date, a county that uses an expedited  
5 development review process for proposed affordable housing developments to  
6 consider certain applications from bona fide religious organizations under the  
7 expedited development review process; authorizing a county to opt out of the  
8 provisions of this Act by adopting a certain local law on or before a certain date; and  
9 generally relating to expedited development review processes for affordable housing  
10 developments.

11 BY repealing and reenacting, without amendments,  
12 Article – Housing and Community Development  
13 Section 4–1801(a) and (c)  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article – Land Use  
18 Section 1–401(a), (b)(18), and (c), 1–402, and 10–103(a) and (b)(16)  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume and 2022 Supplement)

21 BY adding to  
22 Article – Land Use  
23 Section 7–105  
24 Annotated Code of Maryland  
25 (2012 Replacement Volume and 2022 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
27 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.



**Article – Housing and Community Development**

4–1801.

(a) In this subtitle the following words have the meanings indicated.

(c) “Area median income” means the median household income for the area adjusted for household size as published and annually updated by the United States Department of Housing and Urban Development.

**Article – Land Use**

1–401.

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

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

(18) Title 7, Subtitle 1 (Development Mechanisms);

(c) This section supersedes any inconsistent provision of Division II of this article.

1–402.

(a) In addition to the powers the county may have had under this division before adopting code home rule, a code county may exercise the powers relating to land use stated in Title 10 of the Local Government Article.

(b) A code county that chooses to exercise the powers relating to land use stated in Title 10 of the Local Government Article shall be treated as a charter county for purposes of § 1–401 of this subtitle.

**7–105.**

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

**(2) “AFFORDABLE HOUSING DEVELOPMENT” MEANS A RESIDENTIAL DEVELOPMENT, INCLUDING A MULTIFAMILY DWELLING, WHERE ALL OR A PORTION OF THE DWELLING UNITS ARE RESERVED FOR INDIVIDUALS WHOSE HOUSEHOLD INCOME IS LESS THAN OR EQUAL TO A CERTAIN LIMIT ON MAXIMUM HOUSEHOLD INCOME.**

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

3           **(4) “EXPEDITED DEVELOPMENT REVIEW PROCESS” MEANS AN**  
4 **EXPEDITED PROCESS FOR:**

5                   **(I) PLANNING REVIEW; OR**

6                   **(II) THE CONSIDERATION OF ZONING CHANGES.**

7           **(5) “ZONING CHANGE” INCLUDES AN ADAPTIVE REUSE, AN**  
8 **ADMINISTRATIVE ADJUSTMENT, OR A VARIANCE.**

9           **(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON**  
10 **OR AFTER JULY 1, 2024, A COUNTY THAT USES AN EXPEDITED DEVELOPMENT**  
11 **REVIEW PROCESS FOR PROPOSED AFFORDABLE HOUSING DEVELOPMENTS SHALL**  
12 **CONSIDER APPLICATIONS FROM BONA FIDE RELIGIOUS ORGANIZATIONS UNDER**  
13 **THE EXPEDITED DEVELOPMENT REVIEW PROCESS IN ACCORDANCE WITH THIS**  
14 **SUBSECTION.**

15           **(2) IN ORDER TO QUALIFY FOR THE EXPEDITED DEVELOPMENT**  
16 **REVIEW PROCESS, THE BONA FIDE RELIGIOUS ORGANIZATION SHALL:**

17                   **(I) RESERVE AT LEAST 50% OF THE DWELLING UNITS IN THE**  
18 **PROPOSED AFFORDABLE HOUSING DEVELOPMENT FOR INDIVIDUALS WHOSE**  
19 **HOUSEHOLD INCOME IS LESS THAN OR EQUAL TO 80% OF THE AREA MEDIAN**  
20 **INCOME; AND**

21                   **(II) DEVELOP THE AFFORDABLE HOUSING DEVELOPMENT ON**  
22 **PROPERTY OWNED BY THE ORGANIZATION.**

23           **(3) EXCEPT FOR THE REQUIREMENTS ESTABLISHED IN PARAGRAPH**  
24 **(2) OF THIS SUBSECTION, AN APPLICATION FROM A BONA FIDE RELIGIOUS**  
25 **ORGANIZATION SHALL BE HELD TO THE SAME STANDARDS FOR REVIEW AND**  
26 **APPROVAL AS AN APPLICATION SUBMITTED BY ANY OTHER ENTITY UNDER THE**  
27 **EXPEDITED DEVELOPMENT REVIEW PROCESS ESTABLISHED BY THE COUNTY.**

28           **(C) THIS SECTION DOES NOT APPLY TO A COUNTY THAT, ON OR BEFORE**  
29 **JUNE 30, 2024:**

30                   **(1) ESTABLISHES AN EXPEDITED DEVELOPMENT REVIEW PROCESS**  
31 **FOR PROPOSED AFFORDABLE HOUSING DEVELOPMENTS; AND**

1                   **(2) ADOPTS A LOCAL LAW PROHIBITING THE CONSIDERATION OF**  
2 **APPLICATIONS FROM RELIGIOUS ORGANIZATIONS UNDER THE EXPEDITED**  
3 **DEVELOPMENT REVIEW PROCESS.**

4 10–103.

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

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

8                   (16) Title 7, Subtitle 1 (Development Mechanisms);

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
10 1, 2023.