

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 852

(Delegate Stewart, *et al.*)

Environment and Transportation

**Land Use - Expedited Development Review Processes for Affordable Housing -
Application to Religious Organizations**

This bill requires, except as specified, that on or after July 1, 2024, a county that uses an expedited development review process for proposed affordable housing developments consider applications from *bona fide* religious organizations, which meet certain qualifications, under the expedited development review process, as specified. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: None.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary:

Definitions

“Affordable housing development” is 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.

“Area median income” is 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.

“Expedited Development Review Process” is an expedited process for (1) planning review or (2) the consideration of zoning changes.

“Zoning change” includes an adaptive reuse, an administrative adjustment, or a variance.

Expedited Development Review – Religious Organization Affordable Housing

To qualify for expedited development review, the *bona fide* religious organization must:

- reserve at least 50% of the dwelling units in the proposed affordable housing development for individuals whose household income is less than or equal to 80% of the area median income; and
- develop the affordable housing development on property owned by the organization.

Subject to the aforementioned requirements, an application from a *bona fide* religious organization must be held to the same standards for review and approval as an application submitted by any other entity under the expedited development review process established by the county.

The bill’s requirements do not apply to a county that, on or before June 30, 2024, (1) establishes an expedited development review process for proposed affordable housing developments and (2) adopts a local law prohibiting the consideration of applications from religious organizations under the expedited development review process.

Current Law: Title 7, Subtitle 1 (Development Mechanisms) of the Land Use Article of the Maryland Code (to which the bill’s provisions are added):

- authorizes a local jurisdiction – in order to encourage the preservation of natural resources or the provision of affordable housing and to facilitate orderly development and growth – to enact local laws providing for or requiring: (1) the planning, staging, or provision of adequate public facilities and affordable housing; (2) off-site improvements or the dedication of land for public facilities essential for a development; (3) moderately priced dwelling unit programs; (4) mixed use developments; (5) cluster developments; (6) planned unit developments; (7) alternative subdivision requirements that meet minimum performance standards set by the local jurisdiction and reduce infrastructure costs; (8) floating zones; (9) incentive zoning; and (10) performance zoning;

- authorizes a legislative body that exercises authority granted by Division I of the Land Use Article to enact local laws providing for the transfer, with or without consideration, of real property belonging to the local jurisdiction to a public or private entity, to use in developing or preserving affordable housing; and
- establishes that the authority granted under the subtitle is not intended to limit a local jurisdiction's authority to (1) exercise any planning and zoning powers not expressly authorized under the subtitle or (2) adopt other methods to facilitate orderly development and growth, encourage the preservation of natural resources, or provide affordable housing.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 903 (Senator A. Washington) - Rules.

Information Source(s): Montgomery and Wicomico counties; Maryland Association of Counties; cities of College Park and Rockville; Maryland Municipal League; Maryland-National Capital Park and Planning Commission; Department of Housing and Community Development; Maryland Department of Planning; Department of Legislative Services

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