

HB0538/203024/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 538

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Williams**” and substitute “**Williams, Boyce, Foley, Healey, Lehman, Love, and Stewart**”; in line 4, after the first “of” insert “establishing the Historic Property Revitalization Director as a position in the Department of Housing and Community Development; establishing the duties of the Historic Property Revitalization Director;”; in line 5, after “homes” insert “or modular dwellings”; strike beginning with “prohibiting” in line 6 down through “manners;” in line 9; in line 16, after “circumstances;” insert “requiring an entity responsible for a certain qualified project to conduct a certain public health impact assessment and submit the assessment to the Department for approval; prohibiting the Department from approving a certain public health impact assessment under certain circumstances;”; strike beginning with “providing” in line 16 down through “Act;” in line 17; after line 17, insert:

“BY repealing and reenacting, with amendments,

Article - Housing and Community Development

Section 2-201

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY adding to

Article - Housing and Community Development

Section 2-204

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)”;

and in line 20, after “1-401” insert “, 4-104,”.

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On page 2, in line 2, strike “4–104(c) and 7-105; and”; in the same line, strike “7-506” and substitute “7-509”; and strike in their entirety lines 6 through 10, inclusive.

AMENDMENT NO. 2

On page 2, after line 12, insert:

“Article – Housing and Community Development

2–201.

The Department consists of:

- (1) the Division of Credit Assurance;
- (2) the Division of Development Finance;
- (3) the Division of Neighborhood Revitalization;
- (4) the Community Development Administration;
- (5) the Community Legacy Program;
- (6) the Housing Finance Review Committee;
- (7) the Lead Hazard Advisory Committee;
- (8) the Maryland Housing Fund;
- (9) the Neighborhood Business Development Program; [and]
- (10) **THE HISTORIC PROPERTY REVITALIZATION DIRECTOR; AND**

[(10)] (11) any other governmental unit that under law is a part of the Department.

2-204.

(A) THERE IS A HISTORIC PROPERTY REVITALIZATION DIRECTOR.

(B) THE HISTORIC PROPERTY REVITALIZATION DIRECTOR SHALL:

(1) SUPPORT THE WORK OF THE SMART GROWTH SUBCABINET;

(2) COLLECT AND MAINTAIN FROM STATE AGENCIES THAT OWN PROPERTY AN INVENTORY OF STATE-OWNED BUILDINGS THAT ARE GREATER THAN 50 YEARS OLD TO BE USED FOR PRIORITIZING PHYSICAL ASSESSMENTS AND, IF APPLICABLE, DETERMINING ELIGIBILITY FOR THE NATIONAL REGISTER OF HISTORIC PLACES;

(3) IN CONSULTATION WITH THE SMART GROWTH SUBCABINET AND TO DETERMINE THE HIGHEST AND BEST VALUE FOR THE STATE'S DISPOSITION OF PROPERTY, SUPPORT STUDIES AND CONSULTATIONS RELEVANT TO:

(I) STABILIZATION;

(II) MOTHBALLING;

(III) ENVIRONMENTAL IMPACTS;

(IV) ECONOMIC PROSPECTS; AND

(Over)

(V) LONG-TERM GROUND LEASES;

(4) WORK WITH THE DEPARTMENT, THE DEPARTMENT OF COMMERCE, AND OTHER MEMBERS OF THE SMART GROWTH SUBCABINET TO IDENTIFY EXISTING STATE AND FEDERAL PROGRAMS AND FINANCING MECHANISMS THAT MAY BE LEVERAGED TO ENHANCE THE SUCCESSFUL REDEVELOPMENT OF PROPERTY;

(5) WORK WITH THE DEPARTMENT OF GENERAL SERVICES OFFICE OF REAL ESTATE DURING THE DISPOSITION PROCESS OF RELEVANT PROPERTY; AND

(6) ON OR BEFORE OCTOBER 1, 2026, AND EACH OCTOBER 1 THEREAFTER, AND IN CONSULTATION WITH THE SMART GROWTH SUBCABINET, REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE PROGRESS OF EFFORTS UNDER THIS SUBSECTION.

(C) THE HISTORIC PROPERTY REVITALIZATION DIRECTOR SHALL RECEIVE A SALARY AS PROVIDED IN THE STATE BUDGET.”;

in line 28, strike “4-104(b)” and substitute “4-104(C)”; in line 29, strike “4-104(C)” and substitute “4-104(D)”; and in the same line, after “HOMES” insert “AND MODULAR DWELLINGS”.

On page 4, after line 2, insert:

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“(a) IN THIS SECTION, “MODULAR DWELLING” MEANS A BUILDING ASSEMBLY OR SYSTEM OF BUILDING SUBASSEMBLIES DESIGNED FOR HABITATION AS A DWELLING FOR ONE OR MORE INDIVIDUALS:

(1) THAT INCLUDES THE NECESSARY ELECTRICAL, PLUMBING, HEATING, VENTILATING, AND OTHER SERVICE SYSTEMS;

(2) WHICH IS MADE OR ASSEMBLED BY A MANUFACTURER ON OR OFF THE BUILDING SITE FOR INSTALLATION, OR ASSEMBLY AND INSTALLATION, ON THE BUILDING SITE; AND

(3) INSTALLED AND SET UP ACCORDING TO THE MANUFACTURER’S INSTRUCTIONS ON AN APPROVED FOUNDATION AND SUPPORT SYSTEM.

(B) The powers granted to a local jurisdiction under this subtitle do not:

(1) grant the local jurisdiction powers in any substantive area not otherwise granted to the local jurisdiction by any other public general or public local law;

(2) restrict the local jurisdiction from exercising any power granted to the local jurisdiction by any other public general or public local law or otherwise;

(3) authorize the local jurisdiction or its officers to engage in any activity that is beyond their power under any other public general or public local law or otherwise; or

(4) preempt or supersede the regulatory authority of any unit of the State under any public general law.

[(b)] (C) (1) If a legislative body regulates off-street parking, the legislative body shall require space for the parking of bicycles in a manner that the legislative body considers appropriate.

(2) A legislative body may allow a reduction in the number of required automobile parking spaces based on the availability of space for parking bicycles.”;

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in line 3, strike “(C)” and substitute “(D)”; in line 4, after “HOME” insert “OR MODULAR DWELLING”; in line 5, strike “MANUFACTURED”; in the same line, after “HOME” insert “OR DWELLING”; in line 6, after “(1)” insert “MEETS THE DEFINITION OF MODULAR DWELLING UNDER SUBSECTION (A) OF THIS SECTION; OR

(2)”;

and strike beginning with the semicolon in line 7 down through “(2)” in line 8 and substitute “AND”.

On pages 4 and 5, strike in their entirety the lines beginning with line 11 on page 4 through line 2 on page 5, inclusive.

On page 5, strike in their entirety lines 7 through 9, inclusive; and in lines 10, 12, 15, 18, 20, 24, and 27, strike “(C)”, “(D)”, “(E)”, “(F)”, “(G)”, “(H)”, and “(I)”, respectively, and substitute “(B)”, “(C)”, “(D)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively.

On page 6, in lines 7, 11, 16, and 20, strike “(K)”, “(L)”, “(M)”, and “(N)”, respectively, and substitute “(J)”, “(K)”, “(L)”, and “(M)”, respectively.

On page 6, in line 5, strike “(J)” and substitute “(I) (1)”; strike beginning with “A” in line 5 down through “SPACE” in line 6 and substitute “ANY COMBINATION OF A RESIDENTIAL USE WITH A RECREATIONAL, OFFICE, DINING, OR RETAIL USE.

(2) “MIXED-USE” DOES NOT MEAN ANY COMBINATION OF A RESIDENTIAL USE WITH AN INDUSTRIAL OR HAZARDOUS USE”;

in line 17, strike “TWO” and substitute “THREE”; and in line 26, after “DENSITY” insert “OR NUMBER OF UNITS”.

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On page 7, in line 4, after “RENOVATION” insert “, AS ANNUALLY ESTABLISHED AND IDENTIFIED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN THE MULTIFAMILY RENTAL FINANCING PROGRAM GUIDE”.

On page 7 in lines 12 and 14, on page 9 in line 28, and on page 10 in line 1, in each instance, strike “50%” and substitute “25%”.

On page 7 in lines 19, 21, and 27, on page 8 in line 26, on page 9 in lines 1 and 7, and on page 10 in lines 6, 8, and 14, in each instance, strike “EXCLUSIVELY”.

On page 7 in line 27, on page 9 in line 7, and on page 10 in line 14, in each instance, strike “IN” and substitute “SUBJECT TO § 7-509 OF THIS SUBTITLE, IN”.

On page 8, after line 3, insert:

“(6) IF A QUALIFIED PROJECT IS ALLOWED TO EXCEED THE DENSITY OTHERWISE AUTHORIZED BY A LOCAL JURISDICTION IN A DISTRICT OR ZONE UNDER THIS SECTION, THE QUALIFIED PROJECT MAY NOT ALSO EXCEED THE AUTHORIZED DENSITY UNDER § 7-503 OR § 7-504 OF THIS SUBTITLE.”;

in line 10, strike “1” and substitute “THREE-QUARTERS OF A”; in lines 12 and 14, in each instance, strike “25%” and substitute “15%”; and in line 23, after “(B)” insert “THIS SECTION DOES NOT APPLY TO AN AREA ZONED FOR SINGLE-FAMILY RESIDENTIAL USE:

(1) ON JANUARY 1, 2024; AND

(2) DURING ANY PROCESS TO INCREASE ALLOWABLE DENSITY UNDER SUBSECTION (C) OF THIS SECTION.

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(C)”.

On page 9, after line 13, insert:

“(6) IF A QUALIFIED PROJECT IS ALLOWED TO EXCEED THE DENSITY OTHERWISE AUTHORIZED BY A LOCAL JURISDICTION IN A DISTRICT OR ZONE UNDER THIS SECTION, THE QUALIFIED PROJECT MAY NOT ALSO EXCEED THE AUTHORIZED DENSITY UNDER § 7-502 OR § 7-504 OF THIS SUBTITLE.”;

after line 16, insert:

“(2) “CONTROLLED BY” MEANS A BUSINESS STRUCTURE IN WHICH A NONPROFIT ORGANIZATION IS A MANAGING MEMBER, GENERAL PARTNER, OR OTHERWISE CONTROLLING ENTITY WITH A FOR-PROFIT MEMBER OR PARTNER AS DEMONSTRATED BY AN ATTORNEY LICENSED IN THE STATE.”;

in line 17, after “IS” insert “QUALIFIED AS”; in lines 17 and 19, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively; and in line 18, after “CODE” insert “AND HAS BEEN DESIGNATED AS SUCH FOR AT LEAST 3 YEARS”.

On page 10, after line 20, insert:

“(6) IF A QUALIFIED PROJECT IS ALLOWED TO EXCEED THE DENSITY OTHERWISE AUTHORIZED BY A LOCAL JURISDICTION IN A DISTRICT OR ZONE UNDER THIS SECTION, THE QUALIFIED PROJECT MAY NOT ALSO EXCEED THE AUTHORIZED DENSITY UNDER § 7-502 OR § 7-503 OF THIS SUBTITLE.”.

On page 11, in line 4, before “EXCEPT” insert “(A)”; in line 6, strike “ONE” and substitute “TWO”; in the same line, strike “HEARING” and substitute “HEARINGS”; in line 8, after “BODY;” insert “AND”; in lines 9 and 10, strike “;

(3)”

and substitute “

(B) EXCEPT AS OTHERWISE PROVIDED OR REQUIRED BY STATE LAW, A LOCAL GOVERNMENT MAY NOT REQUIRE THAT A QUALIFIED PROJECT UNDER THIS SUBTITLE BE REVIEWED AT MORE THAN ONE PUBLIC HEARING BEFORE EACH OF THE FOLLOWING:

(1)”;

in line 12, strike “(4)” and substitute “(2)”; and after line 12, insert:

“7-507.

THE INCREASED DENSITY LIMITS UNDER §§ 7-502 THROUGH 7-504 OF THIS SUBTITLE ARE IN ADDITION TO INCREASED DENSITY THAT IS ALLOWED OR REQUIRED BY A LOCAL JURISDICTION.

7-508.

UNDER THIS SUBTITLE, THE DENSITY OF A QUALIFIED PROJECT MAY NOT EXCEED THE DENSITY OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE LOCATED ON:

(1) AGRICULTURAL LAND, AS DEFINED IN § 9-206 OF THE TAX – PROPERTY ARTICLE; OR

(Over)

(2) CONSERVATION PROPERTY, AS DEFINED IN § 8-209.1 OF THE TAX – PROPERTY ARTICLE.

7-509.

(A) (1) BEFORE A QUALIFIED PROJECT IS AUTHORIZED TO EXCEED THE DENSITY IN AN AREA ZONED FOR NONRESIDENTIAL USE UNDER § 7-502(B)(4), § 7-503(C)(4), OR § 7-504(B)(4) OF THIS SUBTITLE, THE ENTITY RESPONSIBLE FOR THE QUALIFIED PROJECT SHALL:

(I) CONDUCT A PUBLIC HEALTH IMPACT ASSESSMENT; AND

(II) RECEIVE APPROVAL OF THE PUBLIC HEALTH IMPACT ASSESSMENT FROM THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(2) A PUBLIC HEALTH IMPACT ASSESSMENT UNDER THIS SUBSECTION SHALL EVALUATE POTENTIAL PUBLIC HEALTH IMPACTS ASSOCIATED WITH THE PROXIMITY OF THE QUALIFIED PROJECT TO ANY HEALTH HAZARDS WITHIN THE AREA ZONED FOR NONRESIDENTIAL USE.

(B) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MAY NOT APPROVE A PUBLIC HEALTH IMPACT ASSESSMENT SUBMITTED UNDER THIS SECTION IF THE ASSESSMENT SHOWS THAT RESIDENTIAL USE IN THE NONRESIDENTIAL ZONE WOULD PRESENT A SUBSTANTIAL RISK TO THE HEALTH AND SAFETY OF THE RESIDENTS.

(C) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.”.

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On page 12, in line 1, strike “4-104(b)” and substitute “4-104(C)”; in line 2, strike “4-104(C)” and substitute “4-104(D)”; and in the same line, after “HOMES” insert “AND MODULAR DWELLINGS”.

On pages 12 through 13, strike in their entirety the lines beginning with line 18 on page 12 through line 19 on page 13, inclusive.

On page 13, after line 19, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That a Position Identification Number (PIN) shall be created in the Department of Housing and Community Development for the Historic Property Revitalization Director.”;

in line 21, strike “October 1, 2024” and substitute “January 1, 2025”; and strike beginning with “Section” in line 21 down through the period in line 23.