

Chapter 154

(Senate Bill 333)

AN ACT concerning

Housing and Community Development – Affordable Housing – Identifying Suitable Property

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

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

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

*BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 5–310(d)
 Annotated Code of Maryland
 (2021 Replacement Volume and 2023 Supplement)*

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

Article – Housing and Community Development

2–203.

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

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

1. is located [in] **OUTSIDE** an area designated as a priority funding area under Title 5, Subtitle 7B of the State Finance and Procurement Article; **OR**
2. [does not belong] **BELONGS** in a category of property listed in § 5–310(c)(1)(i) of the State Finance and Procurement Article[;
3. is adequately sized for any type of residential use;
4. has access to public utilities; and
5. has access to feasible ingress and egress points.

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

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

1. **IS ADEQUATELY SIZED FOR ANY TYPE OF RESIDENTIAL USE;**
2. **HAS ACCESS TO PUBLIC UTILITIES;**
3. **HAS ACCESS TO FEASIBLE INGRESS AND EGRESS POINTS; AND**
4. **MEETS ANY OTHER FACTORS DETERMINED BY THE DEPARTMENT THAT ARE NECESSARY FOR THE PROPERTY TO BE USED OR REDEVELOPED AS AFFORDABLE HOUSING.**

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

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

(i) give notice of the determination to:

1. the unit of State government that controls the property;
- and

2. the State Treasurer; and

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

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

Article – State Finance and Procurement

5–310.

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 25, 2024.