



Maryland

DEPARTMENT OF PLANNING

HEARING DATE: January 25, 2024
BILL NO: SB0274
COMMITTEE: Education, Energy, and the Environment
POSITION: Support
FOR INFORMATION CONTACT: Andrew Wilson (443) 366-4224

TITLE: Charter Counties - Comprehensive Plans - Affirmatively Furthering Fair Housing

BILL ANALYSIS:

This bill adds to the requirements for the housing element of a charter county's comprehensive plan, enacted or amended on or after January 1, 2025, the inclusion of an assessment of fair housing to ensure the county is affirmatively furthering fair housing. A charter county that completed or revised an Assessment of Fair Housing or an analysis of impediments to fair housing practices shall incorporate that assessment or analysis into the housing element of the charter county's comprehensive plan when that plan is amended.

POSITION AND RATIONALE:

The Maryland Department of Planning (MDP) supports SB0274. This bill amends the Land Use Article's comprehensive plan housing element requirements for charter counties to be the same as non-charter county and municipalities. As of January 1, 2023, non-charter county and municipal comprehensive plan housing elements, governed by Land Use Article Division 1, Title 3, Subtitle 1 (i.e., §3-114), were required to address affirmatively furthering fair housing, pursuant to HB 90 (2021). This bill amends Land Use Article Division 1, Title 1, Subtitle 4, Part II (i.e., §1-407.1), which governs comprehensive plan requirements for charter counties. MDP does not know why the decision was made in 2021 to exclude charter counties from HB 90's fair housing requirement and considers this amendment an opportunity to correct that inadvertent omission. During the passage of HB 1045 in 2019, the requirement of a housing element as a component of the comprehensive plan was mandated for all jurisdictions, regardless of county charter status.

This bill is appropriate because it standardizes fair housing comprehensive planning requirements across all Maryland jurisdictions that exercise planning authority; 18 of Maryland's 24 counties (including Baltimore City) are charter and contain most of Maryland's population. This bill would therefore require fair housing planning with potentially far-ranging impacts. Six of Maryland's 18 charter counties are already HUD entitlement communities, which are required to affirmatively further fair housing through their federal programs and plans. These counties should be familiar with and have the capacity to add this component to their comprehensive plan housing elements. Entitlement communities, through their Community Development Block Grant (CDBG) programs, are similarly already required to conduct an analysis of impediments to fair housing choice. For these six counties, the strategies to affirmatively further fair housing should be readily available for inclusion in the comprehensive plan housing element. MDP has already developed and will continue to expand guidance and resources to support jurisdictions that must affirmatively further fair housing in their comprehensive plan housing elements.