



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

POSITION STATEMENT

Bill: HB 0038 School Construction and Housing - School Zones and Adequate Public Facilities Ordinances

Position: Informational

Date: February 4, 2025

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Government Affairs Liaison

Dear Chair Ben Barnes,

The Maryland-National Capital Park and Planning Commission (“M-NCPPC”) has not taken a position on HB 0038. However, Montgomery Planning staff has suggested some clarifications below.

What this Bill Does. This bill requires each county board of education to submit a certain report to the Department of Planning and the Interagency Commission on School Construction each year and repeals the authorization of the Interagency Commission on School Construction to make an enrollment deduction under certain circumstances. This bill also seeks to prohibit a county’s adequate public facilities ordinance from restricting housing developments after a certain period of time; and generally relating to school zones, school construction, and adequate public facilities ordinances.

Necessary Clarifications. In an effort to achieve a better understanding of this bill, we have identified the following provisions for more clarification.

(A) Land Use Article 7–106. A County’s Adequate Public Facilities Ordinance May Not Restrict Housing Development for more than 4 years after enactment.

- a. This section should offer more clarification: the word “enactment” seems to refer to the initial adoption of the APFO. However, it seems the intent might be from the time that a project is “approved” as opposed to when the actual APFO law is enacted. Clarification would be helpful.

- b. How will public facilities be addressed and/or provided if there is a limit on APFO and the 4 years expires?

(B) ***Repealing Section 5-303 (l):*** *The Interagency Commission may make an eligible enrollment deduction for an adjacent school when calculating the maximum State construction allocation for a project approved for State funding under subsection (d)(3)(ii) of this section only if the sum of available seat count in all adjacent schools is 15% or more of the project school's enrollment.*

- a. More information is needed. It is unclear whether the intent of the bill in removing this provision is to limit State construction allocations for projects that have available seats in adjacent schools.