

January 30th, 2025

The Honorable Ben Barnes
Chair, House Appropriations Committee
Taylor House Office Building
6 Bladen St., Annapolis, MD, 21401

RE: MBIA Letter of Support HB 38 School Construction and Housing – School Zones and Adequate Public Facilities Ordinances

Dear Chairman Barnes:

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **HB 38 School Construction and Housing – School Zones and Adequate Public Facilities Ordinances**.

This bill requires each county board of education to submit a student residency and school zones report, and prohibits a county's adequate public facilities ordinance from restricting housing development more than 4 years after enactment. Our industry supports this measure, as many local jurisdictions have recently tried to restrict housing development through adequate public facilities ordinances (APFO) while our state currently faces a housing crisis. We believe that preventing local jurisdictions from blocking housing development through APFO is an important step in the right direction and will get more housing units built throughout the state. There are various issues that come in to play regarding school capacity besides new home construction including resale market, programmatic decisions, state rated capacity, out of district transfers, redistricting and demographic shifts.

For example, Howard County currently has a 4-year waiting period if you fail the APFO test. Under current law, you cannot file final project plans until you either pass the APFO test or until after the 4-year waiting period if you fail. Prior to taking the APFO test, a developer must complete a preliminary equivalent sketch plan, which is a 12–18-month process. Completing the final plans of a project is another 12–18-month process. Essentially this means that projects in APFO restricted areas will take 6-8 years to get started. Adding language to allow final plans to move forward even if you fail the APFO test will allow projects in APFO restricted areas to get started after 4 years as intended by this legislation. We have various other examples of this throughout the state.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Appropriations Committee