

March 4, 2025

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Senator Brian J. Feldman, Chairman
Senate Education, Energy and the Environment Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

**Re: Senate Bill 430 – Land Use – Regional Housing Infrastructure Gas (Housing for Jobs Act) -
FAVORABLE WITH AMENDMENTS**

Dear Chairman Feldman:

On behalf of our client, Himmelrich Associates, Inc. (“Himmelrich”), I am writing to express our support for SB 430 with the amendments described below. Himmelrich is a Baltimore-based real estate firm focused on repurposing and readapting industrial and historic properties.

Himmelrich supports SB 430 with the following amendments:

1. On page 9, in line 19, after “TO” insert “OR NEIGHBORING”.
2. On page 12, strike beginning with “FOR” in line 1 down through “SCHOOLS” in line 4 and substitute “THAT HAS UNIFORMLY VERIFIABLE CURRENT OR PROJECTED FULL-TIME ENROLLMENT FOR ALL GEOGRAPHICALLY ADJACENT SCHOOLS THAT EXCEEDS 100% OF THE CURRENT OR ESTIMATED SCHOOL RATED CAPACITY FOR EACH OF THE SCHOOLS”.

The first change clarifies the definition of “Geographically Adjacent School” to ensure that the language captures school districts with common boundaries. Maryland case law has provided inconsistent interpretations of the term “contiguous” in various contexts. Clarifying the definition here provides certainty.

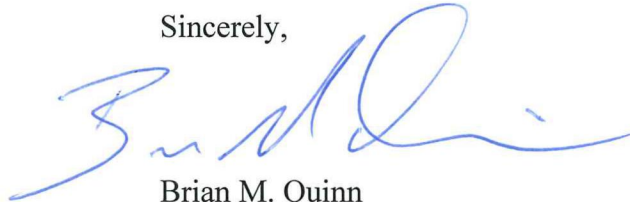
The second change clarifies one of the justifications a local government may use to deny a housing development. As introduced, the legislation would allow a local government to deny a project if the sum of current/estimated capacity for the school serving the district in which the project is located and all geographically adjacent schools exceeds 100%. This section of the bill as introduced is too restrictive and will have unintended consequences. For example, if a proposed housing development is to be located in a school district that is 101% capacity and is

March 4, 2025

geographically adjacent to one district that is 150% capacity and one district that is only 70% capacity - the project can be denied even though there is sufficient capacity in an adjacent district to accommodate the housing development. As amended, a local jurisdiction may not use school overcrowding as a basis for denying a housing development if a geographically adjacent school is under 100% state rated capacity. This better reflects how school capacity is actually addressed by local governments, as redistricting can be used to accommodate growth and changes in school enrollment. As long as there is capacity in a geographically adjacent school to accommodate additional students, local governments should not be able to use school capacity as a basis for denying a housing development.

Thank you very much for your attention.

Sincerely,



Brian M. Quinn

cc: Members, Senate Education, Energy and the Environment Committee