

MoCo NEIGHBORHOOD PRESERVATION ALLIANCE

TO: The Honorable Brian Feldman, Chair
Members, Senate Education, Energy & Environment Committee
The Moore-Miller Administration

FROM: Richard A. Tabuteau

DATE: March 4, 2025

RE: **UNFAVORABLE** – Senate Bill 430 – *Land Use - Regional Housing Infrastructure Gap (Housing for Jobs Act)*

MoCo Neighborhood Preservation Alliance is dedicated to protecting and preserving the character, stability, and quality of life in Montgomery County's single-family neighborhoods. We advocate for responsible growth policies that respect established communities, safeguard green spaces, and maintain the integrity of residential areas. Our mission is to ensure that future development enhances not disrupts the peaceful, family-friendly environments that make our neighborhoods special. By fostering civic engagement, promoting thoughtful planning, and working with local leaders, we strive to keep Montgomery County a place where families can thrive for generations to come.

Senate Bill 430 requires the Maryland Department of Housing and Community Development and the Maryland Department of Planning to divide the State into six regions, with the Washington region comprising Montgomery, Prince Georges, and Frederick Counties. A "Jobs to Housing Ratio" would then be calculated by dividing the number of jobs by the number of housing units in each region. If there is a regional housing infrastructure gap, which would exist where the jobs-to-housing ratio exceeds 1.5, the housing shortfall would be apportioned to the region's local jurisdictions based on their percentage share of regional jobs.

Each jurisdiction within the region would then be required to expeditiously approve new housing units, except in extremely limited and narrow circumstances. Notably, these exceptions do not include the legitimate concerns of local residents. Even in citing one of the enumerated exceptions, a jurisdiction's justification for denying a housing development project must also be supported by clear and convincing evidence, the highest and most demanding standard of proof in civil matters.

According to data shared by the Administration, under this legislation, 31,364 units would have to be constructed in Montgomery County alone for the Washington Region to fall below the prescribed jobs-to-housing ratio. Senate Bill 430, however, does not allow the county to deny a housing development project for any of the following important and legitimate considerations:

- Traffic conditions, road quality, commute times to work, and parking;

- Reliable electricity and internet connectivity;
- Sufficient emergency services (*e.g.* police, fire, medical response);
- Access to green spaces, playgrounds, sports facilities, and community centers; or
- Clean air, low noise levels, and recycling services and other environmental sustainability programs.

Moreover, Senate Bill 430 shifts the burden of proof for the approval of a housing development project so that a local jurisdiction needs to demonstrate why a project should not be approved, instead of for the developer to demonstrate why it should be approved. By shifting the burden of proof onto local jurisdictions, developers are not incentivized to provide thorough and complete proposals, utilize best practices, or exceed expectations. In addition, developers may bring an action in the appropriate circuit court to contest disapproval of a project, but there is no corresponding legal process in the bill for opponents of the project to participate in that contest.

Furthermore, the use of a jobs-to-housing ratio itself is problematic. First, this ratio does not provide any housing affordability protections whatsoever and could unintentionally result in raising the cost of living in Montgomery County. Second, the ratio is easily manipulated to produce false or misleading results. For example, many people in Montgomery County work multiple jobs, which would skew the number of housing units needed for the workforce. Conversely, Montgomery County faces the imminent prospect of tens of thousands of lost federal government jobs held by county residents, which would rapidly skew ratio calculations.

Though the Administration has rightly identified housing availability and affordability as an issue to spur economic growth in Maryland, Senate Bill 430 is the wrong solution. MoCo Neighborhood Preservation Alliance strongly urges the Senate Education, Energy & Environment Committee to give Senate Bill 430 an unfavorable report.

For more information call:

Richard A. Tabuteau
347.886.2904