



Senate Bill 430

Land Use - Regional Housing Infrastructure Gap (Housing for Jobs Act)

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Energy, and the Environment
Committee

Date: March 4, 2025

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS SB 430 WITH AMENDMENTS**. This bill makes several changes to the land use article, establishing a jobs-to-housing ratio and certain threshold requirements should a county fall below a certain ratio.

For years, Maryland's counties and the General Assembly have prioritized expanding the supply of affordable housing. The 2024 passage of the Housing Expansion and Affordability Act, a cornerstone of the Moore/Miller Administration, introduced a new state density bonus system. MACo played a pivotal role in advancing a historic number of impactful housing measures, equipping counties with critical tools to combat blight and vacancy.

This year, the Administration introduced SB 430 as its next major housing initiative. However, counties—key implementation partners—have not been deeply included in the shaping of this subsequent package and have very serious concerns about its unintended consequences. While committed to partnering with the Administration to expand housing opportunities, counties urge a more collaborative approach to ensure effective, locally responsive solutions. Counties offer the following amendments to both strengthen this legislation and ease local apprehensions:

General questions regarding certain mechanics of SB 430:

1. How did the supporters settle on the 1.5 jobs to 1 housing unit ratio, central to much of the bill's effects? Are there other states employing this model successfully?
2. How is the proposal capturing workers who are virtual or live in one county and work in another? This increasingly common arrangement is not always for reasons related to housing affordability, which influence decisions on where to live.
3. Counties are worried that allocating regional data to specific jurisdictions presents an imperfect picture of the data itself, as the data is regional and does not go as deep as the county level. Are there specific datapoints that can more accurately reflect these numbers?

As the frontline actor in land use – and housing policy – counties remain committed to working with the Administration in advancing comprehensive housing solutions. The amendments included on the following pages are critical in nature, without which SB 430 will likely have severe operational and fiscal consequences for Maryland's counties and communities. For this reason, MACo urges the Committee to amend SB 430 to remedy these concerns, and issue a **FAVORABLE WITH AMENDMENTS** report.

MACo Amendments to SB 430

Amendment #1

On page 9, line 5, after “APPLICATION”, INSERT,

“OR THE LENGTH OF ADEQUATE PUBLIC FACILITIES APPROVAL REQUESTED BY THE APPLICANT OF THE HOUSING DEVELOPMENT PROJECT, WHICHEVER IS GREATER.”.

Limiting the review of school capacity to seven years is not effective for projects seeking a longer approval period. For example, some county Adequate Public Facilities Ordinances use a sliding scale of approval periods based on the number of housing units proposed, with a maximum approval period of 10 years. The additional language will cover the entire approval period and a significant portion of the buildout and occupancy phase of the development project.

Amendment #2

On page 9, strike in their entirety lines 12 and 13.

One year is not enough time for a county or a developer to complete the necessary state and local land use requirements prior to beginning the construction of housing. The physical construction that is necessary to build stormwater management facilities, bring water/sewer and other utilities to the site, construct internal streets, meet Forest Conservation Act requirements, etc., cannot reasonably be accomplished 12 months from the date of the first development application (subdivision or site plan). This provision also neglects consideration of the developer’s responsibility to address agency comments, meet code requirements, and install necessary infrastructure in a timely manner. Counties should not be liable for delays caused by the developer.

Amendment #3

On page 9, line 28 strike through page 10, line 5,

There are numerous circumstances where review criteria must be more subjective in order to account for the variability of individual applications. Design review is a required process and necessarily has some subjective nature to it. Similarly, Forest Conservation requirements vary by project size, and subjectivity is built into those reviews as it is impossible to legislate every possible situation.

Amendment #4

On page 11, line 8, strike after "IMPACT" through "INFEASIBLE" in line 9 and insert,

“OR THE APPLICANT OF THE HOUSING DEVELOPMENT PROJECT DECLINES TO MITIGATE OR AVOID THE ADVERSE IMPACT.”.

It should not be the local jurisdiction’s burden to determine whether a method for mitigating a public health or safety impact will make a project financially infeasible. Further, counties will likely not have the information needed to make such a determination.

Amendment #5

On page 11, strike in their entirety lines 10 through 14, inclusive.

This places the burden of defending state or federal law onto local jurisdictions. It should not be the local jurisdiction’s burden to determine whether complying with state or federal law will make a project financially infeasible. Further, counties will likely not have the information needed to make such a determination.

Amendment #6

On page 12, strike in their entirety lines 11 and 12.

It should not be the local jurisdiction’s burden to determine whether a method for mitigating a public health or safety impact will make a project financially infeasible. Counties would likely not have the information needed to make such a determination.

Amendment #7

On page 12, strike in their entirety lines 17 through 32, inclusive.

The proposed bill language would cause serious conflict with the existing local appeals process established in the Land Use Article, significantly limit public notice and engagement opportunities, limit government transparency, and likely create a significant fiscal burden as litigation against counties is likely to increase exponentially. Additionally, this section may have the reverse effect of its intent, as drastically increasing the number of cases before Circuit Courts will likely slow their deliberations, furthering slowing approvals.