



February 13, 2026

House Appropriations Committee

**Bill:** House Bill 337 – School Construction and Housing – School Zones and Adequate Public Facilities Ordinances

**Position:** Support with Amendments

Dear Members of the House Appropriations Committee,

The City of Gaithersburg supports efforts to align housing production with infrastructure planning; however, the City has significant concerns that HB 337, as drafted, undermines the core purpose of APFOs and weakens local authority to responsibly manage growth in areas where schools are already over capacity or subject to moratorium.

APFOs are a critical tool in the entitlement process to ensure that schools, roads, and other public facilities can adequately serve new development. Approving site plans in areas where schools are already over capacity—and where no mitigation is planned—undermines both the intent of APFO law and the City’s ability to protect public welfare.

The City’s key concerns and requested amendments are as follows:

1. APFO Authority and School Capacity

Under current practice, APFOs ensure that development approvals are aligned with available school capacity. HB 337’s prohibition on delaying the processing and completion of subdivision or site development plans in areas with overcrowded schools weakens this safeguard.

Approving site plans while schools remain under moratorium without guaranteed capacity improvements effectively nullifies APFO protections and shifts growth impacts onto already strained school systems.

While the bill allows jurisdictions to delay final permit issuance, meaningful growth management occurs earlier in the entitlement process. Once site plans are approved, jurisdictions face substantial pressure to issue permits regardless of capacity conditions.

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CITY MANAGER  
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The City's preferred amendment is to strike the following language entirely:  
*"may not delay the processing and completion of subdivision or site development plans."*

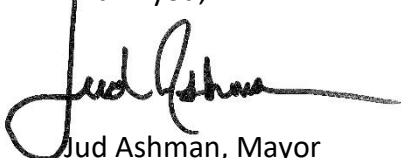
Removing this provision preserves local authority to manage growth responsibly while still allowing development to proceed when adequate facilities exist.

The City of Gaithersburg supports the goals of House Bill 337 but urges the Committee to adopt the amendment which preserves the essential role of APFOs in managing growth and protecting school capacity.

Without this amendment, the bill risks accelerating development in areas where schools are already over capacity and no mitigation is planned undermining both local planning authority and public confidence in growth management.

The City respectfully requests a favorable report with amendments.

Thank you,

A handwritten signature in black ink that reads "Jud Ashman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jud Ashman, Mayor  
City of Gaithersburg