



Senate Bill 31 – School Construction and Housing – School Zones and Adequate Public Facilities Ordinances

Position: Support

Maryland REALTORS® supports SB 31, which will bring needed clarity, consistency, and balance to the application of local Adequate Public Facilities Ordinances (APFOs) tied to school capacity. At a time when Maryland faces a significant housing supply deficit, this legislation ensures that well-intentioned local growth management tools do not unnecessarily delay housing production.

SB 31 appropriately distinguishes between development planning and final permitting. By allowing subdivision and site development plans to proceed during a school capacity lockout period—while preserving a county’s authority to delay final permits—the bill restores predictability to the development process without undermining local oversight. This approach recognizes that years-long planning delays do nothing to add school capacity and instead compound housing shortages and costs.

Local APFO policies have contributed to today’s housing shortfall by interrupting the very funding mechanisms needed to address infrastructure needs. When projects are placed on hold due to school capacity constraints, local governments forgo impact fees, transfer and recordation taxes, and future property tax revenue that support school construction and expansion. Prolonged APFO pauses also distort housing outcomes. After a lockout is lifted, it can take two to three additional years for projects to move through permitting, financing, and construction. Faced with this uncertainty, developers and lenders are less likely to pursue moderately priced housing and more likely to focus on higher-margin projects that can absorb risk.

Finally, SB 31 promotes transparency and accountability by requiring county boards of education to submit student residency and school zone reports to the Department of Planning and the Interagency Commission on School Construction. School capacity calculations and student yield assumptions vary widely across jurisdictions and can be applied inconsistently. State-level reporting and review will help ensure that capacity determinations are data-driven, standardized, and used as intended—not as a tool to delay housing.

This bill does not eliminate APFOs or disregard school capacity concerns. Instead, it ensures that planning continues, infrastructure funding is not stalled, and housing production can proceed in a responsible and coordinated manner. For these reasons, Maryland REALTORS® urge a favorable report on SB 31.

For more information contact
lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org