

February 13th, 2026

The Honorable Brian J. Feldman

Chair, Senate Education, Energy and the Environment Committee

2 West Miller Senate Office Building

Annapolis, Maryland 21401

RE: MBIA Letter of Support SB 31 School Construction and Housing – School Zones and Adequate Public Facilities Ordinances

Dear Chair Feldman,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, appreciates the opportunity to participate in the discussion surrounding **SB 31 School Construction and Housing – School Zones and Adequate Public Facilities Ordinances**.

This bill requires each county board of education to submit a student residence and school zones report to the State Department of Planning and Interagency Commission on School Construction. These reports include school zone boundaries, an attendance area map, locations where students reside, and the state-rated capacity, student population, and capacity percentage of each school in the county. It also prevents a county from delaying the processing or completion of subdivision or site development plans based on an adequate public facilities ordinance (APFO) that restricts housing development due to school capacity. Preventing local jurisdictions from blocking housing development through APFO removes one of the most significant regulatory hurdles to building more housing. Adequate public facilities ordinances were adopted by counties across the State to manage growth, not to completely stop housing development altogether. We have seen a recent uptick in counties using their APFO to put a stop to certain projects. For more information on APFO in Maryland, the Maryland Department of Planning recently completed a report on the issue ([APFO's in Maryland](#)).

Howard County currently has a 4-year waiting period if you fail the APFO test. Under current law, you cannot file final project plans until you either pass the APFO test or until after the 4-year waiting period if you fail. Prior to taking the APFO test, a developer must complete a preliminary equivalent sketch plan, which is a 12–18-month process. Completing the final plans of a project is another 12–18-month process. Essentially this means that projects in APFO restricted areas will take 6-8 years to get started. Adding language to allow final plans to move forward even if you fail the APFO test will allow projects in APFO restricted areas to allow projects to move more efficiently through the process and will shorten the timeframe for the entitlement process.

For these reasons, MBIA respectfully requests the Committee give this measure a favorable report. Thank you for your consideration. For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

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