



MY TURN

By Lisa Markovitz

Howard County can learn from Md.'s balanced housing bill

The Maryland General Assembly legislative session this year included ambitious proposed changes to housing plans across the state. Governor Moore sought to address local housing affordability crises by altering perceived barriers to construction of new homes. Plans promised to balance the need for more housing supply with impacts on community services, such as schools, roads, and health care. House bill 538 2024 did just that. The bill sought to expedite approvals for the types of development that create increased numbers of affordable units. It passed both chambers this year. The bill changes some local policies across the State. In Howard County, that met with concern.

Advocates for less-crowded schools voiced concern with an original part of the bill that prohibited local legislators from delaying “affordable” development projects through local Adequate Public Facilities Ordinance regulations. APFO laws measure infrastructure needs like roads and school capacities and can hold up development for a few years when schools near new building sites are over capacity. The APFO-bypassing language in the original bill was removed from the final bill, which increased its support.

Often, local projects that have affordable housing units in their plans end up providing far less than promised. Development industry lobbyists have been proposing that the state mandate more land use regulations, requiring local jurisdictions to ease and expedite the residential development process. Local advocates fear those kinds of laws would cause environmental issues and overwhelm local resources. This year, during Howard County’s updating of zoning regulations, many development benefits were proposed. There was pushback as many clamored for stricter assurance that any development benefits given in trade for providing more affordable units actually create the promised housing types. These same concerns applied to Bill 538.

Thus, defining “affordable” in the Bill was critical. It was heartening to see strict definitions of which projects would be deemed “qualified” to receive a faster and easier process. The Bill defines “affordable” as able to be paid by those earning 60% of median income, and costing not more than 30% of annual income. In addition, the bill creates a 40-year life of new units to remain affordable. Currently, in Howard County, many housing projects that get local benefits in return for affordable provisions do not have to meet these thresholds, and are temporary in nature.

Bill amendments included requiring projects have 25% of units be “affordable” versus 50% as originally noted. The passed Bill allows more total units in projects, including market-rate units, in order to give more incentives for residential construction. Housing projects with larger amounts of required affordable units are difficult to finance, and sometimes do not get completed; however, this bill requires a quicker process and higher densities. As a balance, the bill also strictly defines what projects can reap these rewards, such as applying to properties once owned by the government, containing more than one building, and deeded to retain the affordability for 40 years. Oversight from environmental and historic directors were also added.

Initial concerns over the bill initially were due to frequent contention between those who press for less crowded schools, roads, and health care services and those working to provide less expensive home costs. The detailed work done on this Bill creates a good compromise, by eliminating the ability of development projects to make claims of providing lower cost units in order to obtain faster schedules and lower costs, only to end up with different outcomes. Hopefully, local legislative decisions will follow this model and require strictly defined labels of “affordable” and actual provision insistence, as well as permanence, of the lower-priced units before allowing benefits and waivers in return for projects.

As Howard County moves into a complete zoning law overhaul this Fall, House bill 538 should be a good lesson in balancing housing needs, with strictly-enforced legitimate affordable unit planning, while also retaining APFO benefits for the community.