

HOUSE BILL 619

P5

3lr2503

By: **Delegates Schmidt, Baker, Buckel, Chisholm, Ghrist, Griffith, Hartman, Hinebaugh, Metzgar, M. Morgan, T. Morgan, Tomlinson, and Wivell**

Introduced and read first time: February 3, 2023

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Legislation – Housing Impact Analysis**

3 FOR the purpose of requiring certain Executive Branch agencies to prepare a housing
4 impact analysis rating and a housing impact analysis concerning the effect of certain
5 legislation on the cost and availability of housing under certain circumstances;
6 requiring the Governor's office to submit a copy of the housing impact analysis rating
7 and housing impact analysis to the Department of Legislative Services and a certain
8 committee within a certain time frame; requiring the Department to prepare a
9 housing impact analysis rating and a housing impact analysis under certain
10 circumstances; specifying the contents of a housing impact analysis rating and a
11 housing impact analysis; requiring certain Executive Branch agencies and the
12 Department to consult with certain persons and requiring certain persons to provide
13 certain assistance or information under certain circumstances; authorizing the
14 Department to take certain actions in regard to a housing impact analysis rating and
15 housing impact analysis; specifying the legal effect of a housing impact analysis
16 rating and a housing impact analysis; requiring the Department to keep copies of a
17 housing impact analysis rating and a housing impact analysis for a certain period of
18 time and make copies available to the public; providing that the housing impact
19 analysis rating and the housing impact analysis need not be published in House or
20 Senate journals; and generally relating to housing impact analysis ratings and
21 housing impact analyses.

22 BY adding to

23 Article – State Government

24 Section 2–1505.3

25 Annotated Code of Maryland

26 (2021 Replacement Volume and 2022 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
28 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – State Government

2–1505.3.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AFFORDABLE” MEANS THAT HOUSING COSTS DO NOT EXCEED 30% OF A HOUSEHOLD’S INCOME.

(3) “AVAILABILITY” MEANS THE SUPPLY OF RESIDENTIAL DWELLING UNITS FOR RENT OR PURCHASE.

(4) “COMMITTEE” MEANS THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.

(5) “COST” MEANS THE COST TO RENT, PURCHASE, OR OWN HOUSING.

(6) “HOUSING IMPACT ANALYSIS” MEANS AN ESTIMATED IMPACT ON THE COST AND AVAILABILITY OF HOUSING, EITHER DIRECTLY OR INDIRECTLY, AFFECTED BY A PROPOSED BILL INTRODUCED AT A SESSION OF THE GENERAL ASSEMBLY.

(7) “HOUSING IMPACT ANALYSIS RATING” MEANS AN ESTIMATE THAT A PROPOSED BILL WILL HAVE:

(I) MINIMAL OR NO IMPACT ON HOUSING COSTS OR AVAILABILITY; OR

(II) MEANINGFUL IMPACT ON HOUSING COSTS OR AVAILABILITY.

(8) “LOW-INCOME HOUSING” MEANS HOUSING THAT IS AFFORDABLE FOR A HOUSEHOLD WITH AN AGGREGATE ANNUAL INCOME THAT IS BELOW 60% OF THE AREA MEDIAN INCOME.

(9) “WORKFORCE HOUSING” HAS THE MEANING STATED IN § 4–1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(B) (1) A HOUSING IMPACT ANALYSIS RATING AND A HOUSING IMPACT ANALYSIS, AS APPROPRIATE, SHALL BE PREPARED BY THE APPROPRIATE EXECUTIVE BRANCH AGENCY FOR EACH BILL THAT IS INTRODUCED AT THE

1 REQUEST OF THE ADMINISTRATION OR A DEPARTMENT, AN AGENCY, OR A
2 COMMISSION OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

3 (2) A COPY OF THE HOUSING IMPACT ANALYSIS RATING AND THE
4 HOUSING IMPACT ANALYSIS REQUIRED UNDER THIS SUBSECTION SHALL BE
5 SUBMITTED BY THE GOVERNOR'S OFFICE:

6 (I) TO THE DEPARTMENT OF LEGISLATIVE SERVICES WITHIN A
7 REASONABLE TIME FRAME PRIOR TO THE HEARING ON THE BILL TO ALLOW THE
8 DEPARTMENT TO COMMENT ON THE HOUSING IMPACT ANALYSIS RATING AND THE
9 HOUSING IMPACT ANALYSIS; AND

10 (II) TO THE COMMITTEE TO WHICH THE BILL IS REFERRED
11 PRIOR TO THE HEARING ON THE BILL.

12 (C) (1) A HOUSING IMPACT ANALYSIS RATING AND A HOUSING IMPACT
13 ANALYSIS, AS APPROPRIATE, SHALL BE PREPARED BY THE DEPARTMENT OF
14 LEGISLATIVE SERVICES FOR EACH BILL THAT IS INTRODUCED BY A MEMBER OF THE
15 GENERAL ASSEMBLY.

16 (2) A COPY OF THE HOUSING IMPACT ANALYSIS RATING AND THE
17 HOUSING IMPACT ANALYSIS REQUIRED UNDER THIS SUBSECTION SHALL BE
18 SUBMITTED BY THE DEPARTMENT OF LEGISLATIVE SERVICES:

19 (I) TO THE PRIMARY SPONSOR OF THE BILL; AND

20 (II) TO THE COMMITTEE TO WHICH THE BILL IS REFERRED
21 PRIOR TO THE HEARING ON THE BILL.

22 (D) (1) IF THE APPROPRIATE EXECUTIVE BRANCH AGENCY OR THE
23 DEPARTMENT OF LEGISLATIVE SERVICES DETERMINES THAT A BILL WILL HAVE
24 MINIMAL OR NO IMPACT ON THE COST OR AVAILABILITY OF HOUSING, THE AGENCY
25 OR DEPARTMENT SHALL INDICATE THAT DETERMINATION BY A BRIEF WRITTEN
26 STATEMENT.

27 (2) IF THE APPROPRIATE EXECUTIVE BRANCH AGENCY OR THE
28 DEPARTMENT OF LEGISLATIVE SERVICES DETERMINES THAT A BILL WILL HAVE A
29 MEANINGFUL IMPACT ON THE COST OR AVAILABILITY OF HOUSING, THE AGENCY OR
30 DEPARTMENT SHALL DEVELOP A COMPLETE WRITTEN HOUSING IMPACT ANALYSIS.

31 (3) (I) IF THE APPROPRIATE EXECUTIVE BRANCH AGENCY OR THE
32 DEPARTMENT OF LEGISLATIVE SERVICES DETERMINES THAT A BILL WILL HAVE A
33 MEANINGFUL IMPACT ON THE COST OR AVAILABILITY OF HOUSING AND IS UNABLE

1 TO PROVIDE A COMPLETE WRITTEN HOUSING IMPACT ANALYSIS, THE AGENCY OR
2 DEPARTMENT SHALL PROVIDE A WRITTEN EXPLANATION OF WHY THE AGENCY
3 DETERMINED THAT THE BILL WILL HAVE A MEANINGFUL IMPACT ON THE COST OR
4 AVAILABILITY OF HOUSING.

5 (II) THE EXPLANATION MAY IDENTIFY THE IMPACT IN GENERAL
6 TERMS AND NEED NOT QUANTIFY THE SPECIFIC HOUSING IMPACT.

7 (E) THE HOUSING IMPACT ANALYSIS RATING AND THE HOUSING IMPACT
8 ANALYSIS REQUIRED UNDER THIS SECTION SHALL INCLUDE ESTIMATES DIRECTLY
9 RELATING TO THE FOLLOWING FACTORS, AS APPROPRIATE:

10 (1) THE EXPENSE OF DEVELOPING, CONSTRUCTING, OR IMPROVING
11 RENTAL OR OWNER-OCCUPIED HOUSING; AND

12 (2) THE COST OF HOUSING WITH A PARTICULAR FOCUS ON THE
13 IMPACT TO LOW-INCOME AND WORKFORCE HOUSING.

14 (F) (1) THE EXECUTIVE BRANCH AGENCY OR THE DEPARTMENT OF
15 LEGISLATIVE SERVICES PREPARING THE HOUSING IMPACT ANALYSIS RATING AND
16 THE HOUSING IMPACT ANALYSIS REQUIRED UNDER THIS SECTION SHALL CONSULT
17 WITH, AS APPROPRIATE:

18 (I) OTHER UNITS OF STATE GOVERNMENT;

19 (II) UNITS OF LOCAL GOVERNMENT; AND

20 (III) BUSINESS, TRADE, CONSUMER, LABOR, AND OTHER GROUPS
21 IMPACTED BY OR HAVING AN INTEREST IN THE LEGISLATION.

22 (2) ON REQUEST OF THE EXECUTIVE DIRECTOR OF THE
23 DEPARTMENT OF LEGISLATIVE SERVICES, A UNIT OF THE STATE OR A LOCAL
24 GOVERNMENT SHALL PROVIDE THE DEPARTMENT WITH ASSISTANCE OR
25 INFORMATION IN THE PREPARATION OF A HOUSING IMPACT ANALYSIS RATING AND
26 A HOUSING IMPACT ANALYSIS.

27 (G) (1) THE DEPARTMENT OF LEGISLATIVE SERVICES MAY INCLUDE A
28 HOUSING IMPACT ANALYSIS RATING AND A HOUSING IMPACT ANALYSIS PREPARED
29 BY THE DEPARTMENT OR BY THE APPROPRIATE EXECUTIVE BRANCH AGENCY AS
30 PART OF A FISCAL NOTE.

1 **(2) THE DEPARTMENT OF LEGISLATIVE SERVICES MAY COMMENT ON**
2 **THE HOUSING IMPACT ANALYSIS RATING AND THE HOUSING IMPACT ANALYSIS**
3 **PREPARED BY THE APPROPRIATE EXECUTIVE BRANCH AGENCY.**

4 **(H) THE DEPARTMENT OF LEGISLATIVE SERVICES MAY REVISE THE**
5 **HOUSING IMPACT ANALYSIS RATING AND THE HOUSING IMPACT ANALYSIS**
6 **CONSISTENT WITH AN AMENDED VERSION OF A BILL.**

7 **(I) (1) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL KEEP A**
8 **COPY OF EACH HOUSING IMPACT ANALYSIS RATING AND HOUSING IMPACT ANALYSIS**
9 **FOR 3 YEARS AFTER PREPARATION OF THE RATING OR THE ANALYSIS.**

10 **(2) THE COPIES SHALL BE REASONABLY AVAILABLE FOR PUBLIC**
11 **INSPECTION.**

12 **(J) HOUSING IMPACT ANALYSIS RATINGS AND HOUSING IMPACT ANALYSES**
13 **NEED NOT BE PUBLISHED IN THE SENATE JOURNAL OR HOUSE JOURNAL.**

14 **(K) THE VALIDITY OF AN ENACTMENT OF A BILL IS NOT AFFECTED BY THE**
15 **PRESENCE, ABSENCE, OR CONTENT OF A HOUSING IMPACT ANALYSIS RATING OR A**
16 **HOUSING IMPACT ANALYSIS.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2023.