

Chapter 122

(House Bill 538)

AN ACT concerning

**Land Use – Affordable Housing – Zoning Density and Permitting
(Housing Expansion and Affordability Act of 2024)**

FOR the purpose of establishing the Historic Property Revitalization Director as a position in the Department of Housing and Community Development; establishing the duties of the Historic Property Revitalization Director; prohibiting a local legislative body from prohibiting the placement of certain manufactured homes or modular dwellings in a zoning district that allows single-family residential uses under certain circumstances; prohibiting a local jurisdiction from using an element of an adequate public facilities law to deny a certain permit for a State-funded affordable housing project or to restrict or limit the development of the project in certain manners; requiring local jurisdictions to allow an increase in density of certain qualified projects in certain districts or zones for certain properties formerly owned by the State, located within a certain distance of a rail station, or owned or controlled by a nonprofit organization; providing for the calculation of residential density in certain zoning districts; prohibiting the application of certain zoning requirements under certain circumstances; establishing limits on the maximum number of public hearings on certain projects under certain circumstances; requiring an entity responsible for a certain qualified project to conduct a certain public health impact assessment and submit the assessment to the Department for approval; prohibiting the Department from approving a certain public health impact assessment under certain circumstances; defining certain terms; providing for the termination of a portion of this Act; and generally relating to land use and zoning for affordable housing.

BY repealing and reenacting, with amendments,

Article – Housing and Community Development

Section 2–201

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY adding to

Article – Housing and Community Development

Section 2–204

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Land Use

Section 1–401, 4–104, and 10–103

Annotated Code of Maryland

(2012 Volume and 2023 Supplement)

BY adding to

Article – Land Use

Section ~~4–104(e) and 7–105; and~~ 7–501 through ~~7–506~~ 7–509 to be under the new subtitle “Subtitle 5. Housing Expansion and Affordability”

Annotated Code of Maryland

(2012 Volume and 2023 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Land Use~~

~~Section 7–101~~

~~Annotated Code of Maryland~~

~~(2012 Volume and 2023 Supplement)~~

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

Article – Housing and Community Development

2–201.

The Department consists of:

- (1) the Division of Credit Assurance;
- (2) the Division of Development Finance;
- (3) the Division of Neighborhood Revitalization;
- (4) the Community Development Administration;
- (5) the Community Legacy Program;
- (6) the Housing Finance Review Committee;
- (7) the Lead Hazard Advisory Committee;
- (8) the Maryland Housing Fund;
- (9) the Neighborhood Business Development Program; [and]

(10) THE HISTORIC PROPERTY REVITALIZATION DIRECTOR; AND

[(10)] (11) any other governmental unit that under law is a part of the Department.

2-204.

(A) THERE IS A HISTORIC PROPERTY REVITALIZATION DIRECTOR.

(B) THE HISTORIC PROPERTY REVITALIZATION DIRECTOR SHALL:

(1) SUPPORT THE WORK OF THE SMART GROWTH SUBCABINET;

(2) COLLECT AND MAINTAIN FROM STATE AGENCIES THAT OWN PROPERTY AN INVENTORY OF STATE-OWNED BUILDINGS THAT ARE GREATER THAN 50 YEARS OLD TO BE USED FOR PRIORITIZING PHYSICAL ASSESSMENTS AND, IF APPLICABLE, DETERMINING ELIGIBILITY FOR THE NATIONAL REGISTER OF HISTORIC PLACES;

(3) IN CONSULTATION WITH THE SMART GROWTH SUBCABINET AND TO DETERMINE THE HIGHEST AND BEST VALUE FOR THE STATE'S DISPOSITION OF PROPERTY, SUPPORT STUDIES AND CONSULTATIONS RELEVANT TO:

(I) STABILIZATION;

(II) MOTHBALLING;

(III) ENVIRONMENTAL IMPACTS;

(IV) ECONOMIC PROSPECTS; AND

(V) LONG-TERM GROUND LEASES;

(4) WORK WITH THE DEPARTMENT, THE DEPARTMENT OF COMMERCE, AND OTHER MEMBERS OF THE SMART GROWTH SUBCABINET TO IDENTIFY EXISTING STATE AND FEDERAL PROGRAMS AND FINANCING MECHANISMS THAT MAY BE LEVERAGED TO ENHANCE THE SUCCESSFUL REDEVELOPMENT OF PROPERTY;

(5) WORK WITH THE DEPARTMENT OF GENERAL SERVICES OFFICE OF REAL ESTATE DURING THE DISPOSITION PROCESS OF RELEVANT PROPERTY; AND

(6) ON OR BEFORE OCTOBER 1, 2026, AND EACH OCTOBER 1 THEREAFTER, AND IN CONSULTATION WITH THE SMART GROWTH SUBCABINET, REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE PROGRESS OF EFFORTS UNDER THIS SUBSECTION.

(C) THE HISTORIC PROPERTY REVITALIZATION DIRECTOR SHALL RECEIVE A SALARY AS PROVIDED IN THE STATE BUDGET.

Article – Land Use

1–401.

(a) Except as provided in this section, this division does not apply to charter counties.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III (Charter county – Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, and “Sensitive area”);

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

(6) § 1–208 (Annual report – Measures and indicators);

(7) Title 1, Subtitle 3 (Consistency);

(8) Title 1, Subtitle 5 (Growth Tiers);

(9) ~~§ 4–104(b)~~ **4–104(C)** (Limitations – Bicycle parking);

(10) ~~§ 4–104(c)~~ **4–104(D) (LIMITATIONS – MANUFACTURED HOMES AND MODULAR DWELLINGS)**;

(11) § 4–208 (Exceptions – Maryland Accessibility Code);

[(11)] **(12)** § 4–210 (Permits and variances – Solar panels);

[(12)] **(13)** § 4–211 (Change in zoning classification – Energy generating systems);

[(13)] **(14)** § 4–212 (Agritourism);

[(14)] **(15)** § 4–213 (Alcohol production);

[(15)] **(16)** § 4–214 (Agricultural alcohol production);

[(16)] **(17)** § 4–215 (Pollinator–friendly vegetation management);

[(17)] **(18)** § 5–102(d) (Subdivision regulations – Burial sites);

[(18)] **(19)** § 5–104 (Major subdivision – Review);

[(19)] **(20)** Title 7, Subtitle 1 (Development Mechanisms);

[(20)] **(21)** Title 7, Subtitle 2 (Transfer of Development Rights);

[(21)] **(22)** except in Montgomery County or Prince George’s County, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

[(22)] **(23)** Title 7, Subtitle 4 (Inclusionary Zoning);

(24) TITLE 7, SUBTITLE 5 (HOUSING EXPANSION AND AFFORDABILITY);

[(23)] **(25)** § 8–401 (Conversion of overhead facilities);

[(24)] **(26)** for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions – Baltimore County);

[(25)] **(27)** for Frederick County only, Title 9, Subtitle 10 (Single–County Provisions – Frederick County);

[(26)] **(28)** for Howard County only, Title 9, Subtitle 13 (Single–County Provisions – Howard County);

[(27)] **(29)** for Talbot County only, Title 9, Subtitle 18 (Single–County Provisions – Talbot County); and

[(28)] **(30)** Title 11, Subtitle 2 (Civil Penalty).

(c) This section supersedes any inconsistent provision of Division II of this article.

4–104.

(a) IN THIS SECTION, “MODULAR DWELLING” MEANS A BUILDING ASSEMBLY OR SYSTEM OF BUILDING SUBASSEMBLIES DESIGNED FOR HABITATION AS A DWELLING FOR ONE OR MORE INDIVIDUALS:

(1) THAT INCLUDES THE NECESSARY ELECTRICAL, PLUMBING, HEATING, VENTILATING, AND OTHER SERVICE SYSTEMS;

(2) THAT IS MADE OR ASSEMBLED BY A MANUFACTURER ON OR OFF THE BUILDING SITE FOR INSTALLATION, OR ASSEMBLY AND INSTALLATION, ON THE BUILDING SITE; AND

(3) INSTALLED AND SET UP ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS ON AN APPROVED FOUNDATION AND SUPPORT SYSTEM.

(B) The powers granted to a local jurisdiction under this subtitle do not:

(1) grant the local jurisdiction powers in any substantive area not otherwise granted to the local jurisdiction by any other public general or public local law;

(2) restrict the local jurisdiction from exercising any power granted to the local jurisdiction by any other public general or public local law or otherwise;

(3) authorize the local jurisdiction or its officers to engage in any activity that is beyond their power under any other public general or public local law or otherwise;
or

(4) preempt or supersede the regulatory authority of any unit of the State under any public general law.

[(b)] (C) (1) If a legislative body regulates off-street parking, the legislative body shall require space for the parking of bicycles in a manner that the legislative body considers appropriate.

(2) A legislative body may allow a reduction in the number of required automobile parking spaces based on the availability of space for parking bicycles.

~~(C)~~ (D) A LEGISLATIVE BODY MAY NOT PROHIBIT THE PLACEMENT OF A NEW MANUFACTURED HOME OR MODULAR DWELLING IN A ZONE THAT ALLOWS SINGLE-FAMILY RESIDENTIAL USES IF THE MANUFACTURED HOME OR DWELLING:

(1) (I) MEETS THE DEFINITION OF MODULAR DWELLING UNDER SUBSECTION (A) OF THIS SECTION; OR

~~(2)~~ (II) MEETS THE DEFINITION OF A MANUFACTURED HOME IN § 9-102(A) OF THE COMMERCIAL LAW ARTICLE; AND

~~(2)~~ AND IS, OR WILL BE AFTER PURCHASE, CONVERTED TO REAL PROPERTY IN ACCORDANCE WITH TITLE 8B, SUBTITLE 2 OF THE REAL PROPERTY ARTICLE; OR

(2) IS LOCATED ON LAND:

(I) CURRENTLY OR PREVIOUSLY OWNED BY THE FEDERAL GOVERNMENT;

(II) GREATER THAN 80 ACRES IN SIZE; AND

(III) THAT WAS THE SITE OF A FORMER U.S. MILITARY RESERVATION.

~~7-101.~~

~~To encourage the preservation of natural resources or the provision of affordable housing and to facilitate orderly development and growth, a local jurisdiction that exercises authority granted by this division may enact, and is encouraged to enact, local laws providing for or requiring:~~

~~(1) the planning, staging, or provision of adequate public facilities and affordable housing;~~

~~(2) off-site improvements or the dedication of land for public facilities essential for a development;~~

~~(3) moderately priced dwelling unit programs;~~

~~(4) mixed use developments;~~

~~(5) cluster developments;~~

~~(6) planned unit developments;~~

~~(7) alternative subdivision requirements that:~~

~~(i) meet minimum performance standards set by the local jurisdiction; and~~

~~(ii) reduce infrastructure costs;~~

~~(8) floating zones;~~

~~(9) incentive zoning; and~~

~~(10)~~ ~~performance zoning.~~

SUBTITLE 5. HOUSING EXPANSION AND AFFORDABILITY.

7-501.

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

~~(B)~~ ~~“ADEQUATE PUBLIC FACILITY LAW” MEANS A LOCAL LAW PROVIDING FOR OR REQUIRING THE PLANNING, STAGING, OR PROVISION OF ADEQUATE PUBLIC FACILITIES, AS AUTHORIZED UNDER § 7-101(1) OF THIS TITLE.~~

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

~~(D)~~ (C) “AFFORDABLE DWELLING UNIT” MEANS A DWELLING UNIT THAT IS AFFORDABLE TO HOUSEHOLDS EARNING 60% OR LESS OF THE AREA MEDIAN INCOME.

~~(E)~~ (D) “AREA MEDIAN INCOME” MEANS THE MEDIAN HOUSEHOLD INCOME FOR THE AREA ADJUSTED FOR HOUSEHOLD SIZE AS PUBLISHED AND ANNUALLY UPDATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

~~(F)~~ (E) “BOARD OF APPEALS” MEANS A BOARD OF APPEALS ESTABLISHED UNDER TITLE 4, SUBTITLE 3 OF THIS ARTICLE.

~~(G)~~ (F) “COTTAGE CLUSTER” MEANS A GROUPING OF NOT FEWER THAN FOUR DETACHED HOUSING UNITS PER ACRE THAT:

- (1) HAVE A FOOTPRINT OF LESS THAN 900 SQUARE FEET EACH; AND
- (2) INCLUDE A COMMON COURTYARD.

~~(H)~~ (G) “HISTORIC DISTRICT COMMISSION” OR “HISTORIC PRESERVATION COMMISSION” MEANS A COMMISSION ESTABLISHED UNDER TITLE 8, SUBTITLE 2 OF THIS ARTICLE.

~~(I)~~ (H) “MIDDLE HOUSING” MEANS:

- (1) DUPLEXES;
- (2) TRIPLEXES;

- (3) QUADPLEXES;
- (4) COTTAGE CLUSTERS; OR
- (5) TOWN HOUSES.

~~(J)~~ (I) (1) “MIXED-USE” MEANS ~~A COMBINATION OF HOUSING, RETAIL, AND OFFICE SPACE~~ ANY COMBINATION OF A RESIDENTIAL USE WITH A RECREATIONAL, OFFICE, DINING, OR RETAIL USE.

(2) “MIXED-USE” DOES NOT MEAN ANY COMBINATION OF A RESIDENTIAL USE WITH AN INDUSTRIAL OR HAZARDOUS USE.

~~(K)~~ (J) “PERMIT” MEANS A BUILDING PERMIT OR OTHER PERMIT ISSUED IN WRITING, AS REQUIRED BY A LOCAL JURISDICTION, TO AUTHORIZE THE START OF PREDEVELOPMENT OR CONSTRUCTION ACTIVITIES TO CONSTRUCT, ALTER, DEMOLISH, OR RELOCATE AN EXISTING OR NEW STRUCTURE.

~~(L)~~ (K) “PLANNING COMMISSION” INCLUDES A PLANNING COMMISSION OR BOARD ESTABLISHED UNDER:

- (1) TITLE 2 OF THIS ARTICLE;
- (2) DIVISION II OF THIS ARTICLE; OR
- (3) TITLE 10 OF THE LOCAL GOVERNMENT ARTICLE.

~~(M)~~ (L) “TOWN HOUSE” MEANS A COMPLEX OF DWELLING UNITS CONSTRUCTED IN A ROW OF ~~TWO~~ THREE OR MORE ATTACHED UNITS, WHERE EACH DWELLING UNIT IS LOCATED ON AN INDIVIDUAL LOT OR PARCEL AND SHARES AT LEAST ONE COMMON WALL WITH AN ADJACENT DWELLING UNIT.

~~(N)~~ (M) “UNREASONABLE LIMITATION OR REQUIREMENT” INCLUDES ANY LIMITATION OR REQUIREMENT THAT ~~HAS~~ AMOUNTS TO A DE FACTO DENIAL BY HAVING A SUBSTANTIAL ADVERSE IMPACT ON:

- (1) THE VIABILITY OF AN AFFORDABLE HOUSING DEVELOPMENT IN A QUALIFIED PROJECT;
- (2) THE DEGREE OF AFFORDABILITY OF AFFORDABLE DWELLING UNITS IN A QUALIFIED PROJECT; OR

(3) THE ALLOWABLE DENSITY OR NUMBER OF UNITS OF THE QUALIFIED PROJECT.

7-502.

(A) IN THIS SECTION, “QUALIFIED PROJECT” MEANS A RESIDENTIAL PROJECT THAT:

(1) CONSISTS OF NEW CONSTRUCTION OR SUBSTANTIAL RENOVATION, AS ANNUALLY ESTABLISHED AND IDENTIFIED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN THE MULTIFAMILY RENTAL FINANCING PROGRAM GUIDE;

(2) IS ON PROPERTY THAT:

(I) 1. WAS FORMERLY OWNED BY THE STATE;

~~(II)~~ 2. CONSISTS OF MORE THAN ONE BUILDING;

~~(III)~~ 3. INCLUDES AT LEAST ONE BUILDING THAT WAS BUILT MORE THAN 50 YEARS BEFORE THE DATE OF APPLICATION FOR THE PROJECT; AND

~~(IV)~~ 4. IS APPROPRIATE FOR REDEVELOPMENT AS DETERMINED BY THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT; OR

~~(II)~~ 1. IS CURRENTLY OR WAS FORMERLY OWNED BY THE FEDERAL GOVERNMENT;

2. IS GREATER THAN 80 ACRES IN SIZE; AND

3. WAS THE SITE OF A FORMER U.S. MILITARY RESERVATION;

(3) CONTAINS AT LEAST ~~50%~~ 25% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS; AND

(4) IS DEED-RESTRICTED TO INCLUDE ~~50%~~ 25% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS FOR A PERIOD OF AT LEAST 40 YEARS.

(B) (1) IN ACCORDANCE WITH THIS SUBSECTION, A LOCAL JURISDICTION SHALL ALLOW THE DENSITY OF A QUALIFIED PROJECT TO EXCEED THE DENSITY OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE.

(2) IN AN AREA ZONED ~~EXCLUSIVELY~~ FOR SINGLE-FAMILY RESIDENTIAL USE, A QUALIFIED PROJECT MAY INCLUDE MIDDLE HOUSING UNITS.

(3) IN AN AREA ZONED ~~EXCLUSIVELY~~ FOR MULTIFAMILY RESIDENTIAL USE, A QUALIFIED PROJECT:

(I) SHALL HAVE A DENSITY LIMIT THAT EXCEEDS BY 30% THE ALLOWABLE DENSITY IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED PROJECT; AND

(II) MAY CONSIST OF MIXED-USE.

(4) ~~IN SUBJECT TO § 7-509 OF THIS SUBTITLE, IN AN AREA ZONED EXCLUSIVELY FOR NONRESIDENTIAL USE,~~ A QUALIFIED PROJECT MAY CONSIST OF MIXED-USE DEVELOPMENT WITH DENSITY LIMITS THAT DO NOT EXCEED THE HIGHEST ALLOWABLE DENSITY IN THE LOCAL JURISDICTION'S MULTIFAMILY RESIDENTIAL ZONES:

(I) IN AN AREA ZONED FOR NONRESIDENTIAL USE; OR

(II) ON LAND THAT:

1. IS CURRENTLY OR WAS FORMERLY OWNED BY THE FEDERAL GOVERNMENT;

2. IS MORE THAN 80 ACRES IN SIZE; AND

3. WAS THE SITE OF A FORMER U.S. MILITARY RESERVATION.

(5) IN AN AREA ZONED FOR MIXED-USE, A QUALIFIED PROJECT MAY ~~INCLUDE 30% MORE HOUSING UNITS THAN ARE ALLOWED IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED PROJECT~~ CONSIST OF RESIDENTIAL DEVELOPMENT WITH DENSITY LIMITS THAT DO NOT EXCEED THE GREATER OF THE FOLLOWING:

(I) THE HIGHEST ALLOWABLE DENSITY IN THE LOCAL JURISDICTION'S RESIDENTIAL ZONES; OR

(II) SIX UNITS PER GROSS ACRE.

(6) IF A QUALIFIED PROJECT IS ALLOWED TO EXCEED THE DENSITY OTHERWISE AUTHORIZED BY A LOCAL JURISDICTION IN A DISTRICT OR ZONE UNDER

THIS SECTION, THE QUALIFIED PROJECT MAY NOT ALSO EXCEED THE AUTHORIZED DENSITY UNDER § 7-503 OR § 7-504 OF THIS SUBTITLE.

7-503.

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

(2) “QUALIFIED PROJECT” MEANS A RESIDENTIAL PROJECT THAT:

(I) CONSISTS OF NEW CONSTRUCTION OR SUBSTANTIAL RENOVATION;

(II) IS ON PROPERTY THAT IS LOCATED WITHIN ~~1~~ THREE-QUARTERS OF A MILE OF A RAIL STATION LOCATED IN THE STATE;

(III) EXCEPT AS PROVIDED IN ITEM (IV) OF THIS PARAGRAPH:

1. CONTAINS AT LEAST ~~25%~~ 15% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS; AND

~~(IV)~~ 2. IS DEED-RESTRICTED TO INCLUDE ~~25%~~ 15% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS FOR A PERIOD OF AT LEAST 40 YEARS; AND

(IV) IN A COUNTY OR MUNICIPALITY THAT, ON OR BEFORE DECEMBER 31, 2024, HAS REQUIREMENTS EQUAL TO OR EXCEEDING THE REQUIREMENTS UNDER ITEM (III) OF THIS ~~SECTION~~ PARAGRAPH:

1. CONTAINS AT LEAST 20% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS; AND

2. IS DEED-RESTRICTED TO INCLUDE 20% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS FOR A PERIOD OF AT LEAST 40 YEARS.

(3) “RAIL STATION” MEANS A PRESENT OR PLANNED:

(I) MARC STATION ALONG THE PENN, CAMDEN, OR BRUNSWICK LINES;

(II) BALTIMORE METRO SUBWAYLINK STATION;

(III) BALTIMORE LIGHT RAILLINK STATION;

(IV) METRORAIL SYSTEM STATION IN THE STATE; OR

(V) ANY OTHER PASSENGER RAIL STATION.

(B) THIS SECTION DOES NOT APPLY TO:

(1) A PROPERTY LOCATED WITHIN THREE-FOURTHS OF A MILE OF A RAIL STATION IN THE STATE IF:

(I) THE RAIL STATION IS LOCATED ON THE CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10-101 OF THE EDUCATION ARTICLE; OR

(II) ONLY A PORTION OF THE PROPERTY IS LOCATED WITHIN THE THREE-FOURTHS OF A MILE OF THE RAIL STATION; OR

(2) AN AREA ZONED FOR SINGLE-FAMILY RESIDENTIAL USE:

~~(1)~~ (I) ON JANUARY 1, 2024; AND

~~(2)~~ (II) DURING ANY PROCESS TO INCREASE ALLOWABLE DENSITY UNDER SUBSECTION (C) OF THIS SECTION.

(C) (1) IN ACCORDANCE WITH THIS SUBSECTION, A LOCAL JURISDICTION SHALL ALLOW THE DENSITY OF A QUALIFIED PROJECT TO EXCEED THE DENSITY OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE.

(2) IN AN AREA ZONED ~~EXCLUSIVELY~~ FOR SINGLE-FAMILY RESIDENTIAL USE, A QUALIFIED PROJECT MAY INCLUDE MIDDLE HOUSING UNITS.

(3) IN AN AREA ZONED ~~EXCLUSIVELY~~ FOR MULTIFAMILY RESIDENTIAL USE, A QUALIFIED PROJECT:

(I) SHALL HAVE A DENSITY LIMIT THAT EXCEEDS BY 30% THE ALLOWABLE DENSITY IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED PROJECT; AND

(II) MAY CONSIST OF MIXED-USE.

(4) ~~IN~~ SUBJECT TO § 7-509 OF THIS SUBTITLE, IN AN AREA ZONED ~~EXCLUSIVELY~~ FOR NONRESIDENTIAL USE, A QUALIFIED PROJECT MAY CONSIST OF MIXED-USE, WITH DENSITY LIMITS THAT DO NOT EXCEED THE HIGHEST ALLOWABLE DENSITY IN THE LOCAL JURISDICTION'S MULTIFAMILY RESIDENTIAL ZONES.

(5) IN AN AREA ZONED FOR MIXED-USE, A QUALIFIED PROJECT MAY INCLUDE 30% MORE HOUSING UNITS THAN ARE ALLOWED IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED PROJECT.

(6) IF A QUALIFIED PROJECT IS ALLOWED TO EXCEED THE DENSITY OTHERWISE AUTHORIZED BY A LOCAL JURISDICTION IN A DISTRICT OR ZONE UNDER THIS SECTION, THE QUALIFIED PROJECT MAY NOT ALSO EXCEED THE AUTHORIZED DENSITY UNDER § 7-502 OR § 7-504 OF THIS SUBTITLE.

7-504.

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

(2) “CONTROLLED BY” MEANS A BUSINESS STRUCTURE IN WHICH A NONPROFIT ORGANIZATION IS A MANAGING MEMBER, GENERAL PARTNER, OR OTHERWISE CONTROLLING ENTITY WITH A FOR-PROFIT MEMBER OR PARTNER AS DEMONSTRATED BY AN ATTORNEY LICENSED IN THE STATE.

~~(2)~~ (3) “NONPROFIT ORGANIZATION” MEANS AN ORGANIZATION THAT IS QUALIFIED AS TAX-EXEMPT UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND HAS BEEN DESIGNATED AS SUCH FOR AT LEAST 3 YEARS.

~~(3)~~ (4) “QUALIFIED PROJECT” MEANS A RESIDENTIAL PROJECT THAT:

(I) CONSISTS OF NEW CONSTRUCTION OR SUBSTANTIAL RENOVATION;

(II) IS ON LAND, INCLUDING LAND THAT IS SUBJECT TO A GROUND LEASE, THAT:

1. IS WHOLLY OWNED BY A NONPROFIT ORGANIZATION;
OR

2. INCLUDES IMPROVEMENTS OWNED BY AN ENTITY THAT IS CONTROLLED BY A NONPROFIT ORGANIZATION;

(III) CONTAINS AT LEAST ~~50%~~ 25% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS; AND

(IV) IS DEED-RESTRICTED TO INCLUDE ~~50%~~ 25% OF UNITS THAT ARE AFFORDABLE DWELLING UNITS FOR A PERIOD OF AT LEAST 40 YEARS.

(B) (1) IN ACCORDANCE WITH THIS SUBSECTION, A LOCAL JURISDICTION SHALL ALLOW THE DENSITY OF A QUALIFIED PROJECT TO EXCEED THE DENSITY OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE.

(2) IN AN AREA ZONED ~~EXCLUSIVELY~~ FOR SINGLE-FAMILY RESIDENTIAL USE, A QUALIFIED PROJECT MAY INCLUDE MIDDLE HOUSING UNITS.

(3) IN AN AREA ZONED ~~EXCLUSIVELY~~ FOR MULTIFAMILY RESIDENTIAL USE, A QUALIFIED PROJECT:

(I) SHALL HAVE A DENSITY LIMIT THAT EXCEEDS BY 30% THE ALLOWABLE DENSITY IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED PROJECT; AND

(II) MAY CONSIST OF MIXED-USE.

(4) ~~IN SUBJECT TO § 7-509 OF THIS SUBTITLE, IN AN AREA ZONED EXCLUSIVELY~~ FOR NONRESIDENTIAL USE, A QUALIFIED PROJECT MAY CONSIST OF MIXED-USE DEVELOPMENT WITH DENSITY LIMITS THAT DO NOT EXCEED THE HIGHEST ALLOWABLE DENSITY IN THE LOCAL JURISDICTION'S MULTIFAMILY RESIDENTIAL ZONES.

(5) IN AN AREA ZONED FOR MIXED-USE, A QUALIFIED PROJECT MAY INCLUDE 30% MORE HOUSING UNITS THAN ARE ALLOWED IN THAT ZONE FOR USES THAT ARE NOT PART OF A QUALIFIED PROJECT.

(6) IF A QUALIFIED PROJECT IS ALLOWED TO EXCEED THE DENSITY OTHERWISE AUTHORIZED BY A LOCAL JURISDICTION IN A DISTRICT OR ZONE UNDER THIS SECTION, THE QUALIFIED PROJECT MAY NOT ALSO EXCEED THE AUTHORIZED DENSITY UNDER § 7-502 OR § 7-503 OF THIS SUBTITLE.

7-505.

A LOCAL JURISDICTION MAY NOT IMPOSE ANY UNREASONABLE LIMITATION OR REQUIREMENTS ON A QUALIFIED PROJECT UNDER THIS SUBTITLE, INCLUDING LIMITATIONS ON OR REQUIREMENTS CONCERNING:

- (1) HEIGHT;
- (2) SETBACK;
- (3) BULK;

- (4) PARKING;
- (5) LOADING, DIMENSIONAL, OR AREA; OR
- (6) SIMILAR REQUIREMENTS.

7-506.

(A) EXCEPT AS OTHERWISE PROVIDED OR REQUIRED BY STATE LAW, A LOCAL GOVERNMENT MAY NOT REQUIRE THAT A QUALIFIED PROJECT UNDER THIS SUBTITLE BE REVIEWED AT MORE THAN ~~ONE~~ TWO PUBLIC ~~HEARING~~ HEARINGS BEFORE EACH OF THE FOLLOWING:

- (1) THE LOCAL GOVERNING BODY; AND
- (2) THE PLANNING COMMISSION;
- ~~(3).~~

(B) EXCEPT AS OTHERWISE PROVIDED OR REQUIRED BY STATE LAW, A LOCAL GOVERNMENT MAY NOT REQUIRE THAT A QUALIFIED PROJECT UNDER THIS SUBTITLE BE REVIEWED AT MORE THAN ONE PUBLIC HEARING BEFORE EACH OF THE FOLLOWING:

- (1) A HISTORIC DISTRICT COMMISSION OR HISTORIC PRESERVATION COMMISSION; AND
- ~~(4)~~ (2) THE BOARD OF APPEALS.

7-507.

THE INCREASED DENSITY LIMITS UNDER §§ 7-502 THROUGH 7-504 OF THIS SUBTITLE ARE IN ADDITION TO INCREASED DENSITY THAT IS ALLOWED OR REQUIRED BY A LOCAL JURISDICTION.

7-508.

UNDER THIS SUBTITLE, THE DENSITY OF A QUALIFIED PROJECT MAY NOT EXCEED THE DENSITY OTHERWISE AUTHORIZED IN A DISTRICT OR ZONE LOCATED ON:

- (1) AGRICULTURAL LAND, AS DEFINED IN § 9-206 OF THE TAX – PROPERTY ARTICLE; OR

(2) CONSERVATION PROPERTY, AS DEFINED IN § 8-209.1 OF THE TAX – PROPERTY ARTICLE.

7-509.

(A) (1) BEFORE A QUALIFIED PROJECT IS AUTHORIZED TO EXCEED THE DENSITY IN AN AREA ZONED FOR NONRESIDENTIAL USE UNDER § 7-502(B)(4), § 7-503(C)(4), OR § 7-504(B)(4) OF THIS SUBTITLE, THE ENTITY RESPONSIBLE FOR THE QUALIFIED PROJECT SHALL:

(I) CONDUCT A PUBLIC HEALTH IMPACT ASSESSMENT; AND

(II) RECEIVE APPROVAL OF THE PUBLIC HEALTH IMPACT ASSESSMENT FROM THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(2) A PUBLIC HEALTH IMPACT ASSESSMENT UNDER THIS SUBSECTION SHALL EVALUATE POTENTIAL PUBLIC HEALTH IMPACTS ASSOCIATED WITH THE PROXIMITY OF THE QUALIFIED PROJECT TO ANY HEALTH HAZARDS WITHIN THE AREA ZONED FOR NONRESIDENTIAL USE.

(B) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MAY NOT APPROVE A PUBLIC HEALTH IMPACT ASSESSMENT SUBMITTED UNDER THIS SECTION IF THE ASSESSMENT SHOWS THAT RESIDENTIAL USE IN THE NONRESIDENTIAL ZONE WOULD PRESENT A SUBSTANTIAL RISK TO THE HEALTH AND SAFETY OF THE RESIDENTS.

(C) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

10-103.

(a) Except as provided in this section, this division does not apply to Baltimore City.

(b) The following provisions of this division apply to Baltimore City:

(1) this title;

(2) § 1-101(m) (Definitions – “Priority funding area”);

(3) § 1-101(o) (Definitions – “Sensitive area”);

(4) § 1-201 (Visions);

- (5) § 1–206 (Required education);
- (6) § 1–207 (Annual report – In general);
- (7) § 1–208 (Annual report – Measures and indicators);
- (8) Title 1, Subtitle 3 (Consistency);
- (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties – Comprehensive Plans; Implementation);
- (10) § ~~4–104(b)~~ **4–104(C)** (Limitations – Bicycle parking);
- (11) **§ ~~4–104(c)~~ 4–104(D) (LIMITATIONS – MANUFACTURED HOMES AND MODULAR DWELLINGS);**
- (12) § 4–205** (Administrative adjustments);
- [(12)] (13) § 4–207** (Exceptions – Maryland Accessibility Code);
- [(13)] (14) § 4–210** (Permits and variances – Solar panels);
- [(14)] (15) § 4–211** (Change in zoning classification – Energy generating systems);
- [(15)] (16) § 4–215** (Pollinator–friendly vegetation management);
- [(16)] (17) § 5–102(d)** (Subdivision regulations – Burial sites);
- [(17)] (18) Title 7, Subtitle 1** (Development Mechanisms);
- [(18)] (19) Title 7, Subtitle 2** (Transfer of Development Rights);
- [(19)] (20) Title 7, Subtitle 3** (Development Rights and Responsibilities Agreements);
- [(20)] (21) Title 7, Subtitle 4** (Inclusionary Zoning);
- (22) TITLE 7, SUBTITLE 5 (HOUSING EXPANSION AND AFFORDABILITY);** and
- [(21)] (23) Title 11, Subtitle 2** (Civil Penalty).

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article — Land Use~~~~7-105.~~

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

~~(2) “ADEQUATE PUBLIC FACILITY LAW” HAS THE MEANING STATED IN § 7-501 OF THIS TITLE.~~

~~(3) “PERMIT” HAS THE MEANING STATED IN § 7-501 OF THIS TITLE.~~

~~(4) “STATE FUNDED AFFORDABLE HOUSING PROJECT” INCLUDES ANY RESIDENTIAL PROJECT THAT IS FUNDED:~~

~~(I) WITH FEDERAL LOW INCOME TAX CREDITS GRANTED IN ACCORDANCE WITH 26 U.S.C. § 42; OR~~

~~(II) UNDER TITLE 4, SUBTITLE 2, SUBTITLE 4, OR SUBTITLE 12 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.~~

~~(B) IN MAKING A DECISION ON A PERMIT APPLICATION FOR A STATE FUNDED AFFORDABLE HOUSING PROJECT, A LOCAL JURISDICTION MAY NOT USE AN ELEMENT OF AN ADEQUATE PUBLIC FACILITY LAW TO:~~

~~(1) DENY THE PERMIT; OR~~

~~(2) UNREASONABLY RESTRICT OR LIMIT THE DEVELOPMENT OF THE PROJECT, INCLUDING ANY RESTRICTION OR LIMITATION THAT MAY RESULT IN A SUBSTANTIAL ADVERSE IMPACT ON:~~

~~(I) THE VIABILITY OF THE AFFORDABLE HOUSING DEVELOPMENT;~~

~~(II) THE DEGREE OF AFFORDABILITY OF THE AFFORDABLE DWELLING UNITS; OR~~

~~(III) THE ALLOWABLE DENSITY OF THE PROJECT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That a Position Identification Number (PIN) shall be created in the Department of Housing and Community Development for the Historic Property Revitalization Director.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2024~~ January 1, 2025. ~~Section 2 of this Act shall remain effective for a period of 15 years and, at the end of September 30, 2039, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

Approved by the Governor, April 25, 2024.