

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1045 (Delegate Lierman)
Environment and Transportation

Land Use - Comprehensive Plans - Housing Element

This bill requires that a comprehensive plan adopted by a local jurisdiction must include a “housing element.” The housing element must include a plan to address the need for affordable housing within the local jurisdiction (including low- and moderate-income housing) and, if applicable, the impacts of gentrification.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Local government expenditures increase in at least some jurisdictions to include the specified housing element in their comprehensive plans. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Current Law/Background: Local jurisdictions must enact, adopt, amend, and execute a comprehensive plan and the plan must include visions and elements specified in statute. At least once every 10 years, each planning commission must review the comprehensive plan and, if necessary, revise or amend the plan to include all of the required elements and visions.

Charter counties and Baltimore City are subject to different requirements than noncharter counties and municipalities with respect to what elements a comprehensive plan must include. Charter counties and Baltimore City must include in their comprehensive plans a

development regulations element, a sensitive areas element, a transportation element, and a water resources element. If current geological information is available, the plan must include a mineral resources element. A plan also may include a priority preservation area element for agricultural and forest land preservation.

Noncharter counties and municipalities must include in their comprehensive plans a community facilities element, an area of critical State concern element, a goals and objectives element, a land use element, a development regulations element, a sensitive areas element, a transportation element, and a water resources element. If current geological information is available, the plan must include a mineral resources element. The plan for a municipal corporation that exercises zoning authority must include a municipal growth element, and the plan for a county that is located on the tidal waters of the State must include a fisheries element. Noncharter counties and municipalities may include additional elements in their plans, including housing elements. “Housing elements” are not specifically described in statute, however.

Local Expenditures: Local government expenditures increase in at least some jurisdictions to include a housing element in their comprehensive plans. For example, the Maryland Municipal League advises that smaller municipalities may need to contract for legal or other professional services in order to include housing elements in their comprehensive plans.

Some counties may also have to contract for services to assess the impacts of gentrification and the need for affordable housing. Based on information provided by Anne Arundel County for a similar bill during the 2018 session, costs may increase by at least \$100,000 for an individual county each time a plan is updated.

Other jurisdictions are likely able to implement the bill with existing resources. For example, Montgomery County advises that its comprehensive plan already includes provisions relating to housing issues. Carroll County advises that the county can develop the required housing element with existing resources.

Additional Information

Prior Introductions: None.

Cross File: SB 917 (Senators Lam and Young) - Education, Health, and Environmental Affairs.

Information Source(s): Anne Arundel, Caroline, and Montgomery counties; cities of Bowie and Takoma Park; Maryland Municipal League; Maryland Department of Planning; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2019
sb/lgc

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