

**Governor Moore’s “Housing Expansion and Affordability Act of 2024”
(House Bill 538)**

SUMMARY:

The bill, now law, creates a position called “the Historic Property Revitalization Director” within the Department of Housing and Community Development. The bill also stipulates that a local jurisdiction must allow new manufactured and modular houses within residential zones that allow single-family dwellings, provided that these homes comply with certain national standards for their construction. This bill also provides zoning density bonuses for certain projects that meet affordable housing goals as defined in the bill (see below). Finally, the bill also prohibits local jurisdictions from imposing “unreasonable limitations” on certain projects or from being reviewed at more than a specified number of public hearings.

Details:

- 1.) Historic Property Revitalization Director’s purpose is to work with State agencies to create inventories of State-owned properties that may be disposed of to allow for affordable housing, to determine if those properties are eligible for National Register of Historic Properties designation, and to work with the Dept. of General Services during the disposition process of relevant properties.

- 2.) Housing Expansion and Affordability:
 - a.) “Affordable” is defined in this legislation as being housing costs that do not exceed 30% of a household’s income. An “Affordable Dwelling Unit” is defined as a unit that is affordable to households earning 60% or less of the area’s median income.
 - 1.) According to HUD, the median income for a family of four in the Columbia-Baltimore-Towson statistical collection area is approximately \$118,300 per year.

 - b.) To be a qualified project under this legislation, it means a residential project and/or mixed- use project that meets one of four criteria:
 - 1.) Property formerly owned by the State that includes at least one building constructed more than 50 years ago, and is appropriate for redevelopment by either substantial renovation or new construction. At least 25% of the proposed residential units must be affordable.
 - 2.) Property currently or formerly owned by the Federal government that is at least 80 acres in size. At least 25% of the proposed units must be affordable.
 - 3.) Property within ¾ mile of a rail station located in the State, so long as the property is determined as not being approximate to a rail station located on a campus of higher education; or if the land within ¾ mile of a rail station was

zoned for single-family residential use on January 1, 2024. At least 15% of the proposed units must provide affordable housing.

- 4.) Property owned or controlled by a nonprofit organization aimed at providing affordable housing. The project must contain at least 25% of the units deemed affordable.

C.) All of the four types of qualified projects are eligible for density bonuses and use bonuses, over and above a local jurisdiction's allowed density, provided they meet the stated affordability goals. The bonuses are as follows:

- 1.) For single-family residential use, the project may intensify to include middle housing units, such as duplexes, quadplexes, clusters and townhomes.
- 2.) For multi-family residential uses, may increase the density by 30% over what the jurisdiction allows and/or may include mixed-use.
- 3.) For property zoned for non-residential use, may create residential housing that does not exceed the highest residential density allowed by a jurisdiction and/or may include mixed uses.

This increased density would be in addition to any increase allowed by the jurisdiction to encourage affordable housing.

D.) In addition to the density bonuses described above, this bill prohibits a local jurisdiction from imposing any "limitation" to a qualified project, such as height or setback limitations, parking requirements, bulk or area requirements and others if the limitation has an adverse impact on the qualified project. The law does not define how one determines an adverse impact.

Finally, before a qualified project is authorized to exceed the density on nonresidential projects, the entity (or developer) responsible for the project must conduct a public health assessment impact study that is reviewed by the Dept. of Housing and Community Development for any risk to the health and safety of adjacent residents.

This bill takes effect on January 1, 2025.