

Chapter 90

(House Bill 17)

AN ACT concerning

Charter Counties – Comprehensive Plans – Affirmatively Furthering Fair Housing

FOR the purpose of altering requirements for the housing element of a charter county’s comprehensive plan to include requirements related to affirmatively furthering fair housing; and generally relating to the comprehensive plans of charter counties.

BY repealing and reenacting, without amendments,

Article – Land Use
Section 1–405 and 1–406(a)(1)
Annotated Code of Maryland
(2012 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – Land Use
Section 1–407.1
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 – Land Use

1–405.

A charter county shall enact, adopt, amend, and execute a plan in accordance with this part and Part III of this subtitle.

1–406.

(a) (1) The planning commission for a charter county shall include in the comprehensive or general plan the visions under § 1–201 of this title and the following elements:

- (i) a development regulations element;
- (ii) a housing element;
- (iii) a sensitive areas element;

- (iv) a transportation element; and
- (v) a water resources element.

1-407.1.

- (a) (1) In this section the following words have the meanings indicated.

(2) “AFFIRMATIVELY FURTHER FAIR HOUSING” HAS THE MEANING STATED IN § 2-401 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

[(2)] (3) “Area median income” has the meaning stated in § 4-1801 of the Housing and Community Development Article.

[(3)] (4) “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.

[(4)] (5) “Workforce housing” has the meaning stated in § 4-1801 of the Housing and Community Development Article.

(b) A housing element may include goals, objectives, policies, plans, and standards.

(c) A housing element shall address the need for affordable housing within the county, including:

- (1) workforce housing; and
- (2) low-income housing.

(D) (1) A COUNTY HAS A DUTY TO AFFIRMATIVELY FURTHER FAIR HOUSING THROUGH THE COUNTY’S HOUSING AND URBAN DEVELOPMENT PROGRAMS.

(2) THE HOUSING ELEMENT OF A COMPREHENSIVE PLAN THAT IS ENACTED OR AMENDED ON OR AFTER JANUARY 1, 2025, SHALL INCLUDE AN ASSESSMENT OF FAIR HOUSING TO ENSURE THAT THE COUNTY IS AFFIRMATIVELY FURTHERING FAIR HOUSING.

(3) ON REQUEST OF A COUNTY, THE DEPARTMENT OF PLANNING, IN CONSULTATION WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, SHALL PROVIDE TECHNICAL ASSISTANCE FOR THE PURPOSE OF DEVELOPING THE HOUSING ELEMENT OF THE COMPREHENSIVE PLAN.

(4) THIS SUBSECTION DOES NOT REQUIRE A COUNTY TO TAKE, OR PROHIBIT A COUNTY FROM TAKING, A SPECIFIC ACTION TO AFFIRMATIVELY FURTHER FAIR HOUSING.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) A charter county that completed or revised an Assessment of Fair Housing under the federal Department of Housing and Urban Development's most recently published Affirmatively Furthering Fair Housing Rule, or an analysis of impediments to fair housing prior to the Affirmatively Furthering Fair Housing Rule, shall incorporate the Assessment of Fair Housing or analysis of impediments into the housing element of the charter county's comprehensive plan, by reference, as described under § 1-407.1 of the Land Use Article, when the charter county amends its comprehensive plan.

(b) Subsection (a) of this section applies only to a comprehensive plan that is amended on or after January 1, 2024.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, April 9, 2024.