



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

February 9, 2021

Committee: Senate Education, Health, and Environmental Affairs Committee

Bill: SB 687 – State and Local Housing Programs – Affirmatively Furthering Fair Housing

Position: Favorable with Amendments

Reason for Position:

The Maryland Municipal League supports the idea of SB 687, that local jurisdictions should seek to affirmatively further fair housing. As drafted, this bill establishes definitions for affirmatively furthering fair housing, to include taking meaningful action. It also requires annual local government reports to DHCD to prove progress in order to receive funds. Finally, the legislation requires local jurisdictions to include affirmatively furthering fair housing practices and a similar HUD analysis into the Housing Element of their comprehensive plans.

MML is concerned with the reporting requirements and penalties contained within SB 687. Municipal staff has shared that gathering the requested data provides the largest hurdle, in part because many of the fair housing projects in municipalities are developed and managed by private entities. The League is also concerned with the vague bar of meaningful action and trying to understand how the Department would measure that from year to year as it determines whether a jurisdiction is eligible to receive the support it may need. Cities and towns are worried that the resources needed to comply with the administrative functions of the bill, compounded with the risk of being found to not have accomplished enough, may dissuade them seeking DHCD funds. Many of the market forces surrounding smaller municipalities have a far greater impact than the town's resources could overcome. We could not support the bill if this remains.

Just two years ago, the General Assembly approved the mandatory addition of a Housing Element to local comprehensive plans, with MML's support. The League believes this is a more appropriate way to address local housing goals in a manner consistent with smart, planned growth. Traditionally, the Department of Planning has provided resources and guidance to support local jurisdictions and are currently in the process of establishing such guidance for municipalities based on the 2019 law.

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We are supportive of mirroring the 2019 approach, which already requires a Housing element to include addressing the need for affordable and workforce housing. It is important to remember that local comprehensive master plans are updated on a ten-year cycle with a five-year interim “check-up”. It is extremely time consuming and costly to amend a comprehensive master plan if it is out of the regular five-year and/or ten-year plan update cycle, so most jurisdictions have not yet added the Housing Element to their plan. Timing wise, this provides a great opportunity for affirmatively furthering fair housing practices to be included in a jurisdiction’s initial adoption.

We strongly believe that proper planning, with MDP guidance, would be more feasible and achieve better results than a rushed attempt by jurisdictions to avoid losing DHCD funding.

For these reasons, the Maryland Municipal League supports SB 687 and respectfully requests amendments to limit the scope to bolstering the Housing Element of local comprehensive plans.

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