

SENATE BILL 430

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CF 5r0453

By: **The President (By Request – Administration) and Senators Augustine, Charles, Ellis, Gile, Henson, Kagan, and Lam**

Introduced and read first time: January 20, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Regional Housing Infrastructure Gap**
3 **(Housing for Jobs Act)**

4 FOR the purpose of requiring the Department of Housing and Community Development
5 and the Department of Planning to calculate certain regional housing infrastructure
6 gaps; providing for the apportionment of regional housing infrastructure gaps to
7 counties and incorporated municipalities; authorizing local jurisdictions to reduce
8 local housing infrastructure gaps in a certain manner; establishing that certain local
9 jurisdictions have an affirmative obligation to expeditiously approve housing
10 development project applications; prohibiting certain local jurisdictions from
11 denying certain housing development project applications without certain
12 justifications; and generally relating to housing development and land use.

13 BY repealing and reenacting, with amendments,
14 Article – Land Use
15 Section 1–401 and 10–103
16 Annotated Code of Maryland
17 (2012 Volume and 2024 Supplement)

18 BY adding to
19 Article – Land Use
20 Section 12–101 through 12–203 to be under the new title “Title 12. Regional Housing
21 Infrastructure Gap”
22 Annotated Code of Maryland
23 (2012 Volume and 2024 Supplement)

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

26 **Article – Land Use**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1-401.

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

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

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

7 (2) § 1-101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,
8 and “Sensitive area”);

9 (3) § 1-201 (Visions);

10 (4) § 1-206 (Required education);

11 (5) § 1-207 (Annual report – In general);

12 (6) § 1-208 (Annual report – Measures and indicators);

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

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

15 (9) § 4-104(c) (Limitations – Bicycle Parking);

16 (10) § 4-104(d) (Limitations – Manufactured homes and modular dwellings);

17 (11) § 4-208 (Exceptions – Maryland Accessibility Code);

18 (12) § 4-210 (Permits and variances – Solar panels);

19 (13) § 4-211 (Change in zoning classification – Energy generating systems);

20 (14) § 4-212 (Agritourism);

21 (15) § 4-213 (Alcohol production);

22 (16) § 4-214 (Agricultural alcohol production);

23 (17) § 4-215 (Pollinator-friendly vegetation management);

24 (18) § 5-102(d) (Subdivision regulations – Burial sites);

25 (19) § 5-104 (Major subdivision – Review);

- 1 (20) Title 7, Subtitle 1 (Development Mechanisms);
- 2 (21) Title 7, Subtitle 2 (Transfer of Development Rights);
- 3 (22) except in Montgomery County or Prince George’s County, Title 7,
4 Subtitle 3 (Development Rights and Responsibilities Agreements);
- 5 (23) Title 7, Subtitle 4 (Inclusionary Zoning);
- 6 (24) Title 7, Subtitle 5 (Housing Expansion and Affordability);
- 7 (25) § 8–401 (Conversion of overhead facilities);
- 8 (26) for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions
9 – Baltimore County);
- 10 (27) for Frederick County only, Title 9, Subtitle 10 (Single–County
11 Provisions – Frederick County);
- 12 (28) for Howard County only, Title 9, Subtitle 13 (Single–County Provisions
13 – Howard County);
- 14 (29) for Talbot County only, Title 9, Subtitle 18 (Single–County Provisions
15 – Talbot County); **[and]**
- 16 (30) Title 11, Subtitle 2 (Civil Penalty); **AND**
- 17 **(31) TITLE 12 (REGIONAL HOUSING INFRASTRUCTURE GAP).**
- 18 (c) This section supersedes any inconsistent provision of Division II of this article.
19 10–103.
- 20 (a) Except as provided in this section, this division does not apply to Baltimore
21 City.
- 22 (b) The following provisions of this division apply to Baltimore City:
- 23 (1) this title;
- 24 (2) § 1–101(m) (Definitions – “Priority funding area”);
- 25 (3) § 1–101(o) (Definitions – “Sensitive area”);
- 26 (4) § 1–201 (Visions);

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

23 **TITLE 12. REGIONAL HOUSING INFRASTRUCTURE GAP.**

24 **SUBTITLE 1. GENERAL PROVISIONS.**

1 **12-101.**

2 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) “JOBS-TO-HOUSING RATIO” MEANS THE TOTAL NUMBER OF JOBS BY
5 PLACE OF WORK DIVIDED BY THE TOTAL NUMBER OF HOUSING UNITS.

6 (C) “LOCAL HOUSING INFRASTRUCTURE GAP” MEANS THE SHARE OF A
7 REGIONAL HOUSING INFRASTRUCTURE GAP APPORTIONED TO A LOCAL
8 JURISDICTION UNDER § 12-201(B) OF THIS TITLE.

9 (D) “REGION” MEANS AN AREA DESIGNATED UNDER § 12-102 OF THIS
10 SUBTITLE.

11 (E) “REGIONAL HOUSING INFRASTRUCTURE GAP” MEANS THE NUMBER OF
12 HOUSING UNITS NEEDED FOR A REGION’S JOBS-TO-HOUSING RATIO TO BE BELOW
13 1.5 ACCORDING TO THE CALCULATION MADE UNDER § 12-201(A) OF THIS TITLE.

14 **12-102.**

15 FOR PURPOSES OF THIS TITLE, REGIONS ARE DESIGNATED AS FOLLOWS:

16 (1) THE BALTIMORE REGION INCLUDES ANNE ARUNDEL COUNTY,
17 BALTIMORE COUNTY, CARROLL COUNTY, HARFORD COUNTY, HOWARD COUNTY,
18 AND BALTIMORE CITY;

19 (2) THE WASHINGTON SUBURBAN REGION INCLUDES FREDERICK
20 COUNTY, MONTGOMERY COUNTY, AND PRINCE GEORGE’S COUNTY;

21 (3) THE SOUTHERN MARYLAND REGION INCLUDES CALVERT
22 COUNTY, CHARLES COUNTY, AND ST. MARY’S COUNTY;

23 (4) THE WESTERN MARYLAND REGION INCLUDES ALLEGANY
24 COUNTY, GARRETT COUNTY, AND WASHINGTON COUNTY;

25 (5) THE UPPER EASTERN SHORE REGION INCLUDES CAROLINE
26 COUNTY, CECIL COUNTY, KENT COUNTY, QUEEN ANNE’S COUNTY, AND TALBOT
27 COUNTY; AND

28 (6) THE LOWER EASTERN SHORE REGION INCLUDES DORCHESTER
29 COUNTY, SOMERSET COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY.

SUBTITLE 2. REQUIREMENTS.

12-201.

(A) ON OR BEFORE JANUARY 1 EACH YEAR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE DEPARTMENT OF PLANNING SHALL PUBLISH, FOR EACH REGION DESIGNATED UNDER § 12-102 OF THIS TITLE:

(1) THE TOTAL NUMBER OF HOUSING UNITS;

(2) THE TOTAL NUMBER OF JOBS BY PLACE OF WORK;

(3) THE JOBS-TO-HOUSING RATIO;

(4) THE NUMBER OF HOUSING UNITS NEEDED TO BE PRODUCED FOR THE REGION TO REACH A JOBS-TO-HOUSING RATIO OF 1.5 OR LESS; AND

(5) THE DIFFERENCE BETWEEN THE EXISTING NUMBER OF HOUSING UNITS AND THE NUMBER OF HOUSING UNITS NEEDED FOR THE REGION TO REACH A JOBS-TO-HOUSING RATIO OF 1.5 OR LESS.

(B) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE DEPARTMENT OF PLANNING SHALL APPORTION A REGIONAL HOUSING INFRASTRUCTURE GAP TO:

(1) EACH COUNTY BASED ON THE SHARE OF REGIONAL JOBS LOCATED IN THE COUNTY; AND

(2) EACH INCORPORATED MUNICIPALITY BASED ON THE SHARE OF REGIONAL JOBS LOCATED IN THE MUNICIPALITY.

12-202.

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

(2) "AFFORDABLE" MEANS THAT HOUSING COSTS DO NOT EXCEED 30% OF A HOUSEHOLD'S INCOME.

(3) "AFFORDABLE HOUSING UNIT" MEANS A DWELLING UNIT THAT IS DEED-RESTRICTED TO BE AFFORDABLE TO A HOUSEHOLD EARNING 60% OR LESS OF THE AREA MEDIAN INCOME FOR A PERIOD OF AT LEAST 40 YEARS.

1 **(4) “AREA MEDIAN INCOME” MEANS THE MEDIAN HOUSEHOLD**
2 **INCOME FOR THE AREA ADJUSTED FOR HOUSEHOLD SIZE AS PUBLISHED AND**
3 **ANNUALLY UPDATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN**
4 **DEVELOPMENT.**

5 **(5) “HOUSING UNIT BUILT” MEANS A NEWLY CONSTRUCTED OR**
6 **SUBSTANTIALLY RENOVATED RESIDENTIAL DWELLING UNIT THAT HAS RECEIVED A**
7 **USE AND OCCUPANCY PERMIT FROM A LOCAL JURISDICTION ON OR AFTER JANUARY**
8 **1, 2026.**

9 **(6) (I) “RAIL STATION” MEANS A PRESENT OR PLANNED:**

- 10 1. **MARC STATION ALONG THE PENN, CAMDEN, OR**
11 **BRUNSWICK LINES;**
- 12 2. **BALTIMORE METRO SUBWAYLINK STATION;**
- 13 3. **BALTIMORE LIGHT RAILLINK STATION;**
- 14 4. **METRORAIL SYSTEM STATION; OR**
- 15 5. **ANY OTHER PASSENGER RAIL STATION.**

16 **(II) A RAIL STATION SHALL BE CONSIDERED “PLANNED” IF IT IS**
17 **ON A FINALIZED RAIL ROUTE WITH COMPLETED DEVELOPMENT APPROVALS.**

18 **(B) (1) THE NUMBER OF UNITS IN THE LOCAL HOUSING**
19 **INFRASTRUCTURE GAP MAY BE REDUCED IN ACCORDANCE WITH THIS SUBSECTION.**

20 **(2) FOR EVERY 1 HOUSING UNIT BUILT WITHIN THREE-QUARTERS OF**
21 **A MILE OF A RAIL STATION, 1.5 HOUSING UNITS MAY BE SUBTRACTED FROM THE**
22 **LOCAL HOUSING INFRASTRUCTURE GAP.**

23 **(3) FOR EVERY 1 AFFORDABLE HOUSING UNIT BUILT, 1.5 HOUSING**
24 **UNITS MAY BE SUBTRACTED FROM THE LOCAL HOUSING INFRASTRUCTURE GAP.**

25 **(C) CALCULATIONS UNDER SUBSECTION (B) OF THIS SECTION MAY NOT BE**
26 **COMBINED TO SUBTRACT MORE THAN 1.5 HOUSING UNITS FROM THE LOCAL**
27 **HOUSING INFRASTRUCTURE GAP PER 1 HOUSING UNIT BUILT.**

28 **(D) (1) IN ORDER TO REDUCE A LOCAL HOUSING INFRASTRUCTURE GAP**
29 **UNDER SUBSECTION (B) OF THIS SECTION, A LOCAL JURISDICTION SHALL SUBMIT**

1 DOCUMENTATION TO THE DEPARTMENT OF HOUSING AND COMMUNITY
2 DEVELOPMENT.

3 (2) A SUBMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION
4 SHALL BE IN THE FORM AND MANNER THAT THE DEPARTMENT OF HOUSING AND
5 COMMUNITY DEVELOPMENT REQUIRES.

6 12-203.

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

9 (2) "AREA WITH INADEQUATE WATER OR WASTEWATER FACILITIES"
10 MEANS:

11 (I) AN AREA OUTSIDE AN EXISTING OR PLANNED WATER AND
12 SEWER SERVICE AREA AS IDENTIFIED IN AN ADOPTED COUNTY PLAN UNDER TITLE
13 9, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE; OR

14 (II) AN AREA INSIDE AN EXISTING OR PLANNED WATER AND
15 SEWER SERVICE AREA AS IDENTIFIED IN AN ADOPTED COUNTY PLAN UNDER TITLE
16 9, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE, WHERE THE CONNECTING WATER
17 OR WASTEWATER FACILITY:

18 1. DOES NOT HAVE ADEQUATE CAPACITY OR IS ABOVE
19 80% CAPACITY; AND

20 2. DOES NOT HAVE A CAPACITY MANAGEMENT PLAN
21 APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT.

22 (3) "AREA ZONED FOR HEAVY INDUSTRIAL USE" MEANS AN AREA
23 THAT:

24 (I) DOES NOT ALLOW RESIDENTIAL USES; AND

25 (II) ALLOWS FOR INTENSE INDUSTRIAL ACTIVITIES, SUCH AS
26 HEAVY MANUFACTURING, ASSEMBLING, OR INDUSTRIAL PROCESSING ACTIVITIES,
27 THAT MAY CREATE SIGNIFICANT NOISE, DUST, VIBRATION, GLARE, ODORS, AND
28 OTHER ADVERSE ENVIRONMENTAL IMPACTS.

29 (4) "CURRENT OR PROJECTED FULL-TIME ENROLLMENT" MEANS:

1 **(I) A SCHOOL’S FULL-TIME ENROLLMENT AT THE TIME OF THE**
2 **HOUSING DEVELOPMENT APPLICATION; OR**

3 **(II) A SCHOOL’S PROJECTED FULL-TIME ENROLLMENT FOR A**
4 **SCHOOL YEAR NOT LATER THAN THE 7TH FULL SCHOOL YEAR AFTER THE TIME OF**
5 **THE HOUSING DEVELOPMENT PROJECT APPLICATION.**

6 **(5) “DENY A HOUSING DEVELOPMENT PROJECT APPLICATION”**
7 **INCLUDES TO:**

8 **(I) DENY A HOUSING DEVELOPMENT PROJECT APPLICATION AT**
9 **ANY STATE IN THE DEVELOPMENT PROCESS, INCLUDING ANY REQUIRED LAND USE**
10 **APPROVALS OR ENTITLEMENTS NECESSARY FOR THE ISSUANCE OF A BUILDING**
11 **PERMIT; AND**

12 **(II) REQUIRE THAT A HOUSING DEVELOPMENT PROJECT WAIT A**
13 **PERIOD OF 1 OR MORE YEARS TO RECEIVE A BUILDING PERMIT.**

14 **(6) “GEOGRAPHICALLY ADJACENT SCHOOL” MEANS A SCHOOL THAT:**

15 **(I) IS OF THE SAME GRADE CONFIGURATION OR SHARES GRADE**
16 **BAND OVERLAP; AND**

17 **(II) HAS AN ATTENDANCE AREA GEOGRAPHICALLY**
18 **CONTIGUOUS TO THE SCHOOL ATTENDANCE AREA IN WHICH THE HOUSING**
19 **DEVELOPMENT PROJECT IS LOCATED.**

20 **(7) “HOUSING DEVELOPMENT PROJECT” MEANS THE NEW**
21 **CONSTRUCTION OR SUBSTANTIAL RENOVATION OF A RESIDENTIAL REAL ESTATE**
22 **PROJECT.**

23 **(8) “HOUSING DEVELOPMENT PROJECT APPLICATION” MEANS AN**
24 **APPLICATION FOR A BUILDING PERMIT, A VARIANCE, A WAIVER, A CONDITIONAL USE**
25 **PERMIT, A SPECIAL PERMIT, A CERTIFICATION, AN AUTHORIZATION, A SITE PLAN**
26 **APPROVAL, A SUBDIVISION APPROVAL, OR ANY OTHER DETERMINATION BY A LOCAL**
27 **JURISDICTION RELATING TO A HOUSING DEVELOPMENT PROJECT.**

28 **(9) “OBJECTIVE WRITTEN DEVELOPMENT STANDARDS” MEANS**
29 **OBJECTIVE, QUANTIFIABLE, WRITTEN DEVELOPMENT STANDARDS, CONDITIONS,**
30 **AND POLICIES THAT ARE:**

31 **(I) NOT SUBJECT TO PERSONAL OR SUBJECTIVE JUDGMENT BY**
32 **A PUBLIC OFFICIAL;**

1 (II) UNIFORMLY VERIFIABLE BY REFERENCE TO AN EXTERNAL
2 AND UNIFORM BENCHMARK OR CRITERION AVAILABLE AND KNOWABLE BY THE
3 HOUSING DEVELOPMENT PROJECT APPLICANT; AND

4 (III) APPLIED TO FACILITATE AND ACCOMMODATE
5 DEVELOPMENT AT THE DENSITY PERMITTED ON THE SITE.

6 (10) "SCHOOL ATTENDANCE AREA" MEANS THE GEOGRAPHIC AREA
7 THAT CONTAINS THE RESIDENCES OF THE STUDENT POPULATION TO BE SERVED, AS
8 DESIGNATED BY A COUNTY BOARD OF EDUCATION IN ACCORDANCE WITH §
9 4-109(C) OF THE EDUCATION ARTICLE.

10 (11) "SPECIFIC ADVERSE IMPACT" MEANS A SIGNIFICANT,
11 QUANTIFIABLE, DIRECT, AND UNAVOIDABLE IMPACT, BASED ON OBJECTIVE,
12 IDENTIFIED WRITTEN PUBLIC HEALTH OR SAFETY STANDARDS, POLICIES, OR
13 CONDITIONS.

14 (12) "STATE RATED CAPACITY" MEANS THE NUMBER OF STUDENTS
15 THAT AN INDIVIDUAL SCHOOL HAS THE PHYSICAL CAPACITY TO ENROLL, AS
16 CALCULATED UNDER A FORMULA ADOPTED BY THE INTERAGENCY COMMISSION ON
17 SCHOOL CONSTRUCTION.

18 (13) "SUBSTANTIAL RENOVATION" MEANS A RESIDENTIAL REAL
19 ESTATE PROJECT THAT MEETS CRITERIA AS ANNUALLY ESTABLISHED AND
20 IDENTIFIED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
21 IN THE MULTIFAMILY RENTAL FINANCING PROGRAM GUIDE.

22 (B) THIS SECTION APPLIES ONLY TO A LOCAL JURISDICTION THAT HAS A
23 LOCAL HOUSING INFRASTRUCTURE GAP GREATER THAN ZERO UNITS.

24 (C) A LOCAL JURISDICTION HAS AN AFFIRMATIVE OBLIGATION TO
25 EXPEDITIOUSLY APPROVE A HOUSING DEVELOPMENT PROJECT APPLICATION.

26 (D) A LOCAL JURISDICTION MAY NOT DENY A HOUSING DEVELOPMENT
27 PROJECT WITHOUT A JUSTIFICATION THAT:

28 (1) CLEARLY OUTWEIGHS THE NEED FOR HOUSING; AND

29 (2) IS SUPPORTED BY CLEAR AND CONVINCING EVIDENCE.

1 **(E) A LOCAL JURISDICTION SHALL CITE AT LEAST ONE OF THE FOLLOWING**
2 **AS A JUSTIFICATION TO DENY A HOUSING DEVELOPMENT PROJECT APPLICATION**
3 **THAT CLEARLY OUTWEIGHS THE NEED FOR HOUSING:**

4 **(1) (I) THE HOUSING DEVELOPMENT PROJECT AS PROPOSED**
5 **WOULD HAVE A SPECIFIC ADVERSE IMPACT ON THE PUBLIC HEALTH OR SAFETY TO**
6 **THE RESIDENTS THAT WOULD LIVE IN THE PROJECT; AND**

7 **(II) THERE IS NO FEASIBLE METHOD TO SATISFACTORILY**
8 **MITIGATE OR AVOID THE SPECIFIC ADVERSE IMPACT WITHOUT RENDERING THE**
9 **HOUSING DEVELOPMENT PROJECT FINANCIALLY INFEASIBLE;**

10 **(2) (I) THE DENIAL OF THE HOUSING DEVELOPMENT PROJECT**
11 **APPLICATION OR IMPOSITION OF CONDITIONS IS REQUIRED IN ORDER TO COMPLY**
12 **WITH SPECIFIC STATE OR FEDERAL LAW; AND**

13 **(II) THERE IS NO FEASIBLE METHOD TO COMPLY WITHOUT**
14 **RENDERING THE HOUSING DEVELOPMENT PROJECT FINANCIALLY INFEASIBLE;**

15 **(3) (I) THE HOUSING DEVELOPMENT PROJECT IS LOCATED IN AN**
16 **AREA WITH INADEQUATE WATER OR WASTEWATER FACILITIES TO SERVE THE**
17 **PROJECT; AND**

18 **(II) THERE IS NO FEASIBLE METHOD TO SERVICE THE HOUSING**
19 **DEVELOPMENT PROJECT WITH WATER OR WASTEWATER FACILITIES;**

20 **(4) THE HOUSING DEVELOPMENT PROJECT IS LOCATED AT THE TIME**
21 **OF THE APPLICATION:**

22 **(I) IN AN AREA ZONED FOR HEAVY INDUSTRIAL USE;**

23 **(II) ON CONSERVATION PROPERTY, AS DEFINED IN § 8-209.1 OF**
24 **THE TAX – PROPERTY ARTICLE; OR**

25 **(III) ON AGRICULTURAL LAND, AS DEFINED IN § 9-206 OF THE**
26 **TAX – PROPERTY ARTICLE;**

27 **(5) THE HOUSING DEVELOPMENT PROJECT IS LOCATED, AT THE TIME**
28 **OF APPLICATION, IN A SCHOOL ATTENDANCE AREA:**

29 **(I) THAT HAS UNIFORMLY VERIFIABLE CURRENT OR**
30 **PROJECTED FULL-TIME ENROLLMENT FOR THE SCHOOL THAT EXCEEDS 100% OF**
31 **THE SCHOOL’S CURRENT OR ESTIMATED STATE RATED CAPACITY;**

1 **(II) FOR WHICH THE SUM OF THE UNIFORMLY VERIFIABLE**
2 **CURRENT OR PROJECTED FULL-TIME ENROLLMENT FOR THE SCHOOL AND ITS**
3 **GEOGRAPHICALLY ADJACENT SCHOOLS EXCEEDS 100% OF THE SUM OF THE**
4 **CURRENT OR ESTIMATED STATE RATED CAPACITY FOR THOSE SCHOOLS; AND**

5 **(III) THAT HAS BEEN DETERMINED BY THE LOCAL**
6 **JURISDICTION, USING UNIFORMLY VERIFIABLE OBJECTIVE CRITERIA, TO HAVE**
7 **INADEQUATE SCHOOL CAPACITY; OR**

8 **(6) (I) THE HOUSING DEVELOPMENT PROJECT DOES NOT COMPLY**
9 **WITH OBJECTIVE WRITTEN DEVELOPMENT STANDARDS AT THE TIME OF**
10 **APPLICATION SUBMISSION; AND**

11 **(II) THERE IS NO FEASIBLE METHOD TO COMPLY WITHOUT**
12 **RENDERING THE DEVELOPMENT FINANCIALLY INFEASIBLE.**

13 **(F) IF A LOCAL JURISDICTION DENIES A HOUSING DEVELOPMENT PROJECT**
14 **APPLICATION, THE LOCAL JURISDICTION MUST PROVIDE IN WRITING THE REASON**
15 **FOR DENIAL, SPECIFYING HOW THE DENIAL COMPLIES WITH SUBSECTIONS (C)**
16 **THROUGH (E) OF THIS SECTION.**

17 **(G) (1) THE PROPONENT OF A HOUSING DEVELOPMENT PROJECT MAY**
18 **BRING AN ACTION IN THE APPROPRIATE CIRCUIT COURT TO ENFORCE THIS**
19 **SECTION.**

20 **(2) (I) IF A COURT FINDS THAT A LOCAL JURISDICTION DENIED A**
21 **HOUSING DEVELOPMENT PROJECT APPLICATION IN VIOLATION OF THIS SECTION,**
22 **THE COURT SHALL ISSUE AN ORDER OR A JUDGMENT COMPELLING THE**
23 **JURISDICTION TO COMPLY WITHIN 90 DAYS WITH THIS SECTION.**

24 **(II) AN ORDER OR A JUDGMENT COMPELLING COMPLIANCE**
25 **UNDER THIS SECTION MAY INCLUDE AN ORDER OR A JUDGMENT:**

26 **1. REQUIRING THE LOCAL JURISDICTION TO TAKE**
27 **ACTION ON THE HOUSING DEVELOPMENT PROJECT; OR**

28 **2. DIRECTING THE LOCAL JURISDICTION TO APPROVE**
29 **THE HOUSING DEVELOPMENT PROJECT.**

30 **(3) IF THE COURT DETERMINES THAT ITS ORDER OR JUDGMENT HAS**
31 **NOT BEEN CARRIED OUT WITHIN 90 DAYS, THE COURT MAY ISSUE FURTHER ORDERS**
32 **TO ENSURE THAT THE PURPOSES AND POLICIES OF THIS SECTION ARE FULFILLED.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 January 1, 2026.