

Introduced 1/6/2020
Public hearing 1/21/2020
Council action 4/6/2020
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2020 Legislative Session

Legislative day # 1

BILL NO. 01-2020

Introduced by:
Liz Walsh

AN ACT altering the number of consecutive years a project or phase of a project must be retested if a project fails one or more components of the school capacity test of the Adequate Public Facilities Act of Howard County.

Introduced and read first time January 6, 2020. Ordered posted and hearing scheduled.

By order Diane A. Jones
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on January 21, 2020.

By order Diane A. Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on April 6, 2020 and Passed , Passed with amendments , Failed .

By order Diane A. Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7 day of April, 2020 at 2 a.m./p.m.

By order Diane A. Jones
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2020

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard County
2 Code is hereby amended as follows:

3
4 *By Amending:*

5
6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7 *Subtitle 11. "Adequate Public Facilities."*

8 *Section 16.1105. "Processing of plans subject to test for adequate transportation facilities and/or*
9 *tests for adequate school facilities and/or test for housing unit allocations."*

10 *Subsection (c). "Processing Applications for Approval of Residential Projects and Projects*
11 *Containing Residential and Nonresidential Uses."*

12 *(7) "Waiting Period."*

13
14
15 **HOWARD COUNTY CODE**

16
17 **Title 16. PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT**
18 **REGULATIONS**

19
20 **Subtitle 11. Adequate Public Facilities.**

21
22 **Section 16.1105. Processing of plans subject to test for adequate transportation facilities and/or**
23 **tests for adequate school facilities and/or test for housing unit allocations.**

24 (c) *Processing Applications for Approval of Residential Projects and Projects Containing*
25 *Residential and Nonresidential Uses:*

26 (7) *Waiting Period.*

27 (i) If a project or phase of a project was never on the list of applications waiting for
28 housing unit allocations and has received housing unit allocations, then development
29 may proceed as follows:

30 a. If the project or phase of the project passes the school capacity test in any year
31 between and inclusive of the first consecutive retest and the ~~[[fourth]]~~ SEVENTH
32 consecutive retest, then the project or phase of the project may proceed.

33 b. If a project or phase of a project fails the school capacity test:

34 i. For each of the next ~~[[four]]~~ SEVEN consecutive years, the project or phase of the

1 project shall be retested each time the County Council adopts new annual housing
2 unit allocations and school capacity charts; and

3 ii. In the ~~[[fourth]]~~ SEVENTH retesting year, the project shall be deemed to have
4 passed the school capacity test.

5 (ii) If a project or phase of a project is on the list of applications waiting for housing
6 unit allocations and receives housing unit allocations within six years, then
7 subparagraph (i) of paragraph (7) of this subsection applies subject to the following
8 maximum waiting periods:

9 a. If a project or phase of a project has waited for three years or fewer to receive
10 housing allocations, the combined number of years the project or phase of a
11 project waits to receive housing unit allocations and pass the school capacity test
12 shall not exceed ~~[[six]]~~ SEVEN years.

13 b. If a project or phase of a project has waited for four or five years to receive
14 housing allocations, the combined number of years the project or phase of a
15 project waits to receive housing unit allocations and pass the school capacity test
16 shall not exceed seven years.

17 (iii) If a project or phase of a project is on the allocation waiting list and receives
18 allocations after six years or more of being on the list, then the project or phase of a
19 project may proceed upon passing a school capacity test. If the project fails the school
20 capacity test, then it must wait one additional year to be retested. After being retested,
21 the project shall be deemed to have passed the school capacity test.

22
23 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall***
24 ***become effective 61 days after its enactment.***