

Amendment 101 to Council Bill No. 28 -2023

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Amendment No. 101

(This Amendment amends HoCo by Design Chapter 8: Public School Facilities to remove a reference to recent increases in the Transfer Tax and Public Schools Facility Surcharge and substitute that increasing the percentage of the Transfer Tax designated for school capital projects will assist the school district in meeting its needs.)

1 In the *HoCo By Design* General Plan, attached to this Act as Exhibit A, amend the following
2 pages as indicated in this Amendment:

3 • Chapter 8: Public School Facilities: 27.

4 Correct all page numbers, numbering, and formatting within this Act to accommodate this
5 amendment.

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Accommodating Future School Needs

To effectively accommodate future school needs, three important “legs of the stool” must all work together: 1) effective land use planning and growth management; 2) adequate school funding and strategic acquisition and construction methods; and 3) attendance area redistricting to efficiently use systemwide capacity.

The General Plan and APFO establish the land use plan, policies, and growth management tools for the first component. HoCo By Design proposes updated policies to better integrate school planning needs, particularly given the limited land available for new schools. As required in the current APFO, a review committee is to be convened within one year of the enactment of HoCo By Design to recommend changes. Continuous review and updates to policies and regulatory tools should occur to adapt to changing demographics, market conditions, and land use patterns. Guidance for the APFO committee is described in the Managing Growth chapter.



Fulfilling the second component is a continuous challenge, particularly in light of increasing levels of service delivery. The issue is compounded by the growing capital needs to replace or renovate older schools that are near the end of their useful lives and that had been designed based on decades-old service level expectations. Furthermore, in recent years school construction costs have increased faster than the general rate of inflation. These challenges call for new and proactive approaches to property identification, evaluation, and acquisition for public school use. In response to these challenges, the SAG discussed various market based approaches that foster public-private partnerships including; establishing a right of first refusal to purchase properties in certain priority geographies for school sites, researching models for government and/or private sector partners to acquire and assemble small parcels to achieve desirable acreages for school sites, using real estate data to monitor leasing and sale opportunities for site or building acquisition, and considering leaseback options as a mechanism to hold land for future school needs.

Fulfilling the third leg is complex and challenging. HCPSS strives to achieve important policy goals including balancing socio-economic equity among schools, keeping neighborhoods together, having a logical feeder system from elementary to middle school and from middle to high school, implementing a fair and efficient pupil transportation system, and other important factors. With limited funding and land availability for new schools, redistricting is a necessary tool to use available systemwide capacity.

Over the last several years, actions have been taken to address each of these three items. APFO has been amended to reduce the amount of development allowed to proceed in a given year, and HoCo By Design recommends further changes to adapt to anticipated growth patterns. To address funding, ~~recent increases in the Transfer Tax and the Public Schools Facility Surcharge will help to pay for school capital needs~~ increasing the percentage of the Transfer Tax designated for school capital projects will assist the school district in meeting its continued needs. However, further funding solutions will be necessary in the years ahead, including working with our state and federal partners.

Finally, the Howard County Board of Education completed a comprehensive redistricting for the 2020/21 school year and high school redistricting in November 2022 in anticipation of the opening of the new Guilford Park High School in the fall of 2023.

Recent amendments to APFO resulting in a stricter School Capacity Test have placed more new residential subdivisions and infill projects in a holding pattern. This may serve as an impediment to housing affordability and lead to reduced capital revenues for schools. Without increased funding from new development, new school construction will be limited. The challenge is to find a balance that works, where growth can generate revenue for the County, while occurring in a predictable and gradual manner. Cutting off one leg of the stool will not solve the problem and could lead to further imbalance. All three legs need to work together to ensure Howard County maintains the superior quality of public education for which it is known.

PS-5 Policy Statement

The need for school facilities—particularly to support regional early childhood programs in the near term—warrants a more proactive approach to property identification, evaluation, and acquisition for public use.

Implementing Actions

1. Continue to review and update policies and regulatory tools to better align school planning needs to changing demographics, market conditions, and land use patterns.
2. Consider a right of first refusal strategy to purchase properties proposed for sale in certain priority geographies.
3. Research models for government and private sector partners to acquire and amass small parcels into sites large enough for school use.
4. Use data/intelligence from the real estate industry to monitor leasing and sale opportunities for site acquisition.
5. Consider purchasing available properties in the near term with leaseback options to tenants as a means to hold land for future school needs.