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of Howard County**

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**Board of Education of Howard County
Testimony Submitted to the Howard County Council
March 17, 2025**

**CB18-2025: UNFAVORABLE
Transit Orient Development (TOD) – Residential Units Exemptions**

The Board of Education of Howard County (the Board) opposes **Transit Orient Development (TOD) – Residential Units Exemptions** given the potential capacity created/exacerbated by new development.

CB18-2025 initially updates the definition of a moderate income housing unit (MIHU) to include disability income housing units. The bill goes on to indicate that, in a transit oriented development (TOD), a developer is eligible to enter into a payment in lieu of taxes (pilot) with the county pursuant to Tax-Property Article 7-521 if 15% of dwelling units are disability income housing units. Within section Sec. 16.1107. of the Howard County Code containing exemptions from the Adequate Public Facilities Ordinance (APFO), CB18-2025 adds a provision indicating a residential development within a TOD is exempt from the requirement to pass the test for adequate school facilities as a condition of subdivision or site plan development approval. These plans are required to pass the allocations and roads tests as a condition of plan approval. The school facilities surcharge for residential new construction within a TOD shall be fixed at the rate in effect when the sketch plan or preliminary equivalent sketch plan was submitted to the Howard County Department of Planning and Zoning (DPZ).

Addressing the potential for increased students in TODs in Howard County which are [currently closed per the APFO schools test \(see Map drop-down on this page\)](#), the bill sponsor has included information from [a per pupil yield analysis](#). In the preamble to CB18-2025, it indicates this data analyzed by DPZ concluded that of all styles of housing, multifamily housing, which is generally favored in Transit Oriented Developments, produces between 0.16 and 0.38 pupils per unit, significantly less than other housing types.

Even though the yield from multifamily housing is lower than most housing types, HCPSS School Planning staff indicate by design more units typically result which could negate that lower rate. Regardless of the actual yield, exemptions from the APFO schools test allow continued growth in areas of the county where schools are already impacted by overcrowding.

The Adequate Public Facilities Ordinance is intended to allow public facilities sufficient time and financing to have commensurate capital infrastructure growth to meet population needs. The Adequate Public Facilities Act Review Committee, convened following the recent adoption of Ho.Co. By Design, is currently ongoing and expected to report recommendations on APFO to the County Executive and the County Council. The Committee includes representation of the school system and Board.

Given the potential impact of allowing exemptions from APFO, and as the Review Committee continues to review APFO needs as a whole for the County, the Board opposes CB18-2025.