



Senate Bill 31

School Construction and Housing - School Zones and Adequate Public Facilities Ordinances

MACo Position: **OPPOSE**

To: Education, Energy, & the Environment Committee

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From: Dominic J. Butchko & Michael Sanderson

The Maryland Association of Counties (MACo) **OPPOSES** SB 31. This bill would require counties to partially process development applications even when they do not meet local Adequate Public Facilities Ordinance (APFO) standards—diverting limited staff time, delaying projects that are ready for approval, and wasting public resources.

As drafted, SB 31 does not reflect the realities of APFO implementation and overlooks that counties have little to no authority over school capacity planning and redistricting decisions. APFOs are a long-standing local “smart growth” tool used to manage development when infrastructure—most often schools, but also water, sewer, roads, and other public facilities—cannot keep pace with demand. While counties can influence some infrastructure investments, classroom capacity and redistricting are decisions made by local boards of education and school system leadership. Beyond providing required funding, counties (by State policy design) do not direct school boundary decisions or student assignment policies. As a result, SB 31 would override county growth management policies based on school system decisions that counties cannot control.

Counties are concerned the bill would also overwhelm local planning offices by forcing staff to spend time partially advancing projects that cannot proceed, instead of prioritizing applications that are positioned for timely approval. This approach creates delays across the board and effectively penalizes both jurisdictions and other developers for decisions outside their influence. **It is important to note that SB 31 as drafted could actually create new obstacles in approving housing stock, rather than accelerating it - an unintended consequence that both the State and counties would like to avoid.**

Counties remain committed to partnering on solutions to the affordable housing crisis. However, SB 31 misaligns authority and accountability in a way that undermines effective local planning. For these reasons, MACo urges the Committee to issue an **UNFAVORABLE** report on SB 31.