

SB 458 A STAFF MEASURE SUMMARY
Senate Committee On Housing and Development

Carrier: Sen. Knopp

Action Date: 04/01/21
Action: Do pass with amendments. (Printed A-Eng.)
Vote: 4-1-0-0
Yeas: 4 - Anderson, Golden, Jama, Patterson
Nays: 1 - Linthicum
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Devin Edwards, LPRO Analyst
Meeting Dates: 2/18, 4/1

WHAT THE MEASURE DOES:

Establishes conditions under which local governments must approve divisions of real property for new middle housing development on lots and parcels in residential zones in cities with certain population sizes and counties or cities within metropolitan service districts. Establishes additional conditions cities and counties may impose during review and approval of middle housing land division plans. Prevents homeowner associations or restrictive covenants from prohibiting land divisions.

ISSUES DISCUSSED:

- Zoning
- Public notices for partitions
- Involvement of cities in policymaking process
- Costs of different housing types
- Cost of land
- Approval timeline for applications
- Housing supply

EFFECT OF AMENDMENT:

Establishes utilities and land use requirements for applications for middle housing land division. Establishes additional conditions cities and counties may require during review and approval of middle housing land division plans.

BACKGROUND:

In 2019, the Legislative Assembly passed House Bill 2001, requiring cities and counties within a metropolitan service district to allow the development of middle housing on lands zoned for detached single-family residential use within an urban growth boundary. "Middle housing" includes duplexes, triplexes, quadplexes, cottage clusters, and townhouses, but not large apartment complexes. The measure required cities and counties to amend their comprehensive plan and land use regulations to conform, or to use a model ordinance developed by the Department of Land Conservation and Development (DLCDC). The measure allowed local governments to regulate the siting and design of middle housing but did not address regulatory barriers to selling, for example, both units of a duplex as two individual homes when the real property was not subdivided or partitioned into two discrete lots or parcels.

Senate Bill 458 A establishes utilities and land use conditions under which local governments must approve divisions of real property for new middle housing development on lots and parcels in residential zones in counties or cities within metropolitan service districts, cities with 25,000 residents or more, and cities outside metropolitan service districts with between 10,000 and 25,000 residents. The measure also establishes additional conditions

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cities and counties may impose during review and approval of middle housing land division plans. In addition, Senate Bill 458 A prohibits homeowner associations and restrictive covenants from prohibiting allowance of land divisions.