

APFO Update – October 4, 2016

What is APFO? The Adequate Public Facilities Ordinance is a set of zoning regulations that test if there is enough infrastructure to proceed with or temporarily limit growth.

What tests are relevant to the PTA? Key tests are capacity availability in an individual school, capacity availability in a school region, residential unit allocations allowed per year, and various tests for safety such as intersection congestion.

What should the PTA be aware of?

- Various capacity regulations that allow growth when school capacity exceeds 100%
- There are no current or task force recommended tests for capacity of High Schools.
- Mitigation for growth can be in the form of a combination of delays (which cannot last forever by SCOTUS), or fees (Which cannot exceed actual cost of project's impact). The present combination is underperforming.

My school is OK, so how does this affect me? All schools are subject to redistricting to balance adjacent student populations that operate over capacity. Capacity issues can effect all schools over time. There is no upper limit to the amount of overcrowding allowed once temporary delay to an individual development project is fulfilled.

What is the process and timeline? Sometime after Downtown Columbia legislation is voted on, the administration will submit new legislation for the council to vote on based on task force recommendations. The exact timeline is unannounced, and requires close attention by PTAHC members.

Does the PTACHC have a position on this legislation? The PTAHC voted to request extra review time from council to go over new APFO regulations when submitted in order to state positions on specific items going forward.

Are there APFO bills under consideration now that have not been voted on (as of today)?

Yes CB-55-2016 (Columbia Growth Cap Exception), CR-103-2016 (40 year APFO freeze in Columbia) There are others that do not specifically address APFO, but are related as policy related to delivering public infrastructure.

What should I do? Inform and educate your PTA early. Contribute feedback to PTAHC and Council by letter or testimony throughout the process. Recommend improvements that promote PTA mission of education and safety.

Where can I find official information?

The task force recommendations and report can be found at

<https://www.howardcountymd.gov/Branches/County-Executive/Adequate-Public-Facilities-report-2016>

The list of (ALL) new regulations currently under consideration can be found at....

<http://cc.howardcountymd.gov/Legislation> (The list is live, and changes as new regs are submitted)

PTA and individual recommendations for improvement should be sent to the Council prior to consideration. Contact information can be found at...

<http://cc.howardcountymd.gov/Contact-Us> Phone (410) 313-2001

Is it over when it is over? No. The State, Commissions, Administration, Council and BOE have a role in approving fees, and school funding. Even the best APFO regulations may be circumvented by new laws which education stakeholders need to be aware of.

Are there other sources of information? Yes, there are many online resources from different organizations representing differing viewpoints. Use comparison with other sources and discretion when evaluating claims.