News

New FY20 School Test to Take Effect in Montgomery County on July 1, 2019

Attorneys

Heather Dlhopolsky

May 30, 2019

The County Council adopted the FY 2020 capital budget and amendments to the FY19-24 Capital Improvements Program (CIP) on May 23rd. As a result of the approved FY19-24 CIP for the Montgomery County Public Schools system, it is expected that the Walter Johnson High School cluster and Downtown Silver Spring service area will go into residential moratorium on July 1st. Note, Downtown Bethesda (as well as significant other areas of the County) will **not** go into residential moratorium on July 1st. The Montgomery County Planning Board is expected to approve the FY20 School Test in late June, which will confirm any clusters or service areas that go into moratorium on July 1st, but at this point there are not expected to be major changes.

Development applications with Adequate Public Facilities (APF) approval (or that will be approved prior to July 1st) in the Walter Johnson High School cluster will not be impacted by the residential moratorium. Typically this means that if you already have a Preliminary Plan of Subdivision approval for your project, your project will not be affected by the moratorium (unless you seek to amend your project to increase the number of residential units from that previously approved). Development applications that propose residential uses and are reviewed by the Planning Board on or after July 1st will generally be unable to obtain Adequate Public Facilities approval, which is a prerequisite for issuance of building permits. There are exceptions to the residential moratorium that may apply in limited circumstances (including senior housing projects and de-minimis development projects that include up to three dwelling units).

If you are interested in learning more about the new school test taking effect July 1st please contact one of the Linowes and Blocher Land Use Partners located in our Bethesda office:

Bob Dalrymple at 301-961-5208 or bdalrymple@linowes-law.com

Heather Dlhopolsky at 301-961-5270 or hdlhopolsky@linowes-law.com

Erin Girard at 301-961-5153 or egirard@linowes-law.com

Phillip Hummel at 301-961-5149 or phummel@linowes-law.com

Continued

Barbara Sears at 301-961-5157 or bsears@linowes-law.com

Scott Wallace at 301-961-5124 or swallace@linowes-law.com