

**Amendment 15 to Council Bill 61-2017**

**BY: Mary Kay Sigaty**

**Legislative Day No: 14  
Date: Nov. 6, 2017**

**Amendment No. 15**

1 (This amendment proposes to create an exception for affordable housing developments that  
2 leverage State and Federal funds.)  
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4 On page 11, immediately following line 25, insert the following:

5 “8. SCHOOL CAPACITY TEST EXCEPTION FOR SPECIAL AFFORDABLE HOUSING  
6 OPPORTUNITIES.

7 IF A PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS OBTAINED STATE OR  
8 FEDERAL FUNDING THAT ADVANCES THE COUNTY’S AFFORDABLE HOUSING GOALS  
9 AND IS LOCATED IN A SCHOOL AREA THAT IS CLOSED FOR DEVELOPMENT DUE TO  
10 PROJECTED ENROLLMENT IN THE SCHOOL CAPACITY CHART:

11 (I) THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING SHALL  
12 AUTHORIZE THE SPECIAL AFFORDABLE HOUSING PROJECT TO PROCEED SUBJECT  
13 TO ALL OTHER PROVISIONS OF THIS SUBTITLE, PROVIDED THAT:

14 (A) THE PROJECT OR PHASE OF A PROJECT CONSISTS OF 100 UNITS OR FEWER;

15 (B) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS  
16 EARNING 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN  
17 INCOME;

18 (C) THE PROJECT OR PHASE OF A PROJECT HAS RECEIVED A RESERVATION OF  
19 LOW-INCOME HOUSING TAX CREDITS OR A LETTER FROM THE COMMUNITY  
20 DEVELOPMENT ADMINISTRATION OF THE MARYLAND DEPARTMENT OF  
21 HOUSING AND COMMUNITY DEVELOPMENT IN ACCORDANCE WITH 26 USC  
22 42(M); AND

23 (D) THE AUTHORIZATION SHALL BE CONTINGENT UPON THE RECEIPT OF AN  
24 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS.

25 (II) THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING MAY  
26 AUTHORIZE THE SPECIAL AFFORDABLE HOUSING PROJECT TO PROCEED SUBJECT  
27 TO ALL OTHER PROVISIONS OF THIS SUBTITLE, PROVIDED THAT:

- 1 (A) THE PROJECT OR PHASE OF A PROJECT CONSISTS OF 100 UNITS OR FEWER;  
2 (B) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS  
3 EARNING 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN  
4 INCOME;  
5 (C) THE PROJECT OR PHASE OF A PROJECT IS SEEKING AN ALLOCATION OF LOW-  
6 INCOME HOUSING TAX CREDITS THROUGH A COMPETITIVE OR NON-  
7 COMPETITIVE PROCESS; AND  
8 (D) THE AUTHORIZATION SHALL BE CONTINGENT UPON RECEIPT OF ALLOCATION  
9 OF THE LOW-INCOME HOUSING TAX CREDITS OR A LETTER FROM THE  
10 COMMUNITY DEVELOPMENT ADMINISTRATION OF THE MARYLAND  
11 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IN  
12 ACCORDANCE WITH 26 USC 42(M); OR

13 (III) FOR A PROJECT OR PHASE OF A PROJECT THAT CONSISTS OF MORE THAN 100  
14 UNITS, THE COUNTY COUNCIL MAY, BY RESOLUTION, AFTER PUBLIC HEARING,  
15 AUTHORIZE THE SPECIAL AFFORDABLE HOUSING PROJECT TO PROCEED SUBJECT  
16 TO ALL OTHER PROVISIONS OF THIS SUBTITLE, PROVIDED THAT:

- 17 (A) AT LEAST 40% OF THE UNITS SHALL BE AFFORDABLE TO HOUSEHOLDS  
18 EARNING 60% OR LESS OF THE METROPOLITAN STATISTICAL AREA MEDIAN  
19 INCOME;  
20 (B) THE PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS RECEIVED AN  
21 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS THROUGH A  
22 COMPETITIVE OR NON-COMPETITIVE PROCESS; AND  
23 (C) THE AUTHORIZATION SHALL BE CONTINGENT UPON RECEIPT OF AN  
24 ALLOCATION OF THE LOW-INCOME HOUSING TAX CREDITS OR A LETTER  
25 FROM THE COMMUNITY DEVELOPMENT ADMINISTRATION OF THE  
26 MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
27 IN ACCORDANCE WITH 26 USC 42(M).

28 IN EXERCISING DISCRETIONARY AUTHORIZATION IN ACCORDANCE WITH PARAGRAPH  
29 (II) OR (III) ABOVE, THE DIRECTOR SHALL OR THE COUNCIL MAY CONSIDER:

- 30 (I) THE SEVERITY OF OVERCROWDING AT THE SCHOOL OR SCHOOLS WHICH  
31 CREATED THE NEED FOR THE EXCEPTION;  
32 (II) CAPACITY UTILIZATION LEVELS AT ADJACENT SCHOOLS;  
33 (III) ESTIMATED STUDENT GENERATION FROM THE PROJECT; AND

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(IV) THE NEED FOR AFFORDABLE HOUSING IN THE COUNTY.".