

Amendment 3 to Council Bill 1-2018

BY: Mary Kay Sigaty

**Legislative Day No: 2
Date: February 5, 2018**

Amendment No. 3

1 *(This amendment would create a process to balance the County's policy goals to provide*
2 *adequate school facilities and affordable housing.)*

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4 On page 10, immediately following line 28, insert the following:

5 “(E) SPECIAL AFFORDABLE HOUSING OPPORTUNITIES.

6 TO BALANCE THE COUNTY’S POLICY GOALS TO PROVIDE ADEQUATE SCHOOL FACILITIES
7 AND AFFORDABLE HOUSING IN ACCORDANCE WITH SECTION 7-101 OF THE LAND USE
8 ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND THE COUNTY’S GENERAL
9 PLAN, IF AN AFFORDABLE HOUSING PROJECT OR PHASE OF A PROJECT IS LOCATED IN THE
10 ATTENDANCE AREA OF A SCHOOL THAT IS CLOSED FOR DEVELOPMENT DUE TO
11 PROJECTED ENROLLMENT IN THE SCHOOL CAPACITY CHART, THE DIRECTOR OF THE
12 DEPARTMENT OF PLANNING AND ZONING SHALL AUTHORIZE THE AFFORDABLE
13 HOUSING PROJECT TO PROCEED SUBJECT TO ALL OTHER PROVISIONS OF THIS SUBTITLE,
14 PROVIDED THAT:

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

17 (2) THE PROJECT OR PHASE OF A PROJECT IS SEEKING OR HAS RECEIVED AN
18 ALLOCATION OF LOW-INCOME HOUSING TAX CREDITS OR OTHER STATE OR
19 FEDERAL FINANCIAL ASSISTANCE FOR AFFORDABLE HOUSING;

20 (3) THE PROJECT OR PHASE OF A PROJECT HAS OBTAINED A LETTER OF SUPPORT
21 FROM THE COUNTY EXECUTIVE; AND

22 (4) THE COUNTY COUNCIL AND COUNTY EXECUTIVE HAVE APPROVED EITHER A
23 PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT FOR THE PROJECT OR A
24 RESOLUTION AUTHORIZING THE PROJECT TO PROCEED. AS PART OF THE
25 APPROVAL OF THE PILOT OR RESOLUTION, THE COUNCIL SHALL HOLD A PUBLIC
26 HEARING AND CONSIDER:

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- (I) THE CAPACITY UTILIZATION AT THE SCHOOL OR SCHOOLS IMPACTED BY THE PROJECT AND AT ADJACENT SCHOOLS, INCLUDING LIMITING THE POTENTIAL IMPACT ON ANY ELEMENTARY OR MIDDLE SCHOOL WITH A CAPACITY UTILIZATION RATE GREATER THAN 115% UNLESS AN ADJACENT SCHOOL WITH THE SAME GRADE LEVELS HAS A CAPACITY UTILIZATION RATE OF 100% OR LESS;
- (II) ESTIMATED STUDENT GENERATION FROM THE PROJECT;
- (III) ANY POTENTIAL FOR THE BOARD OF EDUCATION TO ADD CAPACITY TO THE IMPACTED SCHOOL OR SCHOOLS THROUGH REDISTRICTING, FACILITY EXPANSION, OR OTHER PROGRAMS; AND
- (III) THE NEED FOR AFFORDABLE HOUSING IN THE COUNTY, INCLUDING FACTORS SUCH AS THE HOUSING COST BURDEN ON FAMILIES AND THE EXTENT OF HOMELESSNESS AMONG FAMILIES AND SCHOOL CHILDREN.”