

Introduced 6/3/2013
Public Hearing 6/17/2013
Council Action 7/1/2013
Executive Action 7/12/2013
Effective Date 9/1/2013

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No.

Bill No. 34-2013

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending moderate income housing unit provisions to allow a mix of low and moderate income units under certain conditions; defining certain terms; setting forth the number of required low and moderate income units; establishing certain rental rates and purchase prices; and generally related to moderate income housing units in Howard County.

Introduced and read first time June 3, 2013. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on June 17, 2013.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

This Bill was read the third time on July 1, 2013 and Passed Passed with amendments _____, Failed _____.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2nd day of July, 2013 at 7:30 a.m./p.m.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive July 2, 2013

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard
2 County Code is amended as follows:

3 By adding:

4 Title 13 – Housing and Community Development

5 Section 13.402B “Mixed Income Option”

6
7 **Title 13. Housing and Community Development.**

8 **Subtitle 4. Moderate Income Housing Units.**

9
10 **SECTION 13.402B. MIXED INCOME OPTION.**

11 (A) *OPTION.* INSTEAD OF PROVIDING MODERATE INCOME HOUSING UNITS AS REQUIRED BY THE
12 ZONING REGULATIONS AND SECTION 13.402 OF THIS SUBTITLE, THE DEVELOPER MAY PROVIDE A
13 MIX OF MODERATE INCOME HOUSING UNITS AND LOW INCOME HOUSING UNITS AT ONE OF THE
14 PERCENTAGES OF TOTAL UNITS SET FORTH IN SUBSECTION (C) OF THIS SECTION.

15 (B) *LOW INCOME DEFINED.* “LOW INCOME” IS AN ANNUAL HOUSEHOLD INCOME OF UP TO 60
16 PERCENT OF THE MEDIAN INCOME IN HOWARD COUNTY IF THE UNIT IS FOR SALE AND UP TO 40
17 PERCENT OF THE MEDIAN INCOME IN HOWARD COUNTY IF THE UNIT IS FOR RENT. A LOW INCOME
18 HOUSING UNIT FOR SALE SHALL BE OFFERED TO AN ELIGIBLE LOW INCOME PURCHASER IN
19 ACCORDANCE WITH SECTION 13.404 OF THIS SUBTITLE. A LOW INCOME HOUSING RENTAL UNIT
20 SHALL BE OFFERED FOR RENT TO AN ELIGIBLE LOW INCOME RENTER IN ACCORDANCE WITH
21 SECTION 13.405 OF THIS SUBTITLE.

22 (C) *PERCENTAGE OF RESTRICTED UNITS.*

23 (1) *15% REQUIREMENT:* IF THE ZONING REGULATIONS REQUIRE THAT 15% OF THE
24 UNITS FOR SALE OR RENT MUST BE MODERATE INCOME HOUSING UNITS, THE
25 DEVELOPER MAY MEET ITS OBLIGATION BY PROVIDING MODERATE AND LOW
26 INCOME HOUSING UNITS IN ONE OF THE FOLLOWING PERCENTAGES:
27

15% REQUIREMENT		
OPTION	LOW INCOME UNITS	MODERATE INCOME UNITS
A	5%	5%
B	4%	7%
C	3%	9%
D	2%	11%
E	1%	13%

(2) *10% REQUIREMENT:* IF THE ZONING REGULATIONS REQUIRE THAT 10% OF THE UNITS FOR SALE OR RENT MUST BE MODERATE INCOME HOUSING UNITS, THE DEVELOPER MAY MEET ITS OBLIGATION BY PROVIDING MODERATE AND LOW INCOME HOUSING UNITS IN ONE OF THE FOLLOWING PERCENTAGES:

OPTION	LOW INCOME UNITS	MODERATE INCOME UNITS
A	4%	2%
B	3%	4%
C	2%	6%
D	1%	8%

(D) *PURCHASE PRICE.* THE PURCHASE PRICE FOR THE LOW INCOME HOUSING UNITS SHALL BE ESTABLISHED IN THE SAME MANNER AS SET FORTH IN SECTION 13.403(A) OF THIS SUBTITLE, EXCEPT THAT THE BASE PRICE SHALL BE AFFORDABLE TO A PURCHASER WITH A HOUSEHOLD INCOME EQUAL TO THE FOLLOWING PERCENTAGES OF MEDIAN INCOME, ADJUSTED BY FAMILY SIZE APPROPRIATE TO THE SIZE AND NUMBER OF BEDROOMS IN THE UNIT:

- (1) FIFTY-FIVE PERCENT FOR PROFFERED UNITS AND SINGLE-FAMILY HOMES;
- (2) FIFTY PERCENT FOR SEMI-DETACHED (DUPLEXES) AND SINGLE-FAMILY ATTACHED (TOWNHOMES); AND
- (3) FORTY-FIVE PERCENT FOR APARTMENTS (CONDOMINIUMS).

(E) *RENTAL RATES.* THE RENTAL RATES FOR THE LOW INCOME HOUSING UNITS SHALL BE ESTABLISHED IN THE SAME MANNER AS SET FORTH IN SECTION 13.403(B) OF THIS SUBTITLE, EXCEPT THAT THE DEPARTMENT SHALL ESTABLISH MAXIMUM RATES FOR RENTAL UNITS, BY BEDROOM SIZE, THAT ARE EQUAL TO 30 PERCENT OF THE MONTHLY INCOME OF A HOUSEHOLD WHOSE ANNUAL INCOME DOES NOT EXCEED 40 PERCENT OF THE MEDIAN INCOME.

Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.