



**Board of Education of Howard County  
Testimony Submitted to the Howard County Council  
April 22, 2019**

**Board of Education  
of Howard County**

Mavis Ellis  
*Chair*

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*Vice Chair*

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Sabina Taj

Chao Wu, Ph.D.

Ambika Siddabathula  
*Student Member*

Michael J. Martirano, Ed.D.  
*Superintendent  
Secretary/Treasurer*

**County Bill 17 - 2019: Amendments to Adequate Public Facilities Wait  
Period**

The Board of Education of Howard County (the Board) understands that the quality education provided by the Howard County Public School System (HCPSS) is one of the primary draws for residents in Howard County. In order to maintain the expected level of service, however, we are committed to working closely with our counterparts in the Howard County Council (the Council) to address population growth.

The introduction of CB17-2019 has spurred discussions previously considered during the Council's adoption of Adequate Public Facilities Ordinance (APFO) amendments just last year. How, for instance, do we balance the financial needs of the school system, including the full cost to educate both current and expected students we are legally bound to serve, with the potential loss in revenues by slowing residential housing growth?

As the Board and the Council are currently in the midst of the FY2020 budget process, and the Board recently initiated the redistricting process to address overcrowding in our schools, we are all aware of the fiscal needs to support the education of Howard County students. As a district with nearly 58,000 students, and an anticipated enrollment growth of as many as 1,000 students annually for the foreseeable future, the Board has a requested ten year long-range master plan totaling \$1.1 billion dollars in capital projects.

The preliminary findings of a study conducted by the Howard County Department of Planning and a team of consultants from of Urban Analytics, University of Baltimore and Artemel & Associates, as presented to the Council on April 8, 2019, indicated the 2018 changes to APFO would result in a decline in revenue received from new construction, including the school surcharge fee and transfer taxes. With the extension of wait times to seven years under CB17-2019, HCPSS staff anticipates this reduction of revenue would continue for three additional years, meaning less income to cover our capital debt during that time.

Based on the 2018 amendments to APFO, HCPSS staff also anticipates the school system will see approximately 400-500 fewer incoming students per year between the years 2022 and 2026. Similar to the above effects, CB17-2019 would stretch the reduction in incoming students another three years. Rather than 2,500 fewer

students over 10 years, which is estimated by the fiscal impact study noted above, HCPSS may have about 3,000 fewer students over ten years.

Thus, it is likely that CB17-2019 would slow the growth of student enrollment and decrease revenues used for school construction, but also taxes that fund operational budgets. We encourage the Council to consider comprehensive data that explains the broader positive and negative financial impact of APFO on all aspects of school system and county government operations.

The Board has also discussed at length the proper balance between developer rights and county-wide needs. Through a review of other APFO regulations throughout Maryland, HCPSS staff indicates Anne Arundel and Calvert Counties both have wait periods of six years – two years beyond the current four years in Howard County. Other options, where a county does not specify a wait time, include placeholders within a Capital Improvement Program, or the option for a developer to present mitigation strategies that are approved by the Board.

HCPSS has also reviewed a comparison of Public School Facility Surcharge Rates and/or Impact Fees, presented by Howard County staff during the January 12, 2019, legislative work session of the Howard County Delegation. Of note is the fact that Howard County currently charges one of the lowest rates in Maryland, ranking second to last in our rate per dwelling and the lowest among the state's larger counties (Montgomery, Prince George's, Anne Arundel, and Frederick) in annual revenue from such fees in FY2018. Under HB1409 Howard County - School Facilities Surcharge - Rates Ho. Co. 03-19 recently passed by the Maryland General Assembly, the Council has the ability to set an increase in these fees moving forward.

The Board thanks Councilwoman Liz Walsh for her introduction of legislation that would have the anticipated effect of slowing student growth until, hopefully, a time of increased financial stability for the County. Given the many factors that influence population and student growth, as well as the many factors that impact Howard County revenues, we recommend continued collaborative discussions on CB17-2019, taking into account APFO, school facilities surcharges, and the overall educational needs of our county.



**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Mavis Ellis, Board chair, have been duly authorized by  
*(name of individual)*

Board of Education of Howard to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB17-2019, CR49-2019 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Mavis Ellis

Signature: Mavis Ellis

Date: 4/22/19

Organization: Board of Education of Howard County

Organization Address: 10910 Clarksville Pike  
Ellicott City MD 21042

Number of Members: 8

Name of Chair/President: Mavis Ellis

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*



**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Tonya Tiffany, have been duly authorized by  
*(name of individual)*

PTA Council of Howard County to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB 17-2019 to express the organization's  
*(bill or resolution number)*

support for // opposition to / request to amend this legislation.

*(Please circle one.)*

Printed Name: Tonya Tiffany

Signature: [Handwritten Signature]

Date: 4/22/19

Organization: PTACHC

Organization Address: 5451 Beaverkill Rd

Columbia, MD 21044

Number of Members: representing Howard County public school students + families

Name of Chair/President: Breast Loveless

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HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Susan Garber, have been duly authorized by  
*(name of individual)*

the Savage Community Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB-17 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.

*(Please circle one.)*

Printed Name: Susan Garber

Signature: Susan Garber

Date: 4/27/19

Organization: Savage Community Assn

Organization Address: P.O. Box 222

Savage 20763

Number of Members: 118

Name of Chair/President: Ed Montgomery

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# Testimony in Support of CB17-2019

Drew Roth, Elkridge

This bill is not about restricting development. This bill is about getting the badly needed schools for our children.

No development would have a seven year delay if schools were constructed in a timely manner. The county government has chronically failed to plan effectively for school construction. The impact of this failure has fallen entirely on families and students.

This bill broadens the impact to include the development and construction industries, who create the need for the schools. By increasing the burden on those who create this problem, we create an incentive for the developers to address the problem.

The current four year APFO waiting period has not been effective. The developers just wait it out, and flood areas open to development as fast as they can before the area closes again.

No schools were planned for the massive Downtown Columbia development of over 5500 units.

No schools were planned for the Laurel Racetrack TOD of 1000 units.

No high schools were planned for the Oxford Square development of 1400 units.

No schools were planned for Turf Valley. No schools were planned for Howard Square.

No schools were planned for the TOD by the Savage MARC station. In fact, the planning polygon including this development showed no students ever even while the TOD was under construction.

No schools are being planned for the Milk Farm, or the Roberts property, or the future redevelopment of the Mission Road Quarry.

There is no incentive to discourage massive developments for which no school planning has taken place. CB-17 changes that.

No development will be delayed if school construction is planned and resourced when the zoning is put in place that permits the development.

This needs to be a discussion about school construction. If the county properly planned for the infrastructure required for new residential development, the length of APFO delays wouldn't matter. Because the county would have done their job in the first place.

You are a new County Council. You can start doing things right, where the county government plans for the consequences of the development projects you approve. And you can start now, by passing this bill.



**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Lisa Markovitz, have been duly authorized by  
(name of individual)

the people's voice to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB17-2019 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.

(Please circle one.)

Printed Name: Lisa Markovitz

Signature: [Handwritten Signature]

Date: 4/22/19

Organization: The People's Voice

Organization Address: 3205 B Corporate Ct

Ellisott City MD 21042

Number of Members: 2812

Name of Chair/President: Lisa Markovitz

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# HCCA

**Howard County Citizens Association**

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 22 April 2019

Subject: HCCA Testimony Regarding CB17-2019 the Increase School Wait Time

Good Evening. My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA testifying on their behalf.

We are in favor of CB17 and support the testimony you heard from the Savage Community Association and the Peoples Voice. We want to commend Councilwoman Liz Walsh for her attempt to do something positive about the current APFO criteria especially when it comes to the category of our schools. HCCA was a representative on the APFO Task Force. We have never been enthralled with the measurements of APFO. When we testified to the Council in July 2017 we said, "Something is drastically wrong to the point where the acronym of APFO should be changed to ALPO – A Lousy Protective Ordinance and that no one in the County should be proud."

The education of our children should undoubtedly be the priority for our future. It is the best investment we could ever make. If APFO was really working we wouldn't see any redistricting or 234 plus portables. CB17 is suggesting the wait time be for 7 years. The one good thing is the Task Force was able to extend the wait time to 5 years. What guarantee do we have this will work? We simply need to ensure that overdevelopment does not override our children's education because of poor strategic planning. The longer the school system has to prepare to increased enrollment because of overdevelopment, the less likely they are to need further portable capacity.

Let's do something worthwhile to once and for all ensure that APFO stands for not "Adequate" but an "Awesome" Protective Facilities Ordinance! How about making the appropriate revisions to APFO as the community would appreciate your efforts to also include Quality of Life measurements such as the Hospital, EMS Police, and Fire? While you are looking into refinements to APFO we need to do something about the Roads test. If the test was really working then why do we see signs which read, "Stay Alert Congested Area Next 3 Miles?"

The real question to be answered is our infrastructure keeping pace with development. The answer is NO. We all need to be smarter and realistic if we care about the future welfare of Howard County.

Thank You,



Stu Kohn

HCCA President





**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Stu Kohw, have been duly authorized by  
*(name of individual)*

Howard County Citizens Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB17-2019 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Stu Kohw

Signature: Stu Kohw

Date: 22 Apr 19

Organization: HCCA

Organization Address: P.O. Box 99

ELLCOTT CITY MD. 21041

Number of Members: 50

Name of Chair/President: Stu Kohw

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## Howard County Housing Affordability Coalition

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Howard County Council Public Hearing  
April 22, 2019

### Testimony: Council Bill 17

Howard County has long been committed to the goal of a diverse and inclusive community where all people, whatever their income, can live in safety and civility. As the county's critical shortage of affordable housing threatens our ability to achieve this goal, it is vitally important that the housing affordability crisis be addressed constructively across disciplines and interests. Consequently, any legislative action including CB 17-2019 that would make it more difficult to increase affordable housing options should not move forward for the following reasons.

It is our understanding that the Adequate Public Facilities Ordinance (APFO) Task Force discussed a combined maximum wait for allocations of seven (7) years, but not a longer wait time as proposed—perhaps up to 10 years—for a closed school or region to reopen. Any delays will not only further limit development of affordable housing, but also drive up the cost of existing housing thereby putting affordable housing further out of reach for low and middle income County residents.

This proposed legislation also presents the potential unintended consequence of curtailing development of Moderate Income Housing Units (MIHUs). This program is the primary vehicle for ensuring equitable distribution of affordable units throughout the county. MIHU development could potentially be limited as the program is not eligible for the affordable housing exemption process provided in the newly amended APFO law.

The Administration has committed to developing an Affordable Housing Master Plan in FY 2020. We recommend that any changes in the APFO law, including those that would be required by this proposed legislation, can and should be considered within the development of that Master Plan. Consideration within the broader context of the Master Plan will also enable opportunity for public review of the recently completed APFO economic impact study, which could result in additional recommended changes to the Ordinance for consideration as a total package, rather than as piecemeal alterations.

Thank you for this opportunity to offer these comments. Coalition members welcome the opportunity to discuss our concerns about housing affordability and CB 17-2019.

Respectfully,

*Members, Howard County Housing Affordability Coalition*  
(Listed on back)

## Howard County Housing Affordability Coalition

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### Members

Association of Community Services	JustLiving Advocacy, Inc.
Harriet Bachman	League of Women Voters of Howard County
David Bazell	Jean West Lewis
Liz Bobo	Making Change LLC
Joshua Bombino	Kelly McLaughlin
Bridges to Housing Stability	Phyllis Madachy
Paul Casey	Tim May
Tom Coale	Peter Morgan
CCCSMD	Oxford Planning Group LLC
Columbia Downtown Housing Corporation	PATH
Community Action Council	Paul Revelle
Jacqueline Eng	Bill Salganik
Grassroots Crisis Intervention Center	Laura Salganik
Rev. Sue Lowcock Harris	Jean Sedlacko
Heritage Housing Partners Corporation	Pat Sylvester
HopeWorks of Howard County	The Arc of Howard County
Howard County Autism Society	TheCaseMade, Incorporated
Howard County Housing Commission	Town Center Community Association
Humanim, Inc.	Unitarian Universalist Congregation of Columbia
iHomes, Humanim	Joe Willmott
Humphrey Management	Phyllis Zolotorow
Ian Kennedy	
Grace Kubofcik	



Bruce A. Harvey  
Testimony 01/16/18  
Howard County Council  
CB17-2019

My name is Bruce Harvey and I reside at 7792 Elmwood Road, Fulton, MD 20759. I have been a Howard County resident since 1978. I am also President and majority owner of Williamsburg Homes based here in Howard County. I was a member of the APFO task force that met from June 2015 through March 2016. I am testifying against CB17-2019.

Last year's passage of CB1-2018 was a significant change to the County's APFO legislation. This legislation hasn't even taken effect yet. It is irresponsible to make any quick changes to this hotly debated legislation. If the Council wants to reconsider CB1-2018, the entire APFO legislation needs to be reviewed with another task force formed.

This new legislation would further extend the time that development is delayed in the event of a closed school district. While this seems like a good idea: why should we allow a development project to proceed in an overcrowded school district? However, there are significant fiscal impacts from the passage of last year's CB1-2018 legislation as well as additional impacts from this current CB17-2019 legislation. To quote the 2020 Spending Affordability Report, "...the APFO amendment passed in 2018, which will delay planned new development in the moratorium period during 2022-2025 (by 75%) and beyond, is projected to result in foregone revenues of \$138 million in the next six years, including \$82 million in the operating budget and \$56 million in designated Capital Investment Plan ("CIP") funding..." These projected reduced revenues have yet to be addressed by the Council.

The other unforeseen impact of CB-17 is the potential delay in school redistricting. By allowing additional time for projects to move forward, the pressing need for redistricting will be relieved. While citizens certainly favor less redistricting, the fiscal impact of underutilized schools goes unnoticed and can potentially lead to overstated capital budgets.

As a citizen and business owner in Howard County, I am against this bill. APFO legislation requires very careful study and review and should not be amended on a piecemeal basis.

Thank you for hearing my testimony.

April 22, 2019

**Re: OPPOSITION TO CB17 – APFO Retesting**

Dear Chairwoman Mercer Rigby and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in opposition to Council Bill 17, which would increase the maximum length of time for which a project must be retested under the school capacity test of the Adequate Public Facilities Act of Howard County.

Last year, the Howard County Council passed a bill attempting to address school capacity which essentially shut down building in Howard County for five years. Our industry worked hard to show the Council that such legislation was not only unnecessary, it was damaging; existing APFO was effective, and halting development would not actually address the underlying challenges relating to school capacity. We further predicted that stopping development would cost the County millions of dollars each year in lost building-related fees and taxes. Meanwhile, funding for new school construction, paid in part by developer impact fees, would diminish and school crowding will increase.

These arguments became even more compelling with the publishing of the Spending Affordability Advisory Committee Report, which found that revenues have not kept pace with the demands for County services and capital investment. These issues will only get worse without intervention. The Report credits the APFO guidelines adopted in 2018 as the primary factor; the APFO amendment passed in 2018 is projected to result in foregone revenues of \$138 million in the next six years. As a result, Howard County will soon be unable to continue its current level of service.

CB17 proposes to extend the length of time during which projects must wait for school capacity in Howard County, which flies in the face of the Report and is a direct contradiction to the County's best interests. Extending the schools test would further lower the County's budget and its ability to provide public services, strain the existing tax structure, require cuts to public and private work forces, lower the County's bond rating, decrease availability of affordable housing, and destroy the County's previous reputation for business friendliness.

With the County facing serious financial challenges as a result of existing APFO restrictions, now is not the time to extend the schools test. For these reasons, the MBIA is opposed to this legislation, and asks you please vote against Council Bill 17.

Thank you for your attention to this vital issue and your continued support of the local home building industry. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at [abailey@marylandbuilders.org](mailto:abailey@marylandbuilders.org) or (202) 815-4445.

Best regards,



Angelica Bailey, Esq., Vice President of Government Affairs

Cc: Councilman Opel Jones  
Councilmember Deb Jung  
Councilman David Yungmann

County Executive Calvin Ball  
Sameer Sidh, Chief of Staff to the County Executive  
Councilmember Elizabeth Walsh

January 16, 2018

**Re: BUILDING INDUSTRY CBI OPPOSITION TESTIMONY**

Dear Chairwoman Sigaty and Members of the Howard Council,

The Maryland Building Industry Association (MBIA), representing over 1,000 business members and 100,000 employees in Howard County and across the State, writes in the strongest possible opposition to Council Bill 1. The MBIA supports the compromise recommendations of the 23 member APFO task force who represented a broad cross-section of Howard County and conducted one year of study on this extremely complicated issue. Despite claims to the contrary, this legislation in no way represents a compromise.

**This legislation is likely to create devastating consequences.** It will significantly lower the County's budget, its ability to provide public services, strain the existing tax structure, require cuts to public and private work forces, lower the County's bond rating, decrease availability of affordable housing, and will destroy the County's previous reputation for business friendliness. More importantly, it fails to address school crowding in any way.

As clearly shown by the County's own data, **APFO is working** (see attached chart). There is existing capacity in the school system for all current students while new student generation is virtually non-existent in closed school attendance areas - yet school capacity continues to be strained in some schools. This means school crowding at these schools is driven exclusively by existing home re-sales combined with the failure of the Board of Education to conduct significant redistricting for over decade, including again in November 2017. As such, creating a building moratorium throughout the County will have no impact on school crowding.

With this legislation, the County substitutes sound, long range, and professional planning – long a staple in Howard County – for a growth policy governed by NIMBYism and an open/closed school chart that doesn't address underlying challenges related to school capacity. Under this bill, only a small piece of the County, mostly in the rural West, will have future growth potential, and the majority of new growth will be pushed there. This is the opposite of "smartgrowth" and before long; this will result in insufficient public facilities in all areas of the County, even in the West. In short, the unintended consequence of these amendments is that they will cause exactly the harm they seek to prevent while failing to relieve school crowding in a significant way.

With the County's budget already constrained, including recent multi-million dollar budget shortfalls and a newly implemented conditional hiring freeze, slashing revenues from building and related fees and taxes will cost the County millions of dollars each year. This will result in difficult decisions including the potential layoff of County and school system staff, cuts to police and fire services, limiting important public services such as libraries and waste removal and will likely necessitate increases to property, transfer or income taxes to make up for the shortfall. Meanwhile, funding for new school construction, paid in part by developer impact fees, will diminish and school crowding will increase.

If the Council does pass this bill, it must include a grandfathering clause longer than the clause currently included to protect existing investments. The bill must also remove the outdated and unjustifiable "regions test" and an adjacency test for schools allowing the County to efficiently utilize its school capacity without wasting taxpayer

dollars and compelling the Board of Education to do its part by redistricting. Finally, any high school test must not be implemented until High School #13 is opened.

The MBIA is disappointed the Council appears willing to implement school capacity changes prior to obtaining State authorization to alter impact fees but hopes the Council will continue to support State enabling legislation for enhanced double and triple school impact fees as proposed by the APFO task force in the 2018 Maryland General Assembly session.

In conclusion, closing more schools will not solve challenges related to school crowding, only rebalancing of school seats and continued investment in new school construction will do that. However, a development moratorium will cripple the economy of Howard County, make financing school construction more challenging, open the County to costly lawsuits, result in cuts to County staff and services and likely result in future tax increases to the detriment of every County resident.

For these reasons, the MBIA is opposed to Council Bill 1, and asks you please vote against this countywide building moratorium.

Thank you for consideration of this important bill and for your service to the County. If you have questions about the MBIA's positions, please contact Josh Greenfeld at [jgreenfeld@marylandbuilders.org](mailto:jgreenfeld@marylandbuilders.org) or [443.515.0025](tel:443.515.0025).

Best regards,

Josh Greenfeld, Vice President of Government Affairs

Cc: County Executive Allan Kittleman  
Councilmember Greg Fox  
Councilmember Jon Weinstein  
Councilmember Jen Terrassa  
Councilmember Calvin Ball





HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Angelica Bailey, have been duly authorized by  
*(name of individual)*

Maryland Building Industry Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB17-2019 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Angelica Bailey

Signature: 

Date: 4/22/19

Organization: Maryland Building Industry Association

Organization Address: Fulton, MD 20759

Fulton, MD 20759

Number of Members: 1,000+

Name of Chair/President: Lori Graf, CEO

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