

Introduced 4/1/19
Public hearing 4/22/19
Council action 7/29/19
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2019 Legislative Session

Legislative day # 5

BILL NO. 17

Introduced by:
Liz Walsh

AN ACT altering the number of consecutive years a project or phase of a project must be retested each time the County Council adopts new annual housing unit allocations and school capacity charts under the school capacity test of the Adequate Public Facilities Act of Howard County; and generally relating to the testing of residential subdivisions and site development plans for adequate public school facilities.

Introduced and read first time April 1, 2019. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, 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 April 22, 2019.

Tabled 5/6/19
Life extended & tabled 6/3/19
Life extended & tabled 7/1/19
By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on July 29, 2019 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2019 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2019

Calvin Ball, 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 County*
2 *Code is hereby amended as follows:*

3
4 *By Amending:*

5
6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7
8 *Subtitle 11. "Adequate Public Facilities."*

9 *Section 16.1105. "Processing of plans subject to test for adequate transportation facilities and/or*
10 *tests for adequate school facilities and/or test for housing unit allocations."*

11 *Subsection (c). "Processing Applications for Approval of Residential Projects and Projects*
12 *Containing Residential and Nonresidential Uses."*

13 *(7) "Waiting Period."*

14
15
16 **HOWARD COUNTY CODE**

17
18 **Title 16. PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT**
19 **REGULATIONS**

20
21 **Subtitle 11. Adequate Public Facilities.**

22
23 **Section 16.1105. Processing of plans subject to test for adequate transportation facilities and/or**
24 **tests for adequate school facilities and/or test for housing unit allocations.**

25 *(c) Processing Applications for Approval of Residential Projects and Projects Containing*
26 *Residential and Nonresidential Uses:*

27 *(7) Waiting Period.*

28 *(i) If a project or phase of a project was never on the list of applications waiting for*
29 *housing unit allocations and has received housing unit allocations, then development*
30 *may proceed as follows:*

31 *a. If the project or phase of the project passes the school capacity test in any year*
32 *between and inclusive of the first consecutive retest and the fourth consecutive*
33 *retest, then the project or phase of the project may proceed.*

34 *b. If a project or phase of a project fails the school capacity test:*

- 1 i. For each of the next [[four]] SEVEN consecutive years, the project or phase of the
2 project shall be retested each time the County Council adopts new annual housing
3 unit allocations and school capacity charts; and
4 ii. In the [[fourth]] SEVENTH retesting year, the project shall be deemed to have
5 passed the school capacity test.
6 (ii) If a project or phase of a project is on the list of applications waiting for housing
7 unit allocations and receives housing unit allocations within six years, then
8 subparagraph (i) of paragraph (7) of this subsection applies subject to the following
9 maximum waiting periods:
10 a. If a project or phase of a project has waited for three years or fewer to receive
11 housing allocations, the combined number of years the project or phase of a
12 project waits to receive housing unit allocations and pass the school capacity test
13 shall not exceed six years.
14 b. If a project or phase of a project has waited for four or five years to receive
15 housing allocations, the combined number of years the project or phase of a
16 project waits to receive housing unit allocations and pass the school capacity test
17 shall not exceed seven years.
18 (iii) If a project or phase of a project is on the allocation waiting list and receives
19 allocations after six years or more of being on the list, then the project or phase of a
20 project may proceed upon passing a school capacity test. If the project fails the school
21 capacity test, then it must wait one additional year to be retested. After being retested,
22 the project shall be deemed to have passed the school capacity test.

23
24 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall***
25 *become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 17

BY: Liz Walsh

**Legislative Day 6
Date: May 6, 2019**

Amendment No. 1

(Alters from six years to seven years the maximum combined waiting period for a project or phase of a project to receive housing unit allocations and pass the school capacity test for projects that have waited three years or fewer to receive housing allocations.)

- 1 On page 2, in line 13, strike “six” and substitute “SEVEN”.

ADOPTED 7/29/19
FAILED _____
SIGNATURE Jessica Feldman

Sayers, Margery

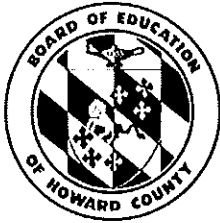
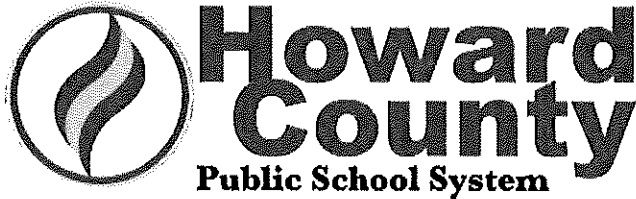
From: Kirsten Coombs <Kirsten_Coombs@hcpss.org>
Sent: Monday, July 29, 2019 8:55 AM
To: CouncilMail
Cc: Danielle Lueking
Subject: CB17-2019 BOE Letter to Council 072919 APFO Wait Times.pdf
Attachments: CB17-2019 BOE Letter to Council 072919 APFO Wait Times.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please use this file as our official testimony.

Kirsten Coombs
Vice Chair

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Board of Education of Howard County
July 29, 2019

**Board of Education
of Howard County**

Mavis Ellis
Chair

Kirsten A. Coombs
Vice Chair

Vicky Cutroneo

Christina Delmont-Small

Jennifer Swickard Mallo

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**

Howard County Public School System is the fastest growing school system in Maryland in terms of enrollment growth. The investment in capital infrastructure has not kept pace with projected enrollment growth. Current enrollment projections forecast that within two years, the number of students will exceed the number of seats available countywide at all levels. Even with the projected opening of high school #13 in 2023 and the addition at Hammond High School, capacity will be insufficient at the high school level by 328 seats. Additionally, elementary school capacity is projected to be insufficient by 694 seats in the 2023-2024 school year.

It is the understanding of the Board of Education of Howard County (the Board) that the purpose of the Adequate Public Facilities Ordinance (APFO) is to allow public facilities, like the Howard County Public School System, sufficient time and financing to have commensurate capital infrastructure growth to meet projected population needs.

The current four-year APFO wait time has not been sufficient to enable the school system to plan, develop, finance, and build additional infrastructure. For this reason, the Board encourages the passage of CB17 to extend the current APFO wait times.

The Board recognizes that in order for the school system to provide seats for our students, there needs to be continued commitment to:

1. Land acquisition,
2. Capital funding, and
3. Adequate time to build capital infrastructure.

The passage of CB17 would address one of these three components. The Board looks forward to our continued partnership with our county government to provide the best possible education for all our students. We can do this better, together, if we have additional time to provide adequate public facilities.

Sayers, Margery

From: Kirsten Coombs <Kirsten_Coombs@hcpss.org>
Sent: Monday, July 29, 2019 8:50 AM
To: CouncilMail
Cc: BoE Email; Danielle Lueking; Mark Blom
Subject: APFO
Attachments: APFO.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Attached is the Board's testimony.

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Howard County Public School System is the fastest growing school system in Maryland in terms of enrollment growth. The investment in capital infrastructure has not kept pace with projected enrollment growth. Current enrollment projections forecast that within two years, the number of students will exceed the number of seats available countywide at all levels. Even with the projected opening of high school #13 in 2023 and the addition at Hammond High School, capacity will be insufficient at the high school level by 328 seats. Additionally, elementary school capacity is projected to be insufficient by 694 seats in the 2023-2024 school year.

It is the understanding of the Howard County Board of Education that the purpose of the Adequate Public Facilities Ordinance (APFO) is to allow public facilities, like the Howard County Public School System, sufficient time and financing to have commensurate capital infrastructure growth to meet projected population needs.

The current four-year APFO wait time has not been sufficient to enable the school system to plan, develop, finance, and build additional infrastructure. For this reason, the HCPSS Board of Education (BOE) encourages the passage of CB17 to extend the current APFO wait times.

The BOE recognizes that in order for the school system to provide seats for our students, there needs to be continued commitment to:

1. Land acquisition,
2. Capital funding, and
3. Adequate time to build capital infrastructure.

The passage of CB17 would address one of these three components. We look forward to our continued partnership with our county government to provide the best possible education for all our students. We can do this better, together, if we have additional time to provide adequate public facilities.

Sayers, Margery

From: Aurora Schmidt <auroraschmidt@gmail.com>
Sent: Thursday, July 25, 2019 10:24 PM
To: CouncilMail
Subject: County Council vote on CB17

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear HoCo County Council,

As a parent of young kids, I strongly urge to council to pass CB17. Our kids are suffering and the situation is untenable. When you account for all of the factors involved in opening a new school, or building an addition to an existing school -- adding the school to the capital budget plan, identifying and purchasing land, securing state funding for construction, then actually designing and building the school or renovation, not to mention election cycles and funding priorities -- the realistic timeframe for opening a new school can be 8 years, OR MORE! We need a more sustainable check on development that pushes for sensible planning that is a necessary prerequisite for increased building.

The APFO schools test is a critical planning mechanism to ensure that our schools have enough seats available for the students expected to be generated by new housing units. In areas where our schools are already overcrowded, 4 years is simply not enough time to accomodate the growth brought on by new development. We need the school test extension in CB17.

Please make the right choice for HoCo families.

Sincerely,
Aurora Schmidt

Sayers, Margery

From: Ryan Williams-Abrams <rwilliamsabrams@hotmail.com>
Sent: Monday, July 1, 2019 3:19 PM
To: CouncilMail; Ball, Calvin; superintendent@hcpss.org
Subject: Please Support CB17!

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

My name is Ryan Williams-Abrams and I am a junior at Marriotts Ridge High School. I am writing to urge the Council to consider and approve CB17-2019.

Our schools are at a critical tipping point and we are running out of options to relieve overcrowding. CB17 would provide a necessary extension to the waiting period for new housing development in areas that feed schools that are already overcrowded. It is essential that the County provide this additional time to allow school infrastructure to catch up from the boom in our student population.

We have recently heard from our elected officials that there are 3 remedies currently in place to relieve school overcrowding. Unfortunately, all of these options are close to expiration, pushing us deeper and deeper into a ditch.

1- Redistricting - The Board of Education has stated that this remedy is coming to an end as there is limited capacity left.

2- Building a new school or additions - We have heard that the timeline to put a shovel in the ground for an elementary school (which needs the least amount of land and has the lowest cost) is a minimum of 3 years. Even additions take years to get done. And for either of these, we need money. Money, that we our painful budget process showed us, that we do not have.

3- Trailers - Dr. Martirano stated publicly that those are reaching maximum capacity at some school sites, not just because of the land, but literally because the utilities needed to run them are maxing out. In addition, trailers do not solve the problem of overcrowded hallways, cafeterias, and gyms.

With all three relief options running out, we are heading towards a brick wall. All we have left is to control the number of students that are entering the already overburdened school system. Resales cannot be slowed but new development can. We need to amend our laws to provide relief for our schools.

This is not a matter of options. We have run out of them! Please support CB17 and the Howard County student population.

Sincerely,

Ryan Williams-Abrams

District 1

Sayers, Margery

From: Wendy Williams-Abrams <wmrlz@hotmail.com>
Sent: Monday, July 1, 2019 2:49 PM
To: CouncilMail; Ball, Calvin; superintendent@hcpss.org
Subject: Please Support CB17!

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members, County Executive Ball, and Dr. Martirano,

I am writing to you regarding CB17. It is vital to the long term sustainability of our county's education system, property values, and quality of life that you vote in support of this bill. I have four boys in the Manor Woods, Burleigh Manor, and Marriotts Ridge schools, and the influx of students into their schools is ever-increasing. As the PTA president for the past two years at Manor Woods, many parents have expressed to me their frustration that the county council will not curb new development.

Only being able to hold off new development for four years means that the county is always trying to play "catch up" with the new development, and the kids are the ones who suffer through overcrowded classrooms and the relentless threat of redistricting. We all know that the pot of money is not bottomless, and with impact fees being woefully inadequate, we need to use any means necessary to slow growth. This bill would give the county and BOE three additional years to ensure adequate infrastructure to support the new families' needs.

For the sake of all of our children, our quality of life, and to protect our county's reputation as a desirable place to live and work, I am asking you to please support CB17. Our county needs you to do the hard thing and resist the lobbying of the MBIA and HCAR. You were elected to represent the people of this county, not the developers.

Thank you for your consideration.

Sincerely,

Wendy Williams-Abrams
District 1
3144 Saint Charles Place
Ellicott City, MD 21042

Sent from [Outlook](#)

Sayers, Margery

From: Jennifer Y. Grams <jygrams@gmail.com>
Sent: Sunday, June 30, 2019 2:08 PM
To: CouncilMail
Cc: Ball, Calvin
Subject: Support for CB-17

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members:

My name is Jennifer Grams and my children are students at Manor Woods ES & Burleigh Manor MS. I am writing to urge the Council to consider and approve CB17-2019.

Our schools are at a critical tipping point and we are running out of options to relieve overcrowding, ESPECIALLY in the northern region of the county where we are dealing with the housing explosion at Turf Valley that is exempt from APFO.

CB17 would provide a necessary extension to the waiting period for new housing development in areas that feed to schools that are already overcrowded. It is essential that the County provide this additional time to allow school infrastructure to catch up from the boom in our student population.

We have recently heard from our elected officials that there are 3 remedies currently in place to relieve school overcrowding. Unfortunately, all of these options are close to expiration, pushing us deeper and deeper into a ditch.

- 1 - Redistricting - The Board of Education has stated that this remedy is coming to an end as there is limited capacity left.
- 2 - Building a new school or additions - We have heard that the timeline to put a shovel in the ground for an elementary school (which needs the least amount of land and has the lowest cost) is a minimum of 3 years. Even additions take years to get done. And for either of these, we need money. Money, that as our painful budget process showed us, we do not have.
- 3 - Trailers - Dr. Martirano stated publicly that those are reaching maximum capacity at some school sites, not just because of land, but literally because the utilities needed to run them are maxing out. In addition, trailers do not solve the problem of overcrowded hallways, cafeterias, and gyms.

With all three relief options running out, we are heading towards a brick wall. All we have left is to control the number of students that are entering the already overburdened school system. Resales cannot be slowed but new development can. We need to amend our laws to provide relief for our schools.

This is not a matter of options. We have run out of them! Please support CB17 and our school children.

Sincerely,
Jennifer Y. Grams
District 1

Sayers, Margery

From: Lorri Raney <lraney@gmail.com>
Sent: Thursday, June 20, 2019 9:45 PM
To: CouncilMail
Subject: CB17

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Member,

I am writing to ask for your support of CB17. I have been a Howard County resident for over 16 years, and in that time, the impact of building has taken a detrimental toll on our county. I understand that a certain amount of progress is good, but I feel that our schools and roads have not been funded enough to keep up with so much change. It makes common sense to have developers wait until schools are able to absorb additions. Please consider supporting something that will help our county in such a positive way.

Respectfully,
Lorri Raney

Sayers, Margery

From: Kari <kari_george@verizon.net>
Sent: Thursday, June 20, 2019 9:32 PM
To: CouncilMail
Subject: Please Support CB17

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

Please support Council Bill 17-2019 to extend the wait time before a developer can build in a closed area. It takes much longer than 4 years to locate and acquire a site, and build a new school. We need the additional wait time to prepare for the growth.

Thank you,

Kari George
3845 Gray Rock Dr
Ellicott City, MD 21042

Sent from [Mail](#) for Windows 10

Sayers, Margery

From: M Mangino <mangino4@verizon.net>
Sent: Thursday, June 20, 2019 7:32 PM
To: CouncilMail
Subject: Please support cb17

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council,

Please support the extension to ensure adequate facilities in Howard County. Further we need developers to pay the fees needed to support the facilities they are developing, e.g., fire fees.

Mike Mangino
Howard County

CR17-2019

Sayers, Margery

From: DIANE BUTLER <politicodiane@msn.com>
Sent: Monday, July 15, 2019 10:35 AM
To: Walsh, Elizabeth; CouncilMail
Subject: Re: CB 17 and Dorsey acreage giveaway

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Thanks for the detailed response, Liz.

As you know, I sat on the APFO committee and many of these "fixes" were voted down by the development community. I would be happy to back you on the longer wait, as four years is the normal planning time. The last two decades of overbuilding, and state mandated changes to our planning, besides the woeful developer fees are going to be very hard to make-up. If we have to have a building moratorium to get there, I am all in. I know that won't happen but we could surely cut the allocations in half, as a start.

I will look at the CR89 verbiage and get back to you. That project still has some major concerns.

Diane

From: Walsh, Elizabeth <ewalsh@howardcountymd.gov>
Sent: Monday, July 15, 2019 5:48 AM
To: DIANE BUTLER <politicodiane@msn.com>; CouncilMail <CouncilMail@howardcountymd.gov>
Subject: Re: CB 17 and Dorsey acreage giveaway

Good morning, Diane:

Yes. CB17 would amend County APFO law by extending the "waiting period" after which Developers can build in, regardless of whether or how crowded receiving elementary, middle or high schools are. As is, the stated term is four years—which in reality is no more than one, as prevailing Code and policy both are premised on the assumption that it takes proposed development about three years to get through the DPZ process. CB17 adds those three years back in to be a true four-year "waiting period"—although the nominal hold would be seven—and still applies only if the receiving schools remains "closed" for that entire extended term. Theoretically, the school system is supposed to be catching up to new student yields in this time allotted, but we all know this hasn't happened in the past. And now with all levels of County schools at and projecting to exceed capacity County-wide, we know we can't redistrict or build or renovate our way out of the over-crowding anymore. We just can't.

APFO law is Subtitle 11 of Title 16 (Planning, Zoning and Subdivisions and Land Development Regulations) of the County Code, which you can find here: https://library.municode.com/md/howard_county/codes/code_of_ordinances

The bill itself is here: <https://apps.howardcountymd.gov/olis/GetFile.aspx?id=24545>

We should be voting on CB17 at the end of this month, and as its sponsor I'd love to get your support for it.

The Dorsey Overlook land sale is the subject of CR89, and I am strongly opposed to that proposed measure. As is, the County proposes to sell about an acre of property fronting Old Columbia and Route 108 for \$50,000. As I understand it,

the Developer's latest plan for the site—to be presented at a presubmission meeting this Tuesday night, tomorrow—uses the County land pretty much as it is now, site access to the property with negligible buffering from Route 108.

That legislative summary is here: <https://apps.howardcountymd.gov/olis/PrintSummary.aspx?LegislationID=12289>

Information on the presubmission meeting is here:

https://data.howardcountymd.gov/Search_Plans/GetReport.aspx?mdate=Jul%2016%202019&planType=Pre-submission%20Community%20Meeting&planID=1887&lng=-76.8432443980359&lat=39.2404283328958

Please let us know if you have any further questions or comments. Thank you for being engaged!

Liz Walsh, Council Member
Howard County Council
Serving District 1

3430 Court House Drive
Ellicott City, MD 21043
410.313.2001

From: DIANE BUTLER <politicodiane@msn.com>

Sent: Saturday, July 13, 2019 7:23 PM

To: CouncilMail

Subject: CB 17 and Dorsey acreage giveaway

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To the members of the council,

I have a few questions. Are you trying to amend the APFO with CB 17? Where can I get all of the language for this?

As for the Dorsey giveaway, I have a question. How many extra units does this afford the developer with the extra acreage? And my biggest question is why aren't we selling the land to the developer? You certainly wouldn't "give" it to me if I asked. Land in Howard County is precious, we have a budget shortfall. Charge the developer what the land is worth, and only sell it to them, if it does not allow for any increase in density with the added acreage.

Could I please get a response from the members of the council, or their assistants this time?

Thank you, Diane Butler

Sayers, Margery

From: Walsh, Elizabeth
Sent: Monday, July 15, 2019 5:49 AM
To: DIANE BUTLER; CouncilMail
Subject: Re: CB 17 and Dorsey acreage giveaway

Good morning, Diane:

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Please let us know if you have any further questions or comments. Thank you for being engaged!

Liz Walsh, Council Member
Howard County Council
Serving District 1

3430 Court House Drive
Ellicott City, MD 21043
410.313.2001

From: DIANE BUTLER <politicodiane@msn.com>

Sent: Saturday, July 13, 2019 7:23 PM

To: CouncilMail

Subject: CB 17 and Dorsey acreage giveaway

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To the members of the council,

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Could I please get a response from the members of the council, or their assistants this time?

Thank you, Diane Butler

Sayers, Margery

From: DIANE BUTLER <politicodiane@msn.com>
Sent: Saturday, July 13, 2019 7:24 PM
To: CouncilMail
Subject: CB 17 and Dorsey acreage giveaway

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Could I please get a response from the members of the council, or their assistants this time?

Thank you, Diane Butler

Sayers, Margery

From: Susan Garber <buzysusan23@yahoo.com>
Sent: Monday, June 17, 2019 5:13 PM
To: CouncilMail
Subject: CB-17-2019 In favor

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council members,
As you continue to consider CB-17, the Savage Community association wishes to repeat their position for your consideration.

CB-17 Susan Garber on behalf of the Savage Community Assn, speaking in favor of CB-17.

As the Council considers this bill you will no doubt receive a lot of pressure from the development community, especially those who contributed generously to campaigns. But we remind you that you are here to protect the public interest, not developers' profits.

This will indeed represent a significant change for developers. They are used to paying impact fees that don't even cover the debt service on new school construction. They are used to getting the go-ahead to build after 4 years no matter how ridiculously overcapacity the schools may be by spreading the fear of lawsuits for 'takings'. If developing in Howard County didn't have so many perks--- wasn't such a sweetheart deal--the developers would go elsewhere. Yet they stay and continue to develop every last piece of land.

Despite the negative comments from the development community on this bill, let's be clear. This is *not* a bill that says developers *must* wait 7 years to build. They only face that long of a wait when schools do not have the reasonable capacity (even with Pods of nine trailers). If the new APFO chart shows lots of closures.... that is simply the reflection of a lack of action for a long time.

According to a recent article in the Sun, Howard County has been the fastest-growing jurisdiction in MD for the past 8 years. No, that has not been the misconception of NIMBYs. That is the hard facts. Clearly that unrestrained growth is what has put our schools into the condition in which we find ourselves.

This bill makes so much sense. It is so logical. It is so mathematically sound. Given that our Board of Education tells us that it takes at least 2 years to locate and secure land and another 5 years to build, then clearly waiting 7 years simply faces the reality of the situation. (5+2=7)

Keep in mind schools could still be over capacity when that potential 7 year wait is up—providing predictability for developers, if not parents. Let's look at what other counties are doing in response to Developers cries of Doom. Yes 7 capacity tests are more than we have currently and are more than the 6 tests which Anne Arundel and Carroll Counties have had in effect since at least 2012. However, Calvert County has had seven years of testing since at least 2012. AND since that 2012 time, Montgomery has increased theirs from 5 years of tests and Harford has increased theirs from 3 **while Howard remained the same.** The new overcrowding solution in those two counties is that while over 120% of capacity, the developer can never proceed. Never, ever. No capacity, No new development!

I know that Howard County loves to be first in numerous categories but do we really want to be the first to be bankrupted by barely charging enough to cover the debt service on our schools and by allowing development to continue to proceed regardless of how ridiculously overcrowded our schools become?

I urge every council member to get behind supporting this bill. Now is the time to end the mythology of 'taking.' If our neighboring Counties have not been admonished by the courts for their longer wait times, there is no reason to believe it will apply here.

Sayers, Margery

From: Alice Marschner <dragonmama@comcast.net>
Sent: Thursday, June 20, 2019 11:07 AM
To: CouncilMail
Subject: Council Bill 17-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To the members of the Howard County Council;

I would like to encourage the members to endorse CB 17-2019.

Since it takes a very (very) long time for the various departments of the Howard County government to find the funds, land and momentum to enlarge or build schools, it would be in the public's best interest to require a more rigorous standard and testing of the Adequate Public Facilities Act before allowing more homes to be built. The failed redistricting effort of two years ago and now the beginning of yet another redistricting plan cause a great deal of upset and stress to the entire population. Allowing a longer lead time to find true room in the schools, instead of putting up more portable classrooms in desperation, will benefit everyone and help to preserve the quality of life for everyone in the county.

Thank you for your consideration.

Regards,

Alice Marschner

CB17-2019

Sayers, Margery

From: Alice Pham <alicekpham@yahoo.com>
Sent: Sunday, May 19, 2019 7:03 PM
To: CouncilMail
Subject: CB17-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please support CB17-2019. Four years before a development permit is given is not enough time for the county and the school system to accommodate new tenants and schoolchildren. In the meantime, our current schools will be overcrowded. We all know how long it takes to find a site, purchase it, plan and build a new school. Seven years is a much more reasonable amount of time.

Sincerely,
Alice Pham
9650 Sandlight Ct
columbia MD 21046

Sayers, Margery

From: Debby <huntsmo@verizon.net>
Sent: Friday, May 24, 2019 3:33 PM
To: CouncilMail
Subject: CB17-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

Please support CB17-2019 which will help the school system keep pace with population growth and avoid overcrowding. This bill should also indirectly help with flood control, a by-product of controlled development.

Thank you for your consideration.

Debby Moulding, Ellicott City

Sayers, Margery

From: Ruth Nimmo <ruthnimmo77@gmail.com>
Sent: Thursday, May 23, 2019 10:45 AM
To: CouncilMail
Subject: CB17-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please vote for CB17-2019 to alter the number of years a housing project must be retested from 4 to 7 years when the Council adopts new annual housing unit allocations and school capacity charts. Our schools are already overcrowded and the rate of funding for new school construction does not keep up with the current 4-year retesting cycle. Schools need more time to adjust to additional enrollments generated by new housing construction.

Please do this to help keep Howard County schools at the top tier of national schools. We are falling behind and education is critical to our children's success.

Ruth Nimmo
10001 Windstream Drive, Aptl 805
Columbia, MD 21044

Sayers, Margery

From: Renae Kurc <rdkurc@gmail.com>
Sent: Wednesday, May 15, 2019 6:21 PM
To: CouncilMail
Subject: suport

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

1. Happy to hear you all received so many emails about the HCPSS! You are all a part of and represent a very caring county who values education!
2. **Spport CB17**, yes please extend the wait time to build! Also please increase builder's fees!

Renae Kurc

Sayers, Margery

From: Amy Barnes <abarnes79@gmail.com>
Sent: Tuesday, May 14, 2019 8:07 PM
To: CouncilMail
Subject: We support CB17!

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Thank you for working so hard for Howard County students!!!! We are grateful for your hard work and dedication! As parents of a Howard County student, we support CB17!!!!

-The Barnes Family

Sent from my iPhone

Sayers, Margery

From: Shalini Leon Guerrero <shalinilg671@gmail.com>
Sent: Tuesday, May 14, 2019 6:18 PM
To: CouncilMail
Subject: Support for CB17

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Thank you for your email regarding HCPSS funding. I would like to state I am in full support of CB17.

Shalini Leon Guerrero

Sayers, Margery

From: Matthew Molyett <matthew@molyett.com>
Sent: Monday, May 6, 2019 10:24 PM
To: CouncilMail
Subject: CB17 - Support

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please do everything you can to ensure that infrastructure support exists before additional residential capacity is added to an area. Overcrowded roads and schools do not benefit existing citizens or future ones either.

In a similar vein, please support the long term creation of water infrastructure for the entire county. No properties should be required to rely on well/cistern this far into the 21st century.

Thank you,
Matthew Molyett
Vice President, Columbia Democratic Club
443-598-2441

Sayers, Margery

From: Kirsten Coombs <Kirsten_Coombs@hcpss.org>
Sent: Monday, May 6, 2019 3:48 PM
To: CouncilMail
Cc: BoE Email; Student Board Member; Mark Blom; Michael Martirano; Danielle Lueking; Karalee Turner-Little
Subject: CB17 Clarification

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council Members,

In reviewing the testimony that was presented to you on April 22, 2019, several members of the Board of Education have expressed concern that the testimony provided on behalf of the Board did not accurately reflect our voted position. Due to the short timing for review and the holiday schedule, the testimony included language that may have misrepresented our intent. While there are fiscal impacts to any increased or decreased development activity, we want to clarify that the below was our motion.

Move the Board of Education develop and provide testimony that furthers discussion and additional options about CB17 to mitigate the impact of development on school capacity, the operating budget, and the capital budget.

Motion by Christina Delmont-Small, second by Kirsten A Coombs.

Final Resolution: Motion Carries

Yea: Kirsten A Coombs, Vicky Cutroneo, Christina Delmont-Small, Mavis Ellis, Jennifer Mallo, Sabina Taj, Chao Wu, Ambika Siddabathula

Kirsten Coombs
Vice Chair
Howard County Board of Education
(667) 786-3867

Sayers, Margery

From: Leonardo McClarty <lmccclarty@howardchamber.com>
Sent: Monday, May 6, 2019 12:20 PM
To: CouncilMail
Subject: APFO Legislation - CB17-2019
Attachments: APFO_05.02.19.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Councilmembers,

Please find attached a letter from the Howard County Chamber regarding Council bill 17-2019.

Thanks

Leonardo McClarty, CCE / President & CEO
lmccclarty@howardchamber.com



**HOWARD COUNTY
CHAMBER**

Howard County Chamber
410-730-4111 x107
6240 Old Dobbin Lane, Suite 110
Columbia, MD 21045
www.howardchamber.com



The Mission of the Howard County Chamber is to provide advocacy, connections, and access to timely information to advance the growth and success of the business community.



6240 Old Dobbin Lane ■ Suite 110 ■ Columbia, MD 21045

May 6, 2019

Ms. Christiana Rigby
Chairperson, Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

RE: Adequate Public Facilities Ordinance (APFO) – CB17-2019

Dear Councilman Rigby:

For over two years, the Chamber watched intently the APFO debate including recommendations from the APFO task force and the subsequent amendments made and adopted by the previous county council. At that time, the Chamber had a number of concerns with the adopted legislation. Namely that of the lower school capacity and adding a high school test, which effectively creates an immediate moratorium on new home construction in most or all of the County. We were concerned this building slowdown would more than likely have significant budget implications for the county thereby leading Howard County businesses and residents to find themselves with higher taxes in efforts to provide the level of services we have become accustomed to having.

We also believed the legislation would have significant economic development implications. If capacity tests are too strict, and large parts of the county are closed to new residential development, companies considering Howard County for business may see many of their employees seeking residency elsewhere, thus placing more stress on our roads and infrastructure. Not to mention, there were concerns with housing affordability. The concerns expressed led us to oppose the legislation that was ultimately adopted.

Since that time, the Department of Finance with support of Planning has conducted a study on the fiscal implications of the APFO legislation. That study ultimately determined that new development in Howard County “pays for itself” and generates net surplus to the County. It adds that land use decisions by policy makers have consequential short and long term economic and fiscal implications to the County. Now, legislation has been proposed to place additional restrictions on the schools test by lengthening the duration one must wait should they not pass the schools test. While we understand the desire to balance development with school capacity and infrastructure improvements, creating a

APFO Legislation

May 6, 2019

p. 2

more difficult development process will not solve our school facility challenges. Further, it will exacerbate the issues stated earlier.

For the reasons outlined above, the Chamber is opposed to this legislation and would request and unfavorable vote. Should there be any questions concerning the Chamber's position, I can be reached at 410-730-4111.

Respectfully,

A handwritten signature in black ink that reads "Leonardo McClarty". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Leonardo McClarty, CCE

President/CEO, Howard County Chamber

CC: Howard County Council
 Howard County Executive
 Howard County Chamber Board of Directors
 Howard County Chamber Legislative Affairs Committee

Sayers, Margery

From: Haydee Herrera <lolalagrande123@gmail.com>
Sent: Sunday, May 5, 2019 5:11 PM
To: CouncilMail
Subject: support for Council Bill 17

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hello Council members,
I support CB 17. The schools are overcrowded, there is no place to be redistricted in the area.
Until new school buildings are provided, the system cannot accommodate more residents.
Best,
Haydee Herrera

Sayers, Margery

From: Jeffrey Kendrick <jeffreykendrick@verizon.net>
Sent: Friday, May 3, 2019 12:59 PM
To: CouncilMail
Subject: Fwd: In support of CB17-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council members,

The message below, originally directed to Council members Walsh and Yungmann, states my support for CB17-2019.

Thank you,
Jeff Kendrick
Ellicott City (District 5)

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

On Monday, April 15, 2019, EWalsh@howardcountymd.gov <EWalsh@howardcountymd.gov> wrote:

Ms. Walsh,

I am writing to thank you for introducing CB17-2019. I am very much in favor of increasing the number of years that a development project must be retested against the APFO school capacity test.

I would even like to see this taken one step further by creating a two-level school capacity test that would simply close an area to development once the school capacity reaches some extreme level of overcrowding — say, 125% nominally. The capacity testing could

restart once that school falls below this higher threshold.

My children's schools are severely over crowded and are closed (or are projected to be) for the foreseeable future according to the current school capacity charts. Adding years to the retesting duration, when combined with the Council's forthcoming capacity to increase the school construction surcharge, may allow the County to start to catch up on new construction, expansion and maintenance.

I have copied Mr. Yungmann, my Council Member, to make him aware of my support for CB17-2019.

Thank you again for introducing this important bill.

Jeff Kendrick
Ellicott City

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

Sayers, Margery

From: Michele Aylaian <msaylaian@aol.com>
Sent: Wednesday, May 1, 2019 10:38 PM
To: CouncilMail
Subject: CB17-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Howard County Council Members,

I am writing to express my support for CB17-2019, sponsored by Liz Walsh. This is an important bill as it will reduce unnecessary development and overcrowding. I am a taxpayer, property owner, and voter who has lived in Howard County for the past 20 years. I have seen how overdevelopment is eroding the quality of our schools and our environment,. It is time that the council stand up to developers. Please vote in favor of this bill.

Michele Silver-Aylaian
9963 Timberknoll Lane
Ellicott City, MD 21042

Sayers, Margery

From: David Ryan <dcryan7@verizon.net>
Sent: Wednesday, May 1, 2019 12:19 PM
To: CouncilMail
Subject: support CB17-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council Members:

I urge you to pass the CB17-2019 introduced by Council Member Walsh.

I work in our prized schools on a frequent basis as a substitute teacher. "Subs" have a unique perspective because we not only work at "ground level," but also do so across a wide range of schools within a short period of time.

The growing "portable farms" behind so many of our schools should convince us that the development approval processes of the past need to be revised.

This bill is just makes common sense. Please support it.

Respectfully yours,

David Ryan
4013 Arjay Circle
Ellicott City, MD 21042
dcryan7@verizon.net
m: 301-717-3747

Sayers, Margery

From: Dan Voeltner <dvoeltner@hotmail.com>
Sent: Wednesday, May 1, 2019 8:21 AM
To: CouncilMail
Subject: CB17-2019 introduced by Council Member Liz Walsh

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To whom it may concern:

Please accept this letter as my support for Council Member Liz Walsh's legislation item CB17-2019.

If you wish to speak with me concerning my support I can be reached at 443.472.2329

Thank you,

Dan Voeltner
3406 Tyler Drive
Ellicott City, MD 21042

Sayers, Margery

From: Rous-Fu family <rousfu@verizon.net>
Sent: Wednesday, May 1, 2019 7:37 AM
To: CouncilMail
Subject: In support of CB17-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hello,

I would like to voice my support of CB17-

2019: <https://apps.howardcountymd.gov/olis/LegislationDetail.aspx?LegislationID=12230>

This act seems to me to be common sense as it alters the number of consecutive years must be retested to make sure we are developing less unsustainably.

All the council members are for "sustainable development" and I would like to see more thought and discussion into what this means and how we can put into action what we all wish to do.

Thank you.

Sincerely,
Sabrina S. Fu
Ellicott City, MD

Sayers, Margery

From: Jennifer Y. Grams <jygrams@gmail.com>
Sent: Tuesday, April 30, 2019 8:26 PM
To: CouncilMail
Subject: Support for CB17

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members:

I stand along with the PTA Council of Howard County in support of CB17 and would like to thank Council Member Walsh for introducing this bill in order to give our schools a fighting chance to catch up by extending the waiting period. Even after a site has been found, which as we all know is a lengthy process, it takes at least FIVE years for school to be built.

Recently I heard the word "unconscionable" used by an opponent of the state legislation to increase Howard County school surcharge fees.

As a citizen, and a parent with 2 children in the public schools, I'd like to tell you what I find TRULY unconscionable.

FIRST: The fact that our county's population growth is outpacing our infrastructure and our county budget is being unfairly burdened to pay for the infrastructure needed to support the new residents moving into our community

SECOND: The fact that our school system is the fastest growing in the state yet we are multiple schools behind in construction and our students are stuffed into schools that overcrowded and way behind on maintenance

Please support CB17. Thank you for your consideration.

Jennifer Grams
Ellicott City

Sayers, Margery

From: Christine Stavrou <cmstavrou1@hotmail.com>
Sent: Tuesday, April 30, 2019 7:15 PM
To: CouncilMail
Subject: Support for CB17

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I'm writing to express my support of CB17. Please approve this important legislation to reduce school overcrowding. We moved to Howard County because of the schools and we are increasingly concerned about the affects of overcrowding in Howard county schools caused by overdevelopment.

Thank you!

Christine Stavrou
10017 Fox Den Road
Ellicott City, MD 21042

Get [Outlook for iOS](#)

Sayers, Margery

From: Mr. Drew <mrdrew@gmail.com>
Sent: Monday, April 22, 2019 10:18 PM
To: CouncilMail
Subject: [Possible Scam Fraud]Graphs on School Capacity Utilization

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

WARNING: Your email security system has determined the message below may be a potential threat.

The sender may trick victims into passing bad checks on their behalf.

If you do not know the sender or cannot verify the integrity of the message, please do not respond or click on links in the message. Depending on the security settings, clickable URLs may have been modified to provide additional security.

<https://docs.google.com/spreadsheets/d/1c7mbdf3100-sMt-jlhRT7vplowuP1C4i93rKQRW8MEA/edit?usp=sharing>

This is a personal working document, but it's straightforward. I can answer any questions.

Drew Roth

CD 17-2019

Sayers, Margery

From: Walsh, Elizabeth
Sent: Tuesday, April 23, 2019 1:41 PM
To: Angelica Bailey; CouncilMail; Rigby, Christiana; Facchine, Felix; Dvorak, Nicole; Jung, Deb; Williams, China; Jones, Opel; Harris, Michael; Yungmann, David; Knight, Karen; Ball, Calvin; Sidh, Sameer; Feldmark, Jessica
Subject: Re: Written Testimony re. CB11-2019

Ms. Bailey: As always, thanks very much for your input. I notice that this written submission does not include a statement you made during your testimony at last night's hearing:

"Extending to seven puts the County in a dangerous legal situation. Seven years is the maximum amount of time the government can hold private property without allowing its owners to develop it. As soon as the government hits seven years and one day, there's a takings issue and the County is open to lawsuits."

Would you be so kind as to forward to my colleagues and me whatever legal authority prompted you to make such an assertion? Thanks very much.

Liz Walsh, Council Member
Howard County Council
Serving District 1

3430 Court House Drive
Ellicott City, MD 21043
410.313.2001

From: Angelica Bailey <abailey@marylandbuilders.org>
Sent: Monday, April 22, 2019 7:45 PM
To: CouncilMail; Rigby, Christiana; Facchine, Felix; Walsh, Elizabeth; Dvorak, Nicole; Jung, Deb; Williams, China; Jones, Opel; Harris, Michael; Yungmann, David; Knight, Karen; Ball, Calvin; Sidh, Sameer; Feldmark, Jessica
Subject: Written Testimony re. CB11-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

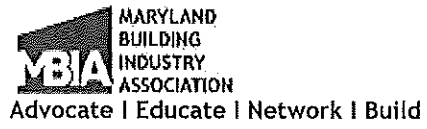
Good Evening,

Please find MBIA written testimony attached for this evening's hearing on CB17-2019.

Thank you,
Angelica Bailey

Angelica Bailey, Esq.
Vice President of Government Affairs
abailey@marylandbuilders.org
Maryland Building Industry Association
11825 W. Market Place
Fulton, MD 20759
Cell: 202-815-4445

Dir: 301-776-6205
Ph: 301-776-MBIA



Sayers, Margery

From: Bruce Taylor <btaylor@taylorservice.com>
Sent: Wednesday, April 17, 2019 9:56 PM
To: CouncilMail
Subject: Testimony against CB17
Attachments: TPCA Testimony against CB 17 2019 0417.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please see the attached letter of testimony against CB17 from the Taylor Properties Community Association, a group of over 1000 residents living in Ellicott City between College Avenue, New Cut Road and Route 103.

Thanks,

Bruce T. Taylor, M.D.
President, Taylor Properties Community Association, Inc.
Office: 410-465-3674
Cell: 410-868-9871

TAYLOR PROPERTIES COMMUNITY ASSOCIATION, INC.
c/o First Real Estate Management
5304 Dorsey Hall Drive
Ellicott City, MD 21042

By Email: councilmail@howardcountymd.gov

April 17, 2019

Testimony against CB 17

Dear County Council and County Executive,

By extending the waiting period for school availability for development to proceed the County will be giving the school board yet another green light to avoid the necessary process of using the available seats in our public schools. Projects which contribute to the strength of the county, our diversity, our affordable housing, our stormwater management and our budgets will be delayed or possibly canceled as no longer feasible.

The Howard County Department of Planning and Zoning Research Report, Issue 25 of December 2016 indicated that despite being one of the two wealthiest counties in the State, housing affordability is not keeping pace with incomes in the County, making it especially difficult for first time buyers and low and moderate income buyers to find houses in Howard County. The current draft FY2019 Annual Action Plan of the Howard County Housing and Community Development highlights the same issues. Further delaying projects will only add to the cost of carry and the subsequent cost of the homes while also keeping additional affordable homes out of the inventory. These delays from extending the school wait will further limit the available stock of affordable housing and could also hurt the County bond rating and its Federal funding from the Department of Housing and Urban Development (HUD). Is Howard County to become an exclusive conclave for the rich? Are we going to be able to house needed workers here? These problems also affect our elderly, disabled citizens, victims of violence and all on fixed budgets. Passing this bill will have considerable negative unintended social and economic impacts far beyond the school system.

The passage of this bill as written will cause further delays for a new planned community center for our over 1000 households, with increased crowding of our existing facilities. Moving the goal posts is not fair play to our residents.

Ellicott City has survived two major floods in just two years. While well intentioned, the impact of slowing or halting development in the Ellicott City watershed is harmful to the stormwater management needed to help mitigate flooding. Each new project in the watershed, when developed under the current standards, will retain 8.5 inches of water on site over 24 hours. These sites either have no stormwater retention or at best minimal retention, so each new private project helps the public good at no expense to the County for the stormwater management provided. Ellicott City desperately needs every project in the pipeline to lend a hand as quickly as possible, without further delays. The delays for schools or for any other reason only hurt historic Ellicott City. The next flood could be this spring or next, and we will not be prepared. Lives and livelihoods are at stake, not just school seats.

Projects which have been planned five and six years ago, and have been waiting their turn may be sidelined for additional years with no sense of fairness, turning the rules around and adding additional costs for those who entered the process with an understanding of the process; at the very least, existing projects must be grandfathered in the legislation if it is to be approved at all.

The over 1000 residents of Taylor Properties Community Association are vibrant members of the community; let's not punish them for choosing Howard County as a place to live; please do not vote for CB17.

Sincerely,



Bruce T. Taylor, M.D.
President

Sayers, Margery

From: Bruce Taylor <btaylor@taylorservice.com>
Sent: Friday, April 19, 2019 2:57 PM
To: Tiffany Skirka
Cc: CouncilMail
Subject: RE: Testimony against CB17

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

No need to copy me
Howard County Council (councilmail@howardcountymd.gov)

Thanks,

Bruce T. Taylor, M.D.
Office: 410-465-3674

From: Tiffany Skirka [mailto:tskirka@5304dorsey.com]
Sent: Friday, April 19, 2019 2:52 PM
To: Bruce Taylor <btaylor@taylorservice.com>
Subject: RE: Testimony against CB17

No, I wasn't sure. I will now, if Jared hasn't. Should I copy you?

From: Bruce Taylor [mailto:btaylor@taylorservice.com]
Sent: Friday, April 19, 2019 2:50 PM
To: Tiffany Skirka <tskirka@5304dorsey.com>
Subject: RE: Testimony against CB17

Did you email to councilmail?
Have a great holiday weekend.

Thanks,

Bruce T. Taylor, M.D.
Office: 410-465-3674

From: Tiffany Skirka [mailto:tskirka@5304dorsey.com]
Sent: Friday, April 19, 2019 2:08 PM
To: Jared Spahn <jspahn@5304dorsey.com>; Bruce Taylor <btaylor@taylorservice.com>
Subject: RE: Testimony against CB17

Old Town letter attached.

From: Jared Spahn
Sent: Friday, April 19, 2019 1:15 PM

To: Tiffany Skirka <tskirka@5304dorsey.com>

Subject: Fwd: Testimony against CB17

From: Bruce Taylor <btaylor@taylorservice.com>

Sent: Wednesday, April 17, 2019 9:56:28 PM

To: Howard County Council (councilmail@howardcountymd.gov)

Subject: Testimony against CB17

Please see the attached letter of testimony against CB17 from the Taylor Properties Community Association, a group of over 1000 residents living in Ellicott City between College Avenue, New Cut Road and Route 103.

Thanks,

Bruce T. Taylor, M.D.

President, Taylor Properties Community Association, Inc.

Office: 410-465-3674

Cell: 410-868-9871

Sayers, Margery

From: Tiffany Skirka <tskirka@5304dorsey.com>
Sent: Friday, April 19, 2019 2:59 PM
To: CouncilMail
Subject: CB17
Attachments: Testimony Against CB 17 - OTC.PDF

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please see attached letter against CB17.
Thank you,

Tiffany Skirka
Old Town Construction, LLC
5304 Dorsey Hall Drive
Ellicott City, MD 21042
410.730.3725
410.730.7903 fax
<http://www.oldtownconstruction.com>



By Email: councilmail@howardcountymd.gov

April 17, 2019

Testimony against CB 17

Dear County Council and County Executive,

By extending the waiting period for school availability for development to proceed the County will be giving the school board yet another green light to avoid the necessary process of using the available seats in our public schools. Projects which contribute to the strength of the county, our diversity, our affordable housing, our stormwater management and our budgets will be delayed or possibly canceled as no longer feasible.

The Howard County Department of Planning and Zoning Research Report, Issue 25 of December 2016 indicated that despite being one of the two wealthiest counties in the State, housing affordability is not keeping pace with incomes in the County, making it especially difficult for first time buyers and low and moderate income buyers to find houses in Howard County. The current draft FY2019 Annual Action Plan of the Howard County Housing and Community Development highlights the same issues. Further delaying projects will only add to the cost of carry and the subsequent cost of the homes while also keeping additional affordable homes out of the inventory. These delays from extending the school wait will further limit the available stock of affordable housing and could also hurt the County bond rating and its Federal funding from the Department of Housing and Urban Development (HUD). Is Howard County to become an exclusive conclave for the rich? Are we going to be able to house needed workers here? These problems also affect our elderly, disabled citizens, victims of violence and all on fixed budgets. Passing this bill will have considerable negative unintended social and economic impacts far beyond the school system.

The passage of this bill as written will cause further delays for a new planned community center for our over 1000 households, with increased crowding of our existing facilities. Moving the goal posts is not fair play to our residents.

Ellicott City has survived two major floods in just two years. While well intentioned, the impact of slowing or halting development in the Ellicott City watershed is harmful to the stormwater management needed to help mitigate flooding. Each new project in the watershed, when developed under the current standards, will retain 8.5 inches of water on site over 24 hours. These sites either have no stormwater retention or at best minimal retention, so each new private project helps the public good at no expense to the County for the stormwater management provided. Ellicott City desperately needs every project in the pipeline to lend a hand as quickly as possible, without further delays. The delays for schools or for any other reason only hurt historic Ellicott City. The next flood could be this spring or next, and we will not be prepared. Lives and livelihoods are at stake, not just school seats.

Projects which have been planned five and six years ago, and have been waiting their turn may be sidelined for additional years with no sense of fairness, turning the rules around and adding additional costs for those who entered the process with an understanding of the process; at the very least, existing projects must be grandfathered in the legislation if it is to be approved at all.

The over 1000 residents of Taylor Properties Community Association are vibrant members of the community; let's not punish them for choosing Howard County as a place to live; please do not vote for CB17.

Sincerely,

Jared Spahn
Managing Member

Sayers, Margery

From: Dvorak, Nicole
Sent: Monday, April 22, 2019 9:14 AM
To: CouncilMail
Subject: FW: CB 17-2019

From: Paul Revelle <paul.revelle@gmail.com>
Sent: Sunday, April 21, 2019 5:08 PM
To: Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Jones, Opel <ojones@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>
Cc: Lori Graf <lgraf@marylandbuilders.org>; Angelica Bailey <abailey@marylandbuilders.org>; Jason Van Kirk <jvankirk@elmstreetdev.com>
Subject: CB 17-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

I am writing to you as both a local land developer and an affordable housing advocate concerning changes being proposed to the APFO bin waiting period. I have listed my specific concerns below but I want to also add to them a general concern that the apparent pattern of new focussed legislation like this is at odds with long term public policy.

The General Plan sets development goals for jobs and residential growth that support a planned and balanced level of commercial and residential growth. Deliberately limiting one growth element will adversely affect the other and allow adjoining counties to attract the commercial growth we need. Why move your business here when new homes are already 6 times the median household income- and certain to increase dramatically as the supply of new homes declines because of this bill?

And the County's most successful affordable housing program- MIHU- can only produce new affordable homes by meeting those General Plan goals.

- 1) 4 years is more than sufficient time to plan and finance new school seats and/or rebalance school populations to use existing and vacant school seats,
- 2) the APFO task force discussed a combined maximum wait of 7 years not an unlimited wait for allocations followed by up to 7 more years of waiting for a closed school or region.
- 3) market supply restrictions like these will be reflected in demand fueled pricing- for both new and resale homes, changing Howard County into Potomac.
- 4) the legislation invites a taking lawsuit recklessly exposing the County to liabilities that could be greater than the perceived harm of school crowding.

5) the legislation ignores the current fiscal state of our local government budget.

6) Only 1 in 3 households have a child enrolled in a public school and, until now, the other 2/3 of the County accepted the cost of an excellent school system with justifiable pride. Now the loyal 2/3 are being told that the schools need hundreds of millions of more tax monies at the same time that an important revenue source is to be closed off. Why would the 2/3 agree to support a measure that likely will produce a tax increase?

Paul Revelle

Sayers, Margery

From: Lisa May <lisavm78@vt.edu>
Sent: Monday, April 22, 2019 3:35 PM
To: CouncilMail
Subject: Comments on CB-17 from Howard County Association of REALTORS
Attachments: HCAR comments on CB 17 4-19.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Good afternoon,

Attached you will find comments from the Howard County Association of REALTORS on CB-17, which will be heard during this evening's public hearing. If you have any questions or concerns, please do not hesitate to contact us.

HCAR looks forward to working with you on this issue. We thank you in advance for your consideration of our comments.

Sincerely,
Lisa V. May
HCAR Government Affairs Director



Main 410-715-1437
Fax 410-715-1489
Web www.hcar.org

April 22, 2019

The Honorable Christiana Mercer Rigby, Chairperson
Howard County Council
George Howard Building, 1st Floor
3430 Courthouse Drive
Ellicott City, MD 21043

Re: CB 17-2019, Adequate Public Facilities Ordinance (APFO)

Dear Chairperson Rigby and members of the Council,

On behalf of the Howard County Association of REALTORS® (HCAR), an organization representing nearly 2,000 real estate professionals who live and work in the County, we write to you in opposition to CB 17.

When HCAR submitted comments on the County's previous APFO bills (CB 61-2017 and CB 1-2018), we cautioned that changes to this ordinance could have a detrimental impact on County revenues, existing homeowners and the local economy. We now have confirmation that those fears were justified. Both the County's Spending Affordability Advisory Committee (SACC) FY 2020 Report and the preliminary results of the consultant report on APFO outline the reductions in revenue, housing production and job creation which will result from current APFO regulations. In addition, during the January 2019 Council Briefing Session on Housing Issues, the County's Housing Commission and other affordable housing providers noted the negative impacts the existing APFO ordinance has on providing housing for our most vulnerable populations. In light of the above, we believe it would be irresponsible to move forward with an even more restrictive APFO ordinance which would further exacerbate these conditions in Howard County.

HCAR understands the desire to protect the quality of our County Public Schools and to find meaningful solutions to our school capacity challenges. It is a goal that REALTORS® share. However, we firmly believe measures like CB 17 are not the means to do so. We ask for your opposition to this bill.

Sincerely,
Dan Iampieri, President
Howard County Association of REALTORS®

Sayers, Margery

From: Angelica Bailey <abailey@marylandbuilders.org>
Sent: Monday, April 22, 2019 7:45 PM
To: CouncilMail; Rigby, Christiana; Facchine, Felix; Walsh, Elizabeth; Dvorak, Nicole; Jung, Deb; Williams, China; Jones, Opel; Harris, Michael; Yungmann, David; Knight, Karen; Ball, Calvin; Sidh, Sameer; Feldmark, Jessica
Subject: Written Testimony re. CB11-2019
Attachments: MBIA Opposition Letter to CB17 – APFO Retesting.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Good Evening,

Please find MBIA written testimony attached for this evening's hearing on CB17-2019.

Thank you,
Angelica Bailey

Angelica Bailey, Esq.
Vice President of Government Affairs
abailey@marylandbuilders.org
Maryland Building Industry Association
11825 W. Market Place
Fulton, MD 20759
Cell: 202-815-4445
Dir: 301-776-6205
Ph: 301-776-MBIA



Advocate | Educate | Network | Build



11825 West Market Place | Fulton, MD 20759 | 301-776-6242

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 or (202) 815-4445.

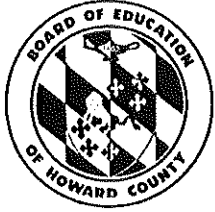
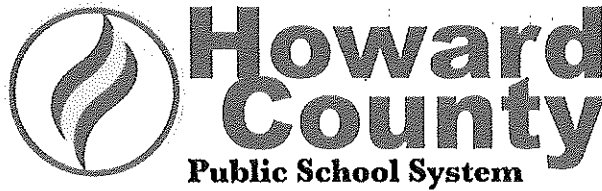
Best regards,

A handwritten signature in black ink, appearing to read "Angelica Bailey".

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



**Board of Education
of Howard County**

Mavis Ellis
Chair

Kirsten A. Coombs
Vice Chair

Vicky Cutroneo

Christina Delmont-Small

Jennifer Swickard Mallo

Sabina Taj

Chao Wu, Ph.D.

Ambika Siddabathula
Student Member

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

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

**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
Elicott 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 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 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: 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: Brent Loveless

This form can be submitted electronically via email to 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, 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: 4/22/19

Organization: Savage Community Assn

Organization Address: P.O. Box 222

Savage 20763
Number of Members: 118

Name of Chair/President: Ed Montgomery

This form can be submitted electronically via email to 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.

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

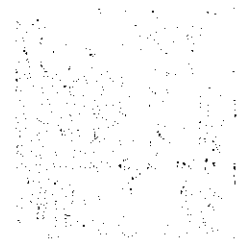
Ellicott City MD 21042

Number of Members: 2812

Name of Chair/President: Lisa Markovitz

This form can be submitted electronically via email to 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.

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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 Kohn, 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 Kohn

Signature: Stu Kohn

Date: 22 Apr 19

Organization: HCCA

Organization Address: P.O. Box 88

ELLCOTT CITY MD. 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

This form can be submitted electronically via email to 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 Housing Affordability Coalition

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 Affordable Housing Coalition
9770 Patuxent Woods Drive, Suite 310
jleng1747@gmail.com

Howard County Housing Affordability Coalition

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	



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

I, Jacqueline Eng, have been duly authorized by
(name of individual)

_____ to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

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

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

Printed Name: JACQUELINE ENG

Signature: Jacqueline Eng

Date: 12 April 2019

Organization: ~~COALITION~~ AFFORDABLE HOUSING COALITION

Organization Address: ~~1012~~ PATYENT WOODS DRIVE
COLUMBIA

Number of Members: 40

Name of Chair/President: JACKIE ENG, COORDINATOR

This form can be submitted electronically via email to 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.

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.



11825 West Market Place | Fulton, MD 20759 | 301-776-6242

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 or (202) 815-4445.

Best regards,

A handwritten signature in black ink, appearing to read "Angelica Bailey", written over a horizontal line.

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 CB1 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 tax payer

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 or 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

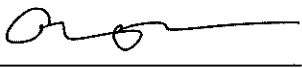
I, Angelica Bailey, have been duly authorized by
(name of individual)

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

This form can be submitted electronically via email to 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.

Amendment 1 to Council Bill No. 17

BY: Liz Walsh

**Legislative Day 6
Date: May 6, 2019**

Amendment No. 1

(Alters from six years to seven years the maximum combined waiting period for a project or phase of a project to receive housing unit allocations and pass the school capacity test for projects that have waited three years or fewer to receive housing allocations.)

- 1 On page 2, in line 13, strike “six” and substitute “SEVEN”.

Sayers, Margery

From: legislative@ptachc.org
Sent: Tuesday, April 2, 2019 6:48 PM
To: CouncilMail
Subject: PTACHC support CB17-2019

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members,

Greetings from the PTA Council of Howard County and the 22,000+ members that we represent. We look forward to working with you in the upcoming years to improve the quality of the educational experience for students across the county. It is for this purpose that I write to inform you of several positions that we took last night during our April monthly meeting. I will separate them out into different emails so that they can be properly noted for the public record and out of respect for your time I will keep our emails short and to the point.

We would like to give our support for CB17-2019. While this particular bill does not fix the impact fee issue or the laxity of our county's APFO regulations it will help our county slow down some of the development issues in order to allow for more long term solutions to be brought forth and then actualized.

This motion passed with unanimous consent with our voting members.

Thank you for working hard for our county and the prosperity of all who live in it.

Sincerely,
Tonya Tiffany
PTACHC Legislative Committee Chair