

# Howard County Housing Affordability Coalition

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## County Council Public Hearing

September 18, 2019

### Council Bill 42-2019 Testimony

The Howard County Housing Affordability Coalition is a broad-based group of 50 organizations and individuals that are committed to working toward community understanding, policymaking and regulatory decisions that will lead to an increase in, and equitable access to, housing opportunities.

We appreciate that the sponsors have designed CB 42 to help address the need for additional funding for new school construction. It responds to the shortfall in capital funding for our growing school system by increasing the school facilities surcharge to \$6.80 on all new residential construction, except senior housing, effective July 1, 2020. **This is about a 500% increase** to the current \$1.32 fee. There is no grandfathering for developments that may be in the queue for building permits or secured private and/or public funding and the treatment of affordable housing is at best ambiguous and confusing. In fact, a plain reading of the bill leads to the conclusion that only housing that is both senior and affordable is exempt from the increased surcharge and that there is no exemption for affordable housing—housing that is essential for our children who want to live in the County in which they grew up and for many job holders who earn the County median income or less.

Obviously, this new surcharge would add significant cost to any new housing, but the most detrimental impact would be on housing intended to be affordable such as single-family townhomes where the Coalition estimates that the average increase would be about \$9,200 per dwelling pricing out many limited-income buyers and affordable mixed-income apartments. For example, the Artists Flats project in Downtown Columbia, which was recently awarded low-income housing tax credits by the State, will have 174 mixed-income units (of which half will be affordable), and the increased cost from the new surcharge would be more than \$1.4 million—a cost increase for which there is no source to pay and which also would require resubmission of the project to the State for review and could jeopardize the award of tax credits and the entire project.

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	average sq. feet	# of units	OLD FEE	NEW FEE	INCREASE*
Single Family Detached (SFD) - Rural West	7,327	1	\$ 9,671.64	\$ 49,823.00	\$ 40,151.36
SFD - East	4,774	1	\$ 6,301.88	\$ 32,463.20	\$ 26,161.32
SF Attached	2,586	1	\$ 3,413.00	\$ 12,584.80	\$ 9,171.80
APT	1,458	1	\$ 1,924.56	\$ 9,914.40	\$ 7,989.84
Affordable Apt Complex	48,000	48	\$63,360.00	\$ 326,400.00	\$ 263,040.00

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The Coalition opposes CB 42 because of its exorbitant negative impact on housing affordability, the lack of clarity concerning how the increased fee amount was derived, and the failure to provide a clear, unambiguous exemption for affordable housing. In our view, there is sufficient time before July 1, 2020 to address the requirements in the State legislation, as well as its ambiguity concerning affordable housing, and to propose a reasonable fee change that balances two important County needs, schools and affordable housing. We are ready to work with the Council and other stakeholders to comply with the requirements of the State law in implementing a school facilities surcharge.

*Before enacting a local law to adjust the amount of the school facilities surcharge under this subsection, the County Council shall consider the following issues when determining the amount:*

- (i) the capital costs for the construction of new public schools and additions to existing public schools;*
- (ii) the anticipated amount of the state contribution for school construction funding;*
- (iii) the average percentage of student enrollments that will be generated by the residential new construction;*
- (iv) the impact of school redistricting by the Howard County Board of Education;*
- (v) the potential for charging different amounts for differently sized residential new construction units;*
- (vi) the effect on affordable housing units; and*
- (vii) sources of tax and fee revenue for the county, including the transfer tax.*

We believe that passage of CB 42 is premature. The School Board has not completed its redistricting process making it difficult to assess its impact as required by the State authorizing law. In addition, the proposal does not appear to have given any consideration for varying the fee for different sized units or for using less regressive revenue sources as permitted by the State statute.

The effective date of July 1, 2020 demonstrates that there is time to pull together a workgroup of experts who could undertake the thoughtful analysis described in the State law. This workgroup could be given a reasonable timeframe to report back to the Council with recommendations. The Council could then craft legislation based on these recommendations. Such a process has been used by prior Councils to navigate difficult and important issues.

The Coalition understands that the County faces significant challenges in meeting the educational demands of its families, students and workforce. We reiterate our recommendations included in a letter we sent to the sponsors concerning potential increases to the school facilities surcharge.

*“Generally, we take the position that an increase in the school facilities fees will increase development costs and therefore have a negative impact on housing affordability. Thus, the Coalition makes the following recommendations as you consider such a change:*

- 1. Any change to the current fee structure must exempt affordable housing, including all Moderate-Income Housing Unit (MIHU) program units and all Low-Income Housing Tax Credit (LIHTC) communities developed throughout the County. These units and communities create housing that is generally affordable to households earning less than 60% of the Howard County median income, a significant need in the County.*
- 2. Action taken to increase school facilities fees should be taken concurrently with consideration of how the Transfer Tax rate and its allocations, and imposition of facilities fees on residential and commercial development can also be utilized to provide increased funding for school development/re-development.*

A full copy of our letter with additional information is attached to this testimony.

Thank you for this opportunity to offer these comments. Housing Affordability Coalition members are available to discuss our concerns about housing affordability and CB 42-2019.

Respectfully,

*Paul Casey*

Paul Casey, representing the Howard County Housing Affordability Coalition

Attached: Letter to County Council Chair Mercer-Rigby and Council member Jung, dated August 20, 2019

Coalition Membership List

# Howard County Housing Affordability Coalition

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## Purpose

*Achieve community understanding, policymaking and regulatory decisions that will lead to an increase in and equitable access to Howard County housing affordability.*

*Create a community-wide recognition that Howard County's economic vitality is dependent upon access to jobs, resident mobility, quality education and housing affordability.*

## Members

Roy Appletree  
Association of Community Services  
Harriet Bachman  
David Bazell  
Bessie Bordenave  
Liz Bobo  
Joshua Bombino  
Bridges to Housing Stability  
Paul Casey  
Tom Coale  
Consumer Credit Counseling Services  
of Maryland  
Columbia Downtown Housing  
Corporation  
Community Action Council  
Gary Eng  
Jacqueline Eng  
Grassroots Crisis Intervention Center  
Rev. Sue Lowcock Harris  
Heritage Housing Partners  
Corporation  
HopeWorks of Howard County  
Housing to End Homelessness  
Howard County Autism Society  
Howard County Housing Commission  
Humanim, Inc.  
iHomes, Humanim  
Humphrey Management  
Grace Kubofcik  
Jewish Federation of Howard County  
Community Relations Council  
JustLiving Advocacy, Inc.  
Ian Kennedy

League of Women Voters of  
Howard County  
Jean West Lewis  
Making Change LLC  
Kelly McLaughlin  
Phyllis Madachy  
Tim May  
Peter Morgan  
Oxford Planning Group LLC  
PATH  
Paul Revelle  
Bill Salganik  
Laura Salganik  
Jean Sedlacko  
Pat Sylvester  
The Arc of Howard County  
TheCaseMade, Incorporated  
Town Center Community Association  
Unitarian Universalist Congregation  
of Columbia  
Pastor Larry Walker  
Joe Willmott  
Phyllis Zolotorow

# Howard County Housing Affordability Coalition

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August 20, 2019

Christiana Mercer-Rigby, Chairperson  
Deb Jung, Council Member  
Howard County Council  
George Howard Building  
Ellicott City, Maryland 21043

Re: School Facilities Fees

Dear Ms. Mercer-Rigby:

The Housing Affordability Coalition appreciates being consulted concerning Council plans to propose a change in the school facilities fees rate. Ms. China Williams reached out to the Coalition but we were not able to find a time to discuss in person. We thought, though, that it might prove helpful if we shared some recommendations for consideration.

As you know, our Coalition strongly supports increasing and improving housing affordability in the County. Generally, we take the position that an increase in the school facilities fees will increase development costs and therefore have a negative impact on housing affordability. Thus, the Coalition makes the following recommendations as you consider such a change:

1. Any change to the current surcharge must exempt affordable housing, including all Moderate Income Housing Unit (MIHU) program units and all Low Income Housing Tax Credit (LIHTC) communities developed throughout the County. These units and communities create housing that is generally affordable to households earning less than 60% of the Howard County median income, a significant need in the county.
2. Action taken to increase School Facilities Fees should be taken concurrently with consideration of how the Transfer Tax rate and its allocation, and imposition of facilities fees on residential and commercial development can be utilized to also provide increased funding for school development/re-development.

Some detail concerning the above recommendations follows.

## **1. Exemptions for Affordable Housing**

- As stated above, an increase in fees will increase the cost of developing affordable housing and therefore exacerbate the already insufficient supply of housing for economically and physically vulnerable populations in our community.
- An increase in the cost of development will require an increase in the County (Department of Housing and Community Development-DHCD) funding support upon which the Howard County Housing Commission (HCHC) relies as it pieces together affordable housing financial packages for its LIHTC communities.
- These additional monies given by DHCD to the HCHC will reduce the already limited DHCD resources available for support of its other programs.
- Shifting County funding from programs to pay a surcharge (increased fees) is not an efficient or effective use of County funds.

- The HCHC often is not paying for land upon which to develop its projects. Land comes to HCHC through the MIHU program or, as in downtown Columbia, as part of a bigger project, or directly from the County. In these situations, as there is no land offset cost, higher school facilities fees just add to the cost to the HCHC and therefore is additional funding it must raise from private or government sources to make a project viable.
- The MIHU program is the sole County program devoted to development of low and moderate income rental and ownership housing, and all efforts should be taken to avoid the unintended consequence of creating barriers or eliminating opportunities for development of MIHU units.
- MIHU generally results in 10-15% of the units in an otherwise market rate community being affordable to working households. This program helps to deconcentrate affordable housing throughout the areas of the county where it operates and the individual MIHUs in the larger development should be exempt from the increased surcharge.

**2. Broadening the pool of funds available to address school facility needs**

- In light of APFO restrictions, an increase in School Facilities Fees is not likely to contribute substantively to addressing the current school capacity imbalance, nor the projected debt service underfunding issue.
- New construction as well as existing residential and sales/turnovers impact school capacity across the County; therefore efforts to ameliorate capacity imbalances should be considered within a broad context rather than by taking piecemeal steps.
- Consideration of a transfer tax "School Construction" allocation merits consideration.
- Employers, employees, existing residents, and new residents buying or renting existing homes in the county all benefit from our school system and its reputation, and thus should contribute to the continued quality of the school system.

In closing, we offer two additional thoughts regarding implementation of a change in the School Facilities Fees.

- Ensure grandfathering of all currently approved or in the pipeline affordable housing projects.
- Consider a bi-annual review of the formula rather than a Consumer Price Index (CPI) approach as school construction costs accelerate faster than the CPI.

Thank you. We look forward to engaging in further discussion of how to most effectively modify the important School Facilities Fee rate and structure and all other opportunities to meet the needs of our community's public school system and the need for affordable housing for the County's most vulnerable populations.

Respectfully,

*Jacqueline L. Eng*

Jacqueline L. Eng, Coalition Coordinator

Cc: China Williams



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

✓ I, Paul Casey, have been duly authorized by  
*(name of individual)*  
Howard County Housing Affordability Coalition to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*  
County Council regarding CB 42-2019 to express the organization's  
*(bill or resolution number)*

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

Printed Name: PAUL CASEY

Signature: \_\_\_\_\_

Date: Sept 12, 2019

Organization: Housing Affordability Coalition

Organization Address: 9770 Pathway Woods Drive  
Columbia, MD

Number of Members: 50

Name of Chair/President: JACKIE ENG, COORDINATOR

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

## Sayers, Margery

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**From:** Jacqueline Eng <jleng1747@gmail.com>  
**Sent:** Thursday, September 12, 2019 3:19 PM  
**To:** CouncilMail  
**Cc:** Kathleen Casey  
**Subject:** HAC Affidavit  
**Attachments:** Scan 2019-9-12 15.11.42.pdf

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

Ms. Sayers,]

Please note that I will not, but Mr. Paul Casey will be testifying re. CB 42 on behalf of the Howard County Housing Affordability Coalition on Wednesday evening. Attached is the required affidavit authorizing Mr. Casey to testify on behalf of the Coalition.

Thank you,  
Jackie Eng, Coordinator





## Howard County Council Public Hearing: Council Bill 42-2019

September 18, 2019

### Testimony

Good evening Council Chair Rigby and Council Members. I am testifying tonight on behalf of ACS and its over 160 member organizations and community advocates.

ACS fully understands the challenge that the County faces in meeting the need for additional funds for new construction, renovation and maintenance of our public schools. While we are not opposed to an increase in the school facilities surcharge in concept, we do oppose Council Bill 42-2019 as written.

Without an exemption for the development of affordable housing, the 500% increase in the School Facilities Surcharge has the potential to reduce or eliminate the construction of urgently needed affordable and moderate-income housing. Increased fees will ultimately increase the cost of development. We already face a shortfall of over 5,500 units affordable to people making less than 60% of Howard County's median income – a significant part of our workforce. This shortage will be exacerbated without a clear exemption for its development.

ACS would also suggest that other funding options be considered particularly since, with the restrictions imposed by APFO, funds generated by this fee are likely very limited. The majority of new students to HCPSS are generated by resales, not new home sales. An increase in the transfer tax rate and changes in how this tax is allocated would be a legitimate source of funding for school construction and renovation.

All residents – new and existing – who buy or rent in Howard County benefit from our quality schools. All should contribute to maintaining this quality.

ACS encourages you to reconsider this surcharge as it is currently structured. Given that it would not go into effect until July 1, 2020, there would seem to be time to rethink this bill.

Thank you for the opportunity to speak to you this evening.

Respectfully submitted,

*Joan Driessen*

Executive Director

be garnered from the surcharge would only, however, put a small dent in the growing capital needs of HCPSS.

According to the Maryland Department of Planning, “with strong overall population growth and an attractive school system for those with school children who are locating in Maryland, Howard County has had 33 consecutive years of total enrollment gain since 1984.”<sup>1</sup> Those gains are expected to continue over the next 10 years, where Howard County’s projected percentage of enrollment increase outpaces the next closest county by nearly 5% and is double that of neighboring jurisdictions such as Anne Arundel, Montgomery and Prince George’s. Yet we learned, as the Howard County Delegation considered authorizing legislation to allow this increase earlier this year, that Howard County historically charges one of the lowest school facility surcharge rates in Maryland.

As a County, we have under-invested in our school infrastructure. While redistricting is often pointed to as a resolution for over-crowding, current capacity will not keep pace with incoming students. Through the HCPSS Feasibility Study, which looks at the impact of student population and expected growth on our available infrastructure, we anticipate the capacity utilization of all existing high schools in the county will exceed 110% by 2022, elementary schools by 2028, and middle schools following suit beyond 2030.

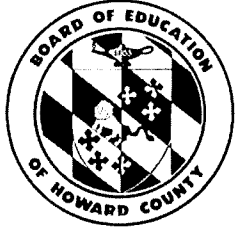
The necessity for increased revenue goes well beyond FY2021. The Capital Improvement Program needs, minimally, over the next five years ranges annually between \$104 and \$137 million. The school system’s Long-Range Master Plan, looking at 10 year capital funding needs, is over \$1 billion. Each year we fall short in funding, renovation and new construction fees increase, while enrollment grows and deferred maintenance costs compound.

This Board implores the County to consider further increases in the surcharge amount, or exploration of a combination of additional revenue sources to meet current and future needs.

As we enter the Capital Budget planning process for FY2021, which was presented by the Superintendent on September 10, 2019, and will have a public hearing and work session tomorrow, we look forward to working with the Council and County Executive to continue discussions around capital funding needs of the HCPSS. The Board thanks each member of the County Council who introduced and sponsored Council Bill 42 to increase school facilities surcharges for their recognition of the impact development has on the capacity of our school system.

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1  
[https://planning.maryland.gov/MSDC/Documents/school\\_enrollment/school\\_2018/Final-Public-School-Enrollment-Projections-Report-2018.pdf](https://planning.maryland.gov/MSDC/Documents/school_enrollment/school_2018/Final-Public-School-Enrollment-Projections-Report-2018.pdf) page 25-26.



**Board of Education of Howard County  
Testimony Submitted to the Howard County Council  
September 18, 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.

Allison J. Alston  
*Student Member*

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

**County Bill 42 - 2019: Increased School Facilities Surcharge**

As an important investment in the long-term growth needs of Howard County and the Howard County Public School System (HCPSS), the Board of Education of Howard County (the Board) supports Council Bill 42 to increase the school facilities surcharge collected from residential development. It is with great urgency that this Board has come this evening to advocate for revenues to sustain and improve the infrastructure our students, staff, and community members rely on daily.

First and foremost is our hope that support for Council Bill 42 will convey a recognition for all stakeholders that the HCPSS Capital Budget, used to both expand capacity to meet growth needs and address aging infrastructure at existing schools, cannot survive on current available funds.

Specifically, the Board has been advised that revenue available from the County for FY2021 is anticipated to be insufficient to fund projects we have long advocated for on behalf of the HCPSS community. Based on decisions made by this Board last year, which included among other projects priority given to opening High School 13 by SY2023, completing the Talbott Springs Elementary School replacement by SY2022, and a renovation and addition at Hammond High School to be completed by SY2023, staff proposed a Capital Budget for FY2021 in the amount of \$135.7 million.

However, based on recent estimated available funds from the County, we are instead facing a proposed FY2021 Capital Budget of just \$56 million. This limited funding pushes Talbott Springs out five years to SY2027, and Hammond out three years to SY2026. Other deferred projects include New Elementary School 43 by four years, multiple renovation and additions at the middle school and high school levels to SY2030 and beyond, and the next High School 14 still to be determined.

We cannot keep promising school improvements to our local families, only to continually defer them when funding looks bleak. The school system is dependent on local funds – when the money is scarce, projects cannot move forward as planned.

As residential development has a direct corollary impact on the enrollment of students, the proposed increase in the school facilities surcharge is a welcome additional funding source. \$150 million additional funds over 10 years estimated to



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

I, Joan Driessen, have been duly authorized by  
*(name of individual)*

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

County Council regarding CB42-2019 to express the organization's  
*(bill or resolution number)*

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

Printed Name: Joan Driessen

Signature: Joan Driessen

Date: September 12, 2019

Organization: Association of Community Services of Howard County

Organization Address: 9770 Patuxent Woods Drive, Suite 301, Columbia, MD 21046

Number of Members: 168 organizations and community advocates

Name of Chair/President: Jennifer Pollitt Hill

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



## **“Why Not Jessup”**

Since January of 2018 (21 months), Why Not Jessup has worked hard to come together as a strong community and advocate for High School #13. As a community, we feel it is imperative to follow the progress of fulfilling the Board of Education’s vote from March 2018 to open HS #13 in Jessup.

On the table this evening is Council Resolution CR121-2019 declaring that 77.10 acres to be acquired by Howard County, Maryland from Chase Land to convey the property to the Howard County Board of Education.

We are here in support of this resolution, and we appreciate the County Councils continued efforts to help make this happen.

We pledge to continue to follow the process and will advocate as needed. We look forward to seeing the plans that are to be presented at Thursday night’s Board of Education Meeting. Our county needs the school to open on time, to alleviate the severe overcrowding in our schools, and we will do all we can to help make that happen.

Respectfully submitted,

Becky McKirahan

Why Not Jessup

Good evening, and thank you for the opportunity to testify on CB39-2019. My name is Leslie Kornreich and I am speaking for The People's Voice in support of this bill to repeal the Development Rights and Responsibilities Agreement provision in the Howard County Code.

We are encouraged to see an end to DRRAs, as they seem to be a vehicle granting almost limitless rights to developers and assigning few responsibilities on their part. We are glad to see the amendment requiring that the management of the Mission Road property keep pace with development and other related policies as they are revised on a county-wide basis.

We would like to recommend that CB 39 be expanded to include the right of the county council to initiate termination of a previously enacted DRRRA to ensure public health, safety or welfare, rather than leaving that authority to the county executive to recommend before the council can act. The council should be able to introduce a resolution to suspend or terminate a DRRRA without first receiving a recommendation from the county executive, to ensure better representation for the people of Howard County.

Under the current text of the bill, the only way to initiate an amendment to an existing DRRRA is for the developer to petition for an amendment. We recommend amending the bill to authorize the county government to initiate the amendment process and not have to wait for the developer's request. Placing the power to initiate amendment negotiations solely in the hands of the developer leaves the county government with no recourse when it discovers an amendment is necessary to protect the health and safety of the citizens of Howard County.

Lastly, we recommend that Section 2 be amended to include express prohibition of the County Executive and the County Council to enter into DRRAs in the future. While the introductory paragraph of the bill implies that is the case by removing the provision for DRRAs from the county code, nowhere in the text of the bill is there express prohibition for the county to enter into these agreements in the future.

Good Evening Chairperson Mercer Rigby and the County Council. My Name is Alex Horn, I live in Columbia, MD, and it is an honor to say that I am a sophomore at Wilde Lake High School. Wilde Lake is an amazing school, we have over 50 clubs and honor societies, an amazing fine arts program, and the most AP classes of any high school in Howard County. Wilde Lake has an amazing group of diverse students from various different backgrounds, which studies show creates a better learning environment for every student.

For those reasons, I fully support redistricting Howard County schools with desegregation, integration, and equity in mind, and I therefore fully support CR 112. This Council has a once in a lifetime opportunity to support and endorse the efforts by the Superintendent and the Board of Education to continue the efforts started by leaders in the 50s to desegregate our schools. Every student, no matter of race or class, has the right to a full and equitable education, and that simply isn't happening right now. We are segregating our students into race and class and giving schools with lower socioeconomic status with less resources. This county has the duty as the third most wealthy county in the nation and the best school district possibly in the world to not just support every student but to lead in the quest for diversity, equity, and inclusion.

In Wilde Lake we have a new initiative called Ohana, which means no one left behind, and if I have to follow that so does the county. So in the spirit of diversity I will share a teaching and wisdom from my Muslim neighbors and siblings. God made us into different tribes so we may get to know each other. Thank you.

Bruce A. Harvey  
Testimony 09/18/19  
Howard County Council  
CB42-2019

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 am testifying on CB42-2019. I am undeclared on this legislation currently.

I can't support the current legislation; however, I want to focus on the amendments that I recommend so that I can support the legislation.

Amendments Recommended:

1. Revised fee with detailed calculation released to the public. No supporting calculation has been released to support the current \$6.80 per square foot fee. However, I can discern that the fee seems to have been supported by taking the full School System Capital Budget as the numerator. However, the denominator is a reduced number of homes to be built because of APFO legislation passed last year. This is a mismatch in that if we are going to slow down residential growth, then the School System Capital Budget also needs to be modified.
2. Staging of the new fee. The new home residential market should be allowed to absorb the fee over a 4 year period. The fee increase on a 2,300 single family home is over \$20,000 as currently drafted because that 2,300 single family home is 3,700 square feet in Howard County because it includes the basement and garage. This is not a large home and consumers will not be able to absorb this increase and will chose not to purchase and these are not wealthy families, rather families with 2 incomes trying to live in Howard County.
3. Grandfathering of approved projects. Projects that have spent 2 to 4 years obtaining approvals are unfairly burdened and perhaps ruined by an increase of this magnitude.
4. Affordable Housing Projects need to be exempted from the legislation.
5. Most importantly, the County needs to Amend the APFO legislation passed in 2018 to allow for new housing to be built in Howard County. It's a fallacy that this proposed legislation will raise real revenues if we restrict growth as was done in the APFO legislation. Let us build the homes and pay the School Surcharge Fee. So I recommend repealing the 2018 APFO legislation. Then we will really be able to generate funds for School Construction.

I conclude by encouraging you to introduce and pass the above amendments. With a supportable and transparent fee calculation, a staged increase to the fee, some grandfathering, and rational housing growth, I will be able to fully support this legislation.

Thank you for hearing my testimony.



Testimony in Favor of CB42-2019  
Dawn Popp, District 1

Good evening. My name is Dawn Popp and I live in Elkridge. I am here tonight to express my strong support for CB42.

At a time when we are sadly seeing such deep divisions within our community, it seems that most of us can still agree on one thing: our county's infrastructure, and in particular, our schools, are not keeping up with the pace of development in this county, and something needs to be done about it.

My oldest son, now a junior in college, is a proud graduate of Howard High School. When he started there as a freshman, the school was already overcrowded at approximately 119% utilization. It has become increasingly more overcrowded each year since then, and is now at 135% utilization. And while Howard is the most severe example, it is not the only one. In fact, even if we were to do an even more drastic redistricting than is currently under consideration, there are literally not enough seats in our current high schools for every school to be at or under 100% utilization next year. And everywhere you look, at least in the Northeast part of the County, more homes are being built, so the overcrowding will just keep getting worse. High School 13 is long overdue, and our county is growing so quickly, that we should already be planning for High School 14, but sadly, that has been proposed to be removed from the long range capital improvement plan.

Equally concerning is the length of time many of our older schools have to wait for desperately needed renovations or replacement. I was dismayed to hear of the proposal to de-prioritize the planned replacement of Talbott Springs Elementary School and the much needed renovation of Hammond High School due to anticipated lack of funding, and I certainly hope that the Board of Education restores those priorities to the capital budget request. But if they do, will the county be able to fund that full request?

One of the main reasons that Howard County is such an attractive place to live – and thus that the demand for new development is so high – is the quality and reputation of our school system. Since developers benefit directly from our school system, it is more than reasonable to expect them to pay their fair share toward maintaining it. An increase in the school facilities surcharge is long overdue. I only question whether the proposed increase to \$6.80 per square foot is enough.

**COLUMBIA DOWNTOWN HOUSING CORPORATION**  
9820 Patuxent Woods Drive, Suite 224, Columbia, MD 21046  
(O) 410-313-6316; housing@howardcountymd.gov

**Howard County Council Public Hearing  
September 18, 2019**

**Testimony: Council Bill 42**

The Columbia Downtown Housing Corporation (CDHC) is opposed to CB 42 because it will have a significant negative impact on development, including affordable housing in downtown Columbia, as well as the County. We concur with the testimony offered by the Housing Affordability Coalition that the bill suffers from a lack of transparency concerning how the increased fee amount was derived and fails to provide a clear, unambiguous exemption for affordable housing. We also offer additional information focused on downtown Columbia.

CB 42's **500% change** to the current school facilities surcharge will have an unnecessary chilling effect on the Downtown Columbia Plan. It will become increasingly difficult to achieve the 900 units of affordable housing outlined in the Plan and the Development Rights and Responsibilities Agreement (DRRA) put in place a little over 2 years ago.

This is especially disheartening given the State's recent award of Low Income Housing Tax Credits (LIHTCs) for Artists Flats AKA Toby's, a 174 unit community with 87 affordable units. The Howard County Housing Commission (HCHC) estimates that the proposed surcharge will increase costs by about \$1,453,000. The units average about 1,000 square feet excluding garage space. There is no identified source to fill this gap, federal law controls allowable rents for the affordable units, and any change to the project to try and reduce costs will put at risk the State's award. The HCHC expects the impact to be similar for the next affordable development in Downtown, the Library Residences. An increase of close to \$1.5 million in costs for an affordable development in Downtown is excessive.

Additionally, the Howard Hughes Corporation (HHC) tells us that the increased surcharge is estimated to add about \$2.75 million to the cost to develop one of its typical 500,000 square foot buildings in Downtown (excluding garage space). This increased cost will clearly impact Downtown development progress and affordability because, under the DRRA, each HHC residential rental development must include between 6-10% affordable units, with half being master leased by HCHC and half serving those at 80% of the Howard County median income. The rents for these affordable units are set by the DRRA and there is no way that the affordable units will be able to offset the new surcharge.

This proposed 500% change in the surcharge is excessive, particularly given the multiple provisions in the Downtown Plan designed to address the Plan's anticipated infrastructure and school costs. For example, HHC, in addition to already paying the existing school surcharge, has within the past year contributed 3 elementary school sites in Columbia to the Howard County Public School System (HCPSS) for free. HHC estimates that these 32 acres are worth between \$17 – \$32 million based on recent HCPSS school site acquisitions. HHC also contributes an

*The Columbia Downtown Housing Corporation ("CDHC") serves as the Downtown Columbia Housing Foundation recognized by the Howard County Council under Title 28 of the Howard County Code. CDHC is organized specifically to fulfill the vision of the Downtown Columbia Plan for a full spectrum and diverse mix of housing in Downtown Columbia, including affordable housing that will ensure low, moderate and middle- income families will have an opportunity to live in Downtown Columbia.*

additional \$1.33/sf (on both residential and commercial) to a public facilities fund which is available for school construction. Finally, the Downtown Columbia TIF district is structured to fund \$45 million in GO bonds to pay for construction of a new elementary school out of downtown Columbia tax increment.

CDHC is concerned that the requirements of the Downtown Plan and the DRRA were not appropriately considered in establishing the proposed school facilities fee. Was consideration given to an exemption for Downtown Columbia, or property covered by the DRRA, because of the comprehensiveness of the Downtown Plan and how recently its provisions were revisited? Was grandfathering of projects with LIHTC awards considered?

Passage of CB 42 is premature. The School Board has not completed its redistricting process making it difficult to assess its impact, a requirement of the State legislation. We understand the sponsors are unclear about how the bill will affect affordable housing and an opinion of the Attorney General has been requested to interpret the legislation. There does not appear to have been any consideration for varying the fee for different sized units or for using less regressive revenue sources.

The effective date of July 1, 2020 demonstrates that there is time to pull together a workgroup of experts who could undertake the thoughtful analysis described in the State law, Ch 774. This workgroup could be given a reasonable timeframe to report back to the Council with recommendations. The Council could then craft legislation based on these recommendations. Such a process has been used by prior Councils to navigate difficult and important issues. CDHC performed this function as part of the revisions to the Downtown Columbia Plan.

CDHC understands that the County faces significant challenges in meeting the educational demands of its families, students and workforce. We concur with the following recommendations of the Housing Affordability Coalition:

- 1. Any change to the current fee structure must exempt affordable housing, including all Moderate Income Housing Unit (MIHU) program units and all Low Income Housing Tax Credit (LIHTC) communities developed throughout the County. These units and communities create housing that is generally affordable to households earning less than 60% of the Howard County median income, a significant need in the County.*
- 2. Action taken to increase school facilities fees should be taken concurrently with consideration of how the Transfer Tax rate and its allocations, and imposition of facilities fees on residential and commercial development can also be utilized to provide increased funding for school development/re-development.*

CDHC further recommends that development covered by the DRRA and the Downtown Columbia Plan be exempted from the increased fee.

Thank you for the opportunity to offer comments. CDHC is available to discuss our concerns about housing affordability and CB 42-2019.



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

✓ I, Peter Engel, have been duly authorized by  
(name of individual)

The Howard County Housing Commission to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 42 to express the organization's  
(bill or resolution number)

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

Printed Name: Peter Engel

Signature: [Handwritten Signature]

Date: 9/17/2019

Organization: Howard County Housing Commission

Organization Address: 9770 Patuxent Woods Dr., Suite 100

Columbia MD 21046

Number of Members: 7

Name of Chair/President: Regina Mitchell

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



**County Council Public Hearing – September 16, 2019 Continued to September 18, 2019  
Council Bill 42 Testimony**

Thank you for the opportunity to testify regarding Council Bill 42. As the County's primary provider of affordable housing, the County's schools are of utmost importance to our families. High quality schools are crucial to the future success of the children who live in Housing Commission properties. Numerous studies show the benefits of living and attending schools in areas of opportunity of the type that Howard County provides.

That being said, raising the impact fee by about \$5.50 per square foot on affordable housing will severely impact our ability to create more housing for those very families who need our schools the most. The Commission opposes CB 42 because it does not balance our need for school funding with our need for affordable housing and we ask that the bill be amended to include an exception for affordable housing for families, not just affordable housing for seniors.

Stable, affordable housing allows parents to focus on their work and their children. It allows employers to hire locally, removing traffic from our roads and making Howard County a better place in which to locate a business. By freeing families from the stress and fear of losing their homes, it improves their health measurably, meaning less tax-payer-funded emergency room visits. It reduces the high cost of addressing homelessness, including police, fire, and emergency services, temporary housing, and staff intensive case work. It allows children to thrive in school. If not a moral obligation, housing equity makes economic sense and advances the quality of life in the County for all of us.

There are two developments that will be most directly and immediately impacted by the fee increase. The first is the 174-unit, mixed income Artists Flats project that is intended under the Downtown plan to be built on top of the New Cultural Center. The New Cultural Center will be the new home of Toby's Dinner Theater and the Howard County Arts Council. Artists Flats was awarded low income housing tax credits by the State this spring, one of only 15 projects that were selected from 47 applicants for this very scarce and valuable resource. We estimate that cost for the housing portion of the development, which has 87 affordable units and 87 market-rate units, would increase by about \$1,450,000. This is a potentially fatal blow to the planned financing.

For projects relying on low income housing tax credits, the budget, and particularly the portion of the budget that uses State funding, must be firmly established at the time of application.

Changes to that budget would result in changes to the score that the project received under the State allocation system. The winning margin in the last round was hundredths of a point. A re-evaluation would be extremely serious.

There is no easy source to make up the extra money for the increased fee. Artists Flats has maximized the amount of debt it can use and it is already deferring much of its fees. The budget relies heavily on State assistance in the form of loans and grants. These State funds cannot be increased. At this time we don't know of any way to pay for the new requirement.

A second affordable development that was fortunate enough to win in the State's low income housing tax credit round is Ellicott Gardens 2. This development includes 70 affordable units, and like Artists Flats, serves people with extremely low to moderate incomes. Both projects also include housing for people with disabilities. Again, with the new fee, some unknown source of funds, that does not require repayment, would need to be found in order to pay the additional \$450,000 required for the higher school impact fee.

Both Artists Flats and Ellicott Gardens II are in areas of the County that have relatively less affordable housing, comporting with the Commission's goal of deconcentrating lower cost housing throughout the County.

More generally, applying the new impact fee to affordable housing will mean that the Commission can create less new affordable housing. It will also mean a greater struggle to create the housing already in our pipeline, specifically the Downtown Columbia buildings that are intended to bring hundreds of affordable units to the still-developing area. The reduction in development will also harm production of Moderate Income Housing Units. These MIHUs are the only County program that creates new housing opportunities for low and moderate income families.

Affordable housing has one crucial difference from market rate housing, in addition to the difference of who it serves. Virtually all new affordable housing maximizes the amount of private resources that it can obtain and then relies on State and federal funding to fill the gap. Increasing the impact fee on affordable housing simply increases the amount of State and federal subsidy necessary for the development. The result is that very scarce government funds intended for affordable housing are instead spent on school construction. This is not a matter of a developer or new homebuyers footing the bill for the schools that they will use, but rather moving government money from assisting some of our most vulnerable neighbors and spending it on school construction. Even if this were possible, it would not be good policy. The loss of funds for housing means less housing affordable to Howard County residents and workers. Less affordable housing means higher costs in other parts of the County budget for all of us.

The Commission fully recognizes the need for additional school construction funding. However, as with many policies, this one needs to be balanced with other County needs. To add the fee to affordable housing helps our schools but at the expense of exacerbating the on-going housing crises.

We ask that the Council create an exception for affordable housing in the proposed legislation. Ideally, the exception would exempt housing developments that have at least 40% of the units reserved for households with incomes of 60% or less of the area median income. We know that some people believe that market-rate developers will take advantage of this exception. I am convinced that with reasonable legislation this cannot happen. Creating mixed income housing as I have described it is difficult and there are very few developers doing so. Those that obtain low income housing tax credits are experts in that specialized work. Compliance systems are well established to ensure that the apartments are rented by those who meet the requirements. An exception can be drafted that only exempts truly mixed income and affordable housing.

We would be happy to discuss amendments to the bill that would balance both housing and school concerns. We strongly believe that this can be done and look forward to working with you going forward. Thank you.

Susan Garber, speaking on behalf of the Howard County Citizen Association (HCCA)



**HCCA**

**Howard County Citizens Association**

*Since 1961...*

*The Voice Of The People of Howard County*

The HCCA has consistently supported the increase of impact fees to assure the provision of adequate public facilities--- at both the County and State levels. We support CB-42 as it seeks especially to provide increased funding to schools through an effort to have developers pay their fair share.

We wish to comment on both the economic and the psychological factors involved in the discussion of this bill.

It is perhaps understandable that those in the development community have (or will) provide much testimony of the Doom and Gloom variety—not only on CB42, but on all other bills and resolutions during this September session which hold the potential of change, change in the form of increased fees and/or more restrictive regulations. When one faces change we naturally focus more on what we might lose rather than on what we might get. This phenomenon is explained simply in Psychology Today March 8, 2018 (attached). One might attribute the strong, and sometimes quite irrational, responses of the building industry to the 'Theory of Loss Aversion'. The theory of loss aversion refers to people's tendency to prefer avoiding **losses** to acquiring equivalent gains. To paraphrase, one tends to become extremely attached to what one has (be that possessions, privilege, or position). Ironically, the more we have, the more vulnerable we are since having accumulated wealth implies that we have more to lose than to gain.

Our aversion to loss is a strong emotion. It is an expression of fear and anxiety. It is in our human nature to try to help others expressing such emotions. But Council beware. Don't fall into the same trap as your predecessors.

The development community in HoCo has been able to accumulate much wealth as a result of HoCo government facilitating rather than regulating development and by substantially subsidizing development through maintaining fees much lower than surrounding jurisdictions for decades. Note that it was the decisions of those in HoCo government, NOT the citizens who bestowed these financial benefits on the development community. By failing their fiduciary duty to assure that new development would contribute fees to provide adequate public facilities for new and existing residents; both our county leaders and state delegation have placed citizens in an unenviable position, one without adequate facilities and with little money to provide them.

While the development community is expressing their fears over the potential loss new legislation may subject them to, they are bolstered by their professional organization



Susan Garber, speaking on behalf of the Howard County Citizen Association (HCCA)

with a paid staff that tracks legislation and provides talking points from their headquarters building. (No doubt members shared their concerns at MACO during their association-sponsored golf tournament.)

HCCA adds our voice to the citizens, who without such organizational benefits, have been trying to express their great sense of loss for a long time-- only to feel they are not being heard. Developers aren't the only ones who are loss averse. YOUR TAXPAYERS are anxious and fearful over the loss of the dreams they too have worked hard for:

- a place where their children and grandchildren can obtain a quality education without fearing for the safety of these youths as they receive instruction in plywood classrooms;
- a place where forests and sensitive environmental and historic properties are preserved and prioritized instead of disappearing at frightening rates;
- a place where they can get home safely in time to enjoy their families, rather than spend it in gridlock; etc.

The development community always refers to their need for predictability. YOUR CITIZENS also need predictability-- predictability on

- what school their child will attend,
- what year their road will finally be repaved,
- whether it is safe to go to bed when heavy rains are predicted.

Your citizens need assurance that while THIS Council is not responsible for the sins of the past in regards to not asking developers to pay their fair share, it is THIS Council which must bravely and boldly begin to stop the financial bleeding.

CB-42 as written is a good first step, but let's be perfectly clear that Citizens will NOT tolerate any reduction below these fees, any additional exemptions, or grandfathering. We strongly recommend, as teachers would say, that you 'recheck your math' and consider an \$8 starting point. Admittedly that may be a shock to the system for the development community, but it appears far closer to the reality of what developers pay in surrounding communities.

On a final note, a word to the wonderful caring members of those groups who have been led astray by the development community into believing that this bill will hurt the provision of affordable housing: Ask yourself, if we have a shortage of affordable housing under existing conditions, where developers simply haven't produced any units or won't without doubling the density, or by paying fee in lieu to keep socioeconomic segregation alive, how can it be any worse if they are asked to contribute more? The theory of loss aversion says you fear the loss of something you have. For decades we have had little or no new construction of moderate or low income units without some special concessions on density. Developer-preferred fees in lieu are so low that they

Susan Garber, speaking on behalf of the Howard County Citizen Association (HCCA)

don't provide a comparable number of units. Developers' track record of unfulfilled promises, seen once again in downtown Columbia are further proof that it.

Simply put, the public is asking you to derail the Gravy Train of subsidies to developers. Citizens are tired of paying the development industries freight. They need to pay for their own fare, and one that is fair!

Attachments:

Capital Gazette Article 9/17/19

Psychology Today 3/8/18

<https://www.capitalgazette.com/opinion/columns/ac-ce-column-iliff-20190916-knw52edo5jg67amuk7ruasa24i-story.html?fbclid=IwAR3INIPaPim-d14n521RFRETMrg9s4OS8MjLEIBZVyVp4gkDmS2IHgu4MXQ>

There is a big fight coming to Annapolis. Not the kind that occasionally spills out of a bar on Main Street, mind you. This brawl is going down at 44 Calvert St. on Oct. 7, and it is going to be a doozy. The Anne Arundel County Council will referee. The contestants?

In one corner, the returning champion, hailing from the privileged halls of stolen wealth and outsized political influence, that fearsome gorilla weighing in at 800 pounds, the Development Lobby!

In the other corner, the welterweight challenger from Glen Burnie, from Crofton, from Shady Side, from Fort Meade, from Annapolis, from Edgewater, from Pasadena, the scrappy underdog of County politics, You!

The council will be hearing arguments for and fallacies against the Forest Conservation Act, Bill 68-19, which if passed will make Anne Arundel County the undisputed champion among its peers in the State for protecting forests.

And it's about time — from 2010-2017, Anne Arundel County lost more forest than all of its immediate neighbors combined. That forest loss was, on average, over three-quarters of an acre: Every. Single. Day.

For eight years and counting. Folks, we are giving away the farm.

Now, there are myriad legal, economic, ecological, statistical, and other persuasive reasons for protecting more of our county's forestland, which I'm happy to share with any of the wonkier readers out there. But there's a better reason why you, the scrappy underdog of county politics, should jump in the fight and hand out a devastating upset.

The developers are stealing from you.

How? The waterways of this county are ours. Their pollution is our loss. Forests protect the rivers. Development under the status quo despoils forests and kills our fish, our crabs, our oysters. It is a theft of our quality of life.

How? Forests reduce air pollution and protect our health. A few years ago, researchers at MIT found that people die prematurely from air pollution in Maryland more than any other state. Irresponsible development robs us of our last line of defense from this disproportionate impact.

How? Forests make property more valuable. According to the U.S. Forest Service, each large front yard tree adds 1% to home values, and large specimen trees (like those getting extra protection from this bill) can add as much as 10% to property values. Thoughtful preservation of forests and individual trees under this bill will make any new homes more valuable.

Woody Guthrie famously said of thieves that “some will rob you with a six-gun, and some with a fountain pen.” Every land development deal inked under the status quo is theft by a fountain pen. That’s why the developers are sending their 800-pound gorilla--it’s a lucrative racket to steal the public benefits of forests for private profit.

At a meeting of the council on this bill, one thing bemoaned by the council several times was the uncertainty, bordering on fear, of doing something big. Doing something truly transformative and paradigm-shifting.

It seems some council members are reluctant to eschew the political safety of doing nothing, or doing less, for fear of some unspecified hiccup in the bill’s implementation.

Thich Nhat Hanh, the famed Buddhist monk, once observed, “People have a hard time letting go of their suffering. Out of fear of the unknown, they prefer suffering that is familiar.” [*This is the Theory of Loss Aversion*]

In Anne Arundel County, the razing of woods we played in as kids for new subdivisions and strip malls is familiar suffering. Wondering how to provide our children with the same rich experiences we used to enjoy is familiar suffering.

The time is now to let our council know we are ready to let go of it and fight for something better. The time to have that fight is Oct. 7.

*Jesse Iloff is an environmental attorney and the South Riverkeeper for Arundel Rivers. He lives in Annapolis and can be reached at [jiloff@arundelriverkeepers.org](mailto:jiloff@arundelriverkeepers.org).*

## What Is Loss Aversion?

*Losses attract more attention than comparable gains.*

Posted Mar 08, 2018 Psychology Today

We don't like to lose things that we own. We tend to become extremely attracted to objects in our possession, and feel anxious to give them up. Ironically, the more we have, the more vulnerable we are. Having accumulated wealth implies that we have more to lose than to gain. However, emotion regulation, such as taking a different perspective, can reduce loss aversion and help people overcome potentially disadvantageous decision biases.

Why are we so afraid of losing? Our aversion to loss is a strong emotion. The aversive response reflects the critical role of negative emotions (anxiety and fear) to losses (Rick, 2011). In other words, loss aversion is an expression of fear. This explains why we tend to focus on the negative events (a setback) than the positive ones (making progress). Negative emotions (receiving criticism) have a stronger impact than good ones (receiving praise). As Charles Darwin once said, "Everyone feels blame more acutely than praise."

We are more upset about losing \$10 than we are happy finding \$10. Roughly speaking, losses hurt about twice as much as gains make you feel good (Khaneman, 2011). This is why in marital interactions it generally takes at least five kind comments to offset for one critical comment (Baumeister et al, 2001).

The idea of loss aversion is shown in consumer behavior. Consumers are more responsive to price increase than to decrease. For example, from July 1981 to July 1983, a 10 percent increase in the price of eggs led to a 7.8 percent decrease in demand, whereas a 10 percent decrease in the price led to a 3.3 percent increase in demand (Putler, 1992). In another study, consumers were asked to either build up a basic pizza by adding ingredients (e.g., sausage and pepperoni), or scale down from a fully loaded pizza by removing ingredients. Consistent with loss aversion, consumers in the subtractive condition ended up with pizzas that had significantly more ingredients than those in the additive condition (Levin et al., 2002).

The principle of loss aversion also applies to the emotional pain of scaling back. While we indulge in buying things (larger home, new car) and think that we can always downsize if we could not afford. But in reality downgrading to a smaller home is psychologically painful. Being wealthy doesn't help. For rich people, the pain of losing his or her fortune exceeds the emotional gain of getting additional wealth, so the rich becomes vulnerable and anxious.

Ownership is not limited to material things, it also applies to ideas. Once we take ownership of an ideology (about politics or sport) we tend to value it more than it is worth. And we hate to lose an argument. However, we run the risk of dismissing others' idea that might simply be better than ours. As a teacher (and a parent), I have learned that a good strategy to help students adopt a new idea would be to provide opportunities for them to come up with the ideas on their own. People generally have positive attitudes toward themselves, and they

enhance the value of their choices and devalue the road not taken. They also feel invested in their opinions. They have skin in the game (Taleb, 2018).

Even our views of mate value change the more time we spend together. The longer we spend with our mates, the harder will be to simply let go, regardless of how unhappy we are.

In a nutshell, the loss aversion is an important aspect of everyday economic life. The idea suggests that people have a tendency to stick with what they have unless there is a good reason to switch. The loss aversion is a reflection of a general bias in human psychology (status quo bias) that make people resistant to change. So when we think about change we focus more on what we might lose rather than on what we might get.

What is the cure? Being aware of it might help (forewarned is forearmed). For example, suppose you are de-cluttering your home. Using this knowledge, you can view each item as if you were non-owner (not yet owned it) and apply a simple test: If you didn't have the item, how much would you be willing to pay to buy it? Just by changing your perspective, you can gain clarity to make you less vulnerable.

We can also take a broader perspective. Stoic philosophy teaches that if you have lost someone or something precious, you can try to value her/him or it differently by imagining that you never knew that person, or never owned that object (Bakewell, 2011). If you feel tired of everything you possess, pretend that you have lost all these things and are missing them desperately. Doing so will make us value what we already have, and possibly prevent "the grass is always greener" syndrome.

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

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

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

County Council regarding CB-42 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: 09/18/2019

Organization: HCCA, Inc.

Organization Address: Ellicott City 21041

Ellicott City 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

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

My name is Carleen Pena and I live on Summer Leave Lane. I am in favor of CB 42. I first came to Howard County 30 years ago this summer I had just graduated college with moving here from another state and was impressed with this community. One of my first thoughts, beyond the street names, was what a great place to raise a family. So that is what we did. We've been homeowners here for over 25 years. Raised 2 kids. One of the things that makes this community great for families is the fact that we place an emphasis on the education of our children and that is what CB42 is about.

Over the past week all of you have received letters from me and many in my community angered and upset that once again the Hammond High renovations are being pushed off for lack of funds. Had a bill like this been addressed many years ago maybe we'd have Hammond renovated, Talbot Springs replaced, and high school 13 constructed. We have entire cohorts of students going through 4 years of high school in an over crowded schools and schools with inadequate facilities, and that should not happen. Had past county council's done the right thing and placed greater value on our children as opposed to a well heeled, strongly lobbied industry, we wouldn't be in this mess. So you can't change the past but you can change the present. You can pass this bill which in my opinion does not go far enough, you will ensure that as this county continues to grow we will have the resources to continue to provide our children with a top-notch education.

Now I've read the report that that project gloom and doom for the county should this plan go forward. That report might be good for lining a bird cage but little else. They failed to take into account that we will still be charging less than most of the other counties surrounding us are already charging. Those counties are still growing. Those counties still have new development. When you commission of report on any topic you should go to a source that is unbiased, who will provide with honest truthful, information. For example, if you wanted a report on the impact of gun



violence you wouldn't ask the NRA to write it. Well if you really want to know the impact of what these fees will be maybe you shouldn't have looked to organizations who do the bulk of their work for real estate developers and thus have a vested interest in seeing this bill defeated.

I am happy I raised my children in Howard County. As they are now entering into young adulthood, I question if this is where they should raise their families in the years to come. As a County Council, this is your time to create a legacy that will impact the future of Howard County for generations of families. Don't let us down.

September 18, 2019

Dear Council Members,

I commend Councilmembers Rigby and Jung for taxing developers to ensure adequate supporting infrastructure for future residents. As we know by now, the consequences are dire when insufficient school spots are available for children enrolling in Howard County Public Schools.

It is concerning that this measure was not in place ten years ago because now we have a crisis of overcrowding our most valuable resource; our children. A society that does not value its children does not value its future. People move to our county because of its highly ranked school system. I know because I am a prospective homebuyer who chose to move here because I expect excellent public schools for my young children. The entire Howard County economy suffers when the government withholds adequate resources from the public school system.

To ensure our public schools have adequate funds, I recommend you vote yes on CR42-2019.

Thank you for your time and attention.

Kind regards,

A handwritten signature in black ink, appearing to be 'Julie Kim', written in a cursive style.

Julie Kim, M.D.

**Testimony**  
**Paul Revelle**  
**7017 Meandering Stream way**  
**Fulton, MD 20759**  
**CB 42-2019**  
**School Surcharge Tax Increase**

I recommend that the Council consider 6 changes to the proposed surcharge;

- 1) Grandfather projects at Initial Plan submission already in the subdivision and development pipeline,
- 2) Phase the increase in over 2 or 3 years,
- 3) Exempt all affordable housing from the surcharge,
- 4) Exempt all senior housing from the surcharge,
- 5) Substitute an annual, transparent, objective formula for the fixed surcharge and the current index and,
- 6) Build the funding formula around;
  - The average cost of a new seat
  - Student Generation Factors from new homes by region and by unit type
  - State Aid for building new school seats
  - The projected number and type of new housing units
  - The average square feet for each type of dwelling unit

Cynthia Vaillancourt  
11777 Farside Road  
Ellicott City, MD 21042  
(district 5)

Good Evening, and thank you for proposing this legislation and providing this public input opportunity.

This proposed legislation is long overdue, and critically needed.

The school system has been underfunded for many years both operationally and for capital projects.

Operationally the situation is significantly worse than the community is aware. Although the administration will always say that they will make do with whatever they receive, and that the staffing levels are appropriate this is simply not the case.

When the last budget request was not fully funded, you may have thought they went back to the drawing board and found some waste or fluff to cut --- but they balanced the budget by making cuts to things like utilities. To make that work, among other things, air-conditioning levels were adjusted up to a point where the buildings have not been comfortable. Last week when the temperatures broke records and reached into the high 90s, the inside temperatures were too high for effective teaching and learning, and if my email is any indication, many students and staff experienced physical symptoms like nausea and headaches.

On the capital side, HCPSS is in particularly acute need of the capital projects that have been proposed – including the Talbot Springs replacement school and the renovation at Hammond High School – not to mention the unacceptable level of deferred maintenance and much needed renovation projects. This is more than an equity issue – though it is that too. As a citizen and taxpayer I want the massive investment our community has made in facilities to be protected by appropriate maintenance.

The explosive growth in the numbers of school aged children who move to Howard County every year is a testament to the quality of life and the public education offered --- but the basic and necessary infrastructure to keep up with this growth as been sorely lacking.

I have heard the comments from people in the building and development community. In my former life I worked for a real estate development and construction company. We would have tried to minimize these costs too. But in the end, we would have made the basic calculations of cost and profit, and planned accordingly.

Builders and developers have had it very easy here in Howard County for a very long time. I cannot tell you how many miles of sewer lines we installed in order to make our projects work. It was a cost of doing business.

I understand the effort to convince you that the sky will fall if these fees are increased to a more reasonable level. But in the end, the quality of life that has made this such an attractive community is threatened by the inability of the County to fund the infrastructure needed just to service the increases in demand generated from these very building projects.

This legislation already takes many of the legitimate concerns about lower cost housing viability into consideration. If there are other tweaks that make sense, then make them. But this is necessary, fair, and overdue legislation.

It is still not enough to cure the funding needs of the community school system, but it is a good start.

The capital needs of the school system are in a crisis situation.

I would like to suggest you all consider additional measures to fill this gap, like doing the same thing for the school system that was done last year for the Fire Department.

A dedicated additional funding source for the schools is necessary. Now is the time to consider it. There are voting taxpayers paying attention to the needs of the school system right now who don't always pay much attention.

Thank you.

Lisa Markovitz

President, The People's Voice Ellicott City

Support of CB 42

This has been a long journey. Civic advocates have been waiting years. It is time. I'm going to go over what I feel are the opposition's biggest points against raising these fees and debunk them.

1. MYTH NUMBER ONE – "This will reduce development which will cost the County money."

First off, development isn't stopping, I don't believe it. But if it did, would it cost us? The fiscal study the County recently did, claiming that development is profitable is greatly flawed at best and a complete fallacy at worst. The conclusion that development is profitable is laughably inaccurate. They put in development revenues, then put in expenses as debt service. That's like telling your spouse you put a few hundred a month on the credit card bill, when you actually spent tens of thousands, right? So many expenses are left out, regarding schools, health and traffic issues. Then there's forecasts in there about APFO costing us for decades. Really? Have we just forgotten that APFO halts development for only a few years, and it already takes three years for development to get through DPZ anyway, so the wait is actually not very long at all. PLEASE. You can say you don't care for some reason, but you really cannot say development is currently profitable, due to the overwhelmed state of our public services.

2. MYTH NUMBER TWO – "This will just raise home prices for buyers and not cost builders."

Another fallacy, because new home building does not have a monopoly of supply of housing, after all, don't we hear so much about the massive resales in the County? Demand for new housing is not inelastic, there will be a lowering of demand if prices increase. Many things affect housing market prices, and a supplier's cost increase cannot just be passed through. This is economics 101. If there were room for higher prices in the market they would just be higher. Does anyone believe home prices are at cost, or below market value?

There will be an effect yes, from a large supplier having a cost increase, but not a pass through. Look at Montgomery County, they have some of the largest fees and they have not been passed through to home prices.

Eventually, if some price increase occurs it will actually affect the lowest priced homes the least, as this school surcharge unlike other jurisdictions is not per unit, but is per square foot, so smaller homes will have less increase, and it doesn't even apply at all up to \$250,000.00 home price.

3. MYTH NUMBER THREE – “If we increase these fees, less development means less affordable housing.”

First of all, developers are not required to provide any low income housing, none. They are required to provide 10-15% moderate income housing, and in higher market priced areas, they pay a fee-in-lieu of providing it, which concentrates it. HELLO, I just explained the CAUSE OF INCOME SEGREGATION in this County. It isn't because the schools are income segregated it is because the neighborhoods are, and if they weren't then everyone would get to go to their closest schools. So, I don't want to hear about how builders are holding equity seminars, and probably going to ask for exemptions for affordable housing, building MORE is not going to solve the problems that BUILDING CAUSED.

Lastly, the math done to back into the suggested increase regarding school budget needs, has a flaw. It starts with the notion that development causes 42% of student enrollment. That's wrong. I was told by DPZ that this calculation was made using 2 years of brand new development student enrollment. It doesn't even follow those kids through in future years, and add in further new development. It's just a snapshot of 2 years of development. Also, why are houses only considered new that are less than 3 years old? If a house is resold at 5 years it wasn't from new development? This is clearly understated, and at a minimum the majority of school enrollment is from new homes; however, I do know you can only go so high, but just realize that even at the rate suggested in the Bill, that 42% is low.

We must raise these fees, they will be paid, and we will earn money for our school system from them, surely. Also, please do not overly grandfather projects, as legally you do not have to do that unless a project has broken ground. I am sure you all may have different opinions about where in the process to allow expected expenses to be frozen, but keep in mind that the woefully low fees have been a benefit to builders for far too long, and we cannot just go years without seeing this revenue. Keep that in mind with your grandfathering decision, if any, and NO FURTHER EXEMPTIONS.



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 CB 42-2019 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: 9/18/19

Organization: The People's Voice

Organization Address: 3600 Saint John's Lane

Ellicott City MD 21042

Number of Members: 3251

Name of Chair/President: Lisa Markovitz

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





CB 42-2019

Written Testimony before Howard County Council  
September 18, 2019

Ned Howe  
Vice President New Business, Enterprise Homes

Enterprise is a company that is at the forefront of affordable and housing insecurity issues in this Country. We were founded by Jim and Patty Rouse and are headquartered right here in Columbia. As a proven nonprofit, Enterprise improves communities and people's lives by making well-designed homes affordable.

We employ over 1200 people nationally with over 250 in our Columbia headquarters. Enterprise has invested in affordable developments constructing or rehabilitating approximately 1800 units that had almost \$240 million in total development costs within Howard County alone. Enterprise Homes, the development entity within the Enterprise family, owns and through R Home property management manages over 1300 units in Howard County.

Some Quick facts:

Over 45 % of rental households are housing cost burdened in Howard County (which is spending over 30% of income on Housing alone)

Almost 30% of all Howard County Households are housing cost burdened.

19% of rental households are severely housing cost burdened in Howard County (which is spending over 50% of income on Housing alone)

Since 2000 the number of extremely low-income households has increased by over 1000 in Howard County while the no. of units available to serve them has gone down by almost 400 units. This all while new housing has increased by over 20,000 units.

Affordable Housing is not made affordable without the help of the municipalities in which it is being constructed. Its no secret that the entitlement, construction and operating costs for an affordable housing development are not any different than those of a market rate development. The key to making the housing affordable is the efforts of the developers and community stakeholders **including the local municipality** to patch together a financing package that ultimately allows the residents of these communities to live in safe high-quality housing at a rent burden that is in line with their incomes.

The tools we typically use from outside the municipality are LIHTC, State rental housing subordinate debt, State grants, Federal grants and grants or loans from philanthropic organizations. The tools we typically use from within the municipalities include grants, loans, waiver of fees, infrastructure improvements, rent subsidies, tax abatement, land contributions etc. Typically, the local funds/contributions are leveraged over 10X by the outside funds to support affordable housing.

This significant increase in the school facilities surcharge as proposed will be an additional burden on affordable housing developments that unlike our market rate counterparts cannot be passed on to the end user and therefore requires us to find even more contributions from sources outside of the County.

We urge the County to carefully consider the detrimental impacts that this bill will have on all affordable housing that is yet to be built to address the current housing affordability crisis within the County. We understand that there is tremendous pressure to generate revenue to facilitate school improvements. But also understand that because of the extremely limited resources available to support affordable housing that there is not a significant windfall of revenue that can be generated from affordable housing developments as they are an extremely small fraction of the residential development within this County. Therefore, should this bill move forward, we urge the County to exempt affordable housing developments from the full extent of this increase.

Testimonial

CB 42-2019 :

18<sup>TH</sup> September , 2019

Person : Biplab Pal

4500 Stonecrest Drive, Ellicott City MD 21043 [/7143090509/biplabpal2000@gmail.com](mailto:7143090509/biplabpal2000@gmail.com)

Dear Sir/Madam

I would like to express my concern over CB 42-2019 as a community member who has seen over the last decade quality of life in Howard county has constantly declined due to overcrowded schools and traffic jams during rush hours.

In my view increasing the school surcharge to \$6.8 per square ft to supplement the County School Budget is apparently an excellent idea when its effect on environment is not counted as it is a win-win-win between community residents, councilors and builders. And that is why this bill will be a disaster as this will encourage the council to approve more development in Howard County in the name of reduced tax burden for education on the existing members.

Currently with \$1 per square ft, community members will be more inclined to vote for moratorium on development but if they are told that approval for more developments will reduce their property tax burden for education, I can certainly guarantee everyone will find it profitable to build more buildings in the Howard County. And that will be a total disaster for already overbuilt Howard county.

Therefore, I will propose two things.

- (1) If it is scrapped, I am fine with it.
- (2) If it is allowed, I will propose two amendments
  - A. Education surcharge must follow a slab like following \$6.8/sqft for housing < 2000 sqft, \$12 /sqft for 2000-3000sqft, \$15/sqft for 3000-5000 sqft, \$25 per sqft > 5000sqft . My argument is, a family of 4 doesn't need a house larger than 2400 sqft and a family of 6 will be comfortable with 3000 sqft. Any house larger than that is a luxury and its utility will make the county more carbon positive. And those houses must pay for higher surcharge
  - B. Page 5, line 15 (h) must be removed. This surcharge must be used only for development of school buildings. Page 5, line 15(h) allows this surcharge can be used to supplement county education budget. That's an unacceptable clause as we know from Montgomery county, increase surcharge led to better compensation of the school administrators. It didn't help them with improving school facilities. So strict clause must be in place so that it is used only to build school buildings.

Thank You.



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

I, Colleen Morris, have been duly authorized by  
*(name of individual)*

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

County Council regarding CB42-2019 to express the organization's  
*(bill or resolution number)*

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

*(Please circle one.)*

Printed Name: Colleen Morris

Signature: Colleen Morris

Date: 9-18-19

Organization: Howard County Education Association

Organization Address: 5082 Dorsey Hall Rd. Suite 102

Ellicott City, MD. 21042

Number of Members: 6,200

Name of Chair/President: Colleen Morris

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



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

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

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

County Council regarding CB42-2019 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: 5-17-19

Organization: Board of Education of Howard County

Organization Address: 10910 Clarksville Pike, Ellicott City MD 21042

10910 Clarksville Pike, Ellicott City MD 21042

Number of Members: 8

Name of Chair/President: Mavis Ellis

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

I, Leonardo McClarty, have been duly authorized by  
*(name of individual)*

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

County Council regarding CB 42 to express the organization's  
*(bill or resolution number)*

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

Printed Name: Leonardo McClarty

Signature: \_\_\_\_\_

Date: September 13, 2019

Organization: Howard County Chamber

Organization Address: 6240 Old Dobbin Lane, Suite 110, Columbia, MD 21045

Number of Members: 720

Name of Chair/President: David Anderson, Chair

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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 Council Bill 42-2019 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: September 16, 2019

Organization: Maryland Building Industry Association

Organization Address: 11825 West Market Place, Fulton, MD 20759

Number of Members: 1,000+

Name of Chair/President: Lori Graf, CEO

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

I, BRENT LOUELESS, have been duly authorized by  
(name of individual)

PTA COUNCIL OF HOWARD COUNTY to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-42 to express the organization's  
(bill or resolution number)

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

Printed Name: BRENT LOUELESS

Signature: *Brent Loueless*

Date: 9/18/17

Organization: PTA CHC

Organization Address: 5451 Beaverkill Road

Columbia MD 21044

Number of Members: 25,000

Name of Chair/President: BRENT LOUELESS

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Howard County Council:

I believe that CR-112 is flawed legislation that could do more harm than it claims to fix. This legislation assumes that Howard County Schools are segregated by both race and socioeconomic status. However I believe that this assumption is false.

I evaluated the extent of economic segregation by computing a dissimilarity index for the ten counties in Maryland with the highest student populations and for the state overall based on FARMs data (Reference 1). Unlike some other measures of segregation that have been floated around various blogs, the dissimilarity index is a key measure identified in the US Census report in Reference 2. As seen in Figure 1, the economic dissimilarity index of Howard County Public Schools is similar to that of neighboring counties including Montgomery, Frederick and Anne Arundel, and significantly less than Baltimore City. Howard County's dissimilarity index also about the same as the index for all of the state's public schools. Howard County is not the most economically segregated school system in Maryland.

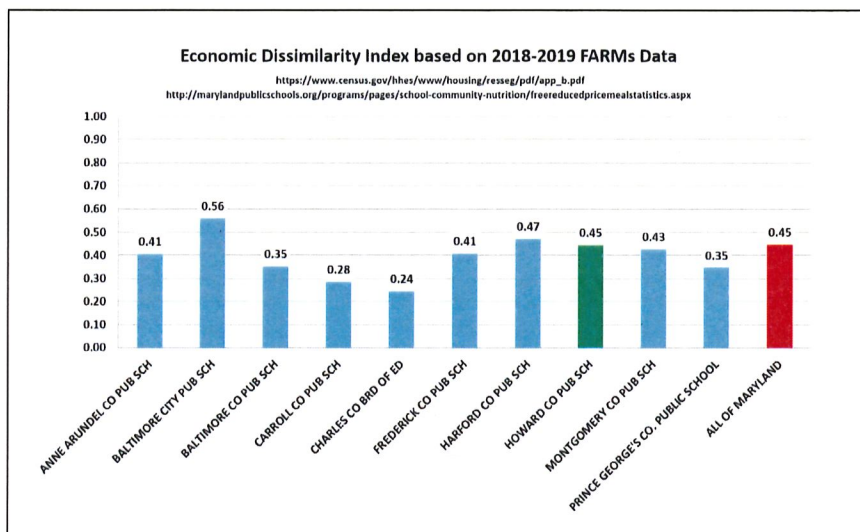


Figure 1: Economic Dissimilarity Index for Maryland public schools

Data from recent Washington Post article (Reference 3) shows that Howard County Schools are more racially integrated than many neighboring counties including Montgomery, Frederick, Anne Arundel, and Baltimore County. The legislation defines a segregated school as one “where less than 40 percent of ~~19~~ the student population is white”. However, the percentage of white students in the entire system is only 35.8% (Reference 4). It is mathematically impossible to integrate all of the schools in the county based this definition. In fact the only way to reduce the number of “segregated” schools would be to concentrate the white students together.

I therefore urge the board to vote against CR-112.

Sincerely,

  
Eric Greenberg, Columbia MD.

References:

1. <http://marylandpublicschools.org/programs/Pages/School-Community-Nutrition/FreeReducedPriceMealStatistics.aspx>
2. [https://www.census.gov/hhes/www/housing/resseg/pdf/app\\_b.pdf](https://www.census.gov/hhes/www/housing/resseg/pdf/app_b.pdf)
3. <https://www.washingtonpost.com/graphics/2019/local/school-diversity-data/>
4. <https://www.hcpss.org/f/aboutus/profile.pdf>

Good night Council members:

First of all, I strongly **oppose** the resolution CR112 and I'm asking all of you to vote against it.

I have no problem with achieving social justice. But, CR112 is not the solution.

**First**, Both Board of Education and County Council are elected by the people and are working for the people. They have been working along with each other for decades. BOE members are not babies, County Council doesn't need to babysit them, nor guide them. **So don't cross the line.**

**Second**, there are obsolete divisive and even inflammatory words in CR122, for example, "**desegregation**", "**separate but equal public facilities**". CR112 is calling Howard County schools segregated which is totally wrong. Actually Howard County Schools are the least segregated schools in Maryland, as well as a national model for diversity and inclusion. In 2017, the Baltimore Sun reported that "*Howard County is the most integrated school district in the region. Children of different races - especially those who are black and white - are more likely to sit next to each other in Howard than almost anywhere else in the state.*" **Howard county is not segregated. But CR112 makes references to slavery and cases that deal with racial segregation.** It will help nothing, but inflame the discussion and pit race against race.

**Third**, and the most important: No research shows socioeconomic integration can help eliminate the educational achievement gap, actually, there are lots of research showing socioeconomic integration will **NOT** help. Researcher in more than 10 universities (including University of California, University of Georgia, University of North Carolina, Temple University, University of Connecticut and so on) pointed out that there is no correlation between attending a socioeconomically integrated school and better performance.

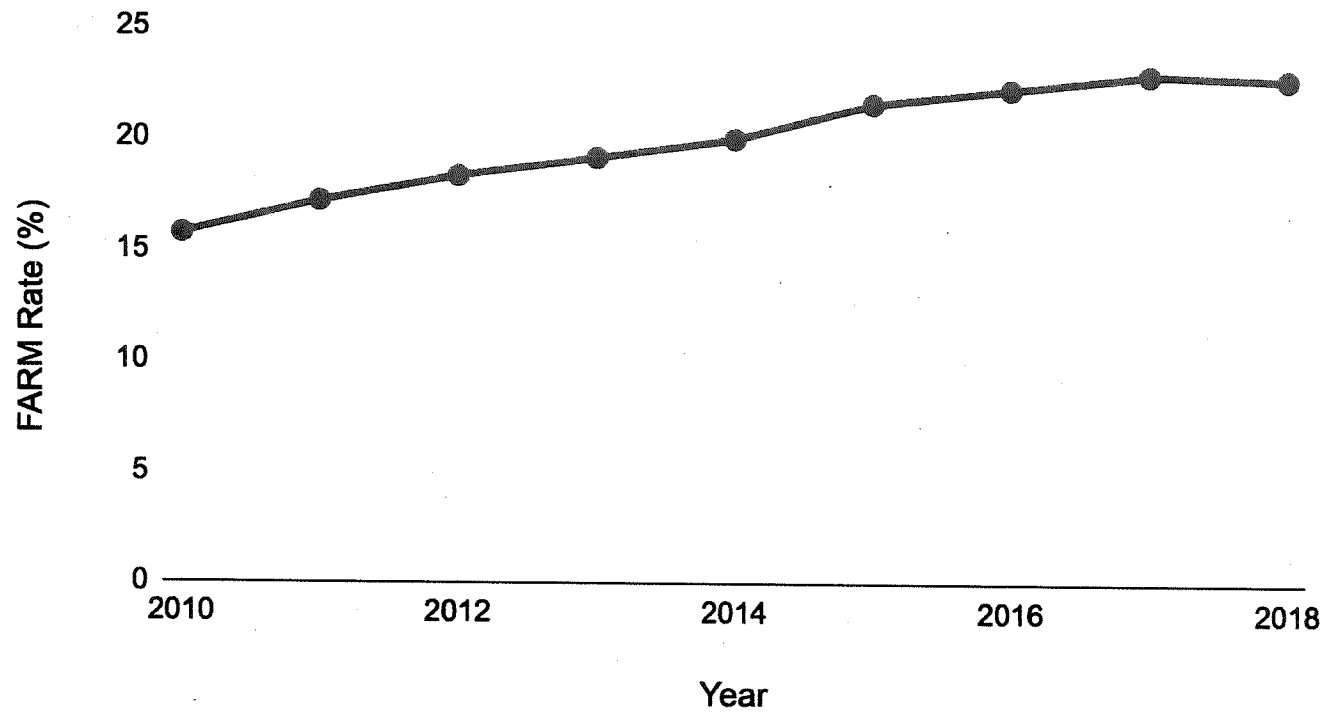
All in all, CR112 lacks scientific support. That leads me to another deep concern: **what's behind the scene? What's in the closed-door meeting? what is the real reason for county council members to risk their political careers to make such a resolution without any scientific support?**

I strongly urge all county council members to vote NO. Any of you in favor of this resolution will be abandoned not only by your people, but also by your boss. Thank you.

James Su  
9/18/19

# FARM Rate Is Increasing

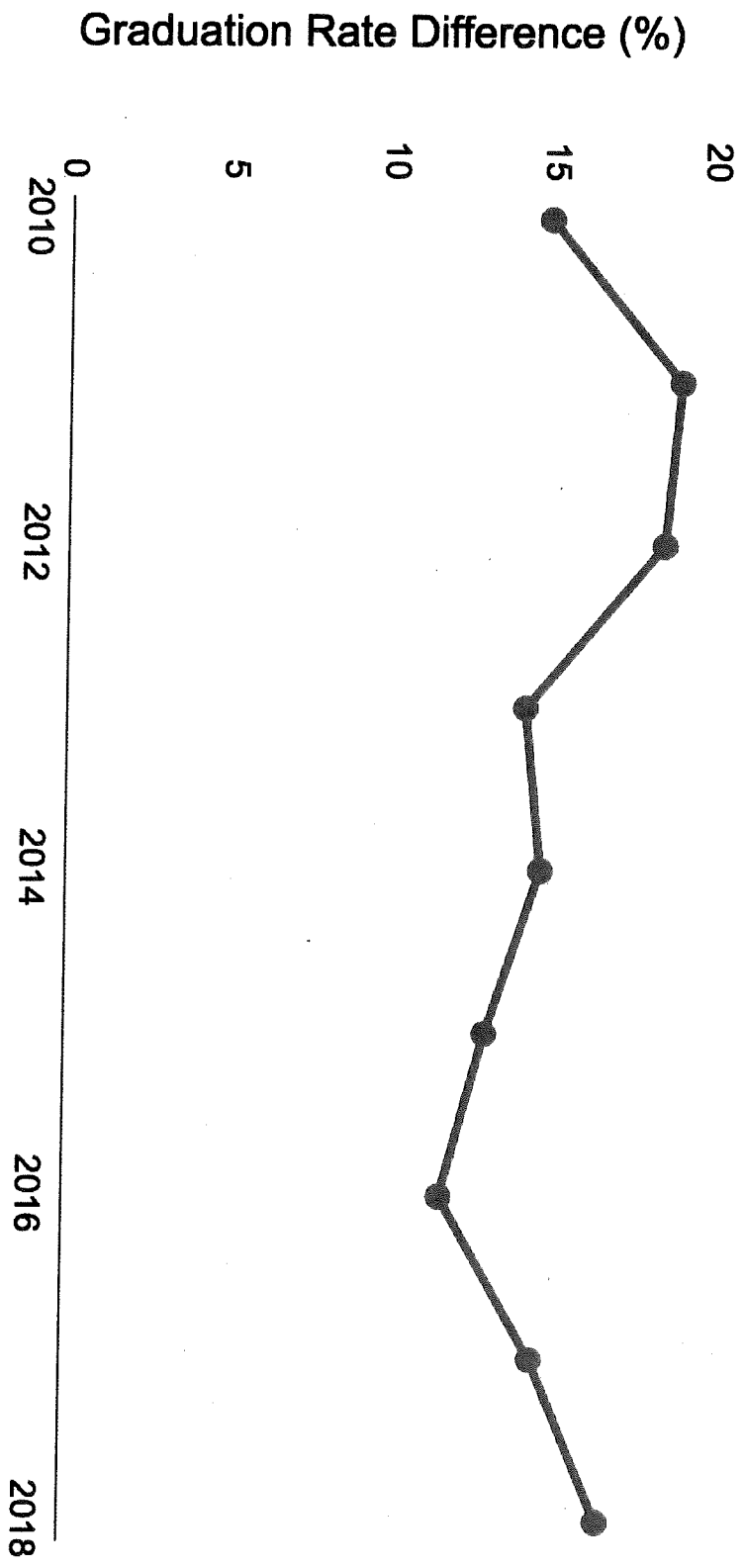
FARM Rate vs. Year



Source: HCPSS

# The Achievement Gap Is NOT Widening!

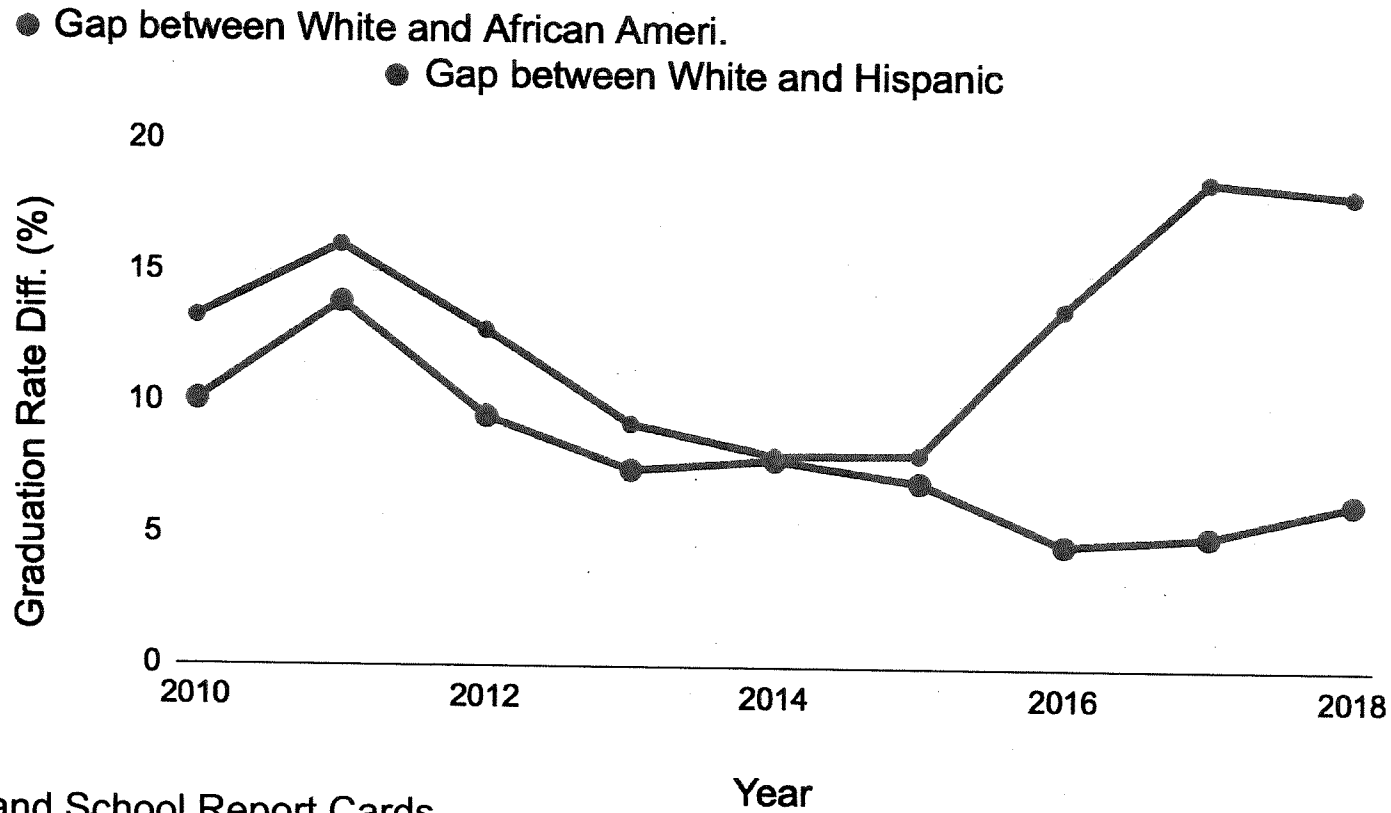
Gap in Graduation Rate between Non-FARM and FARM Students



Source: Maryland School Report Cards

# Gap between White & African American: Decreasing!

## Gap between White and Hispanic: Decreasing then increasing - Language Barrier?



Source: Maryland School Report Cards

# **CR112 is based on Fundamentally Flawed Data**

NO Evidence that HCPSS is dysfunctional. Quite to the contrary:

Despite increase in FARM rate that stretches school resources, FARM  
and non-FARM gap is NOT widening.

White/Black gap is shrinking.

One area needs improvement is the White/Hispanic gap - fund support  
for Hispanic students!