

County Council Of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 8

Resolution No. 97 -2019

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

A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and Robinson Overlook Limited Partnership, a limited partnership of the State of Maryland, for a rental housing development to be known as Robinson Overlook, and finding that the Development meets the requirements of certain Special Affordable Housing Opportunities.

Introduced and read first time June 3, 2019.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on June 17, 2019.
Tabled 7/1/19

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 29, 2019.

Certified By Jessica Feldmark
Jessica Feldmark, Administrator

Approved by the County Executive August 5, 2019

Calvin Ball
Calvin Ball, County Executive

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

1 **WHEREAS**, Robinson Overlook Limited Partnership, a limited partnership of the State of
2 Maryland (the "Partnership"), has contracted to develop certain real property (the "Property")
3 located on Grace Drive in Columbia, Maryland; and
4

5 **WHEREAS**, The Partnership proposes to construct and operate on the Property a 48-unit
6 mixed-income rental housing development to be known as Robinson Overlook (the
7 "Development"). 43 units will be rented to households that earn at or below 60 percent of area
8 Median Income of the Baltimore Metropolitan Statistical Area ("AMI"), of which 8 units will be
9 rented to residents with disabilities who earn at or below 50 percent of AMI; and
10

11 **WHEREAS**, the Partnership has applied to the Maryland Department of Housing and
12 Community Development, either directly or through its Community Development Administration
13 for (i) equity financing derived from Low Income Housing Tax Credits in the approximate amount
14 of Twelve Million Nine Hundred Thirty-Four Thousand Four Hundred Sixty-Seven Dollars
15 (\$12,934,467), and (ii) a Rental Housing Programs Fund loan in the amount of One Million Eight
16 Hundred Seventy-Five Thousand Dollars (\$1,875,000) (collectively, the "State Financing
17 Programs"); and
18

19 **WHEREAS**, pursuant to the State Financing Programs, the Development will provide
20 housing for lower income persons; and
21

22 **WHEREAS**, the Partnership has requested that the County permit the Partnership to make
23 payments in lieu of County real property taxes (the "PILOT") pursuant to Section 7-506.1 of the
24 Tax-Property Article of the Annotated Code of Maryland; and
25

26 **WHEREAS**, the Partnership has demonstrated to the County that an agreement for a
27 PILOT is necessary to make the Development economically feasible; and
28

29 **WHEREAS**, the ~~Development has failed~~ Development is projected to fail the School
30 Capacity Test set forth in Section 16.1110(y) of the Adequate Public Facilities Act of Howard
31 County (the "Act"); and

1 **WHEREAS**, the Partnership is requesting that the Howard County Department of
2 Planning and Zoning (“DPZ”) authorize the Development to proceed subject to the Special
3 Affordable Housing Opportunities provision set forth in Section 16.1103(e) of the Act; and
4

5 **WHEREAS**, DPZ authorization requires that 1) At least 40 percent of the units shall be
6 affordable to households earning 60 percent or less of the metropolitan statistical area median
7 income; 2) The project or phase of a project is led by or in partnership with a local nonprofit or the
8 Housing Commission; 3) The project or phase of a project is seeking or has received an allocation
9 of Low-Income Housing Tax Credits or other state or federal financial assistance for affordable
10 housing; 4) The project or phase of a project has obtained a letter of support from the County
11 Executive; and 5) the County Council and County Executive have approved either a Payment in
12 Lieu of Taxes agreement for the project or a resolution authorizing the project to proceed; and
13

14 **WHEREAS**, the County Council shall consider as part of its approval of a Payment in
15 Lieu of Taxes agreement 1) The capacity utilization at the school or schools impacted by the
16 project and at adjacent schools, including limiting the potential impact on any elementary or
17 middle school with a capacity utilization rate greater than 115 percent unless an adjacent school
18 with the same grade levels has a capacity utilization rate of 100 percent or less; 2) Estimated
19 student generation from the project; 3) Any potential for the Board of Education to add capacity
20 to the impacted school or schools through redistricting, facility expansion, or other programs; and
21 4) The need for affordable housing in the County, including factors such as the housing cost burden
22 on families, the availability of housing for individuals with disabilities, and the extent of
23 homelessness among families and school children; and
24

25 **WHEREAS**, the County has evaluated and found that the Development meets the
26 requirements of the Special Affordable Housing Opportunities provision set forth in Section
27 16.1103(e)(1)-(e)(4) of the Act; and
28

29 **WHEREAS**, in order to induce the Partnership to provide affordable housing in Howard
30 County, it is in the interest of the County to accept a PILOT subject to the terms and conditions of
31 the PILOT Agreement (the “Agreement”) attached to this Resolution as “Exhibit 1”.

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NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County, Maryland this 29th day of July, 2019, that:

- (1) The Development meets the requirements of the Special Affordable Housing Opportunities provision set forth in Section 16.1103(e)(1)-(e)(4) of the Act.
- (2) In accordance with Section 7-506.1 of the Tax-Property Article of the Annotated Code of Maryland, the County shall abate all County real property taxes for the Development subject to the terms and conditions of the Payment in Lieu of Taxes Agreement (the "Agreement") attached to this Resolution as "Exhibit 1".
- (3) The County Executive is hereby authorized to execute and deliver the Agreement in the name and on behalf of the County in substantially the form attached.
- (4) The County Executive, prior to execution and delivery of the Agreement, may make such changes or modifications to the Agreement as he deems appropriate in order to accomplish the purpose of the transactions authorized by this Resolution, provided that such changes or modifications shall be within the scope of the transactions authorized by this Resolution; and the execution of the Agreement by the County Executive shall be conclusive evidence of the approval by the County Executive of all changes or modifications to the Agreement, and the Agreement shall thereupon become binding upon the County in accordance with its terms.

EXHIBIT 1

Development: Robinson Overlook

PAYMENT IN LIEU OF TAXES AGREEMENT

THIS AGREEMENT (this "Agreement") is made as of this _____ day of _____, 2019, by and between ROBINSON OVERLOOK LIMITED PARTNERSHIP, a limited partnership of the State of Maryland (the "Partnership") and HOWARD COUNTY, MARYLAND, a body corporate and politic of the State of Maryland (the "County").

RECITALS

A. The Partnership has contracted to acquire certain real property located on 7410 Grace Drive in Columbia, Maryland, which real property is more particularly described on Exhibit "A" attached hereto (the "Property"). The Partnership proposes to construct and operate on the Property a 48-unit mixed-income, rental housing development to be known as "Robinson Overlook" (the "Development"). Forty-three (43) units (the "Affordable Dwelling Units") will be rented to households that earn at or below 60 percent of Area Median Income of the Baltimore Metropolitan Statistical Area ("AMI"), of which eight (8) units will be rented to residents with disabilities who earn at or below 50 percent of AMI.

B. In order to fund a portion of the costs of the Development, the Partnership has applied to the Maryland Department of Housing and Community Development, either directly or through its Community Development Administration for (i) equity financing derived from Low Income Housing Tax Credits in the approximate amount of Twelve Million Nine Hundred Thirty-Four Thousand Four Hundred Sixty-Seven Dollars (\$12,934,467), and (ii) a Rental Housing Programs Fund loan in the approximate amount of One Million Eight Hundred Seventy-Five Thousand Dollars (\$1,875,000) (collectively, the "State Financing Programs"). Pursuant to the requirements of the State Financing Programs, the Development will provide housing for lower income persons.

C. The Partnership has requested that the County permit the Partnership to make payments in lieu of County real property taxes pursuant to Section 7-506.1 of the Tax-Property Article of the Annotated Code of Maryland (the "Act"). The Act provides, among other things, that real property may be exempt from County property tax if:

(1) the real property is owned by a person engaged in constructing or operating housing structures or projects;

(2) the real property is used for a housing structure or project that is constructed or substantially rehabilitated under a federal, State, or local government program that funds construction, or insures its financing in whole or in part, or provides interest subsidy, rent subsidy or rent supplements;

(3) the owner of the real property agrees to (A) continue to maintain the real property as rental housing for lower income persons under the requirements of the governmental

programs described in item (2) of this paragraph and agrees to renew any annual contributions or other agreements for rental subsidy or supplement or (B) enters into an agreement with the governing body of the County to allow the entire property or the portion of the property which was maintained for lower income persons to remain as housing for lower income persons for a term of at least five years; and

(4) the owner and the governing body of the county where the real property is located agree that the owner shall pay a negotiated amount in lieu of the applicable county property tax.

D. In order to induce the Partnership to provide housing for lower income persons, the County agrees to accept payments in lieu of County real property taxes, subject to the terms and conditions of this Agreement.

E. The County Council of Howard County, Maryland has approved this Agreement by resolution, a copy of which is attached hereto as Exhibit "B".

NOW, THEREFORE, in consideration of the premises and the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Partnership and the County agree as follows:

1. Definitions. In this Agreement, the term:

(a) "Affordable Dwelling Unit" means a rental dwelling unit reserved for households that earn at or below 60 percent of AMI.

(b) "Distribution" means any withdrawal or taking of ~~cash~~ Surplus Cash or any assets of the Development, excluding payment for reasonable expenses incident to the operation and maintenance of the Development. Such expenses shall include a reasonable property management fee and a reasonable guaranteed distribution to the limited partner as an investor services fee.

(c) "Gross Rental Income" means the total of all charges paid by all tenants of the Property, less the cost of all utilities paid by the Partnership.

(d) "Initial Closing" means the date of the initial closing of the financing under the State Financing Programs.

(e) "Market Rate Dwelling Unit" means a rental dwelling unit which is not an Affordable Dwelling Unit.

(f) "Residual Receipts" means any cash remaining at the end of a calendar year after deducting from Surplus Cash:

(i) the Payment required by Section 5(b) of this Agreement; and

(ii) any Distributions to the General Partner, the aggregate of which do not exceed 10% of the Partnership's General Partner's initial equity investment in the Development, as determined by the County.

(g) "Surplus Cash" means any cash remaining at the end of a calendar year after the payment of:

(i) the Payment required by Section 5(a) of this Agreement;

~~(ii) all reasonable and actual operating costs and expenses of the Development including reasonable property management fees, reasonable asset management fees to the managing general partner, and a reasonable guaranteed distribution to the limited member as an investor services fee, as well as other taxes owed to the State of Maryland; and (ii) all reasonable and actual operating costs and expenses of the Development (whether paid as operating expenses or from available cash flow) including reasonable property management fees, reasonable asset management fees to the managing General Partner, any payments of deferred developer fee, amounts owed to the limited partner pursuant to the Partnership's partnership agreement, and a reasonable guaranteed distribution to the limited member as an investor services fee, as well as other taxes owed to the State of Maryland; and~~

~~(iii) all payments required under any mortgage on the Property approved by the County, including payments under the State Financing Programs. (iii) all payments required under any mortgage on the Property approved by the Maryland Department of Housing and Community Development, either directly or through its Community Development Administration or the County, including payments under the State Financing Programs.~~

2. Acceptance of Payments. For the term of this Agreement, the Partnership shall make, and the County shall accept, annual payments in lieu of all County real property taxes due on the Property (the "Payments"). The Property shall be exempt from County real property taxes in accordance with the Act so long as this Agreement is in effect.

3. Conditions Precedent. This Agreement shall not take effect unless and until each of the following conditions precedent have been fulfilled:

(a) Title. The Partnership shall have taken fee simple title to the Property;

(b) Financing. The Partnership shall have received financing under the State Financing Programs for construction of the Development; and

(c) PILOT Covenants. The Partnership shall have executed and recorded covenants on the Property, in a form acceptable to the County, that require the Partnership and all subsequent owners of the Property to offer for rent forty-three (43) units to households that earn at or below 60 percent of AMI, of which eight (8) units will be rented to residents with disabilities who earn at or below 50 percent of AMI, for a period of not fewer than forty (40) years from the date of Initial Closing (the "PILOT Covenants").

4. Effective Date. This Agreement shall take effect when each of the conditions precedent set forth in Section 3 are fulfilled (the "Effective Date"); provided, however, that if all of the conditions precedent are not fulfilled by January 9, 2020, this Agreement shall be null and void.

5. Amount of Payments. Each Payment made under this Agreement shall be in an amount calculated as follows:

(a) Minimum Payment. The Partnership shall pay to the County an amount equal to (i) Three Hundred Ten Dollars (\$310) for each Affordable Dwelling Unit and Market Rate Dwelling Unit of the Development, and (ii) the amount of County fire tax, front-foot benefit assessment charge, and the ad valorem charge (the "County Assessments") paid by the Partnership for the Development for the current taxable year.

(b) Payment from Surplus Cash. To the extent funds are available from Surplus Cash, the Partnership shall pay to the County an additional two percent (2%) of the Development's Gross Rental Income.

(c) Payment from Residual Receipts. To the extent funds are available from Residual Receipts, the Partnership shall pay to the County an amount which, when added to the Payments made under (a) and (b), equals (i) the County real property taxes which would have been paid for the current taxable year if the Development were not exempt from taxation, and (ii) the County Assessments paid by the Partnership for the Development for the current taxable year.

(d) Total Payment. The intention of this Agreement is that each Payment shall at no time exceed the aggregate of (i) County real property taxes which would have been paid for the current taxable year if the Development were not exempt from taxation, and (ii) the County Assessments paid by the Partnership for the Development for the current taxable year.

6. Time and Place Payments Due. Each Payment shall be made by May 1 of each year for the prior calendar year. Payments shall be made to the Director of Finance, 3430 Courthouse Drive, Ellicott City, Maryland 21043. Payments of the County Assessments shall be made at the time and in the manner provided by law.

7. Penalties for Late Payment. The Partnership shall be subject to the following penalties for late payments, which penalties shall not be imposed unless such payments remain outstanding after five (5) days' written notice:

(a) 1% per month or part of a month during the period May 2 to June 30 following the due date; and

(b) 1 1/2% per month or part of a month on or after July 1 following the due date.

~~8. Penalties for Failure to Pay. At the option of the County, if any Payment is due and unpaid on or after July 1 following the due date, this Agreement may be terminated and all County~~

~~real property taxes for the preceding taxable year shall be immediately due and payable.~~ 8. Penalties for Late Payment. At the option of the County, if any Payment is due and unpaid on or after July 1 following the due date, this Agreement may be terminated by the County upon ninety (90) days' prior notice, which termination will be void if the Partnership pays the outstanding Payment within such ninety (90) day period. If the Partnership fails to pay the outstanding Payment within such ninety (90) day period, then this Agreement will terminate, and all County real property taxes for the preceding taxable year shall be immediately due and payable.

9. Reports and Records.

(a) By no later than March 31 of each year, the Partnership shall submit to the County's Director of Finance, in a form acceptable to the County, a report of the Development's income and expenses for the preceding calendar year, including an itemized breakdown of Gross Rental Income, Surplus Cash, and Residual Receipts.

(b) The Partnership shall submit such other reports as the County may reasonably require in order to verify the Partnership's compliance with this Agreement.

(c) The Partnership shall permit the County or any of its authorized agents to inspect the records of the Development in order to verify the Partnership's compliance with this Agreement.

10. Representation and Warranties.

(a) The Partnership represents and warrants to the County that it is eligible in all respects to enter in this Agreement to make payments in lieu of taxes under the Act.

(b) The Partnership covenants and agrees that it will do all things necessary to remain eligible to make payments in lieu of taxes in accordance with the Act.

(c) The Partnership agrees that it shall remain in good standing with the State Department of Assessments and Taxation.

11. Term of Agreement. This Agreement shall remain in effect until the earlier to occur of:

(a) the termination of the PILOT Covenants;

(b) the foreclosure, or the making of a deed in lieu of foreclosure, of any portion of the Property, unless the party acquiring the Property agrees to continue the PILOT Covenants under terms and conditions acceptable to the County;

(c) any default under the PILOT Covenants which is not cured within a reasonable period after notice, which period shall in all events be at least thirty (30) days; or

(d) any default under this Agreement which is not cured within a reasonable period after notice.

12. Sale; Liens; Partnership Interests. During the term of this Agreement, the Partnership shall not, without the prior written consent of the County, make any transfer, exchange, encumber or otherwise convey its interest in the Property except as permitted by the State Financing Programs' documents. If the Partnership transfers the Property to a new owner (other than a holder of a mortgage or deed of trust in the event of foreclosure or deed in lieu of foreclosure), then the Partnership shall be permitted to assign this Agreement to the new owner, provided that (i) the transfer to the assignee was permitted by the State Financing Programs' documents and (ii) the assignee shall be subject to the terms and conditions of this Agreement.

13. State Taxes. The Partnership acknowledges and agrees that it shall pay all State real property taxes.

14. Successors and Assigns. This Agreement shall be binding upon, and shall inure to the benefit of, all successors and assigns of the Partnership.

15. Entire Agreement. This Agreement represents the entire understanding and agreement of the parties.

[SIGNATURES BEGIN ON NEXT PAGE]

IN WITNESS WHEREOF, the Partnership and the County, by their duly authorized representatives have signed this Agreement as of the date first written above.

WITNESS/ATTEST:

ROBINSON OVERLOOK LIMITED PARTNERSHIP, a Maryland limited partnership

By: Robinson Overlook GP, LLC, a Maryland limited liability company, its General Partner

By: Woda Cooper General Partner, LLC, an Ohio limited liability company, its Sole Member

By: Woda Cooper Communities, LLC, an Ohio limited liability company, its Sole Member

Name: _____
Title: _____

Name: _____ (SEAL)
Title: _____

[COUNTY SIGNATURES ON FOLLOWING PAGE]

WITNESS/ATTEST:

HOWARD COUNTY, MARYLAND

Name: Lonnie Robbins
Title: Chief Administrative Officer

By: _____(SEAL)
Name: Calvin Ball
Title: County Executive

APPROVED for Form and Legal
Sufficiency this _____ day of
_____, 20__.

APPROVED by Department of Finance

Gary Kuc
County Solicitor

Janet Irvin
Director

Reviewing Attorney:

Kristen Bowen Perry

Exhibit A: Legal Description of Property

Exhibit B: Council Resolution No. _____

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

~~All that lot or parcel of land, situate and lying near Simpsonville, in the Fifth Election District of Howard County, State of Maryland, containing 6 acres 1 RD and 29 square perches of land. In Liber B.M. JR. 174 at folio 87.~~

~~Saving and Excepting 2.674 acres more or less conveyed by Deed to Maryland State Highway Administration as recorded in (book) 2804, (page) 4.~~

All that piece or parcel of land containing 3.8387 acres of land more or less as shown on plat entitled "Plat of Revision Baltimore Seventh Day Adventist Korean Church" and recorded among the Land Records for Howard County, Maryland on Plats numbered 23974 and 23975.

EXHIBIT B

Council Resolution No. _____

Amendment 1 to Council Resolution No. 97-2019

BY: The Chairperson at the request
of the County Executive

Legislative Day 9
Date: July 1, 2019

Amendment No. 1

(This amendment corrects a whereas clause and corrects the following terms of the Agreement:

- 1. Clarifies that the Rental Housing Program Fund loan amount is approximate;*
- 2. Clarifies the definition of Distribution;*
- 3. Clarifies that Residual Receipts do not include distributions to certain partners;*
- 4. Clarifies the definition of Surplus Cash;*
- 5. Clarifies the penalties for late payment; and*
- 6. Substitutes a new legal description.)*

1 On page 1, in line 29, strike “Development has failed’ and substitute “Development is projected
2 to fail”.

3

4 In the Payment in Lieu of Taxes Agreement, attached to the Resolution as Exhibit 1:

- 5 • On page 1, in Recital B, in the sixth line, after “Program Fund loan in the”, insert
6 “approximate”
- 7 • On page 2, in Section 1 “Definitions”, in definition (b), in the first line, strike “cash” and
8 substitute “Surplus Cash”
- 9 • On page 2, in Section 1 “Definitions”, in definition (f), in subsection (ii), after
10 “Distributions” insert “to the General Partner” and strike “Partnership’s” and substitute
11 “General Partner’s”
- 12 • On page 3, in definition (g), strike subsections (ii) and (iii) and substitute:
13 “(ii) all reasonable and actual operating costs and expenses of the Development (whether
14 paid as operating expenses or from available cash flow) including reasonable property
15 management fees, reasonable asset management fees to the managing General Partner,
16 any payments of deferred developer fee, amounts owed to the limited partner pursuant to
17 the Partnership’s partnership agreement, and a reasonable guaranteed distribution to the
18 limited member as an investor services fee, as well as other taxes owed to the State of
19 Maryland; and
20 (iii) all payments required under any mortgage on the Property approved by the Maryland
21 Department of Housing and Community Development, either directly or through its

22 Community Development Administration or the County, including payments under the
23 State Financing Programs.”

24 • On page 4, in item 7, in the second line, after “payments” insert “, which penalties shall
25 not be imposed unless such payments remain outstanding after five (5) days’ written
26 notice”

27 • On page 4, strike item 8 in its entirety and substitute:
28 “8. Penalties for Late Payment. At the option of the County, if any Payment is due and
29 unpaid on or after July 1 following the due date, this Agreement may be terminated by
30 the County upon ninety (90) days’ prior notice, which termination will be void if the
31 Partnership pays the outstanding Payment within such ninety (90) day period. If the
32 Partnership fails to pay the outstanding Payment within such ninety (90) day period, then
33 this Agreement will terminate, and all County real property taxes for the preceding
34 taxable year shall be immediately due and payable.”

35 • On page 9, strike the Legal Description and substitute:
36 “All that piece or parcel of land containing 3.8387 acres of land more or less as shown on
37 plat entitled “Plat of Revision Baltimore Seventh Day Adventist Korean Church” and
38 recorded among the Land Records for Howard County, Maryland on Plats numbered
39 23974 and 23975.”

40

ACCEPTED 7/29/19
PAILED
ORIGINATOR Jessica Feldman

1 **WHEREAS**, Robinson Overlook Limited Partnership, a limited partnership of the State of
2 Maryland (the "Partnership"), has contracted to develop certain real property (the "Property")
3 located on Grace Drive in Columbia, Maryland; and
4

5 **WHEREAS**, The Partnership proposes to construct and operate on the Property a 48-unit
6 mixed-income rental housing development to be known as Robinson Overlook (the
7 "Development"). 43 units will be rented to households that earn at or below 60 percent of area
8 Median Income of the Baltimore Metropolitan Statistical Area ("AMI"), of which 8 units will be
9 rented to residents with disabilities who earn at or below 50 percent of AMI; and
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11 **WHEREAS**, the Partnership has applied to the Maryland Department of Housing and
12 Community Development, either directly or through its Community Development Administration
13 for (i) equity financing derived from Low Income Housing Tax Credits in the approximate amount
14 of Twelve Million Nine Hundred Thirty-Four Thousand Four Hundred Sixty-Seven Dollars
15 (\$12,934,467), and (ii) a Rental Housing Programs Fund loan in the amount of One Million Eight
16 Hundred Seventy-Five Thousand Dollars (\$1,875,000) (collectively, the "State Financing
17 Programs"); and
18

19 **WHEREAS**, pursuant to the State Financing Programs, the Development will provide
20 housing for lower income persons; and
21

22 **WHEREAS**, the Partnership has requested that the County permit the Partnership to make
23 payments in lieu of County real property taxes (the "PILOT") pursuant to Section 7-506.1 of the
24 Tax-Property Article of the Annotated Code of Maryland; and
25

26 **WHEREAS**, the Partnership has demonstrated to the County that an agreement for a
27 PILOT is necessary to make the Development economically feasible; and
28

29 **WHEREAS**, the Development has failed the School Capacity Test set forth in Section
30 16-110(y) of the Adequate Public Facilities Act of Howard County (the "Act"); and
31

EXHIBIT 1

Development: Robinson Overlook

PAYMENT IN LIEU OF TAXES AGREEMENT

THIS AGREEMENT (this "Agreement") is made as of this _____ day of _____, 2019, by and between ROBINSON OVERLOOK LIMITED PARTNERSHIP, a limited partnership of the State of Maryland (the "Partnership") and HOWARD COUNTY, MARYLAND, a body corporate and politic of the State of Maryland (the "County").

RECITALS

A. The Partnership has contracted to acquire certain real property located on 7410 Grace Drive in Columbia, Maryland, which real property is more particularly described on Exhibit "A" attached hereto (the "Property"). The Partnership proposes to construct and operate on the Property a 48-unit mixed-income, rental housing development to be known as "Robinson Overlook" (the "Development"). Forty-three (43) units (the "Affordable Dwelling Units") will be rented to households that earn at or below 60 percent of Area Median Income of the Baltimore Metropolitan Statistical Area ("AMI"), of which eight (8) units will be rented to residents with disabilities who earn at or below 50 percent of AMI.

B. In order to fund a portion of the costs of the Development, the Partnership has applied to the Maryland Department of Housing and Community Development, either directly or through its Community Development Administration for (i) equity financing derived from Low Income Housing Tax Credits in the approximate amount of Twelve Million Nine Hundred Thirty-Four Thousand Four Hundred Sixty-Seven Dollars (\$12,934,467), and (ii) a Rental Housing Programs Fund loan in the amount of One Million Eight Hundred Seventy-Five Thousand Dollars (\$1,875,000) (collectively, the "State Financing Programs"). Pursuant to the requirements of the State Financing Programs, the Development will provide housing for lower income persons.

C. The Partnership has requested that the County permit the Partnership to make payments in lieu of County real property taxes pursuant to Section 7-506.1 of the Tax-Property Article of the Annotated Code of Maryland (the "Act"). The Act provides, among other things, that real property may be exempt from County property tax if:

(1) the real property is owned by a person engaged in constructing or operating housing structures or projects;

(2) the real property is used for a housing structure or project that is constructed or substantially rehabilitated under a federal, State, or local government program that funds construction, or insures its financing in whole or in part, or provides interest subsidy, rent subsidy or rent supplements;

(3) the owner of the real property agrees to (A) continue to maintain the real property as rental housing for lower income persons under the requirements of the governmental programs described in item (2) of this paragraph and agrees to renew any annual contributions or

other agreements for rental subsidy or supplement or (B) enters into an agreement with the governing body of the County to allow the entire property or the portion of the property which was maintained for lower income persons to remain as housing for lower income persons for a term of at least five years; and

(4) the owner and the governing body of the county where the real property is located agree that the owner shall pay a negotiated amount in lieu of the applicable county property tax.

D. In order to induce the Partnership to provide housing for lower income persons, the County agrees to accept payments in lieu of County real property taxes, subject to the terms and conditions of this Agreement.

E. The County Council of Howard County, Maryland has approved this Agreement by resolution, a copy of which is attached hereto as Exhibit "B".

NOW, THEREFORE, in consideration of the premises and the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Partnership and the County agree as follows:

1. Definitions. In this Agreement, the term:

(a) "Affordable Dwelling Unit" means a rental dwelling unit reserved for households that earn at or below 60 percent of AMI.

(b) "Distribution" means any withdrawal or taking of cash or any assets of the Development, excluding payment for reasonable expenses incident to the operation and maintenance of the Development. Such expenses shall include a reasonable property management fee and a reasonable guaranteed distribution to the limited partner as an investor services fee.

(c) "Gross Rental Income" means the total of all charges paid by all tenants of the Property, less the cost of all utilities paid by the Partnership.

(d) "Initial Closing" means the date of the initial closing of the financing under the State Financing Programs.

(e) "Market Rate Dwelling Unit" means a rental dwelling unit which is not an Affordable Dwelling Unit.

(f) "Residual Receipts" means any cash remaining at the end of a calendar year after deducting from Surplus Cash:

(i) the Payment required by Section 5(b) of this Agreement; and

(ii) any Distributions, the aggregate of which do not exceed 10% of the Partnership's initial equity investment in the Development, as determined by the County.

(g) "Surplus Cash" means any cash remaining at the end of a calendar year after the payment of:

(i) the Payment required by Section 5(a) of this Agreement;

(ii) all reasonable and actual operating costs and expenses of the Development including reasonable property management fees, reasonable asset management fees to the managing general partner, and a reasonable guaranteed distribution to the limited member as an investor services fee, as well as other taxes owed to the State of Maryland; and

(iii) all payments required under any mortgage on the Property approved by the County, including payments under the State Financing Programs.

2. Acceptance of Payments. For the term of this Agreement, the Partnership shall make, and the County shall accept, annual payments in lieu of all County real property taxes due on the Property (the "Payments"). The Property shall be exempt from County real property taxes in accordance with the Act so long as this Agreement is in effect.

3. Conditions Precedent. This Agreement shall not take effect unless and until each of the following conditions precedent have been fulfilled:

(a) Title. The Partnership shall have taken fee simple title to the Property;

(b) Financing. The Partnership shall have received financing under the State Financing Programs for construction of the Development; and

(c) PILOT Covenants. The Partnership shall have executed and recorded covenants on the Property, in a form acceptable to the County, that require the Partnership and all subsequent owners of the Property to offer for rent forty-three (43) units to households that earn at or below 60 percent of AMI, of which eight (8) units will be rented to residents with disabilities who earn at or below 50 percent of AMI, for a period of not fewer than forty (40) years from the date of Initial Closing (the "PILOT Covenants").

4. Effective Date. This Agreement shall take effect when each of the conditions precedent set forth in Section 3 are fulfilled (the "Effective Date"); provided, however, that if all of the conditions precedent are not fulfilled by January 9, 2020, this Agreement shall be null and void.

5. Amount of Payments. Each Payment made under this Agreement shall be in an amount calculated as follows:

(a) Minimum Payment. The Partnership shall pay to the County an amount equal to (i) Three Hundred Ten Dollars (\$310) for each Affordable Dwelling Unit and Market Rate Dwelling Unit of the Development, and (ii) the amount of County fire tax, front-foot benefit

assessment charge, and the ad valorem charge (the "County Assessments") paid by the Partnership for the Development for the current taxable year.

(b) Payment from Surplus Cash. To the extent funds are available from Surplus Cash, the Partnership shall pay to the County an additional two percent (2%) of the Development's Gross Rental Income.

(c) Payment from Residual Receipts. To the extent funds are available from Residual Receipts, the Partnership shall pay to the County an amount which, when added to the Payments made under (a) and (b), equals (i) the County real property taxes which would have been paid for the current taxable year if the Development were not exempt from taxation, and (ii) the County Assessments paid by the Partnership for the Development for the current taxable year.

(d) Total Payment. The intention of this Agreement is that each Payment shall at no time exceed the aggregate of (i) County real property taxes which would have been paid for the current taxable year if the Development were not exempt from taxation, and (ii) the County Assessments paid by the Partnership for the Development for the current taxable year.

6. Time and Place Payments Due. Each Payment shall be made by May 1 of each year for the prior calendar year. Payments shall be made to the Director of Finance, 3430 Courthouse Drive, Ellicott City, Maryland 21043. Payments of the County Assessments shall be made at the time and in the manner provided by law.

7. Penalties for Late Payment. The Partnership shall be subject to the following penalties for late payments:

(a) 1% per month or part of a month during the period May 2 to June 30 following the due date; and

(b) 1 1/2% per month or part of a month on or after July 1 following the due date.

8. Penalties for Failure to Pay. At the option of the County, if any Payment is due and unpaid on or after July 1 following the due date, this Agreement may be terminated and all County real property taxes for the preceding taxable year shall be immediately due and payable.

9. Reports and Records.

(a) By no later than March 31 of each year, the Partnership shall submit to the County's Director of Finance, in a form acceptable to the County, a report of the Development's income and expenses for the preceding calendar year, including an itemized breakdown of Gross Rental Income, Surplus Cash, and Residual Receipts.

(b) The Partnership shall submit such other reports as the County may reasonably require in order to verify the Partnership's compliance with this Agreement.

(c) The Partnership shall permit the County or any of its authorized agents to inspect the records of the Development in order to verify the Partnership's compliance with this Agreement.

10. Representation and Warranties.

(a) The Partnership represents and warrants to the County that it is eligible in all respects to enter in this Agreement to make payments in lieu of taxes under the Act.

(b) The Partnership covenants and agrees that it will do all things necessary to remain eligible to make payments in lieu of taxes in accordance with the Act.

(c) The Partnership agrees that it shall remain in good standing with the State Department of Assessments and Taxation.

11. Term of Agreement. This Agreement shall remain in effect until the earlier to occur of:

(a) the termination of the PILOT Covenants;

(b) the foreclosure, or the making of a deed in lieu of foreclosure, of any portion of the Property, unless the party acquiring the Property agrees to continue the PILOT Covenants under terms and conditions acceptable to the County;

(c) any default under the PILOT Covenants which is not cured within a reasonable period after notice, which period shall in all events be at least thirty (30) days; or

(d) any default under this Agreement which is not cured within a reasonable period after notice.

12. Sale; Liens; Partnership Interests. During the term of this Agreement, the Partnership shall not, without the prior written consent of the County, make any transfer, exchange, encumber or otherwise convey its interest in the Property except as permitted by the State Financing Programs' documents. If the Partnership transfers the Property to a new owner (other than a holder of a mortgage or deed of trust in the event of foreclosure or deed in lieu of foreclosure), then the Partnership shall be permitted to assign this Agreement to the new owner, provided that (i) the transfer to the assignee was permitted by the State Financing Programs' documents and (ii) the assignee shall be subject to the terms and conditions of this Agreement.

13. State Taxes. The Partnership acknowledges and agrees that it shall pay all State real property taxes.

14. Successors and Assigns. This Agreement shall be binding upon, and shall inure to the benefit of, all successors and assigns of the Partnership.

15. Entire Agreement. This Agreement represents the entire understanding and agreement of the parties.

[SIGNATURES BEGIN ON NEXT PAGE]

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

All that lot or parcel of land, situate and lying near Simpsonville, in the Fifth Election District of Howard County, State of Maryland, containing 6 acres 1 RD and 29 square perches of land. In Liber B.M. JR. 174 at folio 87.

Saving and Excepting 2.674 acres more or less conveyed by Deed to Maryland State Highway Administration as recorded in (book) 2804, (page) 4.

Amendment 1 to Council Resolution No. 97-2019

BY: The Chairperson at the request
of the County Executive

Legislative Day 9
Date: July 1, 2019

Amendment No. 1

(This amendment corrects a whereas clause and corrects the following terms of the Agreement:

- 1. Clarifies that the Rental Housing Program Fund loan amount is approximate;*
- 2. Clarifies the definition of Distribution;*
- 3. Clarifies that Residual Receipts do not include distributions to certain partners;*
- 4. Clarifies the definition of Surplus Cash;*
- 5. Clarifies the penalties for late payment; and*
- 6. Substitutes a new legal description.)*

1 On page 1, in line 29, strike "Development has failed" and substitute "Development is projected
2 to fail".

3
4 In the Payment in Lieu of Taxes Agreement, attached to the Resolution as Exhibit 1:

- 5 • On page 1, in Recital B, in the sixth line, after "Program Fund loan in the", insert
6 "approximate"
- 7 • On page 2, in Section 1 "Definitions", in definition (b), in the first line, strike "cash" and
8 substitute "Surplus Cash"
- 9 • On page 2, in Section 1 "Definitions", in definition (f), in subsection (ii), after
10 "Distributions" insert "to the General Partner" and strike "Partnership's" and substitute
11 "General Partner's"
- 12 • On page 3, in definition (g), strike subsections (ii) and (iii) and substitute:
13 "(ii) all reasonable and actual operating costs and expenses of the Development (whether
14 paid as operating expenses or from available cash flow) including reasonable property
15 management fees, reasonable asset management fees to the managing General Partner,
16 any payments of deferred developer fee, amounts owed to the limited partner pursuant to
17 the Partnership's partnership agreement, and a reasonable guaranteed distribution to the
18 limited member as an investor services fee, as well as other taxes owed to the State of
19 Maryland; and
20 (iii) all payments required under any mortgage on the Property approved by the Maryland
21 Department of Housing and Community Development, either directly or through its

22 Community Development Administration or the County, including payments under the
23 State Financing Programs.”

24 • On page 4, in item 7, in the second line, after “payments” insert “, which penalties shall
25 not be imposed unless such payments remain outstanding after five (5) days’ written
26 notice”

27 • On page 4, strike item 8 in its entirety and substitute:
28 “8. Penalties for Late Payment. At the option of the County, if any Payment is due and
29 unpaid on or after July 1 following the due date, this Agreement may be terminated by
30 the County upon ninety (90) days’ prior notice, which termination will be void if the
31 Partnership pays the outstanding Payment within such ninety (90) day period. If the
32 Partnership fails to pay the outstanding Payment within such ninety (90) day period, then
33 this Agreement will terminate, and all County real property taxes for the preceding
34 taxable year shall be immediately due and payable.”

35 • On page 9, strike the Legal Description and substitute:
36 “All that piece or parcel of land containing 3.8387 acres of land more or less as shown on
37 plat entitled “Plat of Revision Baltimore Seventh Day Adventist Korean Church” and
38 recorded among the Land Records for Howard County, Maryland on Plats numbered
39 23974 and 23975.”

40

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 5:05 PM
To: Sayers, Margery
Subject: FW: Please vote for Robinson Overlook to move forward

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update [here](#).

From: Tina Horn <TinaHorn_CAE@hotmail.com>
Sent: Monday, July 8, 2019 4:53 PM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Please vote for Robinson Overlook to move forward

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

Hi Councilwoman Jung!

I'm writing in support of Robinson Overlook, the affordable housing project planned for Grace Drive at Route 32.

There is need for affordable housing in that part of the county and these 50 units will make a respectable dent in that need.

The best economic modeling available estimates that for every 100 typical affordable housing units built with Low Income Housing Tax Credits, like Robinson Overlook, \$827,000 in taxes are generated the first year and \$441,000 per year thereafter.

The research also indicates that affordable housing will most likely have a neutral to positive effect on surrounding property values, the average housing value in that Census tract is already over \$650,000.

If we are to be the type of community we aspire to be, we must welcome all of our neighbors.

Please support Robinson Overlook.

Sincerely

Christine (Tina) Horn

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 5:01 PM
To: Sayers, Margery
Subject: FW: CR97

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update [here](#).

From: Ted P <tprzyzycki@gmail.com>
Sent: Monday, August 19, 2019 2:14 PM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: CR97

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

Ms. Jung,

as your constituent, I am writing to let you know that I am against both CR97 and your intention to introduce a comprehensive redistricting plan for the 2020-2021 school year. I request that you refocus your efforts to address school overcrowding and the budgetary concerns of the schools. Adding more students, whose families are unable to afford the taxes necessary to sustain the Howard County education system, is not the solution to these problems.

thank you,

Ted Przyzycki

Sayers, Margery

From: Walsh, Elizabeth
Sent: Wednesday, September 18, 2019 8:13 PM
To: CouncilMail
Subject: Fwd: CR97 Data Request - Comparable Unit Ratio Student Yields.xlsx
Attachments: CR97 Comparable Unit Ratio Student Yields.xlsx

Actual yields from actual projects:

Liz Walsh, Council Member
Howard County Council
Serving District 1

3430 Court House Drive
Ellicott City, MD 21043
410.313.2001

From: Delorenzo, Carl <cdelorenzo@howardcountymd.gov>
Sent: Tuesday, July 23, 2019 5:06:43 PM
To: CouncilMail <CouncilMail@howardcountymd.gov>; Feldmark, Jessica <jfeldmark@howardcountymd.gov>; Glendenning, Craig <cglendenning@howardcountymd.gov>; Clark, Owen <oclark@howardcountymd.gov>
Subject: CR97 Data Request - Comparable Unit Ratio Student Yields.xlsx

Councilmembers,

At the July 8 public hearing on CR97, the Council requested additional student yield data to verify the Administration's projected student enrollment count from the Robinson Overlook development. I identified four communities, in addition to Burgess Mill and Monarch Mills, that have a comparable proportion of 2- and 3-bedroom units to Robinson Overlook. The unit mix and student yields of the four communities (Howard Hills, Riverwatch, Willows at Port Capital, Grande Pointe) are included in the attached spreadsheet and used to update the student yield projections for Robinson Overlook. Columns C-F of the spreadsheet show the original projection and the revised projection when adding the four communities. When adding the four communities, the student yield projection increases by 3 students from 28 to 31.

Please let me know if you'd like anything further.

Best,
CD.

	<i>Robinson Overlook Original***</i>		<i>Robinson Overlook Revised*</i>		Burgess Mill Station		Monarch Mills		Howard Hills		Riverwatch	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1-bdrm units	8	17%	8	17%	41	21%	55	25%	0	0%	0	0%
2-bdrm units	19	40%	19	40%	112	57%	121	54%	80	50%	41	49%
3-bdrm units	21	44%	21	44%	45	23%	48	21%	80	50%	43	51%
Total Units	48		48		198		224		160		84	
Total Bedrooms	109		109		400		441		400		211	
Avg. bdrms per unit	2.27		2.27		2.02		1.97		2.50		2.51	
Elementary Students**	12		14		44		50		50		35	
Middle Students**	7		8		25		28		29		16	
High Students**	9		9		33		33		39		11	
Total Students	28		31		102		111		118		62	
Elementary Yield	0.254		0.294		0.222		0.223		0.313		0.417	
Middle Yield	0.143		0.168		0.126		0.125		0.181		0.190	
High Yield	0.178		0.191		0.167		0.147		0.244		0.131	
Total Yield	0.575		0.652		0.515		0.496		0.738		0.738	

* Student totals are projected and calculated using the 'Cumulative' column

** Academic year 2018-2019 enrollment

*** Original student yields for Robinson Overlook based only on Burgess Mill and Monarch Mills

Willows at Port Capital		Grande Pointe		Cumulative
Number	Percent	Number	Percent	
0	0%	38	24%	
42	50%	55	35%	
42	50%	63	40%	
84		156		906
210		337		1,999
2.50		2.16		2.28
41		46		266
17		37		152
18		39		173
76		122		591
0.488		0.295		0.294
0.202		0.237		0.168
0.214		0.250		0.191
0.905		0.782		0.652

Sayers, Margery

From: Delorenzo, Carl
Sent: Tuesday, July 23, 2019 5:07 PM
To: CouncilMail; Feldmark, Jessica; Glendenning, Craig; Clark, Owen
Subject: CR97 Data Request - Comparable Unit Ratio Student Yields.xlsx
Attachments: CR97 Comparable Unit Ratio Student Yields.xlsx

Councilmembers,

At the July 8 public hearing on CR97, the Council requested additional student yield data to verify the Administration's projected student enrollment count from the Robinson Overlook development. I identified four communities, in addition to Burgess Mill and Monarch Mills, that have a comparable proportion of 2- and 3-bedroom units to Robinson Overlook. The unit mix and student yields of the four communities (Howard Hills, Riverwatch, Willows at Port Capital, Grande Pointe) are included in the attached spreadsheet and used to update the student yield projections for Robinson Overlook. Columns C-F of the spreadsheet show the original projection and the revised projection when adding the four communities. When adding the four communities, the student yield projection increases by 3 students from 28 to 31.

Please let me know if you'd like anything further.

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CD.

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Middle Yield	0.143		0.168		0.126		0.125		0.181		0.190	
High Yield	0.178		0.191		0.167		0.147		0.244		0.131	
Total Yield	0.575		0.652		0.515		0.496		0.738		0.738	

* Student totals are projected and calculated using the 'Cumulative' column

** Academic year 2018-2019 enrollment

*** Original student yields for Robinson Overlook based only on Burgess Mill and Monarch Mills

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0.202		0.237		0.168
0.214		0.250		0.191
0.905		0.782		0.652

Sayers, Margery

From: Feldmark, Jessica
Sent: Monday, July 8, 2019 2:36 PM
To: David Yungmann - HCMove; Deb Jung - Verizon; Jones, Opel; Jung, Deb; Opel Jones - Gmail; Rigby, Christiana; Walsh, Elizabeth; Yungmann, David
Cc: Sayers, Margery
Subject: FW: HCAS submitted testimony re CR 97-2019
Attachments: Plantz testimony on behalf of HCAS.pdf

Jessica Feldmark
Administrator
Howard County Council
410-313-3111
jfeldmark@howardcountymd.gov

-----Original Message-----

From: Mark Dunham <jmarkdunham@gmail.com>
Sent: Monday, July 8, 2019 1:58 PM
To: Feldmark, Jessica <jfeldmark@howardcountymd.gov>
Subject: HCAS submitted testimony re CR 97-2019

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

Hi Jessica – attached is a submitted statement in support of the Robinson Overlook resolution by Matthew Plantz on behalf of the Howard County Autism Society.

Thank you,
Mark

Mark Dunham
Consultant
Howard County Autism Society

Sayers, Margery

From: Jennifer Y. Grams <jygrams@gmail.com>
Sent: Monday, July 8, 2019 2:35 PM
To: CouncilMail
Subject: Council Resolution 97-2019
Attachments: Mobilize HoCo Schools Statement on Council Resolution 97-2019.pdf

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

Attached please find a position statement on CR97-2019 on behalf of Mobilize HoCo Schools.

Thanks,
Jennifer Grams

Sayers, Margery

From: Leonardo McClarty <lmccclarty@howardchamber.com>
Sent: Monday, July 8, 2019 10:32 AM
To: CouncilMail
Cc: Feldmark, Jessica
Subject: CR 97 Letter of Support
Attachments: CR 97 Letter of Support_07.08.19.pdf

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

Councilmembers,

Please find attached a letter from the Howard County Chamber stating our support for CR 97.

Thanks

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



HOWARD COUNTY
CHAMBER

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



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



HOWARD COUNTY AUTISM SOCIETY

**Howard County Council
CR97-2019
Payment in Lieu of Taxes – Robinson Overlook Ltd. Partnership
Public Hearing
July 8, 2019**

TESTIMONY

**Matthew Plantz
Member, Board of Directors
Howard County Autism Society**

My name is Matthew Plantz. I am a Howard County resident and a person with disabilities. I am also a member of the Board of Directors of the Howard County Autism Society, on whose behalf I offer this testimony. We are in full support of CR97-2019, which would provide a PILOT for the Robinson Overlook project and allow it to advance as a Special Housing Opportunity under APFO.

The County Council is required under APFO to take into account the capacity of the County's school capacity alongside the affordable housing needs of County residents in approving a PILOT. HCAS is particularly supportive of this project because it will provide nine affordable, accessible housing units for individuals with disabilities in Howard County.

The need for affordable housing for people with disabilities is extreme – and growing. A Rental Housing Survey from 2014 commissioned by HCHC notes the following:

- o Persons with disabilities in Howard County experience poverty at 5 times that of the overall county average.
- o 28% of persons with disabilities living in the Normandy submarket lived in poverty and 21% of those living in Columbia did as well.

In addition, Maryland statewide data from the Technical Assistance Collaborative report *Priced Out* (2016), reveals that a person with a disability who relies solely on SSI (\$733/month), would need to spend 167% of household income to rent a moderately priced one-bedroom unit. Data from this report for Columbia reveals that this household would need to spend **150% of their income** for the same sized unit.

Meanwhile, HCAS estimates that approximately 600 students with learning disabilities, autism, developmental delay, or intellectual disabilities are expected to transition out of Howard County high school in the next five years. Where will these people with disabilities, many of them relying totally on SSI payments as their primary income, live?

Robinson Overlook – and other projects like it – are essential if we are to address the availability of housing for persons with disabilities in Howard County. Surely we can manage to find effective compromises that balance the capacity needs of Howard County schools with the pressing demand for affordable housing for people with disabilities.

Please support CR97-2019.

Thank you.

Matthew Plantz
Member, Board of Directors
Howard County Autism Society

Mobilize HoCo Schools Statement on Council Resolution 97-2019

7/7/19

The goal of Mobilize HoCo Schools is to support and advocate on behalf of all children - existing and new - in our school system. We firmly believe that each and every one of our students deserves a seat inside a brick and mortar classroom. Anything less is unacceptable.

For this reason, we have serious concerns about the Robinson Overlook project (Council Resolution 97-2019).

The Robinson Overlook project is the first affordable housing project exemption request to come before the County Council under Amendment 3 to the 2018 Adequate Public Facilities Ordinance (APFO) legislation (CB1-2018). Amendment 3 was added in during the final deliberations of the bill and gives the Council authority to allow certain developments to skip the schools test and proceed to be built in a school attendance area that is otherwise closed for development due to overcrowding.

The Council's action on Council Resolution 97-2019 will be very important as it will set a precedent on exemptions going forward. We believe that for any APFO exemption, we should be looking at the school system capacity holistically to determine whether the infrastructure can support it. While one development may be projected to add just 10-15 students to the school system, that number of students coming from many developments across 250 square miles certainly adds up. And, as we heard during budget discussions, taken as a whole, our school system is already overcapacity.

Exemptions for development when our schools are well over 100% as a whole should not be granted. We simply do not have the infrastructure to support it. Kids need to be inside their schools and every exemption risks moving us further and further away from that.

As a community, Mobilize HoCo Schools acknowledges and understands that we have an affordable housing issue in our county. That has been allowed to happen because of fee-in-lieu options and other loopholes that our county has provided to let developers off the hook for building affordable units. The irony is that developers are now flipping the script and making it seem like affordable housing is a priority for them, because they want the exemptions to move their projects forward.

We are concerned about those who seek to make affordable housing a wedge issue that pits our community against itself. Calling each other names during this discussion only serves to divide our community, which is exactly what developers and certain politicians are hoping to see.

Our group will continue to focus on identifying and addressing the root causes of school overcrowding and education funding shortfalls. We will seek to forge a holistic path forward to create a solid infrastructure which serves all children, rather than continuing to make myopic decisions which set us back.

###



HOWARD COUNTY
CHAMBER



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

July 8, 2019

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

RE: Robinson Overlook - Council Resolution 97-2019

Dear Councilwoman Rigby:

For the last couple of years, the Howard County Chamber watched intently as the Adequate Public Facilities Ordinance (APFO) debate took place. We participated in the public input process and expressed our concern as the final policy was adopted. One area of concern was the impact the new ordinance would have on housing affordability. Howard County is extremely fortunate to be a place where many desire to live but with this desirability also comes challenges particularly for those whose professions pay low wages, live on fixed incomes or who are beset by developmental disabilities.

Our APFO concerns aside, the legislation did allow for developments to take place through the Special Affordable Housing Opportunities Provision if the development met five specific criteria. Before the council body is the Robinson Overlook project (CR 97-2019), a 43-unit affordable housing development of which nine are for persons with disabilities. This project meets four of the five criteria. The fifth criteria involved several other circumstances that are triggered by payments in lieu of taxes (PILOT) and ultimately involve the developments impact on local elementary schools.

In reviewing the project memorandum from the Department of Planning & Zoning (DPZ), this project's PILOT Agreement shows that there are three adjacent elementary schools with a capacity utilization rate of less than 100 percent (Clarksville, 73.1%; Swansfield, 83.4%; Dayton Oaks, 86.4%). Moreover, this project will yield just a projected 28 students (12 elementary school, 7 middle school, 9 high school). At the present time, the Howard County Public School System is undergoing a Boundary Review process which provides three options for redistricting elementary schools in the "southwestern" area of Howard County. All three options move the Robinson Overlook development to Clarksville Elementary School, and in all three options, the capacity utilization of Clarksville Elementary School remains at less than 100 percent.

It is widely known that Howard County has a housing affordability problem as noted in the 2018 Howard County Rental Survey, which estimates that an affordable housing gap of over 5,500 units exists countywide. A failure to address housing affordability will ultimately impact both employee

Robinson Overlook - CR97-2019

July 8, 2019

p. 2

attraction and retention. The Howard County Chamber understands that many are concerned about development and its impact on schools and infrastructure. Equally important is access to housing as the inability to have affordable housing also bears impact on our infrastructure as people travel greater distances to employment centers. For the reasons noted above, we ask that you support CR97-2019. Should you have any questions or concerns, do not hesitate to reach out.

Respectfully,

A handwritten signature in black ink that reads "Leonardo McClarty". The signature is fluid and cursive, with a long horizontal stroke at the end.

Leonardo McClarty, CCE
President/CEO, Howard County Chamber

CC: Howard County Council
 Dr. Calvin Ball, Howard County Executive
 Howard County Chamber Board of Directors
 Howard County Legislative Affairs Committee

Sayers, Margery

From: Sandy Cederbaum <manager@oaklandmills.org>
Sent: Saturday, July 6, 2019 11:36 AM
To: CouncilMail
Cc: Jonathan Edelson; Bill McCormack Jr
Subject: Testimony in Support of CR97_2019
Attachments: CR97-2019 Testimony_Oakland Mills Board of Directors July 8_2019.pdf

Importance: High

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

Attached is testimony from the Oakland Mills Community Association Board of Directors in support of CR97-2019.

We support this legislation and ask for your support when it is considered on Monday, July 8, 2019.

Thank you in advance.

Sandy Cederbaum, Village Manager

Oakland Mills Community Association
The Other Barn ~ 5851 Robert Oliver Place
Columbia, MD 21045
Office: 410-730-4610
fax: 410-730-4620

<http://oaklandmills.org> – follow link on right of web homepage to JOIN OUR LISTSERV

Visit us on Facebook at **Oakland Mills Village** and **The Other Barn**

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Oakland Mills Community Association
The Other Barn • 5851 Robert Oliver Place
Columbia, MD 21045

410-730-4610 • oaklandmills.org

Oakland Mills

July 8, 2019

Council Members, the testimony attached is being submitted in support of CR97-2019 on behalf of the Oakland Mills Board of Directors and its Education Committee and Housing Committee chaired respectively by Jonathan Edelson and William R. McCormack Jr. Thank you in advance for your consideration.

Education Committee

OMCA supports the proposed Robinson Overlook mixed income development and urges you to support this, including granting an APFO waiver, if necessary. Howard County has both a housing and schools problem. There is much inequity in the availability of affordable housing throughout the county, and there is a large achievement gap among children from less economically advantaged backgrounds. It's time to open the county to families from different backgrounds, and it's time to end the stark differences among school populations in schools that are just miles apart, in some cases.

Robinson Overlook presents an opportunity to give Howard County families the chance to live in a part of the county where there is currently nothing available to them. It also presents an opportunity to begin balancing school demographics. All of the schools this development would currently attend have far fewer students from lower income backgrounds than the county average of over 20 percent. These schools currently have rates of children receiving free and reduced meals that come in at half or even a quarter of the county average. Contrast that with schools serving existing Housing Commission properties where rates are as high as 67 percent. We can address this and provide more opportunity in Howard County. Desegregated schools lift everyone.

School overcrowding is certainly a concern in Howard County - until someone is told they may have to leave their preferred school due to overcrowding. Then attention turns to moving someone else out of a school or preventing someone else from attending. Robinson Overlook is not an example of a developer getting rich at the expense of our children. In fact, it's quite the opposite. It's an example of opening more of Howard County to more children. For this reason alone, APFO should be waived for such a development.

Affordable housing advocates raised concerns that APFO could be used to block affordable housing. Some accused these advocates of being influenced by wealthy developers. Allowing APFO to stop this development would confirm just what the affordable housing advocates feared. Furthermore, the school system is embarking on another attempt at comprehensive attendance area boundary adjustments. Only one school that would serve Robinson Overlook is considered closed right now. Other nearby schools are not closed. This is an opportunity for both the County Council and our Board of Education to come down

on the right side of history. Waive APFO, allow the development to continue, and work with the Board of Education to ensure the boundary adjustments accommodate the few more children who would be introduced to the schools.

A comprehensive housing plan for the county would be an even greater step toward a more open Howard County. With such a plan, there would be no need for individual hearings on each affordable housing development. Such a plan could also remove roadblocks to affordable housing such as APFO or claims of lacking public transportation. The Housing Commission, transportation officials, and school officials could refer to this plan and make their own plans accordingly, or better yet, they could work together to ensure the plan can be executed successfully. Such a plan would also provide a much better perspective on the imbalances in housing availability throughout the county. Many mistakes have been made over the years, and these mistakes are clearly reflected in cold hard data if you look at the distribution of affordable housing in the county, the different demographics of neighborhoods, and school populations that look nothing like the county averages or the reality of our society.

Housing Committee

Oakland Mills Community Association supports the waiver of APFO restrictions to approve the Robinson Overlook project by the Howard County Housing Commission.

- Almost all Howard County Housing Commission complexes are located east of Route 29. Robinson Overlook is west of Rt. 29. This is literally a step in the right direction.
- This area of the county has little or no affordable housing.
- As of January, 2019, the local elementary school which would serve Robinson Overlook had 5.2% FARM students, the middle school had $\leq 5.0\%$ and the high school had 15.7%. These are well below the county average of 22.5%.
- There is a good tenant income spread in the 43 affordable units from 30% to 60% of Area Median Income with the majority of the units at 60%. Five units at market rate.
- The architecture for Robinson Overlook continues the Housing Commission trend of creating projects that blend in with surrounding communities.
- Where there are roads, there can be buses. Robinson Overlook doesn't have to locate on an existing bus line. A bus line can adjust its route to add the complex.

The issues facing Robinson Overlook underscore the need for the creation of the Comprehensive Housing Master Plan recently approved by the current administration.

The Oakland Mills Village Center Community Plan filed with the county in 2015 calls for a Comprehensive Housing Plan. "...it is crucial for the county to implement a Comprehensive Housing Plan to provide ample opportunities for tenants at all income levels throughout the county." OMCA is for an equitable distribution of affordable housing throughout all of Howard County.

The Comprehensive Housing Master Plan needs to address several issues.

- The starting point must be the creation of a base line map and data base of Howard County of all affordable housing from all providers.
- Placement of affordable housing must take into account socio-economic factors. Key is the percent of Free and Reduced Meal (FARM) students in each elementary, middle and high school. The FARM rate has a strong inverse correlation with school test scores. Prospective home buyers/renters will move into the best school test score district they can afford.
- The master plan must provide for a central point of control for the equitable distribution of affordable housing throughout the county. Without proper controls, the plan will not meet its goals. The current massive imbalance of affordable housing was caused by no plan and no control.
- A long term goal of the plan must be that all schools will have a FARM percentage in the range of two-thirds to one and a half times the county-wide average for each level of school.
- A moratorium must be placed on all affordable housing from any provider in elementary, middle and high school districts where FARM percentages are in excess of one and a half times the county-wide FARM average for the level of school. To accomplish this a new ordinance is needed. Just as APFO guides development based on measurable factors, so must a new FARM Adequate Public School Space Ordinance (APSSO) guide placement of affordable housing. For areas of low FARM rates APSSO overrides APFO.
- The plan must include a de-concentration plan for those areas of the county that have a concentration of low and moderate income housing. The 2011 Analysis of Impediments to Fair Housing Choice study sites these concentrations, mainly the five older villages in Columbia and north Laurel, and faults the county for the lack of a de-concentration plan. To our knowledge no de-concentration plan was ever created. It is our understanding that a new analysis will be done in 2019.
- The plan must include changes in the Fee in Lieu and Alternative Compliance regulations. Money paid into fee in lieu must be used in the same local area. There can no longer be a migration of affordable housing from one part of the county to another part of the county through fee in lieu and alternative compliance.
- The plan must create zoning recommendations to provide for better intermingled placement of single family detached, town home and multi-family housing in the same school district, and prevent concentrations of multi-family dwellings in close proximity.

With Robinson Overlook and the implementation of a Comprehensive Housing Master Plan Howard County will take a leadership position in providing opportunity for everyone.

Closing Statement

For years, we have heard County officials state that the inequities and imbalances among the school populations were a school system problem, while the school system indicated it is a housing problem. Robinson Overlook is a step in the right direction. Here's an opportunity for both sides to do the right

thing; please take it. Please be the Council that comes down on the right side of history and opens more of Howard County to all.



Bill Subject: Council Resolution 97-2019

Date: June 20, 2019

Position: Favorable

The Maryland Multi-Housing Association (MMHA) is a professional trade association established in 1996. Our membership consists of owners and property managers of more than 205,000 rental homes in over 870 apartment communities throughout the State. MMHA members manage over 17,600 apartments in Howard County. MMHA is a member of the Howard County Housing Affordability Coalition, which advocates for the preservation of existing affordable housing and the expansion of Howard County's affordable housing inventory.

Resolution 97-2019 supports approval of the terms and conditions of a Payment in Lieu of Taxes Agreement (PILOT) by and between Howard County, Maryland and Robinson Overlook Limited Partnership (Partnership) for the development of a 48-unit mixed-income rental housing development.

There is a significant undersupply of affordable housing in Howard County. As cited in Howard County Department of Housing and Community Development's January 2019 Director's Report, low-income residents that pay a high percentage of their income to housing expenses can become unstable and face homelessness due to a first-time crisis, loss of income, or health issues. Many County employees, healthcare workers, and the elderly cannot afford to live in Howard County. 48 new affordable units is a step in the right direction to resolve this undersupply. Additionally, because this area has no existing affordable housing, this project will also work to mitigate the imbalance of affordable housing in certain geographic areas in the County. For the reasons listed above, MMHA supports the passage of CR 97-19.

Jessie Keller, MMHA Government and Community Affairs Manager, 410-413-1420

Katherine Kelly Howard, MMHA Legislative Committee Chair, 410-539-2370

My name is Brady Keller and I go to Pointers Run Elementary School. I am against this bill to build the Robinson Overlook in my community. It makes me really mad that so many houses are being built around us when my school is so overcrowded. I can't buy lunch at school because the lines are so long.

I hear next year I won't get much time in technology because there isn't enough money. There will also be fewer paras to help me, my brother, and friends. Now for the second time adults are talking about sending kids from my school to other schools like that's just an easy solution to the problem. The idea that you want to build more houses and send more kids to my school makes no sense to me.

I worry that if you send me to a school farther west that I won't have time to really see my baby brother in the morning or play after school. How is it good for kids to sit on a bus to a school super far away instead of spending time with family and playing. I already go to school for 7 hours every day and miss my family very much during that time. Please do what's right for the people who live in this county. Don't let people build more homes and allow more kids to be sent to our already overcrowded school system.

Hello. My name is Patricia Rynn Sylvester and I live at 9229 Winterfield Lane Columbia MD 21045. I am here to testify in favor of CR 97-2019, which will approve a Payment in Lieu of Taxes (PILOT) for a 48-unit new construction affordable housing development known as Robinson Overlook. I also support allowing the development to proceed as a Special Housing Opportunity under APFO.

The APFO legislation requires the County Council, in approving a PILOT, to consider and balance the County's school capacity needs with its affordable housing needs. The Council must consider the need for affordable housing in the County, including factors such as the housing cost burden on families, *the availability of housing for individuals with disabilities*, and the extent of homelessness among families and school children.

I have more than 20 years of affordable housing experience. I managed Maryland's Low Income Housing Tax Credit Program and led the inter-agency teams that successfully competed for more than \$20M in federal and philanthropic funding to create integrated affordable and accessible housing for people with disabilities with extremely low incomes. Robinson Overlook will include 9 units that will benefit from these efforts. If the PILOT is not approved, these resources will be lost forever to Howard County. I am now retired and my personal testimony focuses on the housing needs of people with disabilities.

Affordable, accessible housing for people with disabilities is a critical need in Howard County, MD. People with disabilities need financial assistance to rent a unit in the county.

- **22,089 persons with disabilities live in Howard County** (source -- American Communities Survey 2012-2016)
 - 2,513 live at or below the poverty line (11%)
 - 2,869 live between 100-200% of the poverty line (13%)
 - 45% are 65 and older with 12% below the poverty line
 - 44% are 18-64 with 16% below the poverty line
 - **The poverty line was \$11,880 in 2016 and is \$12,490 for 2019**
- According to the Social Security Administration, as of December 2016, there were 1,622 non-elderly adults living in Howard County and receiving Supplemental Security Income (SSI).
 - SSI has increased since 2016 and is currently \$771/month or \$9,252/year.
- Maryland statewide data from the Technical Assistance Collaborative report *Priced Out in 2019*, reveals that the rent affordable to a person with a disability who relies solely on SSI (\$771/month) is \$231/month and they would need to spend 155% of household income to rent a moderately priced one-bedroom unit.
- Maryland Department of Disabilities' waitlist for the Section 811 Project Rental Assistance Program includes 492 persons with disabilities who want to live in Howard County, including
 - 140 current Howard County residents:
 - 5 who live in nursing facilities or other similar institutions
 - 65 who live in group homes or other similar congregate settings
 - 46 who are homeless or at risk of homelessness
 - 24 who live with family or others and want to move to their own home
 - Of the 140 Howard County residents on the waitlist:
 - 123 are looking for one-bedroom units (88%)
 - 32 need physically accessible units (23%)

- 1 needs a vision-accessible unit
- To be eligible for Section 811 a person with a disability must be:
 - age 18 - <62
 - receiving Medicaid and eligible for long-term supports and services
 - Have income at or below 30% Area Median Income (AMI) –
 - \$19,950 for 1 person HH in Baltimore metro area, including Howard County.
- Robinson Overlook is the only property planned with Section 811 units for Howard County at this time.
- The average market rent in Howard County is \$1,384, 180% of SSI income (\$771/month).
- The 2014 Rental Housing Survey commissioned by Howard County Housing Commission (HCHC) notes:
 - Persons with disabilities in Howard County experience poverty at 5 times that of the overall county average.
 - 28% of persons with disabilities living in the Normandy submarket lived in poverty and 21% of those living in Columbia did as well.
- The 2018 Rental Housing Survey commissioned by HCHC states:
 - Only 10% of the rental housing stock in the County serve people with incomes below 60% AMI; 3/4 serve those making between 60-100% AMI and 14% serve those making more than 100% AMI.
 - Median county-wide renter household income is \$79,370, 65% of the AMI (2018)
 - Renter incomes in 2018:

▪ <\$15,000	2,524	7.8%
▪ \$15-25,000	1,870	5.8%
▪ \$25-50,000	5,151	15.9%
▪ \$50-100,000	10,567	32.7%
▪ >\$100,000	12,246	37.8%
- Rental subsidy programs such as the Housing Choice Voucher are over-subscribed and the waitlist is closed.
 - HCHC recently partnered with Harford County and was successful in receiving 35 new Mainstream vouchers from HUD. Approximately 17 will be used in Howard County.
- According to MSDE as of October 2017, 9.8% of the Howard County student population reports a disability, up from 8.8% in 2012
 - 16.77% report Autism (statewide percentage is 11.15%)
 - 1,575 are in grades 9-12 (27.6%)
- **Approximately 600 students with learning disabilities, autism, developmental delay, or intellectual disabilities are expected to transition out of Howard County high schools in the next five years.**
(source: The Howard County Autism Society's brochure about their Intentional neighborhood Initiative)

Robinson Overlook is critically needed to address the housing needs for persons with disabilities, and others, in Howard County.

- It will provide 8 Section 811 units and 1 Weinberg Apartment restricted for occupancy for persons with disabilities referred by the Maryland Department of Disabilities.
- The residents of these 9 units will pay 30% of their actual income for rent plus utilities.
- A Weinberg Foundation grant and federal subsidy funds make these affordable units possible.
- These resources and units will be lost to the County if Robinson Overlook is not allowed to proceed.

Thank You in advance for approval of the PILOT for this special housing opportunity.

Howard County Housing Affordability Coalition

Howard County Council Public Hearing
July 8, 2019

Testimony: Council Resolution 97-2019

Council Chair Rigby and Council members, on behalf of the 50 members of the Housing Affordability Coalition, my testimony reiterates the Coalition's June 17 testimony in support of CR 97. Specifically, it is our position that the Robinson Overlook project meets the first four of the five Special Affordable Housing Opportunities criteria necessary to move an affordable housing development project forward even if one or more schools in the development to area is overcapacity.

Specific to the first three criteria, it seems reasonable that assigning to one or more of the three under-capacity elementary schools in adjacent school districts can readily accommodate the 25 or so students that are projected to be generated by the project. To the fourth Special Opportunities criterion, as we and others have consistently noted and data bear out, Robinson Overlook's 43 new affordable housing units will be a small, but important step in helping to meet the County's critical need for low income affordable, and accessible to persons with disabilities', housing. With our perspective that the first four Special Opportunities criteria are met, we therefore ask the Council to approve the PILOT proposed in CR 97 thereby meeting the fifth criterion and enabling the Robinson Overlook project to move forward.

Coalition members know that the Council is committed to ensuring that this first use of the APFO affordable housing exemption establishes a sound and defensible precedent. We also fully understand that the reason the exemption was named "Special...Opportunities" is because it is intended to be used only when an exceptional and unique project opportunity presents itself. We cannot state strongly enough our belief that the Robinson Overlook project could not better fit the "Special Opportunities" criteria established.

The project is *exceptional* in that it uses only a small number of market rate income units to offset the significantly higher costs of providing permanent and stable housing to low and moderate income households; it is also exceptional in that it would bring affordable housing to a new area of the County—a good step toward de-concentration.

The project is *unique* in that it will specifically include nine accessible housing units for persons with disabilities; and it is unique in that it is a small development that has the potential to introduce only 25 or so students into area schools. This project is also unique in that it is the only school waiver exemption request that is likely to come before the Council that was already well into the development pipeline before the school in the district was re-classified as being overcapacity.

Robinson Overlook will be a significant contribution to our community and merits your approval of CR 97 to enable the project to move forward. Thank you for this opportunity to offer these comments.

Respectfully,

Members, Howard County Housing Affordability Coalition
(List on back)

Howard County Housing Affordability Coalition

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



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

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

HC Housing Affordability Coalition to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR 97 to express the organization's
(bill or resolution number)

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

Printed Name: Jackie Eng

Signature: Jackie Eng

Date: 7-8-2019

Organization: Housing Affordability Coalition

Organization Address: 970 Patuxent Woods Dr #310
C.

Number of Members: 50

Name of Chair/President: NONE; Eng COORDINATOR & STEERING COMMITTEE

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Howard County Council Public Hearing: Council Resolution 97-2019

July 8, 2019

Testimony

Good afternoon Council Chair Rigby, Co-Chair Jones and Council members. As Executive Director of the Association of Community Services and representative of our 168 nonprofit member organizations and community advocates, it is my privilege to, once again, offer comments in support of Council Resolution 97-2019.

The 2018 Rental Housing Survey revealed that Howard County continues to have a shortage of over 5,000-units of housing that are affordable for people who work in our health care, public service (including County government and nonprofits), retail and other industries. Far too many of our young people, our seniors and our neighbors with disabilities are burdened with rents that are disproportionate to their incomes, restricting their ability to afford other necessities like medications, transportation, and health care.

While the Robinson Overlook project won't dramatically decrease the vast need for low-income housing in our County, 43 more units represents a contribution to the supply and a recognition to those Howard County residents most in need, that their voices are heard. These units will serve households with incomes from \$20,000 to \$61,000; and some of these units will be specifically designated for persons with disabilities who may have even lower incomes.

CR 97 also represents a concrete step toward de-centralizing the location of middle and low-income housing. There are so few options to placing mixed income housing throughout our County; we should enthusiastically embrace these opportunities when they are presented.

Low-Income Housing Tax Credit projects are highly competitive, and Howard County is very fortunate to have been granted these credits for this project. While recent, limited redistricting appears to have pushed Pointers Run Elementary School over capacity, it appears that there is capacity in neighboring elementary schools to absorb the 25 or so new students that could become Robinson Overlook residents.

Robinson Overlook is precisely the kind of project that merits the Council's approval as a Special Affordable Housing Opportunity. It meets both all of the requirements of this provision and is responsive to the need to provide quality education for all of our students. We sincerely hope that there can be a collaborative approach that will enable this project to move forward.

Thank you for this opportunity to convey our support for the Robinson Overlook project.

Respectfully submitted,

Joan Driessen

Executive Director



HOWARD COUNTY COUNCIL
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TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Joak Friessen, have been duly authorized by
(name of individual)

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

County Council regarding CR 97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Joak Friessen, Executive Director

Signature: [Handwritten Signature]

Date: 7/8/19

Organization: Association of Community Services of Howard County

Organization Address: 9770 Parkway Woods Dr, #301
Columbia, MD 21046

Number of Members: 168 organizations & community advocates

Name of Chair/President: Travis Pollitt Hill

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Testimony of the Howard County Housing Commission

Peter Engel, Executive Director

CR97-2019 – PILOT and APFO Waiver for Robinson Overlook

July 8, 2019

Good afternoon and thank you for the opportunity to testify in favor of CR97-2019. My name is Peter Engel and I am the Executive Director of the Howard County Housing Commission. The Commission is a partner in Robinson Overlook and strongly supports the project, the PILOT, and the APFO Waiver.

Several points are clear from previous testimony today and from the public hearing on June 17th.

First, the project meets the requirements of the County Code regarding an exception from the APFO restrictions.

Second, there continues to be an overwhelming need for housing that is affordable for many workers in the County, for individuals and families already living in the County, and for people with disabilities.

Finally, the projected impact of the development on the schools if no action were to be taken is very small, and that the school system has several viable options for eliminating the impact altogether by redistricting the development to Clarksville elementary or another nearby, under-capacity school, as proposed in the 2019 Feasibility Study published last month.

I would like to add three brief points to this earlier testimony.

The first is that the APFO exception language in the ordinance lays out the factors to consider so that the Council can balance the County's interest in housing affordability for County residents and workers struggling with housing costs with its interest in high quality public schools. In this case, the balance unequivocally points toward moving ahead with Robinson Overlook. As discussed previously, the pressing need for more housing targeting lower income workers and people with disabilities has been demonstrated time and again. On the other side of the scale, with an estimated two students per grade level, Robinson Overlook will have a minimal impact on school crowding, and the crowding can be resolved in the near future. Robinson Overlook should not be conflated with school crowding in other parts of the County. The fact that there are real problems in some districts does not mean that all housing should stop. The law sets out a reasoned, case-by-case approach focused on the impacted school and the adjacent schools, which when followed, argues strongly in favor of moving ahead with the creation of high-quality, safe, and affordable homes here.

The second point is that there are always many reasons not to move ahead with developments that increase the supply of workforce housing. If it is not the schools, it is that the project does

not fit in with the fabric of the community, or that a private developer will be making money from the work, or that the new residents will bring crime, or that there is always somewhere else that would be a better place. These objections have become so universal that, as the New York Times notes in an editorial yesterday strongly supportive of new housing efforts, both democrats and republicans are looking at ways to cut through local land use regulations in order to encourage more housing. While school overcrowding is certainly a factor in the management of growth, in this case, as you have already heard, there is no substantial burden and the issues at Pointer's Run can be resolved.

The third point is that if we don't find the need of lower-wage workers and others to be compelling, we should create more workforce housing simply to benefit ourselves, our children, and the County as a whole. When families and people with disabilities have a stable and affordable home, they are more able to participate in the workforce, adding to County tax revenue. They and their children can focus on learning instead of on surviving, improving our school performance. In high opportunity areas, such as western Columbia, their children will out-earn their peers left behind in other neighborhoods, and will do better in school, improving the school experience for everyone. A stable place to live in a good community improves physical and mental health, which in turn reduces the dependency on emergency medical services and County assistance. With more of our workforce living in the County, traffic is reduced, combatting climate change while shortening commuting times for all of us.

To sum up, Robinson overlook meets the requirements of the law. The benefits of the development will far outweigh the detriments, which in any case, can be corrected. The reasons against building here are slim. This is the right project in the right place at the right time. The new housing will not only provide support for those living at Robinson Overlook, but will benefit everyone living in the County.

Housing affordability is not a wedge issue. Rather it is a desperate need for thousands of households in the County that must be balanced with other needs. The APFO exception calls for that balance to be made and lays out the factors to be considered. We are confident that in this case, the balance is squarely in favor of granting the exception and the PILOT, and creating 48 new mixed-income homes in the County.

Thank you again for the opportunity to testify in support of Robinson Overlook and the homes it will provide for Howard County residents and workers. The Commission looks forward to working with you on both housing and school issues going forward.



**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 CR 97-2019 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: *Peter Engel*

Date: 7/8/2019

Organization: Howard County Housing Commission

Organization Address: 9770 Patuxent Woods, Suite 1000

Columbia, MD 21046

Number of Members: 7

Name of Chair/President: Regina Stone-Mitchell

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The Arc Maryland
8601 Robert Fulton Drive, Suite 140
Columbia, MD 21046
T 410.571.9320
F 410.974.6021
www.thearcmd.org

July 8, 2019

CR 97-2019- Support

My name is Ande Kolp and I am the Executive Director for The Arc Maryland. The Arc Maryland is the largest statewide advocacy organization dedicated to the rights and quality of life of people with intellectual and developmental disabilities. We are here today to speak in support of Council Resolution 97-2019; approval of the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Howard County, Maryland and Robinson

Overlook Limited Partnership for the development of a 48-unit mixed-income rental housing development.

Of note:

- The APFO legislation requires the County Council, in approving PILOT, to consider and **balance** the County's school capacity needs with its **affordable housing needs**.
- The Council is required to consider the need for affordable housing the County, including factors such as the housing cost burden on families, **the availability of housing for individuals with disabilities**, and the extent of homelessness among families and school children.

Affordable, accessible housing for people with disabilities is a critical need in Howard County, MD. People with disabilities need financial assistance to rent a unit in the county.

Many people with intellectual and developmental disabilities receive supports from organizations, like The Arc, funded by Medicaid under a special Home and Community Based Services Waiver that allows people to receive their services and supports in the community as opposed to a hospital or other institutional setting. This Medicaid funding is part state-funding and part federal-funding/match.

In 2014, The Centers for Medicare & Medicaid Services (CMS) issued regulations clarifying what settings constituted "community-based," and were in contrast to those settings that may have the qualities of an institution. This is fondly referred to as the "Final Rule" or "Final Settings Rule." The HCBS regulation impacts older adults and individuals with disabilities eligible for Medicaid HCBS (including intellectual, developmental and physical disabilities, as well as behavioral health conditions).

The 2014 regulation required states to develop a transition plan to ensure that all settings receiving certain Medicaid funding met federal HCBS standards for settings.

In response to concerns raised by states and other stakeholders about time for transitioning to compliance, CMS granted an extension of the transition period, extending the date by which states must demonstrate compliance to March 2022.

By 2022, people who are not receiving services in a community-based setting will not be eligible for funding of those services by the Medicaid waiver. Maryland is therefore working hard to help providers of services transform from service delivery from agency-operated ^{owned & controlled} group homes and day programs to services in individual's own homes, in homes individuals rent, and in meaningful day settings in the community (no longer "sheltered workshop settings" for example).

Approximately 24,000 adults with intellectual and developmental disabilities receive DDA services throughout the state, and several thousand of those individuals live and work in Howard County (source: Developmental Disabilities Administration, March 2019). Many of these individuals rely on Social Security as a primary source of income and cannot currently afford most if not all housing units in Howard County, due to rental costs.

In addition to this number, approximately 600 students with learning disabilities, autism, developmental delays, or intellectual disabilities are expected to transition out of Howard County high school in the next five years, entering adult DD services. (source: The Howard County Autism Society's brochure about their Intentional neighborhood Initiative). Many will need places to live, and would like to remain in their home communities next to their jobs and families for natural supports but currently would be unable to afford to rent in Howard County given the lack of affordable units.

We must start seriously addressing the long-standing issue and critical need for affordable housing in Howard County!

Affordable Housing "Assistance" Currently Available in the County

Rental subsidy programs such as the Housing Choice Voucher Program are present in the County but the program is over-subscribed and the waitlist is closed and has been closed for years (June 2012).

The Maryland Department of Disabilities keeps a waitlist for the Section 811 Project Rental Assistance Program which includes 492 persons with disabilities with incomes at or below 30% Baltimore AMI who want to live in Howard County, including

- 140 current Howard County residents:
 - 5 who live in nursing facilities or other similar institutions
 - 65 who live in group homes or other similar congregate settings
 - 46 who are homeless or at risk of homelessness
 - 24 who live with family or others and want to move to their own home
- Of the 140 Howard County residents on the waitlist:
 - 123 are looking for one-bedroom units (88%)
 - 32 need physically accessible units (23%)
 - 1 needs a vision-accessible unit
- To be eligible for Section 811 a person with a disability must be:

- age 18 - <62
- receiving Medicaid and eligible for long-term supports and services
- Have income at or below 30% Area Median (AMI) - \$19,950 for a 1 person unit in Howard County

Robinson Overlook is the only property planned with Section 811 units for Howard County at this time. Robinson Overlook is critically needed to begin to address the availability of housing for persons with disabilities in Howard County.

- It will provide 8 Section 811 units and 1 Weinberg Apartment restricted for occupancy for persons with disabilities referred by the Maryland Department of Disabilities. **While this is not many, it is a step in the right direction toward ensuring all Howard Countian's with disabilities have the opportunity to live in Howard County.**
- The residents of these 9 units will be able to pay 30% of their actual income for rent plus utilities.
- A Weinberg Foundation grant and federal subsidy funds make these affordable units possible.
- These resources and units **will be lost** to the County if Robinson Overlook is not allowed to proceed.

Thank You in advance for approval of the PILOT for this special housing opportunity.

Sincerely,



Ande Kolp
Executive Director



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

I, Ande Kolp, have been duly authorized by
(name of individual)

The Arc Maryland, Inc. to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Ande Kolp

Signature: _____

Date: July 8, 2019

Organization: The Arc Maryland, Inc.

Organization Address: Columbia, MD 21046

Columbia, MD 21046

Number of Members: 15 board members- 10 Local Chapters of The Arc

Name of Chair/President: Laura Carr, Board President

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

My name is Debbie Meyers and I currently live at St. Matthews House in Kings Contrivance, which was built by the Orthodox Church to house people with physical disabilities. I am paraplegic and have used a manual wheelchair since 2000. I was residing at Grassroots Homeless Shelter in 2015, then rented a 9 x 10 room for a year paying \$900 a month. The apartment community where I was renting this room, required all roommates to apply at the leasing office. My application was not approved because I had been evicted by a previous landlord.

I became homeless again in November of 2016. With the help of Congressman Elijah Cumming's aide, I was connected to Grace Morris, then Director of St. Matthews House. All the apartments at St. Matthews were occupied and there was a waiting list for 4-5 years. However, Grace remembered the Staff Lounge at St. Matthews that was no longer in use and could be used as a studio apartment. Miracle of miracles, I moved into St. Matthews in December of 2016. Had that help from Grace Morris not materialized, I would have only had the Howard County Cold Weather shelters available to me.

I used to work at the Howard County Health Department in the Bureau of Behavioral Health, and we served people in recovery who frequently needed housing. Therefore, I knew "every single" housing resource to contact and I exhausted all options. Online rental/roommate websites were a useless resource, because 99% of the listings were inaccessible and/or unaffordable. The only new rental housing being built in Howard County at that time were luxury apartments. Even if an apartment was available, I had the scarlet "E" on me because of my eviction and no landlord would approve my application. What happened to second chances?

Another thing to keep in mind, is that the older apartment communities in Howard County that have lower rents are inaccessible to anyone in a wheelchair, because of narrow doorways, steps (check out Columbia Pointe & The Verona at Oakland Mills apartments) and hardly any curb cut-outs on the sidewalks (check out Chimneys of Cradlerock in Owen Brown).

The last kick to the gut was that there were some available rental units at Senior Citizen communities like Parkview in Owen Brown, but the age limitation of 62 prevented me from being able to apply since I was 60 at the time. There are no allowances made for those who are disabled under the age of 62. Legislation is needed to change that problem.

Grant it, that I'm an anecdotal example, but I do demonstrate that finding low cost housing that is accessible and affordable is extremely difficult. My experience at the Grassroots Homeless Shelter has instilled in me the phrase "By the grace of God go I", because it wasn't drug use that landed me there, it was being put between a rock and a hard place by the IRS & the Social Security Administration.

You never know if you will find yourself needing accessible & affordable housing. Another phrase to remember – "Want to make God laugh? Tell him your plans". Howard County is rich with resources, but short on solutions. By allowing for the development of Robinson Overlook, Howard County will be providing one solution to the lack of affordable and accessible housing for people like me.

Thank you members of the council for taking the time to listen to me speak.

My name is Cyndi Keegan and I am against Council Resolution 97-2019 and the Robinson Overlook Development project. I am a resident of the Pointers Run neighborhood and I have children who attend Pointers Run Elementary School. The Robinson Overlook development will be in polygon 64 which is also in the Pointers Run Elementary attendance area. According to the latest feasibility study, Pointers Run is projected to be at 119% capacity next year.

Grace Drive is already slated to have a much larger development called Cedar Creek which will have 184 housing units. I understand the Robinson Overlook is giving a, in my opinion, very low estimate of 28 children in the development. If you give an equally low estimate of 90 children in the Cedar Creek development, the total number of children in these two developments alone would be at a bare minimum of 118. Have you considered the impact to the schools in the area? The schools which are currently already bursting at the seams? Even if you move our existing children from the Pointers Run neighborhood to Clarksville Elementary, once you add the very low estimated 118 children to polygon 64 and have them at Clarksville Elementary, you're now pushing Clarksville's capacity past it's limit.

Isn't the APFO in place to safeguard from overdevelopment? I don't think it's right that developers can skirt the laws put in place to protect your constituents from over development. I understand that it feels good to say you're building this development to help those in need of affordable housing. But a classroom with 30+ kids in it doesn't benefit anybody. The students already attending these schools **OR** the students moving into these new developments. I think it's wrong for developers to use affordable housing as a way to put neighbor against neighbor under the guise of helping those less fortunate. I would fully support the building of affordable housing if our public facilities allowed for it without loopholes.

In addition to the school capacity issue is the watershed issue. On the other side of Cedar Lane is Harriet Tubman lane. This road is constantly being flooded during bad storms. Yes, I understand they are currently working on expanding the water retention area on the corner of Cedar Lane and Grace Drive - but have we not learned anything from Ellicott City? Directly behind these developments is the Robinson Nature Center. A preserved wetland with its own water issues. And the Little Patuxent River runs through Robinson Nature Center and then goes

under Cedar Lane and down to Harriet Tubman Road. I'm sorry but - where is all this water going to go? Into that retention pond? In a perfect world yes - I'm sure there were lots of studies telling you that it will be able to handle the excess water. But I'm also willing to bet there were lots of studies showing that Historic Ellicott City wouldn't flood as it had from all the development at higher elevations.

In conclusion, I do not support the development of Robinson Overlook. I think that the school capacities and land will be negatively impacted. No exemptions should be made in regards to the APFO. These thresholds were put into place for a reason. If the APFO doesn't allow for the building without loopholes, it shouldn't be built. Period.

My name is Faith Keller and I am against CR 97-2019. The loophole that developers are trying to use to build this apartment complex benefits the profits of developers at the expense of the citizens and youngest students of our county. We often talk about the overcrowding and capacity numbers of our high schools but our elementary schools are in dire situations, too. This development is proposed in the Pointers Run Elementary district where the enrollment is currently 925 in a school with a capacity of 744. Next year an entire grade is being moved outside to a portable that is not safe. Twice this year tornado warnings sounded without time to evacuate students in portables. Thankfully there was not a direct hit on the school but what happens when we aren't so lucky? Students should be inside brick and mortar schools.

Our budget can't afford this development. Thousands of students across our county just lost technology classtime, paraeducators, and math and reading support for the neediest students because we've been told our budget can't afford these basic parts of their education. Yet we want to add more students to this system and not require the developers to pay for this added burden on our already overtaxed infrastructure? APFO is meant to protect our infrastructure against failures due to overdevelopment.

This loophole is being exploited because some would argue students can be moved to less overcrowded schools. There are significant problems with this argument. As of this morning, the 5 elementary schools being used in arguments revolving around this project have a combined enrollment of 3,526 students for the upcoming year but only 3,309 seats. Clarksville has about 100 extra seats, DOES has 18 available, and Clemens Crossing has 30 seats) yet Pointers Run and Fulton are significantly over capacity by 309 students. That means that without building a single new dwelling or including the families who move in over the summer or wait til the last minute to enroll, there are already 215 students in our system who don't have a seat even if you redistrict and distribute students across these 5 schools. This also doesn't take into account the hundreds of homes being built in the already approved Cedar Creek development or the River Hill Enclave Development, and several others- all which will add a couple hundred more students to this already overcrowded section of the county. Yet, the response for those in favor of this bill is to bus students further and further west.

Putting elementary students on buses for half an hour to an hour longer each day is a horrendous suggestion. Kindergartners, 1st graders, 2nd graders, heck any student being asked to sit on a bus in lieu of spending time with their families before school or in lieu of playing outside for a little bit before dinner after they get home from a long day at school- It's not right. The same issues are happening all over the county! There are too many students and not enough seats and schools. These students, beginning next year will be more and more underserved by our more and more overcrowded and underfunded school system. Enough is enough. No exemptions should be made to allow developers to build in overcrowded areas period. Our APFO laws are already too lax and have allowed his overcrowding crisis to occur across our county. Many of the council were recently elected on platforms that they would address overcrowding concerns and make developers pay their fair share. A vote to approve this bill is in direct contradiction to any promises made to address overcrowding or make developers pay their fair share. I urge you to vote against CR 97-2019.

PTACHC Statement on Council Resolution 97-2019 Concerns Regarding the Robinson Overlook Project

Good Afternoon, I am Lisa Soto, the 2019-2020 Vice President of Issues for the PTA Council of Howard County, MD. PTACHC serves our 74 PTA units and its 25,000+ members in Howard County. Through its advocacy, PTACHC seeks to support the mission of the National PTA and works to ensure that ALL children are afforded a quality education. PTACHC does NOT endorse school overcrowding that exceeds 100% capacity of a permanent facility and does NOT endorse intentional overcrowding. PTACHC always advocates for full and complete funding of the HCPSS School System and does NOT endorse the permanent loss of Para-Educators or any other staff that may result from the Under-Funding of the Operating/Capital Budget of the HCPSS School System due to over-development and insufficient taxpayer revenue.

The Robinson Overlook project is the first affordable housing project exemption request to come before the County Council under Amendment 3 to the 2018 Adequate Public Facilities Ordinance (APFO) Legislation known as County Bill 1-2018.

Regarding Council Resolution 97-2019; PTACHC is concerned due to the following issues:

- The language of this resolution ONLY considers adjacent capacity at a single point in time. The presence of "Available Adjacent Capacity" functions as an ad-hoc Adjacency Test Exemption under the premise of externally driven localized redistricting.**
- Adjacency Tests are fundamentally flawed with vastly different results between central "surrounded" schools and "county boarder schools" which net different numbers of adjacent schools to test against. The current APFO test for the Elementary Level overcrowding uses School Planning Regions.**
- The HCPSS School System is the facilitator of the School Redistricting Process, while the County Administration determines Planning, Density**

and Capital Funding at both the local level and the countywide level to provide adequate resources within the HCPSS managed construct.

- The Resolution does not take into effect long range plans that count on the availability of capacity to perform “domino effect” redistricting. The loss of these NET available seats creates a “musical chairs effect” where other local schools will remain overcrowded.
- The Resolution does not take into consideration the potential size and timing for multiple projects which may compete or overwhelm resources.
- The Resolution only factors available adjacent capacity in its justification that individual school overcrowding is an acceptable exemption. It does not factor in Net Growth, Net Capacity and the other criteria included in the redistricting process such as Bus Routes, Walkers, etc.
- The Resolution does not factor in economic growth mitigation or offsetting mechanisms to provide permanent capacity to support this and future projects.

The HCPSS School System is facing an Annual Funding Deficit due to Maintenance of Effort (MOE) Funding at the State and County Level. PTACHC believes that Howard County will not secure appropriate Sustainable Funding for the cost of educating the students that will be housed in this development by granting the developer the Payment in Lieu of Taxes (PILOT) exemption.

Thank you for the opportunity to testify on behalf of the 58, 284 students enrolled in the HCPSS System as of June 28, 2019. PTACHC looks forward to continuing to work with the County Council as we seek solutions for the infrastructure and budgetary funding necessary to keep our school system one of the most desired in the State of Maryland.

Lisa Soto, Vice President Issues

2019-2020 PTACHC



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

I, LISA SOTO, have been duly authorized by
(name of individual)

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

County Council regarding CR 97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: LISA SOTO

Signature: Lisa Soto

Date: 7/8/19

Organization: PTACHC

Organization Address: BLAVER KILL ROAD, COLUMBIA, M.D.

Number of Members: 25,000+

Name of Chair/President: BRENT LOVELESS

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

Joel A. Gallihue

July 8, 2019

1. *The estimated number of students from Robinson Overlook is less than the prediction confidence range of the HCPSS enrollment forecast.*

On June 13, Cooperative Strategies presented an Enrollment Projection Review Update to the Howard County Board of Education. (Slides attached.) The report introduced the Mean Absolute Percentage Error or MAPE Rates by school level. MAPE calculates the average of the absolute values of the error of the individual forecasts for each school. The choice of absolute value in the equation prevents under projection errors and over projection errors from canceling each other out to make the performance look better than it was. MAPE can help show the precision of a forecasted enrollment. A school forecast of 500 students in the next year with the MAPE for one year of 2% will likely result in as many as 510 students or as few as 490 students.

Cooperative Strategies presented one-year error rates by level and how many years forecast into the future. Below I use these rates to calculate the fourth-year confidence for school forecasts. The four-year increment matches the year 2022, which is the first testing year for the APFO chart. My table shows the estimates of students from Robinson Overlook for comparison.

Level	MAPE of four year forecast	Assigned School and 2022 Forecast	Four year Forecast Confidence	Additional Students Estimated from Robinson Overlook	
				DPZ	JG
ES	3.6%	Pointers Run : 900 students	+/- 41	12	10
MS	3.2%	Clarksville MS: 630	+/- 20	7	6
HS	1.7%	Atholton HS: 1604	+/- 50	9	7

My first observation is that the four-year precision of the HCPSS forecasting methodology shows the method provides good capital planning information. The potential variation of students is total enrollment - *sprinkled across all grades in a school of each level*. The estimated numbers of new students from Robinson Overlook by level are less than overall forecast confidence ranges by level. I do caution against using this information to cast the impact of Robinson Overlook as smaller than the "noise" in the HCPSS methodology. I believe development impact matters and I am committed to planning for successful public facilities. I only seek to help the County Council place the effect in context when weighing what I believe are equally important issues of housing equity and facility adequacy.

2. *Evenly distributing affordable housing options is a benefit to the school system.*

In my report, I shared an analysis of elementary school performance in Texas, which showed the balanced provision of affordable housing not only benefited students in the housing but the schools they attended. Last May, the general counsel of HCPSS briefed the Board of Education with a presentation entitled, "Promoting Student Diversity in Schools." I have attached the slides because this may contribute to your decision. The brief concerns desegregation and diversity plans used by school systems. Key points include diversity is multi-racial and inclusive of characteristics beyond race and that, this broader definition is more compatible with legal standards. For these reasons, many school districts have switched from using race to poverty indicators. The report continues by identifying educational value in increased diversity and tools school boards can use to improve diversity. I believe the County Council can also promote student diversity in schools with other tools. such as this particular PILOT proposal in an area of the county with a lower concentration of affordable housing.



COOPERATIVE STRATEGIES

COMPLETE FINANCIAL & DEMOGRAPHIC PLANNING FOR EDUCATION

HOWARD COUNTY PUBLIC SCHOOL SYSTEM

ENROLLMENT PROJECTION REVIEW UPDATE

JUNE 13, 2019



INTRODUCTION

- Progress Update
- Methodology Review
- Comparison of MDP Projections to HCPSS Projections
- Accuracy of HCPSS Projections
- Impact of Housing Data
- Addressing Data Inputs and Quality Control
- Next Steps



PROGRESS UPDATE

Task	Status
1: Request District Data / Information / Documents	Complete
2: Review Methodologies	Complete
3: Methodology Comparison	Complete
4: Benchmarking	Complete
5: Weekly Updates	Ongoing
6: Prepare Report	In Progress
7: Attend School Board Meeting	June 13, 2019



METHODOLOGY

- The HCPSS enrollment projection methodology description can be found at:
 - <https://www.hcpss.org/f/schoolplanning/school-planning-enrollment-methodology.pdf>
- Cohort survival method with incorporation of student yield rates for housing transactions that could generate new students
- Consideration of (“art”):
 - Local knowledge
 - Development & planning trends
 - Historical accuracy
- Enrollment projections are developed based on the boundaries to be in place in the first year of the enrollment projections.
- Projections are based on historical Sept. 30th enrollment and projections are reflective of that same count day.



FINDINGS

- HCPSS follows best practices with regards to methodology, data, and data usage as well as analysis of accuracy.
 - HCPSS has access to and utilizes more granular data than what is typically available and used by school districts to project enrollment.
 - HCPSS incorporates the best data available at the time of the enrollment projection. (i.e., birth data continues to be cleaned up by the State, HCPSS uses the best data available at the time of the projection)
 - HCPSS provides annual accuracy reports based on the actual Sept. 30 counts.
- Enrollment projections developed by HCPSS, OSP, are considered highly accurate one year out (consistently greater than 99.5% accurate).

COMPARISON OF MDP AND HCPSS PROJECTIONS



DISTRICTWIDE

At the District Level:

- HCPSS projections are most accurate 1 year out.
- MDP projections for HCPSS tend to be more accurate in subsequent years.

Important Considerations

- These projections are created using different methodologies for different purposes.
 - Methodology Differences
 - MDP uses a cohort survival (grade succession) projection **districtwide**.
 - HCPSS uses a combination of cohort survival and student yield projections by **boundary + "art"**.
 - Projection Purposes
 - The MDP projection is a **macro-level** projection used for state level budget planning.
 - The HCPSS projection is a **micro-level** projection used for boundary/school level facility planning and budgeting. The boundary level data is rolled-up into the district total for this comparison.
- In general, the larger the sample used in a cohort projection, the more resistant to error it is.

State Reported Actuals		MDP Projections					
Districtwide Comparison		HCPSS		Howard County		All Districts	
Projection	Forecast Year	Absolute Difference	Absolute Percent Error	Absolute Difference	Absolute Percent Error	Mean Absolute Difference	Mean Absolute Percent Error
2015	2015	204	0.38%	184	0.34%	223	0.90%
	2016	227	0.42%	128	0.24%	310	1.10%
	2017	607	1.09%	170	0.31%	593	1.90%
	2018	810	1.43%	360	0.64%	794	2.90%
2016	2016	233	0.43%	302	0.56%	210	0.70%
	2017	592	1.07%	310	0.56%	491	1.50%
	2018	1043	1.84%	380	0.67%	609	2.00%
2017	2017	219	0.39%	230	0.41%	267	0.90%
	2018	264	0.47%	150	0.27%	415	1.60%
2018	2018	126	0.22%	10	0.02%	228	0.80%

ACCURACY OF HCPSS ENROLLMENT PROJECTIONS

BY SCHOOL

- HCPSS projections tend to be most accurate 1 year out.
- The table below reflects error rates by school.

Mean Absolute Percent Error

School Level	Projection 2018	Projection 2017	Projection 2016		Projection 2015		
	2018-19	2017-18	2016-17	2017-18	2015-16	2016-17	2017-18
ES	3.6%	3.4%	2.9%	4.6%	3.3%	5.3%	7.8%
MS	3.2%	2.6%	2.9%	3.2%	2.4%	4.2%	4.2%
HS	1.7%	1.8%	2.0%	3.1%	1.7%	2.7%	4.7%
Total	3.2%	2.9%	2.8%	4.0%	2.8%	4.6%	6.3%

Note: 2018-19 projections incorporate a boundary change that wasn't projected to in prior years.



FACTORS IMPACTING ENROLLMENT

- Enrollment Trends
- Live Birth Trends
- Housing Trends
- The following factors can also cause significant change in projected student enrollment:
 - Boundary changes
 - New school openings
 - Changes / additions in program offerings
 - Preschool programs
 - Change in grade configuration
 - Student transfer policy changes
 - Interest rates / unemployment shifts
 - Magnet / charter / private school opening or closure
 - Zoning changes
 - Unplanned new housing activity
 - Planned, but not built, housing
 - School closure
 - Changes in school or neighborhood perception



ACCURACY OF HOUSING PROJECTIONS

- HCPSS incorporates housing unit projection data from DPZ for future years into the enrollment projection model.
- CS analyzed the housing projections to the actuals to determine the accuracy of the projection data.
- Apartment and Multi-Family unit projections were significantly less accurate over the 3 years period.

Mean Absolute Percent Error

Housing Type	Projection 2017	Projection 2016		Projection 2015		
	2017-18	2016-17	2017-18	2015-16	2016-17	2017-18
SFD	2.2%	0.6%	6.1%	0.5%	1.1%	6.4%
SFA	3.6%	0.9%	5.5%	0.8%	1.2%	5.9%
APT	4.7%	1.9%	9.4%	5.4%	7.2%	18.3%
MH	7.1%	0.0%	13.9%	1.4%	1.4%	14.2%



FAQ

- Why does School Planning project student enrollment by school attendance area, rather than polygon?
- If we have the data by polygon, why not project by polygon?
- Isn't it more accurate to project by polygon?

Answer:

An enrollment projection based on a larger sample size will typically yield more accurate results than a smaller sample size. HCPSS develops enrollment projections by school attendance area, by grade. In years that boundaries may be adjusted, the School Planning staff develops an enrollment projection by attendance area and breaks it down by polygons (geographic areas used as a planning tool for boundary review/adjustments). The school attendance area represents the larger sample size and the polygon represents the smaller sample size. This is done in an effort to produce the most accurate enrollment projection for the school attendance area while still providing a projection by polygon that can be used for potential boundary adjustments.

ADDRESSING INPUTS AND OUTPUTS

FOR QUALITY CONTROL



- **FoxPro – There are still elements of the projection that utilize customized FoxPro applications.**
 - Microsoft Support for FoxPro 2.6a in XP Mode ended in 2014.
 - There is no guarantee that XP mode will be included in future Microsoft Windows releases.
 - OSP is currently planning on updating the software.
- **Documentation**
 - Completion of the enrollment projection process is dependent on the institutional knowledge of the current OSP staff.
 - Technical manuals need to be updated, this is planned with development of updated software.



NEXT STEPS

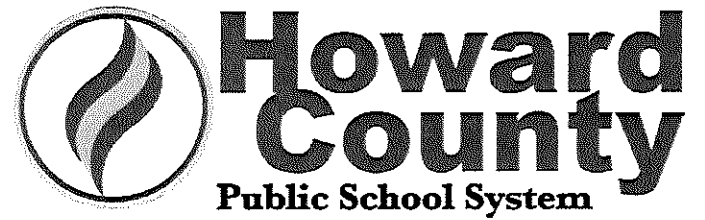
- Draft Report – end of June, 2019



QUESTIONS

QUESTIONS

QUESTIONS



Promoting Student Diversity in Schools

Mark C. Blom, Esquire
General Counsel
Howard County Public School System
May 2019

SEGREGATION, DESEGREGATION,
RESEGREGATION, DIVERSITY
IN
AMERICA'S PUBLIC SCHOOLS

National School Board Association
Annual Conference
Philadelphia, PA
March 2019

Lindsay Anne Thompson, Esquire
Georgetown County School District

Mark C. Blom, Esquire
Howard County Public School System

DESEGREGATION/DIVERSITY PLANS

- Court Ordered
- Voluntary

FROM DESEGREGATION TO DIVERSITY

- Historically, an issue of White and African-American students
- Today, diversity is multi-racial and inclusive of characteristics beyond race
- Broader definition reflects many communities
- Broader definition more compatible with legal standards

ASSIGNMENT PLANS/PROGRAMS THAT INCREASE STUDENT DIVERSITY WITHIN A SCHOOL

- *Should you* do it?
- *Can you* legally do it?
- *How do you* do it?

SHOULD YOU ADOPT STUDENT ASSIGNMENT POLICIES THAT INCREASE DIVERSITY?

Educational Value

- Educational data often reflects lagging results by minorities, low-income students
- Preparing students for a multicultural society
- Supreme Court: there is a compelling educational interest in promoting diversity and removing racial isolation

*SHOULD YOU ADOPT STUDENT
ASSIGNMENT POLICIES THAT INCREASE
(CONT'D)*

- Costs of Litigation
 - Expensive
 - Divisive
 - Consumes staff time
 - Detracts from core focus
 - Lengthy
 - Uncertain outcome
 - May cede control over major issues

LITIGATION IN RESPONSE TO DISPARATE RESULTS

- Many districts defending lawsuits
- State of New Jersey sued in 2018
- State of Minnesota sued 2018 in
Cruz-Gusman v. State of Minnesota

CRUZ-GUSMAN ALLEGATIONS

- Minneapolis/St. Paul schools segregated compared to surrounding districts
- Those schools are separate and unequal
- Segregated schools have significantly worse outcomes
- State caused or permitted segregation
- Segregated schools violate Education Clause of State Constitution requiring a system of general, uniform, thorough, and efficient schools

CRUZ-GUSMAN OPINION

Minnesota Supreme Court:

“It is self-evident that a segregated system of public schools is not ‘general,’ ‘uniform,’ thorough,’ or ‘efficient.’”

Justice Breyer

“Primary and secondary schools are where the education of this Nation’s children begins, where each of us begins to absorb those values we carry with us to the end of our days. As Justice Marshall said (in 1974), ‘unless our children begin to learn together, there is little hope that our people will ever learn to live together.’”

CAN YOU LEGALLY ADOPT STUDENT ASSIGNMENT PLANS TO INCREASE DIVERSITY?

- Yes
- Plans must satisfy the Equal Protection Clause of the U.S. Constitution (14th Amendment)
- No state shall “deny to any person within its jurisdiction the equal protection of the laws.”

TWO EQUAL PROTECTION CLAUSE TESTS

- Strict Scrutiny Test
 - Policy must serve a compelling state interest
 - Policy must be narrowly tailored to the purpose
- Rational Basis Test
 - Policy must be reasonably related to a legitimate state interest

WHICH TEST WILL BE APPLIED?

- Policies that use an individual student's race – strict scrutiny
- Policies that are race-neutral or use race as one factor – rational basis

POVERTY REPLACING RACE AS FACTOR

- Race as factor receives heightened legal scrutiny
- Poverty legally less scrutinized and easier to justify
- Many school districts switched from using race to poverty indicators

STRICT SCRUTINY
*PARENTS INVOLVED IN COMMUNITY SCHOOLS V.
SEATTLE SCHOOL DISTRICT (S. CT. 2007)*

- School plans used individual student's race in school assignment
- Diversity is a compelling state interest (5 justices)
- Court majority: plans violate equal protection
 - 4 justices: Fails compelling interest prong
 - J. Kennedy: Fails narrowly tailored prong

RATIONAL BASIS

*DOE V. LOWER MERION (3RD CIR. CT. APPEALS 2011,
CERT. DENIED)*

- School board used race in setting attendance zones
- Race was one of several factors
- “The consideration or awareness of race while developing or selecting a policy, however, is not in and of itself a racial classification. Designing a policy ‘with racial factors in mind’ does not constitute a racial classification if the policy is facially neutral and is administered in a race-neutral fashion.”

HOW TO DIVERSIFY - STRATEGIES

- Controlled Choice – parents' choices matched with diversity goals
- Magnet Schools – school with specialized program that attracts students of different races or incomes
- Redistricting – drawing attendance zones to achieve diversity

HOW TO DIVERSIFY – DISTRICT EXAMPLES

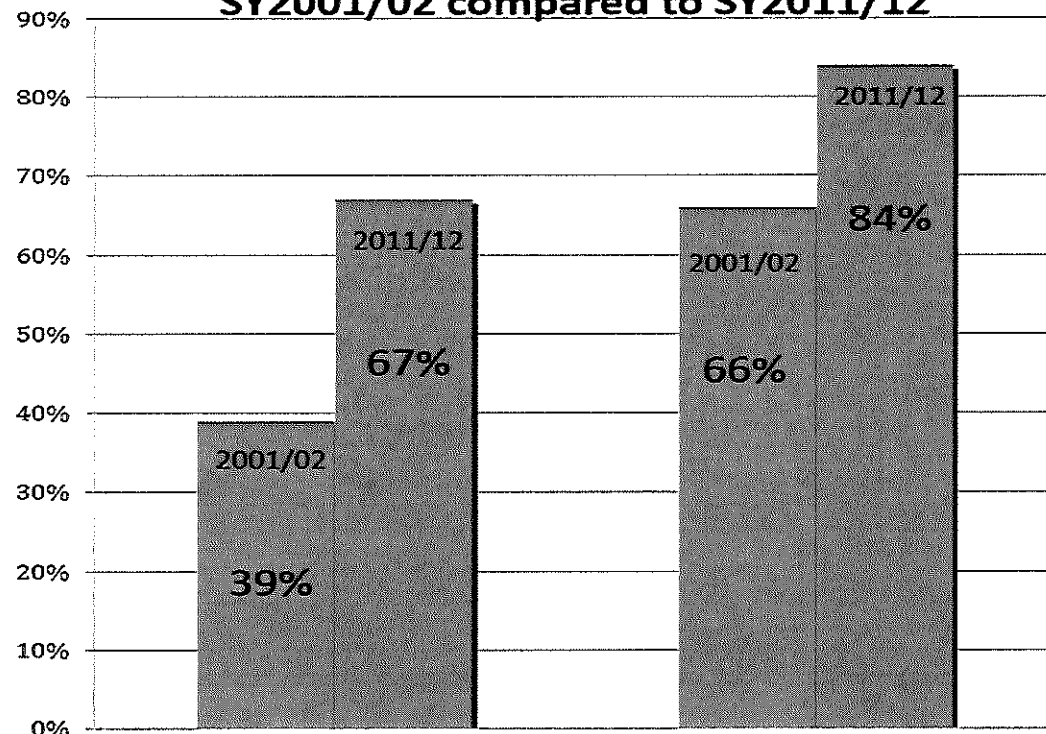
1. Cambridge, Mass. 1980

- Parental choice program
- School board moved away from neighborhood school model
- Nationwide model
- Initially used race, switched to SES

HOW TO DIVERSIFY – DISTRICT EXAMPLES

1. Cambridge, Mass (cont'd)
 - Parents select 3 choices
 - District assigns based on choice, SES, diversity goals
 - Switch to SES supported racial integration

**Percentages of the JK - 8th grade Students
in Schools Balanced
by Race and SES
SY2001/02 compared to SY2011/12**



**Students attending SES
balanced schools**

**Students attending
racially balanced schools**

- SY2001-02 the last year using race as the primary desegregation factor
- SY2011-12 the tenth year using SES as the primary desegregation factor

HOW TO DIVERSIFY— DISTRICT EXAMPLES

2. Jefferson County, Kentucky

- Controlled choice using 3 factors: race, income, parents' educational attainment
- Every census block rated by average of 3 criteria
- Elementary schools arranged in 13 clusters of 5-8 schools

HOW TO DIVERSIFY— DISTRICT EXAMPLES

2. Jefferson County, Kentucky (cont'd)

- Parents identify preferences within their cluster
- District assigns students to achieve balance of 3 criteria
- Middle/high school attendance zones drawn to achieve diversity

HOW TO DIVERSIFY— DISTRICT EXAMPLES

3. Eden Prairie, Minnesota

- 2010 school board revised attendance zones to increase economic and racial diversity
- Plan significantly decreased wide variation in economic and racial composition of schools
- Reassigned 1000 students out of 9000

HOW TO DIVERSIFY—DISTRICT EXAMPLES

4. Hartford, Connecticut

- City of Hartford high poverty, high minority rates
- Worked with 30 surrounding districts
- Adopted inter-district enrollment plan
- Uses choice policies and magnet school offerings

HOW TO DIVERSIFY—TIPS

1. Publicly discuss how promoting diversity and avoiding racial or economic isolation supports the school system's mission.
2. Use diversity experts and research
3. Consider using socio-economic indicators instead of race.
4. Choice plans and magnet school initiatives can be less contentious than redistricting plans.

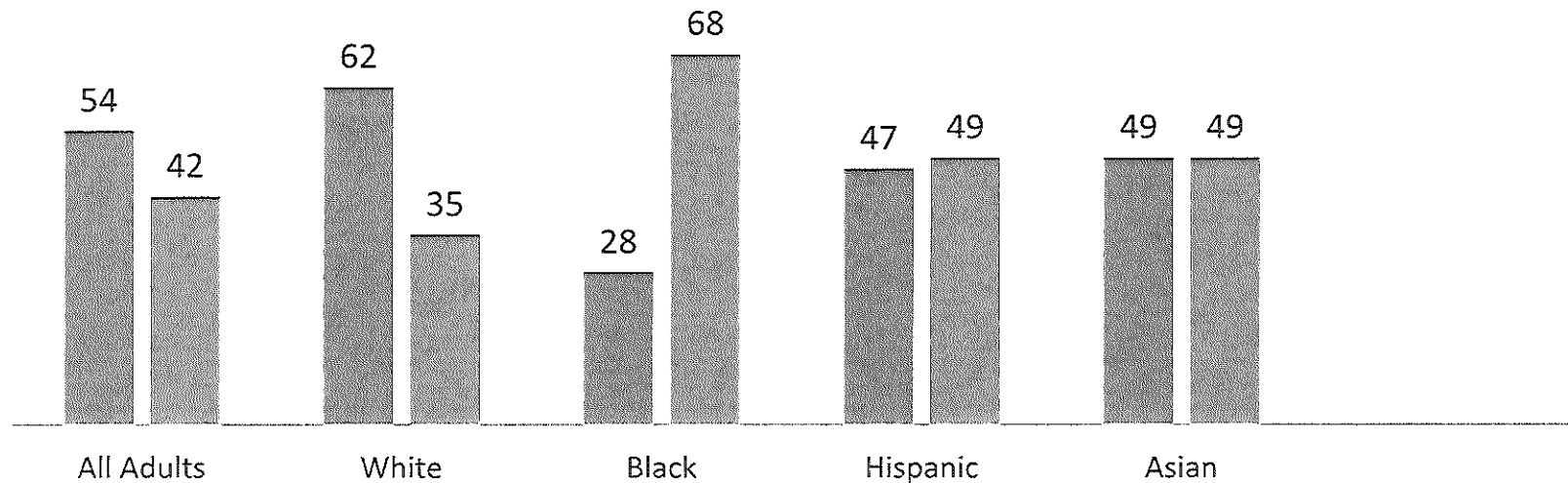
HOW TO DIVERSIFY—TIPS

5. If redistricting is used, develop plans using race-neutral criteria, and select a plan that best achieves diversity.
6. Consider the impact on all races and not just on White or African-American students.
7. Diversity should be defined broadly.

SHOULD YOU ADOPT STUDENT ASSIGNMENT POLICIES THAT INCREASE DIVERSITY?

- Controversial, contentious, burdensome
- Choice Programs – Increased student transfers, transportation costs/travel time, loss of neighborhood school, loss of parental control
- Eden Prairie, Minnesota
 - Extremely contentious
 - 4-3 board vote
 - Board, Superintendent, staff out

PEW RESEARCH CENTER SURVEY Community Schools v. Student Diversity



Students should go to:

- = their community school even if it means most schools are not diverse
- = schools that are diverse even if it means some students do not go to their community school

SUMMARY

- Variety of successful plans in use in many districts
- Consider using poverty instead of race
- Do not use individual use of race
- Resources on school system diversity initiatives abound
- Many options exist and more can be created

CONCLUSION

- Develop diversity mindset in your community
- Diversity not about getting students of different races in close proximity to each other
- Diversity is a mindset that respects all diverse groups and values their differences

Justice Kennedy

“The decision today should not prevent school districts from continuing the important work of bringing together students of different racial, ethnic, and economic backgrounds . . . Those entrusted with directing our public schools can bring to bear the creativity of experts, parents, administrators, and other concerned citizens to find a way to achieve the compelling interests they face”



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

I, Katie Collins-Thrke, have been duly authorized by
(name of individual)

Accessible Resources for Independence to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Katie Collins-Thrke

Signature: Katie Collins-Thrke

Date: 01/13/19

Organization: Accessible Resources for Independence

Organization Address: 1406B Crain Highway South, Suite 200
Glen Burnie, MD 21061

Number of Members: _____

Name of Chair/President: Rich Scordo

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

and I understand I am
- Robinson's work is started to have 8 and 80 units
- transfer the HUD 80/100 member programs.

the HUD is provide cost management to PWD
of our organization. As such we have an ^{application assistance +} team w/
- This is ~~set~~ one of the requested needs

support services and training.
existing paid matters such as transportation.
- Our IL holds thousands of calls each year.
by and for PWD and are paid to serve as the disability
partner with the county of Cook + independent.

CALLS are resource & advocacy organizations
for Howard County.
of HCS, the federally designated CIL
- Rural Rehabilitation, executive director

- These units are developed for very low income
PWD and are targeted towards PWD
in NIS, congregate settings, homelessness, those who live
w/ families

88% of those on waitlist are seeking 1 bedroom
PWD will provide 7 1 bedroom units and 2
2 bedroom units



Howard County Council Public Hearing: Council Resolution 97-2019

June 17, 2019

Testimony

Good evening Council Chair Rigby, Co-Chair Jones and Council members. As President of the Association of Community Services and representative of our 168 nonprofit member organizations and community advocates, it is my privilege to offer comments in support of Council Resolution 97-2019.

Our community continues to have a 5,000-unit undersupply of housing that is affordable for people who work in our health care, public service (including County government and nonprofits), retail and other industries. Too many of our young people, our seniors and our neighbors with disabilities are paying rents that are out of line with their incomes.

The Robinson Overlook project won't dramatically decrease the vast need for low-income housing in our County, but even 43 more units (of the 48 to be built) is a major contribution to the supply. These units will serve households with incomes from \$20,000 to \$61,000; and some of these units will be specifically designated for persons with disabilities who may have even lower incomes.

In addition to increasing housing opportunity, approval of CR 97 would be a concrete step toward de-centralizing the location of middle and low-income housing. There are so few options to placing mixed income housing throughout our County; we should be open to taking advantages of opportunities when they are presented.

We understand that implementation of this project was well underway, when only a few months ago the Housing Commission and its development partner learned that a redistricting decision would close the elementary school area to this project. We further understand that there is capacity in neighboring elementary schools to absorb the 25 or so new students that could become Robinson Overlook residents.

Robinson Overlook is precisely the kind of project that merits the Council's approval as a Special Affordable Housing Opportunity. We sincerely hope that there can be a collaborative approach that will enable this project to move forward as well as ensure the academic success of current and any new students.

Thank you for this opportunity to convey our support for the Robinson Overlook project. As always, we are available to respond to Council members' questions.

Respectfully submitted,

Joan Driessen

Executive Director



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

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

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

County Council regarding CR 96-2019 & CR 97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Joan Driesser

Signature: [Handwritten Signature]

Date: 6/17/19

Organization: Association of Community Services

Organization Address: 9770 Patuxent Woods Dr. #301

Columbia, MD 21046

Number of Members: 175 orgs and advocates

Name of Chair/President: Grace Morris

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

Dear Mr. [Name]

I have received your letter of the [Date] regarding [Subject]. I am sorry that I cannot give you a more definite answer at this time, but I am sure that you will understand my position.

Sincerely,
[Signature]

[Name]
[Address]
[City, State, Zip]

Very truly yours,
[Signature]

[Name]
[Address]
[City, State, Zip]

Howard County Housing Affordability Coalition

**Howard County Council Public Hearing
June 17, 2019**

Testimony: Council Resolution 97-2019

Good evening Council Chair Rigby, Co-chair Jones and Council members.

The Housing Affordability Coalition is comprised of 49 organizations and individuals. We are advocates for the preservation of existing affordable housing and expanding Howard County's inventory of affordable housing, particularly for the low and very low-income residents who would benefit from the proposed Robinson Overlook project.

The Coalition, therefore, strongly supports Council Resolution 97-2019. The proposed PILOT will help Robinson Overlook maintain the affordability of its units and, with the passage of the PILOT, enable consideration of the project as a Special Affordable Housing Opportunity.

The Coalition sees this project as important in several ways. It helps de-concentrate affordable housing by extending into an area of the County that currently has no affordable housing, thereby avoiding neighborhoods with existing affordable housing. In addition, the project proposes to serve not only low-income residents in a mixed income development, but specifically nine households comprised of people with disabilities whose incomes are well below \$20,000—helping to address a critical housing need in our County.

It is our understanding that there are few, if any, other projects seeking this Special Affordable Housing Opportunity authorized by the APFO legislation. The requirements for a Special Affordable Housing Opportunity seem to be satisfied and reports indicate that the adjacent schools have underutilized capacity that could absorb the projected pupil yield from the Robinson Overlook project. We suggest therefore that the critical need for low-income housing and the project's overall public benefits should be viewed as an offset to school capacity concerns.

Thank you for this opportunity to offer these comments. Coalition members welcome the opportunity to discuss our concerns about housing affordability and accessibility and our support for CR 97-2019.

Respectfully,

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

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

Howard County Housing Affordability Coalition

Members

Association of Community Services

Harriet Bachman

David Bazell

Liz Bobo

Joshua Bombino

Rebecca Bowman

Bridges to Housing Stability

Paul Casey

Tom Coale

Stephanie Coakley

CCCSMD

Columbia Downtown Housing Corporation

Community Action Council

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

Ian Kennedy

Grace Kubofcik

JustLiving Advocacy, Inc.

League of Women Voters of Howard County

Jean West Lewis

Making Change LLC

Kelly McLaughlin

Phyllis Madachy

Maryland Multi-Housing Association

Tim May

Peter Morgan

Oxford Planning Group LLC

PATH

Paul Revelle

Bill Salganik

Laura Salganik

Jean Sedlacko

Nette Stokes

Pat Sylvester

The Arc of Howard County

TheCaseMade, Incorporated

Town Center Community Association

Unitarian Universalist Congregation of
Columbia

Joe Willmott

Phyllis Zolotorow



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

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

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

County Council regarding CR 96 & CR 97 to express the organization's
(bill or resolution number)

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

Printed Name: JACQUELINE ENG

Signature: J & Eng

Date: 17 June 2019

Organization: Housing Affordability Coalition

Organization Address: PROXENT WOODS DR
Columbia

Number of Members: 49

Name of Chair/President: NONE — Jackie Eng Coordinator

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

**Testimony of the Howard County Housing Commission
Peter Engel, Executive Director
In Support of CR97-2019 – PILOT and APFO Waiver for Robinson Overlook**

June 17, 2019

Good evening and thank you for the opportunity to testify regarding the need for workforce housing within Howard County, how Robinson Overlook helps fill that need, and how Council Resolution 97-2019 is needed for Robinson Overlook. My name is Peter Engel and I am the Executive Director of the Howard County Housing Commission, which is the public housing authority for the County and a partner in Robinson Overlook.

The need for affordable housing in the County can't be fully expressed in numbers, although I will provide a few. According to the rental housing survey that was recently completed for us and the Department of Housing and Community Development, there are about 5,000 households living in Howard County earning less than \$50,000 annually, which is less than half of our median household income, who are paying more than they can afford in rent, are doubled up in apartments, are homeless, or who otherwise can't afford a home. There are thousands more in the same situation if you move up the income ladder just a few thousand dollars. The Howard County Public School System reported hundreds of children in the schools who were homeless over the course of the last school year. This doesn't account for the thousands of low wage earners who commute to the County every day because they can't afford to live near their place of employment.

In addition, the less expensive rental housing that does exist in the County is located, along with all rental housing, in relatively small areas, mostly in parts of Columbia, off of Route 40, and along the Route 1 corridor. The workforce component is a subset of these units, generally excluded from much of the newer, high-end construction that has dominated the market over the last 10 years.

This crisis in the supply of workforce housing and the lack of workforce housing in much of the County harms all of us, not just the lower-income wage earners who are directly impacted. Workers who can't live here commute, which generally means driving, adding to overcrowded roads, pollution, and climate change. Families without a stable home cannot provide the support necessary for students to thrive, adding to the burden in our schools. The stress of housing insecurity has been tied to poor health outcomes, resulting in more emergency room visits and higher health care costs.

These conditions are only worsening. As the Country, along with national trends, continues to become more economically polarized, more of us will be struggling to find that stable home. And more of our children, when they are ready to be on their own, will find nowhere affordable to live in their home County.

It is clear that the market in Howard County is not taking care of the need for workforce housing by itself. Government action is imperative to assist with the creation of homes that the workforce can afford.

Robinson Overlook is one small effort to level the playing field. It helps address the County's shortage of affordable homes. It creates rental housing in an area that has none today. And it will accomplish this with high-quality homes that have curb appeal and blend-in well with their surroundings. Robinson Overlook has received a very competitive funding award from the state government. Before making this award, the state closely scrutinized the development on several fronts, including its design and construction standards, its environmental friendliness, the capacity of the property manager, and planned recreational space and self-improvement services for tenants.

Robinson Overlook is the type of project that the APFO exception was created for. It clearly meets the criteria for both the exception and the underlying PILOT. The impact on the schools are only at the elementary level and will be small. The current elementary district, Pointers Run, was open when this project was planned, and only closed recently due to redistricting. All of the plans for this area recently released by the School System would eliminate the overcrowding in part by redistricting Robinson Overlook to Clarksville Elementary.

With all of the benefits to our community in-mind, the Housing Commission is very confident that Robinson Overlook will be a success story for Howard County. Millions of dollars, both public and private, from outside the County will flow-in to help us create the workforce housing we so badly need. Thank you again for the opportunity to testify, and we hope that you will support this resolution and help us make Robinson Overlook a home for Howard County families for many years to come.



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


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

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

County Council regarding CR97-2019 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: 

Date: 6/14/2019

Organization: Howard County Housing Commission

Organization Address: _____

Number of Members: Seven

Name of Chair/President: Regina D. Stone-Mitchell

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

Testimony on Behalf of Howard County Board of Housing & Community Development
Howard County Council
June 17, 2019

Good Evening,

As Chair of the Howard County Board of Housing and Community Development, I am testifying in support of Council Resolution 97-2019.

According to the most recent rental market study conducted in 2018, there are 9,545 rental households within the County with annual incomes that fall below \$50,000 per year. Unfortunately, only 4,070 affordable units are currently available for low-income families in Howard County.

While the bulk of affordable and market-rate housing units are concentrated in Columbia Villages located along the Route 1 Corridor and Route 40 in Ellicott City, Robinson Overlook will be the first affordable rental housing development in the Grace Drive area.

The Board is in support of this community as it contributes to the following key areas: (1) reduces the gap in affordable housing availability; (2) promotes deconcentration of low-income families; (3) encourages distribution of affordable homes throughout the County; and (4) increases socio-economic diversity in the surrounding schools.

This project has received Low-Income Housing Tax Credit (LIHTC) approval from the Maryland Department of Housing and Community Development. As a result of the competitive nature of the LIHTC program, only 2 projects in Howard County were awarded funding. As you know, developing and building affordable housing projects is an expensive undertaking so receiving LIHTC funding is critical to the successful completion of this project.

When the Adequate Public Facilities Ordinance (APFO) legislation was passed in 2018, the Board was concerned about the detrimental effect the legislation would have on the construction of new, affordable housing units. We appreciated the fact that there is an exception provision for consideration of projects that meet the established criteria. As Chair, I support the approval of the APFO exception for the Robinson Overlook project so that 43 new families can rent an affordable unit to call home in Howard County.

Sincerely,

Caroline Harper, Ph.D.

Chair

Howard County Board of Housing & Community Development



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

I, Caroline Harper, have been duly authorized by
(name of individual)

Howard County Board of Housing + Community Development to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR97-2019 to express the organization's
(bill or resolution number)

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

Printed Name:

Caroline Harper, PhD

Signature:

[Handwritten Signature]

Date:

6/12/19

Organization:

Howard County Board of Housing + Community Development

Organization Address:

9820 Brokers Land Parkway, Columbia, MD 21046

Number of Members:

6

Name of Chair/President:

Caroline Harper, PhD

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HOWARD COUNTY AUTISM SOCIETY

**Howard County Council
CR97-2019
Payment in Lieu of Taxes – Robinson Overlook Ltd. Partnership
Public Hearing
June 17, 2019**

TESTIMONY

**Theresa Ballinger, Immediate Past President
Howard County Autism Society**

My name is Theresa Ballinger and I am the immediate past president of the Howard County Autism Society. I am here this evening to express the support of the Autism Society for CR97-2019, which would allow the Robinson Overlook project to advance with a PILOT or "payment in lieu of taxes." We are particularly supportive of this project because it will provide nine Section 811 affordable, accessible housing units for individuals with disabilities in Howard County.

In January of last year, HCAS was actively involved in crafting and supporting passage of provisions of the County's new Adequate Public Facilities Ordinance (APFO) that would allow affordable housing initiatives such as Robinson Overlook to proceed with development. We believed then that it was essential that a viable pathway for development be established for such projects.

Now, a year and a half after this provision was adopted, we are even more convinced of the need for this provision and for critical housing initiatives such as Robinson Overlook to move forward. During this time, many more young adults with disabilities have transitioned out of Howard County schools. They have joined hundreds more people with disabilities from throughout Maryland seeking affordable, accessible housing in Howard County who have remained, most for years, on a waiting list for Section 811 units.

The Autism Society has been actively exploring strategies to address the growing housing shortage facing adults with disabilities for several years, beginning with the establishment of Housing Subcommittee in 2014. In early 2018, determined to act, we created a Task Force made up a diverse group of community leaders, charged with driving development of an innovative housing project we have named Patuxent Commons. Patuxent Commons will provide three primary resident groups – adults with disabilities, older adults, and families – with a new kind of place to live where they can thrive alongside neighbors of different ages and abilities. I chair the Task Force, which recently selected Mission First Housing Group, a highly regarded and experienced affordable housing developer, to bring the vision for Patuxent Commons to fruition here in Howard County.

Howard County Autism Society

Working together, we envision a mostly affordable, mixed income community where people live independent lives while also keeping an eye out for their neighbor. The spirit of Jim Rouse is very much embodied in the Patuxent Commons project, which will adapt an award-winning housing model in which individuals and families of all ages, capabilities and strengths live alongside one another and commit to being "good neighbors."

As a single project, Patuxent Commons represents a relatively modest solution to the much larger housing crisis facing adults with disabilities. That is why we need Robinson Overlook and many, many more housing options like it to be developed. Robinson Overlook will leverage both the federal Section 811 program and the Weinberg Apartment program administered by the State. Without the PILOT and the application of the special affordable housing opportunity provisions, the nine apartments for people with disabilities at Robinson Overlook will not be built and nine people with disabilities will be denied an affordable, accessible apartment that provides with them with housing stability.

Our sons and daughters deserve better. With the housing stock for individuals with disabilities in Howard County so inadequate to the rapidly growing need, it is essential that initiatives like Robinson Overlook be supported and allowed to advance. Please pass CR 97 and ensure that more people with disabilities are provided with the accessible, affordable housing they desperately need to live full, rewarding lives.

Thank you.

Theresa Ballinger

Immediate Past President

Howard County Autism Society

Email: tballinger@howard-autism.org



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

I, Theresa Ballinger, have been duly authorized by
(name of individual)

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

County Council regarding CR97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Theresa Ballinger

Signature: Theresa M Ballinger

Date: June 17, 2019

Organization: _____

Organization Address: 9970 Potomac Woods Drive
Suite 300 Columbia, MD 21046

Number of Members: 200

Name of Chair/President: Executive Director, Melissa Rosenberg

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

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HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 17 June 2019

Subject: HCCA Testimony -- CR97-2019 regarding Affordable Housing – Robinson Overlook Limited Partnership

One of the hallmarks of our broken political system is how it asymmetrically benefits wealthy developers and political influencers while leaving the crumbs for the rest of the voters. The county gives \$100s of millions in tax increment financing to one wealthy developer, while the school system attempts to scrounge \$8 million to prevent class size increases that would hurt many families. It would provide 100s of units in density bonuses to developers in exchange for 10s of units of affordable housing that have yet to materialize in Downtown Columbia.

CR97 is a case study of Howard County's dysfunction.

First- it is dubbed as a "mixed-income" affordable housing project. Yet, of the 48 units proposed, 43 are low-income housing. This is not a mixed-income housing project. Instead of concentrating all the low-income housing in one project, why not require them in all projects without exemptions?

To date, none of the affordable housing homes in the models that would work- such as Downtown Columbia plan have come on line. Howard Hughes was given not only additional density, but nearly \$100 million in tax increment financing, and a very expensive DRRA, with zero affordable housing to show for it to date.

Second- Many may remember the wedge issue during the APFO legislation where language was added to exempt certain projects if they meet four conditions: at least 40% of the project should serve those with 60% of area median income, the project is seeking or has received low income housing tax credits, the project has received the county executive's support, and a hearing by the county council.

Well we are now at that hearing and this project asks for an APFO waiver.

The HCCA is not taking a position on this project. We know the county is in dire need of more affordable housing not just for young families but also for retirees. But the county will not solve this problem 43 houses at a time in a housing project that doesn't employ a model that is truly mixed income.

In addition, families who benefit from such projects deserve better. Exempting projects from APFO does not help the children who would attend overcrowded schools. Children from low-income families are disproportionately impacted because of poor school infrastructure.

What is the goal here? To cram disadvantaged children into inequitable situations and use that inequity as political rhetoric for the next election?

The HCCA suggests the following:

First- remove the term "Mixed-Income" from this resolution. Unless the goal is to redefine the term this is not a mixed-income project.

Second- we ask that you use this opportunity to start a real conversation about affordable housing. Instead of being part of a system that uses the topic as a wedge issue to shape inequitable programs, we ask you to stop the exemptions, change the MIHU fee-in-lieu structure to market-rate, to hold Howard Hughes accountable and provide affordable housing in its projects.

We need a comprehensive solution to this pressing problem and we urge you to act expeditiously.

Thank you.

Hiruy Hadgu

HCCA Board of Directors



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

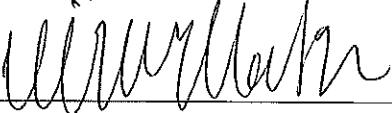
I, HIRSHY HADGON, have been duly authorized by
(name of individual)

~~HIRSHY HADGON~~ HOWARD COUNTY CITIZENS ASSOCIATION
(name of nonprofit organization or government board, commission, or task force) to deliver testimony to the

County Council regarding CR 97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: HIRSHY HADGON

Signature: 

Date: 06/17/19.

Organization: HCCA

Organization Address: P.O. Box 89, Ellizott City, MD 21041

Number of Members: 500

Name of Chair/President: Stuart Kohn

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

I, Jonathan Edelson, have been duly authorized by
(name of individual)

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

County Council regarding CR97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Jonathan L. Edelson

Signature: [Handwritten Signature]

Date: June 16, 2019

Organization: Oakland Mills Community Association

Organization Address: 5851 Robert Oliver Place Columbia, MD

21045

Number of Members: 10,000

Name of Chair/President: Jonathan L. Edelson

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HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 17 June 2019

Subject: HCCA Testimony -- CR96-2019 Affordable Housing – Enterprise Development.
HCCA strongly supports affordable housing, but vigorously objects to CR 96-2019.

My name is Alan Schneider. I am a Board member and officer of Howard County Citizens Association. I am authorized to testify for HCCA.

Proposed CR 96 is defective. Required information is missing. It authorizes a reduction of county revenues without a complete fiscal analysis; which is crucial when county revenues are declining and expenses are increasing. Approval would endorse a policy which benefits LLC's and unknown owners; a violation of transparency. Approval makes the real problem worse; it lacks any provisions to protect abuse and injustice to renters. Amendments would not be enough to support and protect those needing affordable housing, as well as to protect Howard County citizens and its elected officials.

Defective. Supporting documentation is missing. The Administration Testimony attached to CR 96 is testimony for CR 97. What's going on? Without supporting analysis clearly pertaining to CR 96, the legislative session on CR 96 should be restarted, if reintroduced, to establish a good public record evidencing that affected parties and the public had adequate time for review and input. "Start over".

Incomplete information. Even if the Administration Testimony for CR 97 is applicable to CR 96, the data provided is incomplete, even if there was a complete fiscal and policy analysis. Data supporting the required criteria is missing. See the Administrative Testimony. Jeff Bronow's May 31, 2019 memo to Carl Delorenzo stated that 4 criteria are **required**. However, information, without analysis, was provided on **only two** of the four criteria. (See paragraph 3 of his memo.) Forwarding Jeff Bronow's memo to Council Chairperson Christiana Rigby, the administration states that data for criteria # 4 is provided from an excerpt from a 2018 Howard County Housing Study. Only two pages of the study are provided.

What was the purpose of the study? It was to assist in "monitoring trends". It was NOT a study to evaluate alternative solutions with more favorable outcomes, including options successful in other jurisdictions. Incomplete information can be highlighted by a few technical issues including:

- a) Captions are missing. Mr. Bronow's memo captions in bold type "Criterion 1" and "Criterion 2". Missing are any pages with captions for Criterion 3 and Criterion 4.
- b) Relevant discussion is missing. The excerpt begins on the page after the chart showing page number 105, after that begins the next page, Survey page 82 marked as "RP/RG" in the upper right hand corner: "estimated 1,692 senior households

aged 62+ with incomes below 30 percent of area median income, representing a penetration rate of just 9.2 percent.....”

No Public Funding Analysis and Oversight. The proponents expect public financing in the amount of \$12,934,467, and \$1,875,000. (See page 1 of the Carl Delorenzo memo.) If Howard County provides financing, its oversight and enforcement responsibilities are not in the Agreement submitted for approval. Safeguards are lacking. Follow up oversight is missing. Who benefits? Getting a number of low rent units is not enough.

Following are additional, substantial problems:

No Howard County Authorized Protection of low income renters. The Agreement does not provide Howard County administrators with any authority to require information from the LLC, nor does the Agreement provide Howard County with any rights to add or modify provisions to rental agreements protecting the health and safety of renters. Landlords and their legal experts are income and profit driven. The County Council can embrace transparency by requiring anyone getting financial assistance, such as Payment in Lieu of Taxes, to provide financial information about the individual owners. The requirement for transparency needs to include the same information from the owners and affiliates of LLP's, LLC parent, the owners of the parent and each affiliate, and all such information from any successor or transferee. Embrace and require transparency. It is customary and reasonable, as banks do, to require verifiable financial assurances, and guarantees, from the owners of the limited liability corporations.

No Rental Agreement Protection for low income renters. Low income renters need help. In return for the requested financial support, the Agreements provide no authority for Howard County to add, modify, or enforce rental agreements. Generally, renters are given no ability to negotiate rental agreements created for maximum benefit to landlords. In exchange for its financial assistance, Howard County should include strong provisions in the Agreements giving Howard County over rental agreements for all of the units in the proposal.

No provision in the Agreement requiring low income housing for at least 40 years. The Agreement submitted for your approval has no provision for a 40 year commitment. However, on page 2 of Mr. Delorenzo's memo it states that there is a 40 year commitment. However, the 40 year requirement is not found in the submitted Agreement. Note that the PILOT Covenants in section 3 (c) of the proposed Agreement state that HUD agreements are binding only until 2025. CR 96 should contain a provision that the low income housing requirement is perpetual, that the 80% formula is a minimum, and that "affordability" shall be further defined by affordability professionals.

No provision to resolve changes in affordable housing over the next 40 years. A forty year view (Delorenzo memo p.2) is before the Council for evaluation. Note that many changes have occurred over the past 40 years. Known and unforeseen changes are occurring more rapidly. The Agreement must include authority for the Council to amend the agreement to resolve changing public needs. Citizens hold elected officials responsible for problems which should have been avoided. Problems exist and contract provisions must be included to protect against liability for damages, a few of which are dilapidated housing, renters who do not have

money or incentive for repairs, increased crime in low income areas, the problems arising from the ability of commercial landlords to take advantage of renters. The Agreement does not protect renters or Howard County officials.

No Plan is Proposed for Resolving the Affordable Housing Problem in Howard County.

Affordable housing in Howard County is a priority and an important objective. What is the goal? Options exist but were not discussed, reviewed or evaluated in Administrative Testimony for CR 96: it the Council's job to evaluate policies. Encouraging *home ownership* has been favored as more beneficial than renting. Prioritizing home ownership has been successful in other jurisdictions. Home ownership has been connected with greater economic benefits to businesses, hospitals, and the community. Howard County's resources are limited. What if payments in lieu of taxes were opened up to all first time home buyers who hold jobs, or offered jobs, in Howard County? Such plans would be supported by corporations seeking to attract workers to Howard County. Such plans benefit individuals, businesses and the County, instead of favoring profit driven landlords driven to maximize income and profits. CR 96 misses the goal. Long range planning requires articulating the entire vision which would focus on the pros and cons to individuals, the public and the economy. Proposals to approve Payment in Lieu of Property Taxes could achieve the vision of affordable housing in Howard County. More information and evaluation is needed.

Discrimination Problem. If the Council approves Payment in Lieu of Taxes for landlords accepting HUD vouchers, then Howard County would be guilty of discrimination if it did not grant similar Agreements to all corporations accepting housing vouchers, or receiving HUD financing. There is no Fiscal Analysis of this problem. A thorough, complete fiscal analysis is essential. All proposed state legislation requires a comprehensive, thorough financial impact report. CR 96 requires a more comprehensive financial impact report by an independent third party, costs can be borne by the LLC proponent.

Problem with Defining Payments to Howard County. Section 5 (b) provides for payments to the County from "Surplus Cash". The Agreement does not adequately define "surplus cash" nor does it enable Howard County to audit expenses for "reasonableness". There is currently no definition of "reasonableness" that would provide limitations on "reasonable" payments for management fees, payments for asset management fees, payments to the corporate owner of the LLC, payments to individual owners of the LLC or its parent, or payments to service providers who may be affiliated with the LLC or its parent company. Compliance and enforcement is omitted from the proposed Agreement.

Ethics requirements. Disclosures of campaign contributions is required in other contexts. Even if it is not a code requirement here, it would be part of the need for transparency and campaign financing reform. Note that Delegate Warren Miller introduced an ethics bill in the last legislature regarding campaign contributions by project developers and affiliates. Approval of Agreements for Payment in Lieu to facilitate affordable housing should require identification of all campaign contributions in the last 4 years.

Thank you,
Alan Schneider
HCCA Board of Directors



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

I, ALAN SCHNEIDER, have been duly authorized by
(name of individual)

HOWARD COUNTY CITIZENS ASSOCIATION to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR95-2018 to express the organization's
(bill or resolution number)

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

Printed Name: ALAN SCHNEIDER

Signature: [Handwritten Signature]

Date: 17 Jan 2018

Organization: HCA

Organization Address: ELWEN CITY MD

Number of Members: 500

Name of Chair/President: SA KOLV

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



Sayers, Margery

From: Matthew Molyett <matthew@molyett.com>
Sent: Friday, June 14, 2019 11:58 AM
To: CouncilMail
Subject: Resolution No. 97 -2019

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

Good morning,

I am concerned about a plan to add a "mixed-income rental housing development" where 43 of 48 units are reserved for lower income (60% or below median) households.

Can you clarify what the current 60 percent of area Median Income of the Baltimore Metropolitan Statistical Area is?

Please ensure that the policies of Howard County neither exclude low income people from areas and developments nor concentrate them.

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

Sayers, Margery

From: Harriet Bachman <h1bachfam@gmail.com>
Sent: Sunday, June 16, 2019 12:44 PM
To: CouncilMail
Subject: please vote for CR-97 2019

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

To Council Chairman Rigby and Council members Jones, Walsh, Jung and Yungmann:

My name is Harriet Bachman and I live at 9426 North Penfield Road, Columbia, 21045.

I am writing to ask you to support CR-97 2019, Payment in Lieu of Taxes Agreement at Robinson Overlook. It is clear to me that the need for affordable housing is great and this is an excellent way to make a small dent in the dearth of such units (approximately 5000 units) that exists in the county.

I believe it is important to begin to create more affordable housing units in the parts of the county that have little or none. This is a benefit to all citizens of the county and demonstrates equity and fairness, as well as giving more geographic choice to individuals in need of housing.

In addition, it is important to recognize that, at the time that Robinson's Overlook was proposed, the Pointer's Run school district was not over capacity under the APFO. It was only after the school was redistricted recently that it was over capacity. It appears that there will probably be a very small number of children who will go to elementary school from Robinson's Overlook, which would not make a significant impact on the school. If the School Board feels that these additional children would create a burden on the school, I suggest that they create a plan to place the children from Robinson's Overlook in one of the three other schools which are in close proximity.

I appreciate your careful consideration of this issue and hope that you will choose to support a reasonable and thoughtful plan to help our county become a positive and open community.

Yours truly,

Harriet Bachman

Sayers, Margery

From: Grace Morris <gmorris@hhpcorp.org>
Sent: Monday, June 17, 2019 8:57 AM
To: CouncilMail
Subject: 97-2019
Attachments: TestimonyCR97-201906.17.19GAM.docx

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

Please accept the attached written testimony on this legislation.

Thank you.

Sincerely,

Grace Morris

Grace A. Morris, Executive Director
Heritage Housing Partners, Corp.
9770 Patuxent Woods Drive
Mail stop 305
Columbia, MD 21046
443-518-7687 (direct)
www.hhpcorp.org
Owner | Manager | Developer

"It is not the honor you take with you but the HERITAGE you leave behind" – Branch Rickey



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June 17, 2019

Dear Council Chair Rigby and Co-Chair Jones and
Members of the Howard County Council:

Please accept my written testimony as a Member of the County's Housing and Community Development Board, Board President of the Association of Community Services, an Executive Committee member of the Housing Affordability Coalition and Executive Director of Heritage Housing Partners Corporation, in support of Council Resolution 97-2019, the Robinson Overlook project.

As you will learn this evening, the affordable housing community is very supportive this new development as it will help address the County's widening gap in affordable housing units and promote the de-concentration of affordable housing. The 48-unit Robinson Overlook project will be the first affordable rental housing development in the area of the Robinson Nature Center. Most existing rental housing developments, market rate and affordable, are in the Columbia Villages, along the Rt. 1 Corridor and along Rt. 40 in Ellicott City. This project also proposes to serve not only 43 low-income residents, but specifically persons with disabilities whose incomes are well below \$20,000. These units are much needed in our county.

The proposed PILOT will help enable Robinson Overlook to maintain the affordability of these units and, the passage of the PILOT, will enable consideration of this project as a Special Affordable Housing Opportunity. I also understand that there is open capacity in some of the nearby schools to meet the projected pupil yield expected from Robinson Overlook.

This project has received approval for Low Income Housing Tax Credits (LIHTC) from the Maryland Department of Housing and Community Development. Due to the competitive nature of the LIHTC program, only two projects in Howard County were awarded funding. Developing and building affordable housing projects is expensive so receiving the LIHTC funding is critical to successfully completing this project and time is of the essence.

I strongly encourage you to approve this legislation for the Robinson Overlook project so that 43 low-income families and persons with disabilities will be able to have an affordable home in Howard County.

Thank you.

Grace Morris

Grace Morris



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

I, Jonathan Edelson, have been duly authorized by
(name of individual)

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

County Council regarding CR 97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Jonathan L. Edelson

Signature: [Handwritten Signature]

Date: June 16, 2019

Organization: Oakland Mills Community Association

Organization Address: 5851 Robert Oliver Place Columbia, MD

21045

Number of Members: 10,000

Name of Chair/President: Jonathan L. Edelson

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

I, Katie Collins-Thrke, have been duly authorized by
(name of individual)

Accessible Resources for Independence to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Katie Collins-Thrke

Signature: [Handwritten Signature]

Date: 6/13/19

Organization: Accessible Resources for Independence

Organization Address: 1406B Crain Highway South, Suite 206
Blen Burnie, MD 21061

Number of Members: _____

Name of Chair/President: Rich Scordo

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Sayers, Margery

From: Maury Zeitler <mauryzee@verizon.net>
Sent: Monday, June 17, 2019 11:18 AM
To: CouncilMail
Cc: Cimino, Kelly
Subject: Testimony in support of CR97-2019 - APFOException for Robinson Overlook

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

My Name is Maury Zeitler, and I am Vice Chair of the County's Housing and Community Development Board, and I am writing in support of Council Resolution 97-2019.

There is a great need in Howard County for affordable rental housing, and Robinson Overlook will be the first affordable rental housing development in the Grace Drive area. The HCD Board is well aware of the need for affordable rental housing in the county, and believes that Robinson Overlook will help to promote de-concentration of affordable units and to ensure that units are better distributed throughout the county. This project has received LIHTC approval from the MD Department of Housing and Community Development. Receiving these credits is critical to successfully completing this project, and only 2 projects in the county were awarded funding.

As Board Vice Chair, I support approval of the APFO exception for the Robinson Overlook, allowing 43 new families to rent affordable housing in Howard County.

Thank you, Maury Zeitler

Sayers, Margery

From: Sandy Cederbaum <manager@oaklandmills.org>
Sent: Monday, June 17, 2019 11:51 AM
To: CouncilMail
Subject: In Support of CR97-2019
Attachments: CR97-2019 Testimony_Oakland Mills Board of Directors June17_2019_FINAL.pdf

Importance: High

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

Attached is testimony in from the Oakland Mills Community Association Board of Directors and the Board's Education and Housing committees. Thank you in advance for your consideration in support of CR97-2019.

Sandy Cederbaum, Village Manager

Oakland Mills Community Association
The Other Barn ~ 5851 Robert Oliver Place
Columbia, MD 21045
Office: 410-730-4610
fax: 410-730-4620

<http://oaklandmills.org> – follow link on right of web homepage to JOIN OUR LISTSERV

Visit us on Facebook at **Oakland Mills Village** and **The Other Barn**

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Oakland Mills Community Association
The Other Barn • 5851 Robert Oliver Place
Columbia, MD 21045

410-730-4610 • oaklandmills.org



June 17, 2019

Council Members, the testimony attached is being submitted in support of CR97-2019 on behalf of the Oakland Mills Board of Directors and its Education Committee and Housing Committee chaired respectively by Jonathan Edelson and William R. McCormack Jr. At tonight's hearing Jonathan Edelson, OMCA Board and Education Chair, will present a summary of the testimony. Thank you in advance for your consideration.

Education Committee

OMCA supports the proposed Robinson Overlook mixed income development and urges you to support Housing Committee. this, including granting an APFO waiver, if necessary. Howard County has both a housing and schools problem. There is much inequity in the availability of affordable housing throughout the county, and there is a large achievement gap among children from less economically advantaged backgrounds. It's time to open the county to families from different backgrounds, and it's time to end the stark differences among school populations in schools that are just miles apart, in some cases.

Robinson Overlook presents an opportunity to give Howard County families the chance to live in a part of the county where there is currently nothing available to them. It also presents an opportunity to begin balancing school demographics. All of the schools this development would currently attend have far fewer students from lower income backgrounds than the county average of over 20 percent. These schools currently have rates of children receiving free and reduced meals that come in at half or even a quarter of the county average. Contrast that with schools serving existing Housing Commission properties where rates are as high as 67 percent. We can address this and provide more opportunity in Howard County. Desegregated schools lift everyone.

School overcrowding is certainly a concern in Howard County - until someone is told they may have to leave their preferred school due to overcrowding. Then attention turns to moving someone else out of a school or preventing someone else from attending. Robinson Overlook is not an example of a developer getting rich at the expense of our children. In fact, it's quite the opposite. It's an example of opening more of Howard County to more children. For this reason alone, APFO should be waived for such a development.

Affordable housing advocates raised concerns that APFO could be used to block affordable housing. Some accused these advocates of being influenced by wealthy developers. Allowing APFO to stop this development would confirm just what the affordable housing advocates feared. Furthermore, the school system is embarking on another attempt at comprehensive attendance area boundary adjustments. Only one school that would serve Robinson Overlook is considered closed right now. Other nearby schools are

not closed. This is an opportunity for both the County Council and our Board of Education to come down on the right side of history. Waive APFO, allow the development to continue, and work with the Board of Education to ensure the boundary adjustments accommodate the few more children who would be introduced to the schools.

A comprehensive housing plan for the county would be an even greater step toward a more open Howard County. With such a plan, there would be no need for individual hearings on each affordable housing development. Such a plan could also remove roadblocks to affordable housing such as APFO or claims of lacking public transportation. The Housing Commission, transportation officials, and school officials could refer to this plan and make their own plans accordingly, or better yet, they could work together to ensure the plan can be executed successfully. Such a plan would also provide a much better perspective on the imbalances in housing availability throughout the county. Many mistakes have been made over the years, and these mistakes are clearly reflected in cold hard data if you look at the distribution of affordable housing in the county, the different demographics of neighborhoods, and school populations that look nothing like the county averages or the reality of our society.

Housing Committee

Oakland Mills Community Association supports the waiver of APFO restrictions to approve the Robinson Overlook project by the Howard County Housing Commission.

- Almost all Howard County Housing Commission complexes are located east of Route 29. Robinson Overlook is west of Rt. 29. This is literally a step in the right direction.
- This area of the county has little or no affordable housing.
- As of January, 2019, the local elementary school which would serve Robinson Overlook had 5.2% FARM students, the middle school had $\leq 5.0\%$ and the high school had 15.7%. These are well below the county average of 22.5%.
- There is a good tenant income spread in the 43 affordable units from 30% to 60% of Area Median Income with the majority of the units at 60%. Five units at market rate.
- The architecture for Robinson Overlook continues the Housing Commission trend of creating projects that blend in with surrounding communities.
- Where there are roads, there can be buses. Robinson Overlook doesn't have to locate on an existing bus line. A bus line can adjust its route to add the complex.

The issues facing Robinson Overlook underscore the need for the creation of the Comprehensive Housing Master Plan recently approved by the current administration.

The Oakland Mills Village Center Community Plan filed with the county in 2015 calls for a Comprehensive Housing Plan. "...it is crucial for the county to implement a Comprehensive Housing Plan to provide ample opportunities for tenants at all income levels throughout the county." OMCA is for an equitable distribution of affordable housing throughout all of Howard County.

The Comprehensive Housing Master Plan needs to address several issues.

- The starting point must be the creation of a base line map and data base of Howard County of all affordable housing from all providers.
- Placement of affordable housing must take into account socio-economic factors. Key is the percent of Free and Reduced Meal (FARM) students in each elementary, middle and high school. The FARM rate has a strong inverse correlation with school test scores. Prospective home buyers/renters will move into the best school test score district they can afford.
- The master plan must provide for a central point of control for the equitable distribution of affordable housing throughout the county. Without proper controls, the plan will not meet its goals. The current massive imbalance of affordable housing was caused by no plan and no control.
- A long term goal of the plan must be that all schools will have a FARM percentage in the range of two-thirds to one and a half times the county-wide average for each level of school.
- A moratorium must be placed on all affordable housing from any provider in elementary, middle and high school districts where FARM percentages are in excess of one and a half times the county-wide FARM average for the level of school. To accomplish this a new ordinance is needed. Just as APFO guides development based on measurable factors, so must a new FARM Adequate Public School Space Ordinance (APSSO) guide placement of affordable housing. For areas of low FARM rates APSSO overrides APFO.
- The plan must include a de-concentration plan for those areas of the county that have a concentration of low and moderate income housing. The 2011 Analysis of Impediments to Fair Housing Choice study sites these concentrations, mainly the five older villages in Columbia and north Laurel, and faults the county for the lack of a de-concentration plan. To our knowledge no de-concentration plan was ever created. It is our understanding that a new analysis will be done in 2019.
- The plan must include changes in the Fee in Lieu and Alternative Compliance regulations. Money paid into fee in lieu must be used in the same local area. There can no longer be a migration of affordable housing from one part of the county to another part of the county through fee in lieu and alternative compliance.
- The plan must create zoning recommendations to provide for better intermingled placement of single family detached, town home and multi-family housing in the same school district, and prevent concentrations of multi-family dwellings in close proximity.

With Robinson Overlook and the implementation of a Comprehensive Housing Master Plan Howard County will take a leadership position in providing opportunity for everyone.

Closing Statement

For years, we have heard County officials state that the inequities and imbalances among the school populations were a school system problem, while the school system indicated it is a housing problem. Robinson Overlook is a step in the right direction. Here's an opportunity for both sides to do the right

thing; please take it. Please be the Council that comes down on the right side of history and opens more of Howard County to all.



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

I, Caroline Harper, have been duly authorized by
(name of individual)

Howard County Board of Housing + Community Development to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CP97-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Caroline Harper, PhD

Signature: [Handwritten Signature]

Date: 6/12/19

Organization: Howard County Board of Housing + Community Development

Organization Address: 9820 Broken Land Parkway, Columbia, MD 21046

Number of Members: 6

Name of Chair/President: Caroline Harper, PhD

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

Sayers, Margery

From: Jennifer Broderick <Jennifer@bridges2hs.org>
Sent: Monday, June 17, 2019 3:36 PM
To: CouncilMail
Subject: Support for Proposed Legislation

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

Dear Howard County Council Members,

I'm writing today in support of CR 96 and CR 97. Both of these resolutions will help Howard County add additional much needed affordable units for residents with lower incomes.

CR96 will expand the number of affordable units in Columbia, and the PILOT agreement will help Enterprise Corporation in moving the renovation and expansion of the development forward

CR 97 will add affordable housing in an area that does not have any. It is only due to a recent school redistricting change which was beyond the control of the developers that the Robinson's Overlook project now will be over the APFO imposed 105% capacity limit at the elementary level. This project should be continued, as it will contribute to closing the affordable housing gap in the area, and is a positive step toward including diverse housing options in that area.

Thank you for your time and consideration,

Jen Broderick, LCSW
Bridges to Housing Stability Acting Executive Director
(410) 312-5760 ext 117
Jennifer@bridges2hs.org

Join us Wednesday, June 19, 2019 for Bridges' second Taste of Wine, Splash of Charity! Are you ready to raise your glass to an end to homelessness and housing instability in Howard County? Click [here](#) for more information and ticket purchasing.

Solving Homelessness with Housing



9520 Berger Road, Suite 311 • Columbia, MD 21046
410-312-5760 ext. 117 • Fax: 410-312-5765
www.Bridges2HS.org

Sayers, Margery

From: LINDA Wengel <lwengel@msn.com>
Sent: Tuesday, June 18, 2019 4:58 PM
To: CouncilMail
Subject: CR 96 and 97

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

The League of Women Voters of Howard County strongly supports passage of Council Resolutions 96 and 97.

In 2018 the League conducted a thorough study of the need and supply of affordable housing in Howard County. Recognizing the scarcity of low and moderate income housing in the county, the League adopted a policy to support multiple approaches to increase the supply of affordable housing.

Relevant to CR 96, is our position that any redevelopment of low and moderate income housing maintain at least the same number of affordable units. The Enterprise proposal achieves this goal and by adding an equal number of market rate units advances the goal of mixed income development. The Enterprise development will have a positive effect on both the Wilde Lake and Harpers Choice neighborhoods

Relevant to CR 97 is our position that affordable housing, which is now concentrated in a few areas in the county, should be dispersed throughout the county.

Payment in lieu of taxes should be considered an incentive for developers to build affordable housing. Granting PILOT helps developers obtain scarce Low Income Housing Tax Credits and increases the feasibility of development. Additionally, the League was surprised during the course of our study, to learn that Howard County, which offers education programs and limited assistance with down payments and security deposits, does not own or manage any low income housing. Real estate tax exemption for LIHTC developments is a reasonable contribution to the advancement of moderate and low income housing in Howard County.

Thank you for considering our written testimony.

Linda Wengel
Action Chair
League of Women Voters of Howard County