

January 18, 2020



Sierra Club Howard County

RE: Support for CB1 – Increasing the number of years a proposed development must wait after failing the school capacity test.

The Sierra Club supports this legislation as it allows for school systems to use the housing capacity test as a tool for thoughtful and smarter growth. It is extremely important in a time of rapid development for the school system to maintain its esteemed status by having the time to adjust properly to increasing student populations.

The current law allows school systems 4 years to adjust to the request for additional capacity. Schools must undertake the difficult task of redistricting, renovating, or building new schools. Changing the permitting process to extend the periods of testing the schools from 4 to 7 years will help the county to better prepare for the anticipated increase in students, and give them a more reasonable time frame to make needed infrastructure changes.

Allowing the schools additional time will give the school system a way to increase school capacity along with demand, to pace their development, and to realize and accrue necessary funds from the recent increase in impact fees.

We know this can work, as nearby counties have similar wait times already in place. Carroll and Ann Arundel Counties test for 6 years and Calvert County tests for 7 years.

School overcrowding threatens to undermine the process of learning and the outstanding reputation of Howard County's Public Schools. Passing this bill would allow more time to balance the attendance rates for schools and prepare for appropriate class sizes. This will benefit the entire function of the schools from the principal to the teacher and most importantly, the student.

Please support CB1.

Thank you.

Carolyn Parsa
Chair, Howard County Sierra Club



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

I, Carolyn Parsa, have been duly authorized by
(name of individual)

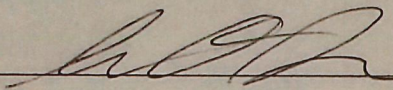
Smarter Growth Alliance for Howard County to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB1 & CR14 to express the organization's
(bill or resolution number)

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

(Please circle one.)

Printed Name: Carolyn Parsa

Signature: 

Date: January 21st 2020

Organization: Smarter Growth Alliance for Howard County (Preservation Maryland)

Organization Address: 3600 Clipper Mill Rd, 248, Baltimore, MD 21211

3600 Clipper Mill Rd, 248, Baltimore, MD 21211

Number of Members: 20 member organizations representing over 30,000 HoCo Residents

Name of Chair/President: Kimberly Golden Brandt

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Meg Ricks
Elkridge D1

No one should be against a maximum APFO wait time that accurately reflects the time it takes to address adequate schools to keep up with growth. If it takes five years at a *minimum* to build a high school, *if* we already have the land, and that's a big *if*, and currently the maximum wait time is four years, that's a problem. The adequate public facilities ordinance is supposed to ensure adequacy of our public facilities not to ensure developer profits are maximized. Remember, you work for us, the residents, tax payers, and voters of this county, not the developers.

This law is meant to be our check on growth in the areas where our infrastructure needs time to catch up. I fully support CB-1 and implore you to pass it as written. Please do not create amendments that weaken this important check on growth or which might create perverse incentives like exemptions that would encourage building in a way that concentrates poverty in certain overcrowded schools.

This is my family's 11th year in the Howard County Public School System and my 10th year as a PTA officer and volunteer at a school that is large, overcrowded, and above average for FARMs rate. I've seen first-hand the problems that overcrowded schools face. Our most vulnerable students need additional support and in a large, overcrowded school, that is nearly impossible. We're a growing county, but our schools are constantly expected to do more and more with less and less.

My children haven't known anything else. Neither my oldest daughter, nor any of the other 1900+ students currently at Howard High will see any relief from HS 13. They will all have graduated before it opens. Redistricting can only do so much when large swaths of the county are overcrowded. This is why we can't wait. HS 14 will be necessary long before it's anything more than an empty promise. We are headed towards being overcapacity system wide at all levels. We've got some catching up to do.

The developers will find a way to continue their profitable business- building in areas that aren't constrained. Growth will continue, hopefully in a more balanced way. In the long run, maintaining the quality of life in Howard County and our commitment to investing in excellent schools for *all* Howard County children will benefit all of us, even the developers.

Thank you Council Member Walsh, for your work on this bill and thank you all of you for your time and attention.



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

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

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

County Council regarding CB1-2020 to express the organization's
(bill or resolution number)

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

Printed Name: Lisa Markovitz

Signature: [Handwritten Signature]

Date: 1/21/2020

Organization: the people's voice

Organization Address: 3600 Saint John's Lane Suite D

Ellizott City MD 2643

Number of Members: 3327 (Harrod)

Name of Chair/President: Lisa Markovitz

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Lisa Markovitz
The People's Voice – Ellicott City
CB1 – Support

You will hear a lot of testimony that sounds familiar on this Bill, and not just because this is a repeat Bill, but because we always hear the same arguments for and against when discussing strengthening APFO. When we hear all the reasons why we cannot possibly hold up development longer, do we also hear alternative solutions to the overcapacity problem from those opponents, besides just redistricting? No.

We hear that we will lose money, but when infrastructure is this strained, development is not so profitable. We hear we will lose affordable housing supply, but when development pays a fee-in-lieu of providing moderate affordable housing, then the REALITY is that slowing development does not hold up that supply, and specific affordable projects for lower income, are exempt from prior APFO strengthening already.

We have many trailers, and no end in sight of development, redevelopment and a large, long pipeline of new residential units. Redistricting eases capacity numbers sure, but then development fills things up almost immediately. Recently, I have seen projects change plans from age-restricted to market plans, because redistricting is opening up some districts. Redistricting is not the only answer.

It is difficult to get enough funds to provide for increased capacity. We see how much money and time it takes to get schools built or renovated. There are plans to add school capacity, but the data shows that even when that is realized it will be about a third of the estimated new enrollment between now and then. So, what do we do?

We need to use APFO and allocations as actual Planning tools. Someone, somewhere, planning, on this issue, please. Not just talking about affects on sectors, or offsetting interests, but solving a problem. Why shouldn't we use longer APFO waits to LESSEN the incentive to build where it would cause the most problem? That would increase the incentive to build elsewhere, where there are

less overcrowded schools, to avoid the wait. I don't just mean the West where not having public sewer is limiting, but the East's capacities are only going to last so long too. Will there be so many trailers one day that we have to implement a bathroom schedule?

One thing we do know for certain is that what we are doing and/or not doing for a long time now, isn't working. If you look at other counties, several have longer school waits than we do, and yet, we have not heard of them being sued for "takings" of private property rights.

Anne Arundel max six years, Calvert County is at seven years. In December of 2019, Frederick County lowered the rate of overcapacity to 100%, and a five year wait was created. In Harford, the wait is unlimited in several of the most overcrowded regions with a 110% rate. Baltimore County has regional areas with unlimited waits, and Montgomery County has moratoriums over 120% period. What a bunch of huge differences.

Also, it takes three years for projects to get through DPZ. A wait that occurs for all, already anticipated. What portion of this is concurrent with APFO? The halt isn't really 4 extra years now. Add to that, Howard is unique in our allocations test, which when received, goes immediately to the first School test, and so depending on what month that occurs, a project can take a school capacity test twice in its first year. Please keep these issues in mind if you feel 7 is too long.

If you find that this Bill cannot get enough support to pass, I suggest discussing a compromise. At least apply the 7 year wait to schools that are over a certain percentage overcapacity, 120% or more. A flat no vote on this, is NOT supporting our School System, please work on it and get us some sort of improvement at least.

Thank you.



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 21 January 2020

Subject: HCCA FAVORS the Passage of CB1-2020

Good Evening. My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA testifying on their behalf. We are by all means in favor of CB1-2020 just as we were for CB17-2019 when we testified in April. You can review our testimony in the attachment. We want to once again give Councilwoman Liz Walsh all the credit in an attempt to do something positive to ensure the future of our County is sound by introducing sensible measurements. We also want to continually thank Councilwoman Jung for her full support and voting in favor of CB17.

Clarence Darrow stated, "History repeats itself and that's one of the things that's wrong in history." We are hoping that Councilpersons Jones, Mercer, and Yungman fully realize our County cannot continue to do business as usual. When CB17-2019 was heard there was testimony from the Affordable Housing advocates that the Bill if passed would be extremely harmful. We, by all means want to see as much Affordable Housing as is warranted, but how does the passage of CB1 or CB17 endanger the goal. The Affordable Housing – Howard County Housing Affordability Coalition testified on CB17 and stated, "This proposed legislation also presents the potential unintended consequence of curtailing development of Moderate Income Housing Units (MIHUs). This program is the primary vehicle for ensuring equitable distribution of affordable units throughout the county." The real impediment is that the County permits the developers to pay their way out by the fee-in-lieu method to override the ability to really promote Affordable Housing. Perhaps when the fee-in-lieu process is ever eliminated those who were against CB17-2019 might be more optimistic about CB1-2020 and redistricting would not be a consequence.

You also heard from the Builders Association which stated, "That extending the schools test would further lower the County's budget and its ability to provide public services, strain the existing tax structure, require cuts to public and private work forces, lower the County's bond rating, decrease availability of affordable housing, and destroy the County's previous reputation for business friendliness." They also stated CB17 proposes to extend the length of time during which projects must wait for school capacity in Howard County, which flies in the face of the Report and is a direct contradiction to the County's best interests." Can this be unequivocally proven?

You heard from the School Board that "given the many factors that influence population and student growth, as well as the many factors that impact Howard County revenues, we recommend continued collaborative discussions on CB17-2019, taking into account APFO, school facilities surcharges, and the overall educational needs of our county." They further stated, "Through a review of other APFO regulations throughout Maryland, HCPSS staff indicates Anne Arundel and Calvert Counties both have wait periods of six years - two years beyond the current four years in Howard County. Other options, where a county does not specify a wait time, include placeholders within a Capital Improvement Program, or the option for a developer to present mitigation strategies that are approved by the Board." All one has to do is look at the proposed school budget for FY2021 where the total request will be 964.1 million dollars which is 62.7 million more than last year's approved budget. Are we going to

continuously see such a monumental increase in the future? Just look at CR98-2019 the proposed housing unit allocation chart which has been tabled. The question is quite apparent why do we see in 2022 thru 2024 a substantial increase in the number of housing unit allocations? Can we afford this?

We currently are faced with having 234 trailers and who knows how many more? Now we are in a major redistricting situation. With this situation CB1 should be unanimously passed if we really care about the best education and environment for our children, the future leaders of America. The School Board further testified by “thanking Councilwoman Liz Walsh for her introduction of legislation that would have the anticipated effect of slowing student growth until, hopefully, a time of increased financial stability for the County. “

The Marquis de Lafayette is quoted as stating, “I read, I study, I examine, I listen, I think, and out of all that I try to form an idea into which I put as much common sense as I can.” Yes – the passage of CB1-2020 is exactly this – the personification of Common Sense!

Thank You.

A handwritten signature in black ink, appearing to read "Stu Kohn". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Stu Kohn
HCCA President



HCCA

Howard County Citizens Association
Since 1961...
The Voice Of The People of Howard County

Date: 22 April 2019

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

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

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

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

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

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



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

I, STUART M. KOLN, 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 CB 1-2020 to express the organization's
(bill or resolution number)

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

Printed Name: STUART M. KOLN

Signature: Stuart M. Koln

Date: 21 JAN 2020

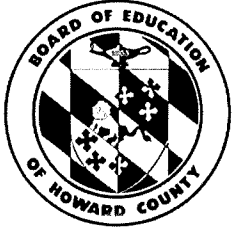
Organization: HCCA

Organization Address: ELLCOTT city MD

Number of Members: 50

Name of Chair/President: Stu Koln

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**Board of Education
of Howard County**

Mavis Ellis
Chair

Vicky Cutroneo
Vice Chair

Kirsten A. Coombs

Christina Delmont-Small

Jennifer Swickard Mallo

Sabina Taj

Chao Wu, Ph.D.

Allison J. Alston
Student Member

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

**Board of Education of Howard County
January 21, 2020**

**County Bill 1 - 2020: Amendments to Adequate Public Facilities
Wait Period**

Howard County Public School System (HCPSS) is the fastest growing school system in Maryland in terms of enrollment growth. The investment in capital infrastructure has not kept pace with projected enrollment growth. Current enrollment projections forecast that within two years, the number of students will begin to exceed the number of seats available countywide – specifically the 2019 HCPSS Feasibility study indicated the capacity utilization of all high schools combined will begin to exceed 110% beyond 2022, elementary schools by 2028, and middle schools follow suit beyond 2030. In school year 2020-2021, fifteen schools will be above 110% capacity utilization.

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

The current four-year APFO wait time has not been sufficient to enable the school system to plan, develop, finance, and build additional infrastructure. For this reason, the Board encourages the passage of CB1 to extend the current APFO wait times.

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

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

The passage of CB1 would address one of these three components. The Board looks forward to our continued partnership with our county government to provide the best possible education for all our students. We can do this better, together, if we have additional time to provide adequate public facilities.



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

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

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

County Council regarding CB1-2020 to express the organization's
(bill or resolution number)

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

Printed Name: Mavis Ellis

Signature:

Date: January 21, 2020

Organization: Board of Education of Howard County

Organization Address: 10910 Clarksville Pike, Ellicott City, MD 21042

10910 Clarksville Pike, Ellicott City, MD 21042

Number of Members: 8

Name of Chair/President: Mavis Ellis, Chair

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

I, Jan Knudsen, have been duly authorized by
(name of individual)

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

County Council regarding CB 1 & CR 14 to express the organization's
(bill or resolution number)

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

Printed Name: Jan Knudsen

Signature: [Handwritten Signature]

Date: 21 January 2020

Organization: Sierra Club

Organization Address: 7338 Baltimore ~~Blvd~~ Ave #101A
College Park, MD 20740

Number of Members: _____

Name of Chair/President: Carolyn Pansa

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

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

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

County Council regarding CB-1-2020 to express the organization's
(bill or resolution number)

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

Printed Name: BRENT LOVELESS

Signature: [Handwritten Signature]

Date: 1/21/2020

Organization: PTACHC

Organization Address: 5451 Beaverkill Columbia MD

Number of Members: 20K+

Name of Chair/President: BRENT Loveless

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


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

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

County Council regarding CB1-2020 to express the organization's
(bill or resolution number)

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

Printed Name: Angelica Bailey

Signature: 

Date: January 21, 2020

Organization: Maryland Building Industry Association

Organization Address: 11825 West Market Place

Fulton, MD 20759

Number of Members: 1,100+

Name of Chair/President: Lori Graf, CEO

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