

Introduced	<u>3-1-2021</u>
Public Hearing	<u>3-15-2021</u>
Council Action	<u>4-5-2021</u>
Executive Action	<u>4-6-2021</u>
Effective Date	<u>6-6-2021</u>

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 5

Bill No. 22 -2021

Introduced by: Christiana Rigby
Co-Sponsored by: Deb Jung and Liz Walsh

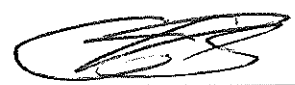
AN ACT requiring the developer of a TOD (Transit Oriented Development) District site to provide the required moderate income housing units, disability income housing units, or low income housing units on the TOD site; prohibiting certain actions by the developer relating to optional methods at a different location or alternative compliance to optional methods; and generally relating to Moderate-Income Housing Unit requirements.

Introduced and read first time March 1, 2021. Ordered posted and hearing scheduled.
By order Michelle Harwood
Theodore Wimberly, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on March 15, 2021.
By order Michelle Harwood
Theodore Wimberly, Administrator

This Bill was read the third time on April 5, 2021 and Passed , Passed with amendments , Failed .
By order Michelle Harwood
Theodore Wimberly, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 6 day of April, 2021 at 3⁰⁰ a.m./p.m.
By order Michelle Harwood
Theodore Wimberly, Administrator

Approved/Vetoed by the County Executive April 6, 2021

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**, Council Bill No. 7-2021, that becomes effective on April 6, 2021, amends the Howard
2 County Zoning Regulations to require that at least 15% of the dwelling units on the site of a Transit
3 Oriented Development be Moderate Income Housing Units that must be developed on the site of the
4 development, and further prohibits the developer from providing the Moderate Income Housing Units at a
5 different location or paying a fee-in-lieu to the Department of Housing and Community Development for
6 the required Moderate Income Housing Units; and

7 **WHEREAS**, this bill codifies in Section 13.402(n) of the County Code the requirements for an
8 agreement for moderate income housing units for a development on a Transit Oriented Development
9 district site that were enacted by Council Bill No. 7-2021, with the purpose that the provisions of the
10 Zoning Regulations and the County Code relating to Moderate Income Housing Units requirements for a
11 development on a Transit Oriented Development district site are consistent.

12 **NOW THEREFORE,**

13 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*
14 *Code is hereby amended as follows:*

15 *By adding:*
16 *Title 13 – Housing and Community Development*
17 *Subtitle 4. Moderate Income Housing Units*
18 *Section 13.402(n)*
19

20 **HOWARD COUNTY CODE**

21 **Title 13 – Housing and Community Development**
22 **Subtitle 4. Moderate Income Housing Units.**
23

24 **Sec. 13.402. *Development procedures; moderate income housing unit agreement; alternative.***

25 **(a) *Development Procedures:***

26 (1) When a development is subject to this subtitle, the developer shall submit to the
27 Department of Planning and Zoning, concurrent with the submission of the original final
28 plat or original site development plan for approval; as applicable:

29 (i) An agreement to meet moderate income housing unit requirements; and

- 1 (ii) Recordable covenants approved by the Department and the County Solicitor.
- 2 (2) Covenants under this subsection shall be recorded among the land records of Howard
3 County concurrently with the recordation of the final subdivision plat or site development
4 plan approval, as applicable.
- 5 (3) Covenants under this subsection shall be extinguished in accordance with the agreement
6 under subsection (b) of this section.
- 7 (b) *Moderate Income Housing Unit Agreement.* The moderate income housing unit agreement
8 under this section shall be in a form prescribed by the Department and shall include:
- 9 (1) A statement of the number of moderate income housing units required under the zoning
10 regulations;
- 11 (2) A requirement that the developer comply with the minimum specifications for moderate
12 income housing units established by the Department;
- 13 (3) A plan for construction of moderate income housing units offered for sale and rental
14 units, which shall, to the extent practicable, consider current market conditions, the needs
15 of eligible purchasers, and planning considerations, require that each phase of the
16 development contain its proportionate share of the total number of moderate income
17 housing units required under the approved final plan or site development plan; and
- 18 (4) A statement of how moderate income housing units will be provided that shall include
19 the number of units, types of units, and location of units.
- 20 (c) *Covenants.* The covenants under this section shall be in a form prescribed by the Department
21 and shall include provisions prohibiting the sale or rental of a moderate income housing unit
22 except to an eligible purchaser, the Commission, the County, or a designee in accordance with
23 this subtitle.
- 24 (d) *Requirements Applicable to Moderate Income Housing Units.* Except as provided in
25 subsections (e) and (f) of this section, and except as provided in section 13.402A of this
26 subtitle, a developer obligated to provide moderate income housing units in accordance with
27 the zoning regulations as part of a development shall provide all of the units:
- 28 (1) On the site of the development project;

1 (2) In the same ratio of unit types as proposed for the development; and

2 (3) Evenly distributed within each phase of development.

3 (e) *Optional Methods:*

4 (1) A developer required to provide moderate income housing units under the zoning
5 regulations may request permission to provide the required units:

6 (i) At a different location;

7 (ii) As a different ratio of unit types; or

8 (iii) As disability income housing units.

9 (2) A developer may use an optional method under this subsection if the Director, upon
10 recommendation from the Housing and Community Development Board and in
11 consultation with the Director of Planning and Zoning and the Director of Community
12 Resources and Services, determines that:

13 (i) a. The number of moderate income housing units to be constructed in the
14 development will render the development economically unfeasible; or

15 b. The development proposes an indivisible package of services and facilities to
16 all residents that would cost the moderate income housing unit owners so much
17 that the units would be rendered unaffordable to eligible purchasers; and

18 (ii) The optional method results in geographic distribution of moderate income housing
19 units throughout the County.

20 (3) A developer may use disability income housing units as an optional method under this
21 subsection if the Director, in consultation with the Administrator of the Office of
22 Transportation, the Director of Community Resources and Services and the Director of
23 Planning and Zoning, determines that there is a need for the proposed disability income
24 housing units.

25 (4) A developer who uses an optional method of providing moderate income housing units
26 in accordance with paragraph (1) of this subsection shall calculate the number of units to
27 be provided as set forth below:

1 (i) For every one moderate income single-family detached housing unit required by the
 2 zoning regulations, the requirement shall be increased by the multiplier in the
 3 following chart:

Type of Unit	On-site	Off-site
Single Family Detached	Not Applicable	1.5 Moderate Income Housing Units
Single Family Attached	1.5 Moderate Income Units	1.75 Moderate Income Housing Units
Apartment	1.75 Moderate Income Units	2.0 Moderate Income Housing Units

4 (ii) For every one single-family attached moderate income housing unit required by the
 5 zoning regulations, the requirement shall be increased by the multiplier in the following chart:

Type of Unit	On-site	Off-site
Single Family Attached	0.33 Disability Income Housing Units	1.5 Moderate Income Housing Units
Apartment	1.5 Moderate Income Housing Units or 0.4 Disability Income Housing Units	1.75 Moderate Income Housing Units

6
 7 (iii) For every one moderate income apartment required by the zoning regulations, the
 8 requirement shall be modified by the multiplier in the following chart:

Type of Unit	On-site	Off-site, Apartment Units

Apartment	0.4 Disability Income Housing Unit	1.5 Moderate Income Housing Units
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(f) *Alternative Compliance to Optional Methods.*

- (1) A developer may request permission from the Director to use a method other than those set forth in subsection (e) of this section to provide moderate income housing units.
- (2) A request shall include the following information:
 - (i) A description of the alternative compliance proposal, including a comparison of the required and proposed units, in terms of the location, numbers, types, bedrooms, and square footage; and
 - (ii) The projected fair market value of the required and proposed units.
- (3) In determining whether to approve a request under this subsection, the Director, upon recommendation from the Housing and Community Development Board and in consultation with the Director of Planning and Zoning and the Director of Community Resources and Services, shall consider whether:
 - (i) The phasing of moderate income housing units will be provided sooner than would be required by the phasing of market rate units;
 - (ii) The units present innovative architecture or site design features that contribute to affordability;
 - (iii) The design reduces operating and maintenance costs;
 - (iv) The location of the proposed alternative is part of a mixed-use development with existing or potential transit service; and
 - (v) The development provides a package of services or amenities for the benefit of moderate income residents.
- (4) In granting a request under this subsection, the Director may reduce the number of units that would have been required under subsection (e) of this section, but may not reduce the number of units below the number required by the zoning regulations.

1 (g) *Alternative of Providing Rehabilitated Existing Moderate Income Housing Units.* The
2 developer of a housing development subject to this subtitle may provide up to five
3 rehabilitated existing moderate income housing units if the developer's requirement is for 29
4 or fewer moderate income housing units or, if the developer's requirement is for 30 or more
5 moderate income housing units, the developer may provide a maximum of 20 percent of the
6 required moderate income housing units by providing rehabilitated existing moderate income
7 housing units provided that:

8 (1) Prior to approval of a final subdivision plat or, if the property is not being subdivided,
9 a site development plan:

10 (i) The developer provides:

11 a. One rehabilitated existing moderate income housing unit certificate approved
12 by the Department as provided below for each moderate income housing unit
13 required by this subtitle; or

14 b. Two rehabilitated existing moderate income housing unit certificates for
15 condominium apartment units approved by the Department as provided below
16 for each moderate income housing unit required by this subtitle; and

17 (ii) The developer executes all of the required agreements and covenants relating to the
18 provision of newly built moderate income housing units in this subtitle.

19 (2) (i) If a developer is required to provide age-restricted moderate income housing units
20 by the zoning regulations, the developer may use the alternative of providing
21 rehabilitated units as permitted by this subsection.

22 (ii) A developer may use a non-age-restricted rehabilitated unit instead of an age-
23 restricted rehabilitated unit under this subsection if the Director, with the concurrence
24 of the Chief Administrative Officer:

25 a. Has made a good faith effort to find, but is unable to find, any eligible purchaser
26 who meets the criteria for the age-restricted moderate income housing unit
27 consistent with Federal discrimination law exemptions; or

28 b. Has determined that the unit is not physically suited for use by an age-restricted
29 eligible purchaser.

1 (iii) The total number of non-age-restricted rehabilitated units that are substituted for
2 age-restricted units shall not exceed ten.

3 (3) Except as provided in subsection (i) of this section, the rehabilitated existing moderate
4 income housing units are subject to all of the requirements applicable to newly built
5 moderate income housing units in this subtitle.

6 (h) *Approval of Certificates for Rehabilitated Existing Moderate Income Housing Units; Sale*
7 *of Certificates.* The application, approval and sale of certificates for rehabilitated existing
8 moderate income housing units shall be governed by the following criteria and procedures:

9 (1) (i) The owner of a residential housing unit or units or an Applicant acting on their
10 behalf may apply to the Department for eligibility to apply for a certificate for a
11 rehabilitated existing moderate income housing unit.

12 (ii) Within 20 business days following application, the Department shall approve such
13 a unit as eligible for a certificate application if it finds:

14 a. That the unit is in need of substantial repairs based on an itemized estimate of
15 cost of repairs submitted by the Applicant;

16 b. That the unit shall not be or previously have been a moderate income housing
17 unit approved pursuant to this subtitle; and

18 c. That the unit will add to the stock of needed moderate income housing units in
19 the County.

20 (2) (i) If the Department approves a unit as being eligible for certificate application, the
21 owner of the unit or an Applicant acting in his behalf may apply for that certificate.

22 (ii) The Department shall approve the application and issue a certificate for a
23 rehabilitated existing moderate income housing unit if it finds that the Applicant has
24 executed the required moderate income housing unit covenants and agreements and
25 met the following rehabilitation requirements for the unit:

26 a. Kitchen and bath cabinets shall be new or updated in the last ten years and in
27 good condition; kitchen and bath fixtures shall conform to current maximum

- 1 water usage standards; and all major kitchen appliances shall be new and
2 warranted for at least one year;
- 3 b. All carpets and flooring shall be new except for hardwood flooring that is new
4 or newly refinished;
- 5 c. The heating and cooling systems shall be new or have been replaced in the last
6 ten years and be in good working order;
- 7 d. All drywall or other wall materials shall be in good condition with no outdated
8 finishes;
- 9 e. All doors and locks shall be in good working order;
- 10 f. All windows shall be new or replaced in the last ten years, have insulated glass
11 or storm windows and be in good condition;
- 12 g. The roof shall be new or replaced in the last ten years, be in good condition, and
13 have at least a 20-year manufacturer's warranty remaining at the time of sale;
- 14 h. Facia, gutters and downspouts shall be in good condition;
- 15 i. The Applicant shall certify that the unit complies with all applicable asbestos
16 and lead paint laws;
- 17 j. Exterior paint shall be new and siding shall be new or replaced in the last ten
18 years and be in good condition;
- 19 k. Decks shall be power washed and stained and be in good condition;
- 20 l. The yard shall be in good condition with adequate and appropriate ground cover,
21 trimmed trees and bushes, if any, fences in good condition, if any, and with any
22 sidewalks and driveways in good condition and not in need of repairs; and
- 23 m. The Applicant shall provide the following items for the purchaser of the
24 moderate income housing unit:
- 25 i. A new power mower, for units having a lawn;
- 26 ii. Pruning shears, for units having shrubs or other similar landscaping;
- 27 iii. A power edger, for units having a lawn;

- 1 iv. A rake, for units having a lawn;
- 2 v. One gallon of interior paint in each color used;
- 3 vi. One gallon of exterior paint in each color used, where appropriate; and
- 4 vii. Paint brushes and rollers for interior and exterior surfaces.

5 All rehabilitation done to the outside of apartment units pursuant to this section shall be
6 consistent with other units in the structure.

7 (3) The Department shall have the unit inspected by an independent inspector who will
8 certify that the unit meets the above rehabilitation requirements prior to the Departments
9 decision on the application. The Applicant shall pay the costs of this inspection before
10 the Department makes a decision on the application.

11 (4) The owner of the rehabilitated existing moderate income housing unit is the holder of
12 the certificate for that unit once it is issued by the Department and may:

13 (i) Receive credit for providing alternative moderate priced housing units pursuant to
14 subsection (g) of this section, which units shall be sold and, except as provided in
15 subsection (i) of this section, otherwise subject to all of the requirements applicable
16 to newly built moderate priced housing units in this subtitle; or

17 (ii) Sell the certificate and the unit to which it applies to a developer of moderate
18 income housing units at a price to be agreed to by the holder and developer who shall
19 then receive credit for providing alternative moderate income housing units pursuant
20 to subsection (g) of this section, which units shall be subject to all of the requirements
21 applicable to newly built moderate priced housing units in this subtitle.

22 (i) *Initial Sale Price for Units Sold through the Moderate Income Housing Unit Community*
23 *Revitalization Program.* The Housing and Community Development Board shall:

24 (1) Establish the initial sale price for rehabilitated units provided through the moderate
25 income housing unit community revitalization program; and

26 (2) Adopt regulations setting the standards to be used for establishing the initial sale price.

- 1 (j) *Annual Analysis of the Moderate Income Housing Programs.* The Director shall complete an
2 annual analysis of the moderate income housing unit programs and, subject to section 22.1000
3 of the County Code, shall submit the analysis to the County Executive and to the County
4 Council, along with a presentation in a public meeting to the County Council, by April 1 of
5 each year. The analysis shall include:
- 6 (1) The number, types, and location of moderate income housing units provided on-site and
7 as required by the zoning regulations;
 - 8 (2) Moderate income housing units provided as an optional method under subsection (e) of
9 this section and as an alternative compliance under subsection (f) of this section;
 - 10 (3) The number of moderate income housing units that have been renovated and the
11 financial costs of renovating the unit;
 - 12 (4) The range of sale prices and rental rates, including the average sales price and rental-
13 rate;
 - 14 (5) Income information on the home buyers and renters participating in the program;
 - 15 (6) The number of applicants selected to purchase a moderate income housing unit and the
16 priority categories for which they qualify under section 13.406(e); and
 - 17 (7) All marketing and outreach efforts of the department to each of the categories in section
18 13.406(e).
- 19 (k) *Alternative of Satisfying Moderate Income Housing Unit Requirement in Residential Mobile*
20 *Home Development.* The developer of a housing development in an R-MH zoning district
21 which is subject to this subtitle may satisfy all, or a portion of, its moderate income housing
22 unit requirement by providing for the sale of lots in an adjoining subdivision to the
23 Commission or designee as defined in this subtitle at below market price by an agreement
24 with the Commission or designee as defined in this subtitle provided that:
- 25 (1) The housing development and the adjoining subdivision were part of the same original
26 sketch plan;
 - 27 (2) The adjoining subdivision shall be zoned residential-mobile home and shall consist of
28 previously leased pad sites in a mobile home park;

- 1 (3) The residential mobile home development and the adjoining subdivision share a
2 stormwater management facility;
- 3 (4) The lots shall be sold to the Commission or designee as defined in this subtitle at below
4 market price for either conveyance through shared equity financing to an eligible
5 purchaser or rental to an individual of moderate income;
- 6 (5) Each lot sold to the Commission or designee as defined in this subtitle shall equal one
7 moderate income housing unit required in the adjacent housing development;
- 8 (6) Concurrent with, prior to, or within 120 days subsequent to the approval of a site
9 development plan or the final plat of subdivision for the housing development, the
10 developer and the Commission or designee as defined in this subtitle shall execute an
11 agreement which satisfies the requirements of this section;
- 12 (7) The agreement shall provide that any covenant to provide moderate income housing
13 units which is already recorded shall be extinguished upon the sale of the same number
14 of lots to the Commission or designee as defined in this subtitle; and
- 15 (8) An existing resident in the adjoining subdivision who meets the eligibility requirements
16 of this subtitle shall be given first priority as an eligible purchaser of a lot or as a tenant
17 of a lot owned by the Commission or designee as defined in this subtitle.
- 18 (l) *Prohibited Transfers.* A developer using an optional or alternative method of compliance
19 may not provide the required moderate income housing units on property:
- 20 (1) Wholly owned by the Howard County Housing Commission;
- 21 (2) Owned by the County; or
- 22 (3) In a census tract block group where the poverty level is ten percent or greater according
23 to the most recent census.
- 24 (m) *Calculations—Fractions of a Unit.* If a calculation to determine the number of moderate
25 income housing units a developer is required to provide under the Zoning Regulations results
26 in a fraction of a moderate income housing unit, the developer shall provide an additional
27 moderate income housing unit.
- 28 (N) *TOD (TRANSIT ORIENTED DEVELOPMENT) DISTRICT—MODERATE INCOME HOUSING UNIT*

1 *REQUIREMENTS.*

2 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A TOD
3 (TRANSIT ORIENTED DEVELOPMENT) DISTRICT SITE SHALL PROVIDE THE MODERATE INCOME
4 HOUSING UNITS REQUIRED UNDER THE ZONING REGULATIONS, OR DISABILITY INCOME HOUSING
5 UNITS OR LOW INCOME HOUSING UNITS AS PART OF AN OPTIONAL METHOD OF COMPLIANCE, AS
6 PART OF THE DEVELOPMENT ON THE SITE OF THE DEVELOPMENT PROJECT.

7 (2) THE DEVELOPER SHALL NOT:

8 (1) PROVIDE THE MODERATE HOUSING INCOME UNITS AT A DIFFERENT LOCATION;

9 (2) PAY A FEE-IN-LIEU OF TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;

10 (3) USE AN OPTIONAL METHOD AS PROVIDED UNDER SUBSECTION (E) ~~(1)~~(I) OF THIS SECTION; OR

11 (4) USE ALTERNATIVE COMPLIANCE TO OPTIONAL METHODS AS PROVIDED UNDER SUBSECTION

12 (F) OF THIS SECTION.

13
14 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall*
15 *become effective 61 days after its enactment.*

Amendment No. 1 to Council Bill No. 22-2021

BY: Christiana Rigby

Legislative Day 6

Date: April 5, 2021

Amendment No. 1

(This amendment requires the developer of a TOD (Transit Oriented Development) District site to provide the required disability income housing units or low income housing units on the TOD site. For a developer required to provide moderate income housing units, disability income housing units, or low income housing units on a TOD (Transit Oriented Development) District site, this amendment maintains the option for the developer to request permission to provide the required units as a different ratio of unit types or as disability income housing units.)

- 1 On the title page, in the second line of the purpose paragraph, after “units”, insert “, disability
- 2 income housing units, or low income housing units”; in the third line of the purpose
- 3 paragraph, after “methods”, insert “at a different location”.
- 4 On page 12, in line 4, after “REGULATIONS”, insert “, OR DISABILITY INCOME HOUSING UNITS
- 5 OR LOW INCOME HOUSING UNITS AS PART OF AN OPTIONAL METHOD OF COMPLIANCE,”.
- 6 ON page 12, in line 9, after “SUBSECTION (E), insert “(1)(I)”.

I certify this is a true copy of

Amendment 1 to Council Bill 22-2021

passed on April 5, 2021

Michelle Howard
Council Administrator

Introduced _____
 Public Hearing _____
 Council Action _____
 Executive Action _____
 Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 5

Bill No. 22 -2021

Introduced by: Christiana Rigby
 Co-Sponsored by: Deb Jung and Liz Walsh

AN ACT requiring the developer of a TOD (Transit Oriented Development) District site to provide the required moderate income housing units on the TOD site; prohibiting certain actions by the developer relating to optional methods or alternative compliance to optional methods; and generally relating to Moderate-Income Housing Unit requirements.

Introduced and read first time _____, 2021; Ordered posted and hearing scheduled.
 By order _____
 Theodore Wimberly, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2021.
 By order _____
 Theodore Wimberly, Administrator

This Bill was read the third time on _____, 2021 and Passed ____ Passed with amendments _____, Failed ____.
 By order _____
 Theodore Wimberly, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2021 at ____ a.m./p.m.
 By order _____
 Theodore Wimberly, Administrator

Approved/Vetoed by the County Executive _____, 2021

 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**, Council Bill No. 7-2021, that becomes effective on April 6, 2021, amends the Howard
2 County Zoning Regulations to require that at least 15% of the dwelling units on the site of a Transit
3 Oriented Development be Moderate Income Housing Units that must be developed on the site of the
4 development, and further prohibits the developer from providing the Moderate Income Housing Units at a
5 different location or paying a fee-in-lieu to the Department of Housing and Community Development for
6 the required Moderate Income Housing Units; and

7 **WHEREAS**, this bill codifies in Section 13.402(n) of the County Code the requirements for an
8 agreement for moderate income housing units for a development on a Transit Oriented Development
9 district site that were enacted by Council Bill No. 7-2021, with the purpose that the provisions of the
10 Zoning Regulations and the County Code relating to Moderate Income Housing Units requirements for a
11 development on a Transit Oriented Development district site are consistent.

12 **NOW THEREFORE,**

13 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*
14 *Code is hereby amended as follows:*

15 *By adding:*

16 *Title 13 – Housing and Community Development*

17 *Subtitle 4. Moderate Income Housing Units*

18 *Section 13.402(n)*

19

20

HOWARD COUNTY CODE

21

Title 13 – Housing and Community Development

22

Subtitle 4. Moderate Income Housing Units.

23

24 ***Sec. 13.402. Development procedures; moderate income housing unit agreement; alternative.***

25

(a) *Development Procedures.*

26

(1) When a development is subject to this subtitle, the developer shall submit to the
27 Department of Planning and Zoning, concurrent with the submission of the original final
28 plat or original site development plan for approval; as applicable:

29

(i) An agreement to meet moderate income housing unit requirements; and

- 1 (ii) Recordable covenants approved by the Department and the County Solicitor.
- 2 (2) Covenants under this subsection shall be recorded among the ~~land~~ records of Howard
3 County concurrently with the recordation of the final subdivision plat or site development
4 plan approval, as applicable.
- 5 (3) Covenants under this subsection shall be extinguished in accordance with the agreement
6 under subsection (b) of this section.
- 7 (b) *Moderate Income Housing Unit Agreement.* The moderate income housing unit agreement
8 under this section shall be in a form prescribed by the Department and shall include:
- 9 (1) A statement of the number of moderate income housing units required under the zoning
10 regulations;
- 11 (2) A requirement that the developer comply with the minimum specifications for moderate
12 income housing units established by the Department;
- 13 (3) A plan for construction of moderate income housing units offered for sale and rental
14 units, which shall, to the extent practicable, consider current market conditions, the needs
15 of eligible purchasers, and planning considerations, require that each phase of the
16 development contain its proportionate share of the total number of moderate income
17 housing units required under the approved final plan or site development plan; and
- 18 (4) A statement of how moderate income housing units will be provided that shall include
19 the number of units, types of units, and location of units.
- 20 (c) *Covenants.* The covenants under this section shall be in a form prescribed by the Department
21 and shall include provisions prohibiting the sale or rental of a moderate income housing unit
22 except to an eligible purchaser, the Commission, the County, or a designee in accordance with
23 this subtitle.
- 24 (d) *Requirements Applicable to Moderate Income Housing Units.* Except as provided in
25 subsections (e) and (f) of this section, and except as provided in section 13.402A of this
26 subtitle, a developer obligated to provide moderate income housing units in accordance with
27 the zoning regulations as part of a development shall provide all of the units:
- 28 (1) On the site of the development project;

1 (2) In the same ratio of unit types as proposed for the development; and

2 (3) Evenly distributed within each phase of development.

3 (e) *Optional Methods:*

4 (1) A developer required to provide moderate income housing units under the zoning
5 regulations may request permission to provide the required units:

6 (i) At a different location;

7 (ii) As a different ratio of unit types; or

8 (iii) As disability income housing units.

9 (2) A developer may use an optional method under this subsection if the Director, upon
10 recommendation from the Housing and Community Development Board and in
11 consultation with the Director of Planning and Zoning and the Director of Community
12 Resources and Services, determines that:

13 (i) a. The number of moderate income housing units to be constructed in the
14 development will render the development economically unfeasible; or

15 b. The development proposes an indivisible package of services and facilities to
16 all residents that would cost the moderate income housing unit owners so much
17 that the units would be rendered unaffordable to eligible purchasers; and

18 (ii) The optional method results in geographic distribution of moderate income housing
19 units throughout the County.

20 (3) A developer may use disability income housing units as an optional method under this
21 subsection if the Director, in consultation with the Administrator of the Office of
22 Transportation, the Director of Community Resources and Services and the Director of
23 Planning and Zoning, determines that there is a need for the proposed disability income
24 housing units.

25 (4) A developer who uses an optional method of providing moderate income housing units
26 in accordance with paragraph (1) of this subsection shall calculate the number of units to
27 be provided as set forth below:

1 (i) For every one moderate income single-family detached housing unit required by the
 2 zoning regulations, the requirement shall be increased by the multiplier in the
 3 following chart:

Type of Unit	On-site	Off-site
Single Family Detached	Not Applicable	1.5 Moderate Income Housing Units
Single Family Attached	1.5 Moderate Income Units	1.75 Moderate Income Housing Units
Apartment	1.75 Moderate Income Units	2.0 Moderate Income Housing Units

4 (ii) For every one single-family attached moderate income housing unit required by the
 5 zoning regulations, the requirement shall be increased by the multiplier in the following chart:

Type of Unit	On-site	Off-site
Single Family Attached	0.33 Disability Income Housing Units	1.5 Moderate Income Housing Units
Apartment	1.5 Moderate Income Housing Units or 0.4 Disability Income Housing Units	1.75 Moderate Income Housing Units

6
 7 (iii) For every one moderate income apartment required by the zoning regulations, the
 8 requirement shall be modified by the multiplier in the following chart:

Type of Unit	On-site	Off-site, Apartment Units

Apartment	0.4 Disability Income Housing Unit	1.5 Moderate Income Housing Units
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(f) *Alternative Compliance to Optional Methods.*

- (1) A developer may request permission from the Director to use a method other than those set forth in subsection (e) of this section to provide moderate income housing units.
- (2) A request shall include the following information:
 - (i) A description of the alternative compliance proposal, including a comparison of the required and proposed units, in terms of the location, numbers, types, bedrooms, and square footage; and
 - (ii) The projected fair market value of the required and proposed units.
- (3) In determining whether to approve a request under this subsection, the Director, upon recommendation from the Housing and Community Development Board and in consultation with the Director of Planning and Zoning and the Director of Community Resources and Services, shall consider whether:
 - (i) The phasing of moderate income housing units will be provided sooner than would be required by the phasing of market rate units;
 - (ii) The units present innovative architecture or site design features that contribute to affordability;
 - (iii) The design reduces operating and maintenance costs;
 - (iv) The location of the proposed alternative is part of a mixed-use development with existing or potential transit service; and
 - (v) The development provides a package of services or amenities for the benefit of moderate income residents.
- (4) In granting a request under this subsection, the Director may reduce the number of units that would have been required under subsection (e) of this section, but may not reduce the number of units below the number required by the zoning regulations.

1 (g) *Alternative of Providing Rehabilitated Existing Moderate Income Housing Units.* The
2 developer of a housing development subject to this subtitle may provide up to five
3 rehabilitated existing moderate income housing units if the developer's requirement is for 29
4 or fewer moderate income housing units or, if the developer's requirement is for 30 or more
5 moderate income housing units, the developer may provide a maximum of 20 percent of the
6 required moderate income housing units by providing rehabilitated existing moderate income
7 housing units provided that:

8 (1) Prior to approval of a final subdivision plat or, if the property is not being subdivided,
9 a site development plan:

10 (i) The developer provides:

11 a. One rehabilitated existing moderate income housing unit certificate approved
12 by the Department as provided below for each moderate income housing unit
13 required by this subtitle; or

14 b. Two rehabilitated existing moderate income housing unit certificates for
15 condominium apartment units approved by the Department as provided below
16 for each moderate income housing unit required by this subtitle; and

17 (ii) The developer executes all of the required agreements and covenants relating to the
18 provision of newly built moderate income housing units in this subtitle.

19 (2) (i) If a developer is required to provide age-restricted moderate income housing units
20 by the zoning regulations, the developer may use the alternative of providing
21 rehabilitated units as permitted by this subsection.

22 (ii) A developer may use a non-age-restricted rehabilitated unit instead of an age-
23 restricted rehabilitated unit under this subsection if the Director, with the concurrence
24 of the Chief Administrative Officer:

25 a. Has made a good faith effort to find, but is unable to find, any eligible purchaser
26 who meets the criteria for the age-restricted moderate income housing unit
27 consistent with Federal discrimination law exemptions; or

28 b. Has determined that the unit is not physically suited for use by an age-restricted
29 eligible purchaser.

1 (iii) The total number of non-age-restricted rehabilitated units that are substituted for
2 age-restricted units shall not exceed ten.

3 (3) Except as provided in subsection (i) of this section, the rehabilitated existing moderate
4 income housing units are subject to all of the requirements applicable to newly built
5 moderate income housing units in this subtitle.

6 (h) *Approval of Certificates for Rehabilitated Existing Moderate Income Housing Units; Sale*
7 *of Certificates.* The application, approval and sale of certificates for rehabilitated existing
8 moderate income housing units shall be governed by the following criteria and procedures:

9 (1) (i) The owner of a residential housing unit or units or an Applicant acting on their
10 behalf may apply to the Department for eligibility to apply for a certificate for a
11 rehabilitated existing moderate income housing unit.

12 (ii) Within 20 business days following application, the Department shall approve such
13 a unit as eligible for a certificate application if it finds:

14 a. That the unit is in need of substantial repairs based on an itemized estimate of
15 cost of repairs submitted by the Applicant;

16 b. That the unit shall not be or previously have been a moderate income housing
17 unit approved pursuant to this subtitle; and

18 c. That the unit will add to the stock of needed moderate income housing units in
19 the County.

20 (2) (i) If the Department approves a unit as being eligible for certificate application, the
21 owner of the unit or an Applicant acting in his behalf may apply for that certificate.

22 (ii) The Department shall approve the application and issue a certificate for a
23 rehabilitated existing moderate income housing unit if it finds that the Applicant has
24 executed the required moderate income housing unit covenants and agreements and
25 met the following rehabilitation requirements for the unit:

26 a. Kitchen and bath cabinets shall be new or updated in the last ten years and in
27 good condition; kitchen and bath fixtures shall conform to current maximum

1 water usage standards; and all major kitchen appliances shall be new and
2 warranted for at least one year;

- 3 b. All carpets and flooring shall be new except for hardwood flooring that is new
4 or newly refinished;
- 5 c. The heating and cooling systems shall be new or have been replaced in the last
6 ten years and be in good working order;
- 7 d. All drywall or other wall materials shall be in good condition with no outdated
8 finishes;
- 9 e. All doors and locks shall be in good working order;
- 10 f. All windows shall be new or replaced in the last ten years, have insulated glass
11 or storm windows and be in good condition;
- 12 g. The roof shall be new or replaced in the last ten years, be in good condition, and
13 have at least a 20-year manufacturer's warranty remaining at the time of sale;
- 14 h. Facia, gutters and downspouts shall be in good condition;
- 15 i. The Applicant shall certify that the unit complies with all applicable asbestos
16 and lead paint laws;
- 17 j. Exterior paint shall be new and siding shall be new or replaced in the last ten
18 years and be in good condition;
- 19 k. Decks shall be power washed and stained and be in good condition;
- 20 l. The yard shall be in good condition with adequate and appropriate ground cover,
21 trimmed trees and bushes, if any, fences in good condition, if any, and with any
22 sidewalks and driveways in good condition and not in need of repairs; and
- 23 m. The Applicant shall provide the following items for the purchaser of the
24 moderate income housing unit:
- 25 i. A new power mower, for units having a lawn;
- 26 ii. Pruning shears, for units having shrubs or other similar landscaping;
- 27 iii. A power edger, for units having a lawn;

- 1 iv. A rake, for units having a lawn;
- 2 v. One gallon of interior paint in each color used;
- 3 vi. One gallon of exterior paint in each color used, where appropriate; and
- 4 vii. Paint brushes and rollers for interior and exterior surfaces.

5 All rehabilitation done to the outside of apartment units pursuant to this section shall be
6 consistent with other units in the structure.

7 (3) The Department shall have the unit inspected by an independent inspector who will
8 certify that the unit meets the above rehabilitation requirements prior to the Departments
9 decision on the application. The Applicant shall pay the costs of this inspection before
10 the Department makes a decision on the application.

11 (4) The owner of the rehabilitated existing moderate income housing unit is the holder of
12 the certificate for that unit once it is issued by the Department and may:

13 (i) Receive credit for providing alternative moderate priced housing units pursuant to
14 subsection (g) of this section, which units shall be sold and, except as provided in
15 subsection (i) of this section, otherwise subject to all of the requirements applicable
16 to newly built moderate priced housing units in this subtitle; or

17 (ii) Sell the certificate and the unit to which it applies to a developer of moderate
18 income housing units at a price to be agreed to by the holder and developer who shall
19 then receive credit for providing alternative moderate income housing units pursuant
20 to subsection (g) of this section, which units shall be subject to all of the requirements
21 applicable to newly built moderate priced housing units in this subtitle.

22 (i) *Initial Sale Price for Units Sold through the Moderate Income Housing Unit Community*
23 *Revitalization Program.* The Housing and Community Development Board shall:

24 (1) Establish the initial sale price for rehabilitated units provided through the moderate
25 income housing unit community revitalization program; and

26 (2) Adopt regulations setting the standards to be used for establishing the initial sale price.

1 (j) *Annual Analysis of the Moderate Income Housing Programs.* The Director shall complete an
2 annual analysis of the moderate income housing unit programs and, subject to section 22.1000
3 of the County Code, shall submit the analysis to the County Executive and to the County
4 Council, along with a presentation in a public meeting to the County Council, by April 1 of
5 each year. The analysis shall include:

- 6 (1) The number, types, and location of moderate income housing units provided on-site and
7 as required by the zoning regulations;
- 8 (2) Moderate income housing units provided as an optional method under subsection (e) of
9 this section and as an alternative compliance under subsection (f) of this section;
- 10 (3) The number of moderate income housing units that have been renovated and the
11 financial costs of renovating the unit;
- 12 (4) The range of sale prices and rental rates, including the average sales price and rental-
13 rate;
- 14 (5) Income information on the home buyers and renters participating in the program;
- 15 (6) The number of applicants selected to purchase a moderate income housing unit and the
16 priority categories for which they qualify under section 13.406(e); and
- 17 (7) All marketing and outreach efforts of the department to each of the categories in section
18 13.406(e).

19 (k) *Alternative of Satisfying Moderate Income Housing Unit Requirement in Residential Mobile*
20 *Home Development.* The developer of a housing development in an R-MH zoning district
21 which is subject to this subtitle may satisfy all, or a portion of, its moderate income housing
22 unit requirement by providing for the sale of lots in an adjoining subdivision to the
23 Commission or designee as defined in this subtitle at below market price by an agreement
24 with the Commission or designee as defined in this subtitle provided that:

- 25 (1) The housing development and the adjoining subdivision were part of the same original
26 sketch plan;
- 27 (2) The adjoining subdivision shall be zoned residential-mobile home and shall consist of
28 previously leased pad sites in a mobile home park;

- 1 (3) The residential mobile home development and the adjoining subdivision share a
2 stormwater management facility;
- 3 (4) The lots shall be sold to the Commission or designee as defined in this subtitle at below
4 market price for either conveyance through shared equity financing to an eligible
5 purchaser or rental to an individual of moderate income;
- 6 (5) Each lot sold to the Commission or designee as defined in this subtitle shall equal one
7 moderate income housing unit required in the adjacent housing development;
- 8 (6) Concurrent with, prior to, or within 120 days subsequent to the approval of a site
9 development plan or the final plat of subdivision for the housing development, the
10 developer and the Commission or designee as defined in this subtitle shall execute an
11 agreement which satisfies the requirements of this section;
- 12 (7) The agreement shall provide that any covenant to provide moderate income housing
13 units which is already recorded shall be extinguished upon the sale of the same number
14 of lots to the Commission or designee as defined in this subtitle; and
- 15 (8) An existing resident in the adjoining subdivision who meets the eligibility requirements
16 of this subtitle shall be given first priority as an eligible purchaser of a lot or as a tenant
17 of a lot owned by the Commission or designee as defined in this subtitle.
- 18 (l) *Prohibited Transfers.* A developer using an optional or alternative method of compliance
19 may not provide the required moderate income housing units on property:
- 20 (1) Wholly owned by the Howard County Housing Commission;
- 21 (2) Owned by the County; or
- 22 (3) In a census tract block group where the poverty level is ten percent or greater according
23 to the most recent census.
- 24 (m) *Calculations—Fractions of a Unit.* If a calculation to determine the number of moderate
25 income housing units a developer is required to provide under the Zoning Regulations results
26 in a fraction of a moderate income housing unit, the developer shall provide an additional
27 moderate income housing unit.
- 28 (N) *TOD (TRANSIT ORIENTED DEVELOPMENT) DISTRICT – MODERATE INCOME HOUSING UNIT*

1 *REQUIREMENTS.*

2 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A TOD
3 (TRANSIT ORIENTED DEVELOPMENT) DISTRICT SITE SHALL PROVIDE THE MODERATE INCOME
4 HOUSING UNITS REQUIRED UNDER THE ZONING REGULATIONS AS PART OF THE DEVELOPMENT ON
5 THE SITE OF THE DEVELOPMENT PROJECT.

6 (2) THE DEVELOPER SHALL NOT:

7 (1) PROVIDE THE MODERATE HOUSING INCOME UNITS AT A DIFFERENT LOCATION;

8 (2) PAY A FEE-IN-LIEU OF TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;

9 (3) USE AN OPTIONAL METHOD AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION; OR

10 (4) USE ALTERNATIVE COMPLIANCE TO OPTIONAL METHODS AS PROVIDED UNDER SUBSECTION

11 (F) OF THIS SECTION.

12
13 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall*
14 *become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on

April 16, 2021

Michelle Harrod
Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2021.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2021.

Michelle Harrod, Administrator to the County Council

1 On the title page, in the second line of the purpose paragraph, after "units", insert ", disability
 2 income housing units, or low income housing units"; in the third line of the purpose
 3 paragraph, after "methods", insert "at a different location".
 4 On page 12, in line 4, after "REGULATIONS", insert ", OR DISABILITY INCOME HOUSING UNITS
 5 OR LOW INCOME HOUSING UNITS AS PART OF AN OPTIONAL METHOD OF COMPLIANCE".
 6 On page 12, in line 9, after "SUBSECTION (E)", insert "(1)(I)".

(This amendment requires the developer of a TOD (Transit Oriented Development) District site to provide the required disability income housing units or low income housing units on the TOD site. For a developer required to provide moderate income housing units, disability income housing units, or low income housing units on a TOD (Transit Oriented Development) District site, this amendment maintains the option for the developer to request permission to provide the required units as a different ratio of unit types or as disability income housing units.)

Amendment No. 1

Date: April 5, 2021

Legislative Day

BY: Christiana Rigby

Amendment No. 1 to Council Bill No. 22-2021

Office of the County Auditor
Auditor's Analysis

Council Bill No. 22-2021

Introduced: March 1, 2021

Auditor: Michael Martin

Fiscal Impact:

The potential fiscal impact of this legislation is unknown, as it is contingent upon future development within Transit Oriented Districts (TOD) and construction of Moderate-Income Housing Units (MIHU).

The Department of Planning and Zoning (DPZ) verified there is one development in the pipeline (Paddock Point) which will be in a TOD. This project is in various phases of development (see **Table 1** in Other Comments). The Department of Housing and Community Development (DHCD) determines how the MIHU requirements are fulfilled and identifies applicable fee-in-lieu payments. The DHCD confirmed that the developer will fulfill all MIHU requirements on-site. As a result, there will be no fee-in-lieu payments made to the County.

Purpose:

This zoning legislation would require the developer of a TOD site to provide the required moderate-income housing units on the TOD site.

The legislation also prohibits the developer from:

- Providing the moderate-income housing units at a different location.
- Paying a fee-in-lieu to the Department of Housing and Community Development.
- Using an optional method as provided under Section 13.402(e) of the Howard County Code.
- Using alternative compliance to optional methods as provided under Section 13.402(f).

Other Comments:

DHCD indicated there is an unintended consequence of this legislation which would prohibit the Disability-Income Housing Unit (DIHU) option on TOD parcels as is allowed under Section 13.402(e).

Table 1 - MIHU Developments in a TOD (all MIHU provided on-site)

<u>Development Name</u>	<u>Plan Number</u>	<u># Units</u>	<u># MIHUs</u>
Paddock Point	SDP-15-043	64 APT/156 SFA	34
Paddock Point	SDP-15-064	260 APT	43
Paddock Point	SDP-21-016	76 APT/76 SFA	23
Paddock Point	SDP unknown	368 units	50

The People's Voice



The People's Voice LLC
3600 Saint Johns Lane, STE D
Ellicott City, MD 21042

March 15, 2021

Re: CB22-2021

Support

Thank you to Council Member Rigby for introducing this Bill to require the MIHU that is to come with TOD developments be made available on site and not be the subject of fees-in-lieu of being provided, nor located elsewhere via alternative compliance. It was a good amendment elsewhere, and makes sense to have this apply to the entire TOD zone.

Sincerely,

Lisa Markovitz

President, The People's Voice

Sayers, Margery

From: Roy Appletree <roy.appletree@gmail.com>
Sent: Wednesday, March 24, 2021 5:23 PM
To: CouncilMail
Subject: CB 22-201 TODs and MIHUs
Attachments: CB22-2021 Testimony - R Appletree.pdf

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

Council Members,

Attached is testimony in support of the legislation.

I am writing as much to point out how the process for approving all Alternative Compliances must be strengthened.

Thank you for your attention.

Roy Appletree
7230 Single Wheel Path, Columbia, MD 21046
410-312-9044

**CB22-2021 TOD (Transit Oriented Development) District site – MIHUS on the
TOD Site**

Testimony to the Howard County Council

March 25, 2021

Position: Favorable

My name is Roy Appletree. I am a long-time resident of Columbia and District 3. I have been involved with affordable housing management and advocacy for many years.

I was actively involved with a local, affordable housing advocacy group when we were surprised to learn – well after the fact – that the original Dorsey MARC Station Project was stripped of its MIHUs. We were informally told that it was at the direction of the then County Executive. What better location for MIHUs than at a transit station! Too expensive to provide MIHUs was set as too low of a hurdle.

I would encourage the County Council to examine the Alternative Compliance process and force it to shed more sunlight for the benefit of the community. The process must be more public and deliberate.

Frankly, I do not know the specific impetus for this legislation. There is a place for Alternative Compliance. A TOD is not a natural place for offsite compliance. It is unfortunate but apparently now necessary to force the construction of MIHUs in TODs.

Under the circumstance I urge you to enact the legislation.

Roy Appletree

7230 Single Wheel Path

Columbia, MD 21046

Sayers, Margery

From: Ruby Nwaebube <RNwaebube@presmd.org>
Sent: Thursday, March 18, 2021 11:22 AM
To: CouncilMail
Subject: Letter Support for CB22 with Recommendations

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

Hello Honorable Howard County Council,

I hope this email finds you well. My name is Ruby Nwaebube, and I Advocacy Associate for Preservation Maryland. On behalf of the Smarter Growth Alliance Howard County (SGAHC), we would like to send a letter in support of the CB22 with recommendations. Below this email, I have attached the letter for your review.

Thank you,

Ruby Nwaebube
Advocacy Associate
PRESERVATION MARYLAND
3600 Clipper Mill Road, Suite 248
Baltimore, Maryland 21211
rnwaebube@presmd.org
presmd.org

Sayers, Margery

From: M. J. Loll and E. M. Salmon <wbnuthatch@verizon.net>
Sent: Monday, March 15, 2021 10:30 AM
To: CouncilMail
Subject: Testimony in Favor of CB22-2021
Attachments: CB22-2021_FAV_Revised.docx

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

Good Morning Howard County Council Members,

I am a resident of Howard County District 3 and submit the attached testimony for your consideration.

Thank you for your time and attention.

Michael Loll
6642 Allview Drive
Columbia, MD 21046



CB22–2021 TOD (Transit Oriented Development) District site - moderate income housing units on the TOD site

Testimony before The Howard County Council

March 15, 2021

Position: Favorable

Good Evening Madame Chair, Mr. Vice Chair and members of the County Council. My name is Michael Loll, and I represent the 700+ members of Indivisible Howard County. We are providing written testimony today in **strong support of CB22-2021** which:

- Requires 15% of all dwelling units in a Transit Oriented Development (TOD) to be Moderate Income Housing
- Requires that these units be developed on the site of the TOD
- Prohibits the developer from paying a fee-in-lieu for the required Moderate Income Housing

Affordable housing in our region is difficult, if not impossible, to find. According to the latest US Census estimates, the median value of owner-occupied units in Howard County is \$455,700.¹ Data from MDOT ² shows 28% of the population surrounding the Dorsey TOD makes less than \$75,000 per year. For the Savage TOD, this figure is 19%. Significant portions of the population in these TODs make far less than the Howard County median household income of \$121,603.³ Proximity to public transit makes TODs attractive to lower income residents who may lack other means of transportation, so it is important that these districts have housing these residents can afford.

Let's remember that, Howard County's affordable housing deficit has been exacerbated by years of low MIHU fees-in-lieu, alternative compliance, and exemptions. All of these practices have contributed significantly to the compounding demand for affordable housing. Contrary to the popular orthodoxy, housing prices are not a simple function of demand and supply. It is not a commodity. Housing also relies on other factors. In communities with high quality public infrastructure, prices are high. In places of low quality infrastructure, prices are very low. Howard County's policy toward affordable housing has largely led to segregated communities as the county's zoning laws created low income and high income regions, by exempting MIHU housing from high income communities and concentrating them in certain areas.

We consider this bill a positive first step and commend Councilmember Rigby for introducing the legislation as well as Council members Jung and Walsh for co-sponsoring it. We urge you to support this legislation and hope to see that MIHUs are required at all projects across the county and that optional methods or alternative compliance to optional methods to MIHUs are prohibited.

Thank you for your time and attention.

We encourage a vote in favor of CB22-2021.

¹ U.S. Census Bureau. (2021). *2015-2019 American Community Survey 5-Year Estimates Data Files*. Retrieved from <https://data.census.gov/cedsci/table?t=Housing&g=05000000US24027&y=2019&d=ACS%205-Year%20Estimates%20Data%20Profiles&tid=ACSDP5Y2019.DP04&hidePreview=false>

² Maryland Department of Transportation. *Transit Station Area Profile Tool (TSAPT)*. <https://maryland.maps.arcgis.com/apps/MapSeries/index.html?appid=5cc549f158954c259658a55ceadfdc6b>

³ U.S. Census Bureau. (2021). *2015-2019 American Community Survey 5-Year Estimates Data Files*. Retrieved from <https://data.census.gov/cedsci/table?t=Income%20and%20Poverty&g=05000000US24027&y=2019&d=ACS%205-Year%20Estimates%20Data%20Profiles&tid=ACSDP5Y2019.DP03&hidePreview=false>

Michael Loll
Columbia, MD



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

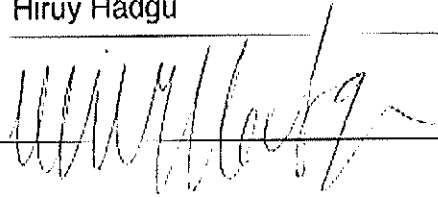
I, Hiruy Hadgu, have been duly authorized by
(name of individual)

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

County Council regarding CB22 and CB23 to express the organization's
(bill or resolution number)

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

Printed Name: Hiruy Hadgu

Signature: 

Date: 03/15/2021

Organization: Howard County Citizens Association

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

P.O.Box 89, Ellicott City, MD 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

*This form can be submitted electronically via email to
councilmail@howardcountymd.gov no later than 2 hours prior to the start of the
Public Hearing.*



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 15 March 2021

Subject: CB22-2021: MIHU requirements on Transit Oriented Development (TOD)

The Howard County Citizens Association fully supports this legislation and urges its passage. We commend the sponsor Councilmember Rigby and its co-sponsors Councilmembers Jung and Walsh.

Howard County's affordable housing deficit has largely been caused due to low MIHU fees-in-lieu, alternative compliance, and exemptions, that have contributed significantly to the compounding demand for affordable housing.

Contrary to the dogma, housing prices are not a simple function of demand and supply. It is not a commodity. Housing also relies on other factors. In communities with high quality public infrastructure, prices are high because people find those communities desirable. In places of low quality infrastructure, home prices are very low, because people with means will always find other places with good infrastructure.

The challenge is always how to create an equitable community that allows people with means and people without means to live in an integrated society. Howard County's policy toward affordable housing has largely led to segregated communities as the county's zoning laws created low income and high income regions by exempting MIHU housing from high income communities and concentrating them in certain areas. This bill will ensure the MIHU is built as required.

We echo the concerns raised by the Department of Housing and Community Development (DHCD) that the unintended consequence of this bill would prevent Disability-Income Housing Units (DIHUs) from being built.

But this is primarily due to CB50-2019, where a developer is allowed to substitute one MIHU with 0.33 DIHU for townhomes on site or 0.4 DIHU for apartments. This ratio does not make sense. Why pit one person in need against another person in need? We urge that the DIHU and MIHU be a one to one ratio. This is yet another example of how the deficit is exacerbated.

We urge passage of this bill with an amendment to substitute one DIHU for one MIHU.

Hiruy Hadgu
HCCA Board of Director