

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 17

Resolution No. 166 -2021

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

A RESOLUTION finding that the Greenfields development located at 8120 Hicks Road, which will create three new, single-family, detached rental housing units to serve nine disabled adults, meets the requirements of certain Special Affordable Housing Opportunities pursuant to the Adequate Public Facilities Act and that the Director of the Department of Planning and Zoning shall authorize the Development to proceed subject to all other provisions of the Act despite being located in an area that is closed for development due to the projected enrollment in the school capacity chart.

Introduced and read first time Nov 1, 2021.

By order

Michelle Harrod
Michelle Harrod, Administrator

Read for a second time at a public hearing on Nov 15, 2021.

By order

Michelle Harrod
Michelle Harrod, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on Dec 6, 2021.

Certified By

Michelle Harrod
Michelle Harrod, Administrator

Approved by the County Executive Dec 13, 2021

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**, iHomes, Inc. (the “Company”) a division of Humanim, and a nonprofit
2 provider of disability housing and services, has contracted to develop certain real property located
3 at 8120 Hicks Road in Jessup, Maryland (the “Property”); and
4

5 **WHEREAS**, the Company proposes to construct and operate on the Property three
6 single-family, three-bedroom, detached homes to be rented as single room occupancy units for
7 nine, low-income adults with physical, developmental and intellectual disabilities in the
8 Greenfields community (the “Development”); and
9

10 **WHEREAS**, all nine units will be rented as “Affordable Dwelling Units” to individual
11 residents that earn at or below 30 percent of the Area Median Income of the Baltimore
12 Metropolitan Statistical Area; and
13

14 **WHEREAS**, no persons under the age of 18 will reside in the Development; and
15

16 **WHEREAS**, the Company will receive grant funding from the Weinberg Foundation,
17 federal funding from Howard County’s HOME program and local funding from Howard
18 County’s MIHU Fee-in-Lieu program; and
19

20 **WHEREAS**, pursuant to the conditions of the funding, the Development will provide
21 housing for lower income persons; and
22

23 **WHEREAS**, the Development has failed the School Capacity Test set forth in Section
24 16.1110(y) of the Adequate Public Facilities Act of Howard County (the “Act”); and
25

26 **WHEREAS**, the Company is requesting that the Howard County Department of Planning
27 and Zoning (“DPZ”) authorize the Development to proceed subject to the Special Affordable
28 Housing Opportunities provision set forth in Section 16.1103(e) of the Act; and
29

30 **WHEREAS**, pursuant to the Act, DPZ authorization requires that:

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

13 **WHEREAS**, pursuant to Section 16.1103(e)(5) of the Act, the Development does not have
14 a related Payment in Lieu of Taxes Agreement so the Council must adopt a Resolution authorizing
15 the development to proceed and the County Council shall hold a public hearing and consider as
16 part of its approval of a resolution:

- 17 1. The capacity utilization at the school or schools impacted by the project and at adjacent
18 schools, including limiting the potential impact on any elementary or middle school
19 with a capacity utilization rate greater than 115 percent unless an adjacent school with
20 the same grade levels has a capacity utilization rate of 100 percent or less;
- 21 2. Estimated student generation from the project;
- 22 3. Any potential for the Board of Education to add capacity to the impacted school or
23 schools through redistricting, facility expansion, or other programs; and
- 24 4. The need for affordable housing in the County, including factors such as the housing
25 cost burden on families, the availability of housing for individuals with disabilities, and
26 the extent of homelessness among families and school children; and
27

28 **WHEREAS**, the County has evaluated and found that the Development meets the
29 requirements of the Special Affordable Housing Opportunities provision set forth in Section
30 16.1103(e)(1) through (e)(5) of the Act and the County Council has held a public hearing in
31 accordance with Section 16.1103(e)(5); and

1
2 **WHEREAS**, in accordance with Section 16.1103(e) of the Act, the Director of the
3 Department of Planning and Zoning shall authorize the Development to proceed subject to all
4 other provisions of the Act despite being located in an area that is closed for development due to
5 the projected enrollment in the school capacity chart.

6
7 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
8 Maryland this 6 day of Dec, 2021, that the Development meets the requirements
9 of the Special Affordable Housing Opportunities provision set forth in Section 16.1103(e)(1)
10 through (e)(5) of the Act and the Director of the Department of Planning and Zoning shall authorize
11 the Development to proceed subject to all other provisions of the Act despite being located in an
12 area that is closed for development due to the projected enrollment in the school capacity chart.