

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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on Dec 6, 2021.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

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WHEREAS, in accordance with Section 16.1103(e) of the Act, 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.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County, Maryland this 6 day of Dec, 2021, that the Development meets the requirements of the Special Affordable Housing Opportunities provision set forth in Section 16.1103(e)(1) through (e)(5) of the Act and 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.

**Office of the County Auditor
Auditor's Analysis**

Council Resolution No. 166-2021

Introduced: November 1, 2021

Auditor: Michael A. Martin

Fiscal Impact:

According to the Director of the Department of Housing and Community Development (DHCD), this legislation would result in County expenditures of \$414,910. Funding for these expenditures will come from the Federal HOME program (\$322,410) through iHomes and fee-in-lie revenue the County has received from its Community Renewal Fund's Moderate-Income Housing Unit (MIHU) program (\$92,500). Our Office reviewed the agreements between the County and iHomes for both of these County expenditures with no exceptions noted.

Since this legislation requests an exemption from the Adequate Public Facilities Ordinance (APFO), our Office reviewed the potential fiscal impact of development planned to move forward if this legislation is passed. Using housing and income data applicable to this potential residential development, in conjunction with information provided by the DHCD, our Office estimates this fiscal impact to include the following:

- Annual and one-time General Fund revenues from property tax, income tax, and recordation tax of \$17,000, \$4,000, and \$4,000, respectively.
- One-time non-General Fund revenues from the school facilities surcharge, road excise tax, and transfer tax of \$110,000, \$21,000, and \$21,000, respectively.
- Annual, non-General Fund revenues from fire tax and ad valorem tax of \$4,000 and \$1,000, respectively.

Purpose:

This legislation would allow for the development of three new single-family, detached, rental housing units at 8120 Hicks Road in Jessup, Maryland, to serve nine disabled adults in an area currently closed for development, according to the school capacity chart required under the Adequate Public Facilities Ordinance (APFO).

Per DHCD, these occupants are planned to have incomes that do not exceed 30 percent of the Area Median Income (AMI) for the Baltimore Metropolitan Service Area (MSA).

Other Comments:

Per the Administration, iHomes was also awarded a \$400,000 grant from the Weinberg Foundation for the development of this project. However, supporting documentation provided to our Office by the Administration indicated the \$400,000 is a capital grant to support the construction and acquisition of 17 units of housing, which could not be tied to the three units associated with this legislation. *Our Office has an inquiry regarding this discrepancy and any potential impact on the associated development.*

The Howard County Housing Commission purchased the land in February 2016 at a cost of \$325,000. The land was then donated to the developer for \$1 on June 22, 2018.

Based on the 2021 Adjusted Home Income Limits published by HUD and effective June 1, 2021, 30 percent of the AMI for the MSA for a one-bedroom unit is \$22,100 with a monthly rental cost of \$985.

Our Office has noted that the HOME program agreement between the County and iHomes does not include a covenant for the tenant age restriction that is referenced in the resolution. However, the Director of DHCD stated that the HOME Agreement will be amended to add clarifying language that will restrict the occupants of these units to individuals who are over the age of 18. This covenant will remain effective for the duration of the agreement (40 years).

All the homes in this development are planned to be “zero energy” homes, meaning they are built with renewable energy systems that will produce the energy needed at little to no cost to the owner.



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

I, Judi Olinger, have been duly authorized by
(name of individual)

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

County Council regarding CR166-2021 to express the organization's
(bill or resolution number)

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

Printed Name: Judi Olinger

Date: 11/15/21

Organization: iHomes

Organization Address: 6355 Woodside Ct, Columbia, MD 21045

Number of Members: 7

Name of Chair/President: Daniel Frasco

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



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

I, DANIEL FRASCO, have been duly authorized by
(name of individual)

HUMANIM, INC. / iTHOMES, INC. to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding 166-2021 to express the organization's
(bill or resolution number)

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

Printed Name: DANIEL FRASCO

Signature: [Handwritten Signature]

Date: 11-19-2021

Organization: HUMANIM, INC / iTHOMES, INC

Organization Address: 6355 WOODSIDE COURT
COLUMBIA, MD 21046

Number of Members: _____

Name of Chair/President: _____

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.



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

I, BRENT LOUELESS, 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 86, CR 163, CR 166 to express the organization's
(bill or resolution number)

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

Printed Name: BRENT LOUELESS

Signature: Brent Louless

Date: 11/15/21

Organization: PTACHC

Organization Address: 5451 Beaverkill Rd Columbia MD 21044

Number of Members: Representing PTA's at all HCPSS sites

Name of Chair/President: Srini Gorantla

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.

CR 166-2021

Sayers, Margery

From: Diana Ellis <dellis@humanim.com>
Sent: Wednesday, November 10, 2021 9:14 AM
To: CouncilMail
Subject: Agenda Item CR166-2021 - Letters of Support
Attachments: D13 iHomes support letter.pdf; CR 166-2021 - iHomes Letter of Support - CPT.pdf

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

Hello,

Attached please find two letters of support for the iHomes Greenfields Project (Agenda Item CR166-2021; 11/15/21 Hearing). Can you please share these letters with the Council for the hearing and can you please confirm the receipt of this email? Thank you so much!

Best Regards,

Diana Ellis
Vice President of Strategic Partnerships and Development

HUMANIM
dellis@humanim.org
www.humanim.org

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SENATOR GUY GUZZONE

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800-492-7122 Ext. 3572



DELEGATE VANESSA ATTERBEARY
DELEGATE SHANE PENDERGRASS
DELEGATE JEN TERRASA

The Maryland House of Delegates
6 Bladen Street, Room 101
Annapolis, Maryland 21401
410-841-3471 • 301-858-3471
800-492-7122 Ext. 3471

THE MARYLAND GENERAL ASSEMBLY
LEGISLATIVE DISTRICT 13
HOWARD COUNTY

November 9, 2021

Howard County Council
George Howard Building
Ellicott City, MD 21042

Dear Members of the Howard County Council,

We are writing this letter in support of iHomes' construction project located at 8120 Hicks Road, Jessup in Legislative District 13. The Howard County Delegation supported and assisted iHomes in securing a \$100,000 LBI towards this project in 2019.

This project is going to serve Howard County residents with disabilities over the age of 18. No school aged children are going to live at the three houses located at 8120 Hicks Road, Jessup.

Through this project, iHomes is building 3 Net Zero houses (9 units of housing) on a ¾ acre lot that was donated by the Howard County Department of Housing & Community Development to iHomes. The purpose of this project is for extremely low-income adults who have been diagnosed with a disability to have stable, decent housing in the community in which they work and have natural supports.

Thank you for your consideration of this request.

Sincerely,

Handwritten signature of Guy Guzzone.

Guy Guzzone
Senator

Handwritten signature of Vanessa Atterbeary.

Vanessa Atterbeary
Delegate

Handwritten signature of Shane Pendergrass.

Shane Pendergrass
Delegate

Handwritten signature of Jen Terrasa.
Jen Terrasa
Delegate



November 4, 2021

Dear Howard County Council,

I am writing this letter in support of iHomes' Greenfields Construction Project located at 8120 Hicks Road, Jessup.

This project is going to serve Howard County residents with disabilities over the age of 18. No school aged children are going to live at the three houses located at 8120 Hicks Road, Jessup. This project was introduced in the Annual Action Plan which was already approved by the Council before the application was submitted.

iHomes is a private non-profit community housing development organization (CHDO) providing affordable housing options to individuals with disabilities. iHomes was founded in 2010 by Humanim, a non-profit human services agency, to ensure long term affordable housing options for Howard County residents.

Through this project, iHomes is building 3 Net Zero houses (9 units of housing) on a ¾ acre lot that was donated by the Howard County Department of Housing & Community Development to iHomes. The purpose of this project is for extremely low-income adults who have been diagnosed with a disability to have stable, decent housing in the community in which they work and have natural supports.

I appreciate the Council's ability to act quickly on this matter and move this project forward. If you have any questions or need additional information, please do not hesitate to contact me.

Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy Plavier-Truitt".

Cindy Plavier-Truitt
President & CEO, Humanim
Chairperson, iHomes