

CB7 and CB8-2022: Requiring MIHU in PGCC Zoning 01/18/2022

It is no secret. Howard County's economic segregation is due to decades of terrible zoning and land-use decisions. Howard County developer corporations have received favorable exemptions and low financial obligations as they extract exorbitant profits from taxpayer dollars courtesy of a compliant county government.

CB7 requires a minimum of 15% MIHU dwellings in planned golf course communities while CB8 obligates the developer to provide it on site instead of paying a fee-in-lieu or providing it elsewhere.

Nearly 37 years ago, the PGCC zoning district was created and benefits a single developer of the Turf Valley community. The developer received a carveout of several exemptions including exemptions from updates to adequate public facilities ordinance standards and MIHU obligations.

Consequently, none of the over 1600 dwelling units are subject to MIHU requirements, thereby contributing to the staggering affordable housing deficit faced by our county, which compounds every year due to inaction.

We commend Councilmember Liz Walsh for introducing this legislation. In her petition before the Planning Board, Councilmember Walsh stated "... 1,400 residential dwelling units have been developed without any MIHUs being offered, and development is ongoing and that MIHUs will provide an equal housing opportunity for the PGCC district and allow any future development to require at least 15% of all new units to be designated as MIHU."

We agree and we encourage all councilmembers to support it as this will improve economic equity.

However, we are concerned that the developer will continue to enjoy exemption under the existing county regulations unless additional legislative actions are taken to remove this exemption. If passed, the bills would not have an impact on any of the remaining homes to be built under existing plans. This is unacceptable. We urge the county council to require that existing plans for the remaining unbuilt homes including future plans are subject to CB7 and CB8.

Hiruy Hadgu.

Tuesday, January 18, 2022

3:14 PM



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

| I,, have been duly authorized by  |
|---|
|   |
| (name of individual)  PATH - People Acting Together In to deliver testimony to the (name of nonprofit organization or government board, commission, or task force)  |
| (name of nonprofit organization or government board, commission, or task force)   |
| County Council regarding $\frac{CB /O - 2022 + C3 07/08}{(bill or resolution number)}$ to express the organization's  |
| support for/opposition to / request to amend this legislation. (Please circle one.)   |
| Printed Name: Shehlla Khan  |
| Signature:  |
| Date:   |
| Organization: PATH - People Acting Together In Howard   |
| Organization Address: 5885 Robert Oliver Pl   |
| Columbia, MD 21045  |
| Number of Members: 11 Institutions Occounting approx 5000 members   |
| Name of Chair/President: Mary Ka Kanahan and Tyrone P. Jones III  |
| This form can be submitted electronically via email to <a href="mailto:councilmail@howardcountymd.gov">councilmail@howardcountymd.gov</a> no later than 2 hours prior to the start of the Public Hearing. |

- Good evening, Chris DeCarlo 5100 Dorsey Hall Drive, speaking tonight on behalf of Mangione Family Enterprises of Turf Valley.
- Our position is this bill in its current form is unworkable and will not lead to the desired result. When you are dealing with an issue as complex as Housing Affordability you really need an holistic well conceived policy that comes from collaboration with all the stake holders (1) the community, (2) the developer and (3) the policy makers. A perfect example of this is type of collaboration on a complex issue is how this Council handled the recent living wage bill. Ensuring that people are paid a living wage is critically important. But to accomplish that you didn't just throw a number out and pass it. You rightful took time and met with all the stake holders, businesses, the restaurant industry, the workers and discussed how the legislation would affect them and how it could be made feasible. To the credit of the sponsors, you collaborated and created legislation that was workable and addressed the issue. There is no reason that same methodology shouldn't be applied here. This developer is a business stake holder when it comes to affordable housing. And the developer should be consulted.
- And this collaboration is really important because ill-conceived housing policies can do more harm than good. And you do not have to take my word on this. Just look at the academic articles that I submitted with my testimony. This academic research has shown that seemingly straightforward unilateral inclusionary zoning policies, similar to this one, that do not provide legislative off-sets, jeopardize the feasibility of market rate housing projects and actually **increase** the price of housing in the area.
- I've provided articles by Emily Hamilton, research fellow at the Mercatus Center at George

  Manson University. She recently conducted a study of IZ regulations in the Baltimore
  Washington area. She found that

- mandatory inclusionary zoning requirements only exacerbate the problem of high housing cost unless they are paired with offset provisions such as modest increases in density.
- that each year they increase housing prices by 1% more than they would normally in the absence of such policies.
- And her finding is not an outlier. She reviewed 6 other IZ studies conducted in other parts of the country as part of her research. Of the six studies, four found that inclusionary zoning mandates increase housing prices. And three found that it actually reduces the supply of new housing.
- This bill in its current form is a mandatory inclusionary zoning policy without offset provisions just like the ones found harmful in those studies. Even worse, here it is punitive measure placed on a developer who has been progressing its planned unit development for decades in accordance with the rules adopted by a previous Council. It truly is an eleventh hour rule change. And the result is going to be similar to those in the studies
  - o It will slow the development of this project delaying additional housing supply from coming on line in an area of targeted growth. The County will receive less in school surcharge fees over a more prolonged schedule. And it will increase the price of market-rate units.
- If this Council wants to avoid these consequences and make this bill workable some sort of off set provision needs to be added similar to what is recommended by the empirical research. Otherwise, this bill is really just a hollow victory in the name of affordability.
- There is no doubt that housing affordability needs to be addressed for <u>future</u> housing development and planning throughout the county. But it is a complex issue requiring a comprehensive approach which includes <u>collaboration</u> between the community, the

developer and policy makers. This ensures that the polices that are enacted will lead to the intended results. This Bill as currently written is not one of those policies. For those reasons we respectfully request that you vote **no** on CB-7 and 8. Thank you.

### Sayers, Margery

From:

Meagan Braganca <mbragancatrl@gmail.com>

Sent:

Tuesday, January 18, 2022 9:03 AM

To:

CouncilMail

Subject:

CB7 & CB8- 2022 IN FAVOR

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

### Council members,

Many affordable housing advocates in the county drone on about equity & housing but don't ever seem to offer the most logical & equitable solution of required AH percentages in current and planned neighborhood development within the county. The bizarre "solutions" of cramming affordable housing in corners of the county where no one wants to develop an actual community (where development shouldn't necessarily happen because of uneven terrain, small land area and greater chances of water runoff issues) are the opposite of equity, as the affordable units aren't a part of a well-planned community, they are more of an afterthought.

By requiring 15% of PGCC District development be reserved for affordable housing, market price housing and affordable are together in the same planned community. And by closing the loophole on fee-in-lieu alternative compliances, we ensure that the much-needed affordable housing is built within that same community. Any arguments against this common-sense plan masquerading as affordable advocacy should be dismissed out of the gate. Being against robust required affordable planning is to be a detractor from the idea of equitable community growth.

Thank you

Meagan Braganca Ellicott City



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

| <sub>I,</sub> Pravin Ponnuri   |                                    |
|--|------------------------------------|
| (name of individual)   | , have been duly authorized by     |
| The People's Voice LLC   |                                    |
| (name of nonprofit organization or government board, commission, or task) CB6, CB7, CB8 and CB9                                      | to deliver testimony to the force) |
| County Council regarding   | to express the organization's      |
| (bill or resolution number)  | to entropy the organization s      |
| support for / opposition to / request to amend this legislation.  (Please circle one.)   |                                    |
| Printed Name: Pravin Ponnuri   |                                    |
| Signature: V V V   |                                    |
| Date:  |                                    |
| Organization: The People's Voice LLC   |                                    |
| 3205 B Corporate Ct, Ellicott City MD 21042 Organization Address:  | 2                                  |
| 3205 B Corporate Ct, Ellicott City MD 21042  |                                    |
| 4,351 Number of Members: Lisa Markovitz  |                                    |
| Name of Chair/President:   |                                    |
| This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 2 hours prior to Public Hearing. |                                    |

## The People's Voice, LLC

3600 Saint Johns Lane, Suite D, Ellicott City, MD 21042

January 18, 2022

**RE: Support CB8** 

**Dear Council Members:** 

The People's Voice fully supports CB-8 as filed without requests for any amendments.

Thank you.

Pravin Ponnuri Director



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

| $_{ m I_{,}}$ Stu Kohn   | , have been duly authorized by |
|--|--------------------------------|
| (name of individual)   |                                |
| Howard County Citizens Association, HCCA   | to deliver testimony to the    |
| (name of nonprofit organization or government board, commission, or ta                 |                                |
| County Council regarding CB7/8-2022  | to express the organization's  |
| (bill or resolution number)  | to enpress the organization s  |
| support for / opposition to / request to amend this legislation.  (Please circle one.) |                                |
| Printed Name: Stu Kohn   |                                |
| Signature:   |                                |
| Date: 14 Jan 2022  |                                |
| Organization: HCCA   |                                |
| Organization Address: PO Box 89 - Ellicott City  | MD 21041                       |
| PO Box 89 - Ellicott City MD 21041   |                                |
| Number of Members: 500   |                                |
| Stu Kohn   |                                |
| Name of Chair/President:   |                                |

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### **Howard County Citizens Association**

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

Date: 18 January 2022

Subject: HCCA in FAVOR of CB7/8-2022

Good evening. I am Stu Kohn from Laurel and as President of the Howard County Citizens Association, HCCA we are unequivocally in **FAVOR** of both CB7 and 8-2022. There is no doubt that this entire body should as well. We want to take this time to thank Councilmember Walsh for her continuing efforts to make our County a better place by trying her best to fix issues which never should have occurred in the first place.

If any Councilmember votes against these two proposed bills it would undoubtedly demonstrate to your constituents that you are against Affordable Housing and believe in discrimination. Furthermore, how about once and for all eliminating Fee-in-Lieu where developers buy their way out of a responsibility, we should all take seriously.

Some of you state your commitment in Affordable Housing. If you are really sincere you will not hesitate to vote in favor of these two Bills? You need to prove to us that Affordable Housing should be a requirement in ALL zoning districts, with no exemptions! Will you show us you will vote strictly on principle rather than developer's donations to politicians?

We don't want any excuses as to why these Bills should be denied. We only hope that our voices really do count. We say this especially because of a few recent experiences. For example, CB78-2021 to override the veto by the County Executive especially after Councilmembers Jones and Rigby originally voted in favor. Another example is CB50-2021 the expansion of the PSA strictly to benefit Erickson. All who testified were against and no one from Erickson or the public testified in support, yet it was passed. Obviously in these cases our voices were not heard. So, do our voices really matter?

Why after all these years is the zoning district PGCC exempt from Moderate Income Housing Units, MIHU? You can and should make this wrong a right. If your conscience is truly your guide, then MIHU should stand for Make It Happen Universally throughout our County now. Just say "YES" to CB7 and 8 especially if you really believe as you say you do in Affordable Housing then please show us your full commitment. As Dr. Martin Luther King Jr. stated, "The time is always right to do what is right."

Stu Kohn

**HCCA** President

### **Howard County Housing Affordability Coalition**

#### **Testimony in Support of Council Bill 8-2022**

January 18, 2022

The Howard County Housing Affordability Coalition provides this testimony <u>in support of Council Bill 8-2022</u>, which would require all Moderate Income Housing Units (MIHUs) to be built on-site in the future development of Transit Oriented Developments (TOD) and Planned Golf Course Communities (PGCC).

We would recommend however changing the introductory language as follows to ensure public clarity as to the full scope of the bill.

**AN ACT** amending the Howard County Code to require that Moderate Income Housing Units (MIHUs) be developed in the Planned Golf Course Community (PGCC) zoning district and the Transit Oriented Development (TOD) zoning district; and generally relating to Moderate Income Housing Units.

Thank you,

Jackie Eng Jackie Eng, Member

Coalition Steering Committee

9770 Patuxent Woods Drive, Columbia, Maryland 20146 jleng1747@gmail.com From:

Jake Burdett

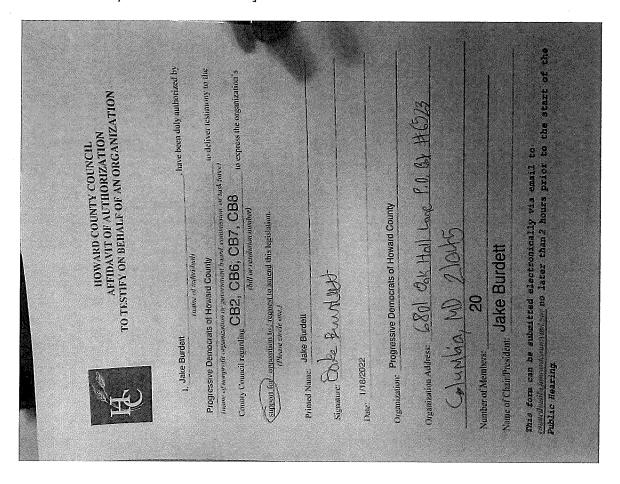
To: Subject: Sayers, Margery; CouncilMail

Re: Affidavit to Speak

Date:

Tuesday, January 18, 2022 3:50:44 AM

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



On Mon, Jan 17, 2022 at 11:19 AM Sayers, Margery <<u>msayers@howardcountymd.gov</u>> wrote:

Good Morning

You have signed up to testify on behalf of an organization tomorrow evening. If you have already sent it to us, thank you and please ignore this email.

If you have not, please sign the attached affidavit and return it to us asap. We will need the affidavit in order for you to testify on behalf of the organization.

Thank you,



Main 410-715-1437 Fax 410-715-1489 Web www.hcar.org

January 18, 2022

The Honorable Opel Jones, Chair Howard County Council George Howard Building 3430 Court House Drive Ellicott City, MD 21043

RE: CB 7-2022 & CB 8-2022, Moderate Income Housing Units in the Planned Golf Course Community zoning district

Dear Chair Jones,

On behalf of the Howard County Association of REALTORS® (HCAR), an organization representing over 2,100 real estate professionals and affiliates in the County, we are writing to offer comments on Council Bills 7 and 8, which will be heard before the Council on January 18.

CB 7 adds a provision to section 126 of the Howard County Zoning Regulations that would require at least 15% of the dwelling units at the Planned Golf Course Community (PGCC) development site be moderate income housing units (MIHUs). CB 8 is a companion bill that adds PGCC to the Moderate Income Housing Unit requirements in title 13 of the Howard County Code.

HCAR supports the Moderate Income Housing Unit program and a policy of providing fair housing opportunities in the County. However, 15% MIHUs is inconsistent with the majority of other zoning districts and creating this requirement at this late hour in development is impracticable.

Since the 2004 Comprehensive Rezoning, pre-existing zoning districts have not been required to provide more than 10% MIHUs in residential developments. The historical precedent has been that newly created zoning districts be held to the 15% standard. Further, a 15% MIHU requirement is primarily associated with high density apartments and mixed-use developments. The maximum allowed density in the PGCC zoning district is 2.0 dwelling units per gross acre, which is similar to the R-20/R-ED zoning districts that require 10% of the dwellings to be MIHU.

PGCC has been in existence since 1985 and has always been excluded from any MIHU requirements despite many amendments to the zoning regulations and almost 20 zoning districts becoming part of the MIHU program. A change such as this should have been made when this project was much less far



Main 410-715-1437 Fax 410-715-1489 Web www.hcar.org

along; at this point in development, an MIHU requirement, especially one as large as this one, will negatively impact the continued growth of PGCC.

It is our hope that the Council will consider other locations to offer this needed housing opportunity and provide advance notice that will bring transparency and predictability to the development process for our residents and our development industry alike. Thank you in advance for your consideration of our comments.

Sincerely,

Sarah Anderson, President

Howard County Association of REALTORS®



January 14, 2022

Dear Members of the Howard County Council,

The Board of Directors of the League of Women Voters of Howard County is pleased to support passage of CB 7 and 8. The bills which would require the inclusion of Moderate Income Housing Units in Planned Golf Course Community zoning districts support the League's position that low and moderate income housing should be integrated throughout Howard County.

Additionally we have noted that the Housing Affordability Master Plan has recommended that zoning changes will be necessary to increase the supply and integration of low and moderate housing in the county. The soon to be released Plan Howard 2040 suggests that similar zoning changes will be recommended.

Planned Golf Course Community zoning districts, which are mixed use developments, are particularly appropriate for MIHUs. Passing these bills now gives the county a jump start on including MIHUs in current development.

The League of Women Voters thanks Councilwoman Walsh for introducing this legislation and urge its passage.

Thank you for your consideration,

Krista Threefoot

Acting President, LWVHC



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

| <sub>I,</sub> Paul J. Baicich  | , have been duly authorized by               |
|--|--|
| (name of individual)   |  |
| Our Revolution Howard County   | to dolivou toatimo any to the                |
| (name of nonprofit organization or government board, commission, or task             | to deliver testimony to the <i>k force</i> ) |
| County Council regarding CB10-2022   | to express the organization's                |
| (bill or resolution number)  |  |
| support for opposition to / request to amend this legislation.  (Please circle one.) |  |
| Printed Name: Paul J. Baicich  |  |
| Signature: Paul Bairil,  |  |
| Date:14 January 2022   |  |
| Organization: Our Revolution Howard County   |  |
| Organization Address: <u>C/o Baicich</u> , 7237 Swau                                 | Pt. Way, Columbia 21045                      |
| Number of Members: 400   |  |
| Name of Chair/President: Paul J. Baicich   |  |
| This form can be submitted electronically via email                                  | l to   |

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.

### Sayers, Margery

From:

B. Mehta <mehtamd1@gmail.com>

Sent:

Tuesday, January 11, 2022 10:14 AM

To:

CouncilDistrict1@howardcountymd.gov

Subject:

Re: Councilmember Walsh Files Two Bills to Increase Affordable Housing

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

I admire this step in the right direction.

Thanks.
Barry Mehta
443-285-9563

On Mon, Jan 10, 2022 at 4:49 PM District 1 < councildistrict1@howardcountymd.gov > wrote:



×

## Councilmember Walsh Files Two Bills to Increase Affordable Housing

Ellicott City, MD (January 10, 2021) – At last week's legislative session for the Howard County Council, Councilmember Liz Walsh introduced Council Bills 7 and 8-2022, two bills aimed at increasing affordable housing in the County. CB7 and CB8-2022 would add a Moderate Income Housing Unit (MIHU) requirement to Planned Golf Course Communities (PGCCs) in the County, such as Turf Valley.

CB7 and CB8-2022 received a unanimous recommendation for approval from the County's Planning Board, as well as unanimous support from the County's Housing and Community Development Board. As written, the legislation would require 15% of future residential units in a PGCC to be MIHUs on-site at the development. CB7 has also received the support of the County's Affordable Housing Coalition.

"This legislation is all about fairness. Almost every other zoning district in this County has an affordable housing requirement. If the goal is to increase affordable housing in this County, why does this one not?" said **Councilmember Walsh**. "Approval of CB7-2022 will finally end a 35-year-old housing policy decision that today is inconsistent not only with the policy directions expressed in the current General Plan, but also with the Housing Opportunities Master Plan," noted **Howard County Housing Affordability Coalition coordinator Jackie Eng**. "This bill will bring PGCC zoning in line with other zoning regulations as well as in line with County leadership's commitment to ensure diversity and inclusion across all areas of its policy and regulatory initiatives — and that certainly includes housing."

Testimony for these bills will be accepted at the legislative public hearing on Tuesday, January 18th, 2021. Anyone may sign up to testify by visiting <a href="https://apps.howardcountymd.gov/otestimony">https://apps.howardcountymd.gov/otestimony</a>. The meeting is open to the public and may be viewed online by visiting <a href="https://cc.howardcountymd.gov/Online-Tools/Watch-Us">https://cc.howardcountymd.gov/Online-Tools/Watch-Us</a>. If you would like to submit written testimony, please email <a href="mailto:CouncilMail@HowardCountyMD.gov">CouncilMail@HowardCountyMD.gov</a>.

To read Council Bills 7 and 8-2022, please visit https://cc.howardcountymd.gov/Legislation.

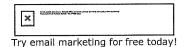
###

District 1 | 3430 Court House Drive, Ellicott City, MD 21043

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Sent by councildistrict1@howardcountymd.gov powered by



### Sayers, Margery

From:

heather.urner@yahoo.com

Sent:

Monday, January 10, 2022 5:49 PM

To:

CouncilDistrict1@howardcountymd.gov; Walsh, Elizabeth

Subject:

Re from News Release

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

Good Evening County Councilperson Walsh,

I have read CB7 and CB8 for 2022. I agree that the Turf Valley area should include MIHUs. But the issues of MIHUs is an issue in itself. The choice to pay in lieu of is a problem, even if that figure was a more accurate dollar amount. Our County has been in an overdevelopment flux, the best way I can think to word it, since before the pandemic. No, the APFO adjustments that were brought forth and not fully accepted would not have fixed everything, but those would bridge efforts. I think your bills should pass; Turf Valley should have MIHUs. But the idea of any new developments among those still in progress is frustrating. It's frustrating how the efforts of redistricting have been on hold. I have thoughts where the BOE had been trying to attempt in the realms, that doesn't equal that they were perfect or are perfect, but there was thought in their decisions. I feel that buy in; not enough parents want to accept any movements. Parents don't want overcrowding, but they don't change, feels like the feedback from what I have heard in responses. I say all this because my response about the tree veto was not understood. While I do care about the environment, I felt that if you're looking for accountability in an environmental focus from developers than hold them accountable by all means. Developers need to be held accountable in the trees deforested, accessibility for emergency, educational impact in school levels, impact of hospital with population numbers shifting, transportation impact, I'm sure there more that I forgot. I hope to see more than the listed Current Legislations: <a href="https://apps.howardcountymd.gov/olis/PendingLegislation.aspx">https://apps.howardcountymd.gov/olis/PendingLegislation.aspx</a>. I hope to see more actions that are doing more than but go in towards fixing.

Thank you

Heather Urner

## Sayers, Margery From: Craig Allebach <callebach@gvsmd.com> Sent: Monday, January 10, 2022 5:45 PM CouncilDistrict1@howardcountymd.gov To: RE: Councilmember Walsh Files Two Bills to Increase Affordable Housing Subject: [Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.] Why so we need more affordable housing in Howard County, it will only reduce our property values. increase crime and lower the standards within the school system. **From:** District 1 <councildistrict1@howardcountymd.gov> Sent: Monday, January 10, 2022 4:49 PM To: Craig Allebach <callebach@gvsmd.com> Subject: Councilmember Walsh Files Two Bills to Increase Affordable Housing

# Councilmember Walsh Files Two Bills to Increase Affordable Housing

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"This legislation is all about fairness. Almost every other zoning district in this County has an affordable housing requirement. If the goal is to increase affordable housing in this County, why does this one not?" said **Councilmember Walsh**. "Approval of CB7-2022 will finally end a 35-year-old housing policy decision that today is inconsistent not only with the policy directions expressed in the current General Plan, but also with the Housing Opportunities Master Plan," noted **Howard County Housing Affordability Coalition coordinator Jackie Eng**. "This bill will bring PGCC zoning in line with other zoning regulations as well as in line with County leadership's commitment to ensure diversity and inclusion across all areas of its policy and regulatory initiatives – and that certainly includes housing."

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To read Council Bills 7 and 8-2022, please visit https://cc.howardcountymd.gov/Legislation.

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### Sayers, Margery

From: Sent: LARRY HILL < ljhill11@verizon.net> Monday, January 10, 2022 4:56 PM

To:

CouncilDistrict1@howardcountymd.gov

Subject:

Re: Councilmember Walsh Files Two Bills to Increase Affordable Housing

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

Is there any interest or concern by Council members for/about retirees? Any interest in retaining retirees as County residents? Any interest or initiatives under consideration for ways to assist retirees as County residents?

Sent from my iPad

On Jan 10, 2022, at 4:49 PM, District 1 < councildistrict1@howardcountymd.gov> wrote:



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To read Council Bills 7 and 8-2022, please visit https://cc.howardcountymd.gov/Legislation.

###

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<u>Unsubscribe ljhill11@verizon.net</u>

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