



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

I, Paul Verchinski, 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 CB52-53-56-57 to express the organization's
(bill or resolution number)

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

Printed Name: Paul Verchinski

Signature: *Paul Verchinski*

Date: 09/15/2022

Organization: HCCA

Organization Address: Box 89, Ellicott City, MD 21041

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 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

September 19, 2022

Howard County Council, Legislative Public Hearing

Testimony of Christopher Alleva in Support of CB 56-2022

On August 18, 2022, I testified to the Planning Board on the FDP Amendment to FDP 50 A. I raised as a preliminary matter that Howard Research and Development Corporation, and their parent corporation, The Howard Hughes Corporation are required to file an affidavit of contribution for Final Development Plan amendments since an FDP has the full force and effect of a Zoning Regulation under section 125.D.6 and therefore an amendment thereto is a Zoning Regulation amendment and subject to Part VIII of the Maryland Public Ethics Law, Special Provisions for Howard County. It is my position that FDP amendments are applications under the definitions and Howard Research and Development and Howard Hughes Corporation meet the definition of applicant.

The Planning Board's legal counsel advised them that these ethics provisions do apply to matters like this before the Planning Board. I recorded my disagreement and resolved to submit the matter to the Ethics Commission for a formal opinion.

Instead, in the interest of transparency, consistency, fairness and full disclosure, and to avoid ambiguities and conflicts in the Ethics Law I am here to support this bill with amendments to clarify that petitions to amend Final Development Plans and Preliminary Development Plans are subject to this law.

AMENDMENT 1.

Clarifies that FDP and PDP amendments are included.

AMENDMENTS TO FINAL DEVELOPMENT PLANS UNDER SECTION 125.F.1 ARE ZONING REGULATION AMENDMENTS PURSUANT TO SECTION 125.D.6; AND AMENDMENTS TO THE PRELIMINARY DEVELOPMENT DEVELOPMENT PLANS UNDER SECTIONS 125.B.6 and 125.J ARE SUBJECT TO AFFIDAVIT OF CONTRIBUTION DISCLOSURE BY THE APPLICANT. and disclosure by the Applicant.

AMENDMENT 2

Clarifies who constitutes an Applicant

AND; APPLICANT INCLUDES THE "ORIGINAL PETITIONER" AS SET FORTH IN SECTIONS 125.B.6 and 125.F.1 OF THE ZONING REGULATIONS.

AMENDMENT 3

Expressly adds the Planning Board.

Under Section 5–853. Contributions made by applicants, THE PLANNING BOARD SHALL BE ADDED; and THE PLANNING BOARD AMINISTRATIVE SECRETARY shall: (1) receive filings of affidavits and disclosures; (2) maintain filed affidavits and disclosures as public records available for review by the general public during normal business hours; (3) report violations to the Howard County Ethics Commission; and (4) perform ministerial duties necessary to administer this part. (h) Summary report. — (1) Promptly on receipt, the administrative assistant to the zoning board, OR [and] the administrator of the County Council OR THE PLANNING BOARD AMINISTRATIVE SECRETARY shall prepare a summary report compiling all affidavits and disclosures filed under this part. (2) The summary report shall be a public.

Below is a list of 23 ZRAs, FDP amendments and PDP amendments where Howard Hughes failed to file Affidavits of Contributions.

**New Town Zoning Regulations Amendments Requiring Affidavits of Contributions
Howard Hughes Corporation and Howard Research and Development Corporation.**

Under 15-848 (prior to 2014)

ZRA 102, CB 29-2009

ZRA 113 CB58-2009

Under 5-852 (enacted 2014)

ZRA 170 CB54-2016

ZRA 177 February 6, 2016

New Town FDP Amendments Requiring Affidavits of Contributions (14)

FDP 50A Oakland Mills July 21, 2022

FDP 89A Long Reach June 17, 2021

FDP 41A Wilde Lake, May 20, 2021

FDP 51 Oakland Mills November 11, 2019

FDP 158 Kings Contrivance July 11, 2019

FDP 95 Town Center February 1, 2018

FDP 100A Hickory Ridge December 14, 2017

FDP 77A Long Reach December 7, 2017

FDP 55 EGU September 28, 2017

FDP 36A, Oakland Ridge I.C. September 19, 2017

FDP 169 Kings Contrivance April 20, 2017

FDP 117 Sieling August 4 and November 3, 2016

FDP 197 Long Reach July 7, 2016

FDP 201 Middle Patuxent September 2, 2014

New Town Zoning Petitions Requiring Affidavits of Contributions

Under 5-852 (enacted 2014) (5)

ZB 1112 (Long Reach)

ZB1113 (Harpers Farm)

ZB 1119M Hickory Ridge 2019

ZB 1120 Enterprise 2019

ZB 1121M Long Reach 2018

Under 15-848 (prior to 2014) (2)

ZB 1096 M Wilde Lake 2012

ZB 1095 M Columbia Overlook PDP Amendment March 2012

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

3 By amending:

4 Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations.

5 Subtitle 1. Zoning.

6 Section 16.208. – Zoning regulation text amendments.

7
8 **HOWARD COUNTY CODE**

9 **Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations**

10 **Subtitle 2. Zoning**

11 **Sec. 16.208. - Zoning regulation text amendments.**

12 (a) *Petition.* Any person, the Director of the Department of Planning and Zoning, on behalf of
13 the County but not on behalf of a private [[entity]] ENTITY, the members of the County
14 Council, or any duly appointed county board may petition the County Council for an
15 amendment, repeal, or change to the text of the zoning regulations.

16 (B) *REQUIREMENT FOR AFFIDAVIT OR DISCLOSURE.*

17 (1) IN THIS SUBSECTION:

18 (i) A “PETITION” IS AN “APPLICATION” AS THAT TERM IS DEFINED IN SECTION 5-852(C) OF

19 THE MARYLAND PUBLIC ETHICS LAW; AND
Amendments to Final Development Plans under Section 125.D.6 are Zoning Regulation Amendments and Amendments
to the Preliminary Development Plans are subject to affidavit and disclosure

20 (ii) “APPLICANT” HAS THE MEANING STATED IN SECTION 5-852(B) OF THE MARYLAND

21 PUBLIC ETHICS LAW. AND APPLICANT INCLUDES THE “ORIGINAL PETITIONER AS SET FORTH IN
SECTIONS 125.B.6 and 125.F.1 OF THE ZONING REGULATIONS.

22 (2) IF A ZONING REGULATION TEXT AMENDMENT WOULD IMPACT 12 PARCELS OF LAND OR
23 LESS, EACH OF THOSE PARCELS OF LAND SHALL BE DEEMED TO BE THE SUBJECT OF
24 THE APPLICATION.

25 (3) ALL APPLICANTS SHALL FILE ALL THE AFFIDAVITS AND DISCLOSURES REQUIRED BY

26 SECTION 5-853 OF THE MARYLAND PUBLIC ETHICS LAW.

Amendment 3 In testimony

27 [[(b)]] (C) *Copy of petition to Department of Planning and Zoning and Planning Board.* The

28 County Council shall deliver a copy of the proposed zoning regulation text amendment to

29 the Department of Planning and Zoning and to the Planning Board. Subject to subsection (e)