

**Amendment 56 to Council Bill No. 28 -2023**

**BY: Christiana Rigby**

**Legislative Day 11**

**Date: 10/02/2023**

**Amendment No. 56**

*(This Amendment makes the following changes to HoCo by Design Chapter 6, Chapter 10, and Chapter 11:*

*Chapter 6: Dynamic Neighborhoods*

- *Amends the DN-5 Policy Statement Implementing Actions to have the working group study incentives for homeownership opportunities where 50% of the units are affordable homeownership and 50% of the units are affordable rental;*
- *Amends the DN-11 Policy Statement Implementing Actions to ensure Universal Design Guidelines are utilized for at least 10% of all affordable units built;*

*Chapter 10: Managing Growth*

- *Increases the Affordable Housing allocations in Table 10-1: Howard County APFO Allocations Chart from 150 per year to 500 per year.*
- *Removes the Green Neighborhood program in its entirety in Table 10-1: Howard County APFO Allocations Chart and the accompanying narrative section;*

*Chapter 11: Implementation*

- *Amends the DN-5 Policy Statement Implementing Actions to have the working group study incentives for homeownership opportunities where 50% of the units are affordable homeownership and 50% of the units are affordable rental; and*
- *Amends the DN-11 Policy Statement Implementing Actions to ensure Universal Design Guidelines are utilized for at least 10% of all affordable units built.)*


1 In the *HoCo By Design* General Plan, attached to this Act as Exhibit A, amend the following  
2 page as indicated in this Amendment:

- 3 • Chapter 6: Quality by Design: 51 and 62
- 4 • Chapter 10: Managing Growth: 7 and 8
- 5 • Chapter 11: Implementation: 39 and 43

6

7 Correct all page numbers, numbering, and formatting within this Act to accommodate this  
8 amendment.


## DN-5 Policy Statement

 Increase the supply of for-sale and rental housing units in all new developments attainable to low- and moderate-income households and special needs households.

### Implementing Actions

1. Reevaluate the County's inclusionary zoning policies to ensure they are meeting their intended objectives. Expand Moderate Income Housing Unit (MIHU) requirements in areas with a disproportionately lower share of housing options affordable to low- or moderate-income households.
2. Ensure that any corridor, neighborhood, redevelopment, or area plan includes clear policies for meeting affordable housing goals.
3. Update MIHU rules and fee structures, with the goal of producing more units throughout the County that are integrated within communities. Seek opportunities to amend the Zoning Regulations to enable housing types more conducive to on-site MIHU provision across a broader area.
4. Establish a working group to evaluate the feasibility of a targeted incentive program for affordable and accessible housing, including:
  - a. The creation of a definition of affordable and accessible housing, including physical factors such as unit type, size, or physical accessibility design criteria; and/or income factors through tools such as deed restrictions.
  - b. A zoning overlay targeting locations for affordable and accessible housing where there is limited existing supply of affordable and accessible units.
  - c. Incentives related to development, such as density bonuses or relief to setback or other development standards.
  - d. Incentives related to the development process, such as the creation of a specific housing allocation pool for affordable and/or accessible units, exemptions from school requirements in the Adequate Public Facilities Ordinance, or other means of reducing other regulatory barriers.
  - e. [Incentives related to homeownership opportunities with 50% of the units allocated to affordable homeownership and 50% to affordable rental.](#)

## DN-6 Policy Statement

 Provide various incentives that encourage the development of for-sale and rental housing units affordable to low- and moderate-income households and special needs households.

### Implementing Actions

1. Continue to support the Housing Opportunities Trust Fund to expand the number of income-restricted rental and homeownership units produced. Explore the feasibility of establishing a dedicated funding source for this fund.
2. Evaluate opportunities to co-locate income-restricted housing and community facilities on county-owned land.
3. Establish criteria for flexible use and disposition of county real estate assets that are near amenities and would promote development of affordable missing middle and multi-family housing for low- and moderate-income households where appropriate.
4. Offer additional incentives to encourage the production of more Moderate Income Housing Units than required, and/or deeper levels of income targeting in the form of Low Income Housing Units or Disability Income Housing Units.
5. Continue to provide and increase downpayment assistance funding to income-eligible households through the County's Settlement Downpayment Loan Program.

## UniVersAL Design

As defined in the Age-Friendly Action Plan, “Universal design, also called barrier-free design, focuses on making the house safe and accessible for everyone, regardless of age, physical ability, or stature. Universal design elements in homes and apartments contribute to age-friendly communities and multi-generational households, and they increase the independence of persons with disabilities.”

As noted previously, only 4% of the County’s residential land is used for 55 years or more age-restricted development. According to the County’s land use database, there are a total of 5,160 age-restricted units consisting of the following housing types: 419 single-family detached, 367 apartments, 1,244 single-family attached condominiums, 1,364 apartments and 1,766 apartment condominiums. However, many of those homes are not financially attainable. The County has limited affordable housing options for older adults, many of whom will have mobility and accessibility needs as they age, and persons with disabilities. Without an adequate supply of these types of homes, some older adults may be unable to find appropriate housing, forcing them to look outside the County if/when they decide to move. While many older adults prefer to age in their homes, that option is not always feasible due to health reasons, mobility issues, changes in finances, or a home not being suitable for modifications. Therefore, housing options for early retirees, empty nesters, or older adults who want to downsize—perhaps because they can no longer maintain a single-family detached dwelling on a large lot (or choose not to)—should be readily available as part of a larger suite of housing typologies catering to changing demands and interests.

### Multi-Generational Neighborhoods

Multi-generational neighborhoods offer a variety of housing types and include units that are designed with older adults in mind but appeal to people of all ages and abilities. While the features of the units for older adults are important—size, number of floors, and universal design—the elements of the neighborhood are also important. The housing mix should contribute to the creation of a community that is conducive to social interaction among neighbors and a level of activity that can minimize feelings of isolation that older adults could experience with changing health and social conditions. When surrounded by a network of support, older adults living in a multi-generational neighborhood have a lower likelihood of depression, as such arrangements can foster an environment of neighbors helping neighbors. In addition, older adults provide a resource to younger neighbors in the form of teaching, mentoring, and sharing personal histories, thus improving interactions among generations and enhancing respect across age, race, ethnicity, and other differences. Neighborhoods that offer a safe system of sidewalk connections to nearby convenience retail and services can help older adults with mobility issues maintain their independence longer while allowing all families to maintain healthy lifestyles. The County in Motion chapter provides more details about plans for multi-modal transportation options.

### DN-11 Policy Statement



Provide a range of affordable, accessible, and adaptable housing options for older adults and persons with disabilities.

#### Implementing Actions

1. Use zoning tools and incentives that increase the supply of missing middle housing and accessory dwelling units, as identified in Policy Statements DN-1 and DN-2.
2. Provide flexibility in the Zoning Regulations and the Subdivision and Land Development Regulations for adult group homes/communal living and for accessibility modifications for persons with disabilities who wish to live independently or older adults who wish to age in place or downsize and age in their community at affordable price points.
3. Encourage Age-Restricted Adult Housing (ARAH) developments to build small- to medium-scale housing units to include apartments, condominiums, townhomes, and missing middle housing types that allow seniors to downsize and are affordable to low- and moderate-income households. Evaluate if current ARAH Zoning Regulations allow sufficient density increases to incentivize missing middle housing types, such as cottage clusters, duplexes, and multiplexes.
4. Explore options for additional Continuing Care Retirement Communities in the County.
5. Update the County’s Universal Design Guidelines to enhance the capacity for individuals to remain safe and independent in the community through universal design in construction.
6. Require builders and homeowners to follow, when practical, the updated Universal Design Guidelines for new and rehabilitated, remodeled, or redesigned age-restricted housing.
7. [Ensure Universal Design Guidelines are utilized for at least 10% of all affordable units built.](#)

### DN-12 Policy Statement



Create greater opportunities for multi-generational neighborhoods, especially in character areas identified as activity centers.

#### Implementing Actions

1. Design new activity centers to accommodate the needs of various ages, abilities, and life stages. Ensure design of neighborhoods and their amenities provide accessibility using universal design guidelines with sidewalks, wayfinding, and safe connections.
2. Bring multi-modal transportation options to locations planned for new multi-generational neighborhoods.

# Adequate Public Facilities Ordinance (APFO)

## Housing Unit Allocations

APFO sets the pace of new residential development through an annual housing allocation chart, which caps the number of new units that can be built each year by geographic region. Once the annual cap is reached, subdivision plans are placed “on hold” until the next year when more allocations are made available.

The allocation chart for HoCo By Design is shown in Table 10-1 and includes the years 2026-2040. This allocation chart is based on the approximately ~~1,580~~ 1,780 housing units targeted per year over the 15-year timeframe of this chart. Allocations are granted, if available, once the initial subdivision or site development plan is approved. Given that it typically takes several years for the development review process to be completed (to final plat recordation and site development plan approval), allocations are granted three years ahead of when the new units are expected to be built. Since HoCo By Design has been presented for adoption in 2023, the first year on the allocation chart is 2026.

There are four geographic regions in the HoCo By Design allocation chart: Downtown Columbia, Activity Centers, Other Character Areas, and Rural West. Allocations amount to an average total of approximately ~~1,580~~ 1,780 new residential units per year over the 15 years in the chart, including ~~Green Neighborhood and Affordable Housing~~ units. The number of units in each region is tied to the future land use capacity as modeled and estimated in the Future Land Use Map (FLUM). ~~In addition to the four geographic regions, the allocation chart for HoCo By Design maintains the set-aside incentive of 150 units per year for Green Neighborhood developments. Projects using Green Neighborhood allocations must meet the Green Neighborhood requirements, as specified in the Howard County Subdivision and Land Development Regulations.~~ The total annual average of approximately ~~1,580~~ 1,780 units is significantly less than the 2,084 units targeted in the allocation chart of the previous General Plan, PlanHoward 2030. However, since the County has only realized an annual average of about 1,500–1,600 units per year over the past decade, the revised target of 1,780 units is a realistic measure given the remaining land available and multiple factors influencing growth.

~~Just as the housing allocation chart offers a set aside incentive for the Green Neighborhoods program,~~ HoCo By Design proposes an Affordable Housing set aside incentive as well. These additional allocations could help increase the supply of affordable housing units above and beyond what is required under the County’s Moderate Income Housing Unit (MIHU) program, and could assist the County with reaching the affordability and accessibility targets recommended in the Housing Opportunities Master Plan. As noted in the Dynamic Neighborhoods chapter, ideal locations for these set asides could be in mixed-use activity centers, redeveloped multi-family communities, and within the Affordable Housing Overlay Zoning District.

**Table 10-1: Howard County APFO Allocations Chart - HoCo By Design**

Year	Downtown Columbia (1)	Activity Centers	Other Character Areas	Rural West	Total	Green Neighborhood	Affordable Housing
2026	335	600	365	100	1,400	150	500 150
2027	335	600	365	100	1,400	150	500 150
2028	335	600	365	100	1,400	150	500 150
2029	335	600	365	100	1,400	150	500 150
2030	335	600	365	100	1,400	150	500 150
2031	155	600	365	100	1,220	150	500 150
2032	155	600	365	100	1,220	150	500 150
2033	155	600	365	100	1,220	150	500 150
2034	155	600	365	100	1,220	150	500 150
2035	154	600	365	100	1,219	150	500 150
2036	154	600	365	100	1,219	150	500 150
2037	154	600	365	100	1,219	150	500 150
2038	154	600	365	100	1,219	150	500 150
2039	154	600	365	100	1,219	150	500 150
2040	154	600	365	100	1,219	150	500 150
<b>Total</b>	<b>3,219</b>	<b>9,000</b>	<b>5,475</b>	<b>1,500</b>	<b>19,194</b>	<b>2,250</b>	<b>7,500 2,250</b>
<b>Annual Average</b>	<b>215</b>	<b>600</b>	<b>365</b>	<b>100</b>	<b>1,280</b>	<b>150</b>	<b>500 150</b>

(1) The allocations for Downtown Columbia align with the phasing chart in the approved and adopted 2010 Downtown Columbia Plan.

As indicated earlier, HoCo By Design envisions future development in the Gateway Regional Activity Center. Once a master plan for Gateway is completed, and the number and pacing of residential units for Gateway determined, the allocation chart can be amended to include annual allocations for Gateway or a separate chart for Gateway can be adopted. However, these units are not likely to be built in the near-term, as zoning changes will follow the master plan and units will take several years after zoning to be constructed.

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
<b>DN-5 - Increase the supply of for-sale and rental housing units in all new developments attainable to low- and moderate-income households and special needs households.</b>		
1. Reevaluate the County's inclusionary zoning policies to ensure they are meeting their intended objectives. Expand Moderate Income Housing Unit (MIHU) requirements in areas with a disproportionately lower share of housing options affordable to low- or moderate-income households.	DHCD DPZ	Mid-Term
2. Ensure that any corridor, neighborhood, redevelopment, or area plan includes clear policies for meeting affordable housing goals.	DPZ DHCD	Long-term
3. Update MIHU rules and fee structures, with the goal of producing more units throughout the County that are integrated within communities. Seek opportunities to amend the Zoning Regulations to enable housing types more conducive to on-site MIHU provision across a broader area.	DHCD DPZ	Long-term
4. Establish a working group to evaluate the feasibility of a targeted incentive program for affordable and accessible housing, including: <ul style="list-style-type: none"> <li>a. The creation of a definition of affordable and accessible housing, including physical factors such as unit type, size, or physical accessibility design criteria; and/or income factors through tools such as deed restrictions.</li> <li>b. A zoning overlay targeting locations for affordable and accessible housing where there is limited existing supply of affordable and accessible units.</li> <li>c. Incentives related to development, such as density bonuses or relief to setback or other development standards.</li> <li>d. Incentives related to the development process, such as the creation of a specific housing allocation pool for affordable and/or accessible units, exemptions from school requirements in the Adequate Public Facilities Ordinance, or other means of reducing other regulatory barriers.</li> <li>e. <u>Incentives related to homeownership opportunities with 50% of the units allocated to affordable homeownership and 50% to affordable rental.</u></li> </ul>	DPZ DHCD Non-profit Partners	Mid-Term

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
<b>DN-6 - Provide various incentives that encourage the development of for-sale and rental housing units affordable to low- and moderate-income households and special needs households.</b>		
1. Continue to support the Housing Opportunities Trust Fund to expand the number of income-restricted rental and homeownership units produced. Explore the feasibility of establishing a dedicated funding source for this fund.	DHCD Elected Officials OOB	Ongoing
2. Evaluate opportunities to co-locate income-restricted housing and community facilities on county-owned land.	DPW DPZ DHCD	Long-term
3. Establish criteria for flexible use and disposition of county real estate assets that are near amenities and would promote development of affordable missing middle and multi-family housing for low- and moderate-income households where appropriate.	DHCD HCHC DPW	Mid-Term
4. Offer additional incentives to encourage the production of more Moderate Income Housing Units than required, and/or deeper levels of income targeting in the form of Low Income Housing Units or Disability Income Housing Units.	DHCD DPZ Non-profit Partners	Ongoing
5. Continue to provide and increase downpayment assistance funding to income-eligible households through the County's Settlement Downpayment Loan Program.	DHCD	Ongoing



Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
<b>DN-11 - Provide a range of affordable, accessible, and adaptable housing options for older adults and persons with special needs.</b>		
1. Use zoning tools and incentives that increase the supply of missing middle housing and accessory dwelling units, as identified in Policy Statements DN-1 and DN-2.	DPZ DHCD	Mid-Term
2. Provide flexibility in the Zoning Regulations and the Subdivision and Land Development Regulations for adult group homes/ communal living and for accessibility modifications for persons with disabilities who wish to live independently or older adults who wish to age in place or downsize and age in their community at affordable price points.	DPZ DILP	Mid-Term
3. Encourage Age-Restricted Adult Housing (ARAH) developments to build small- to medium-scale housing units to include apartments, condominiums, townhomes, and missing middle housing types that allow seniors to downsize and are affordable to low- and moderate-income households. Evaluate if current ARAH Zoning Regulations allow sufficient density increases to incentivize missing middle housing types, such as cottage clusters, duplexes, and multiplexes.	DPZ DHCD	Ongoing
4. Explore options for additional Continuing Care Retirement Communities in the County.	DPZ	Mid-Term
5. Update the County's Universal Design Guidelines to enhance the capacity for individuals to remain safe and independent in the community through universal design in construction.	DPZ	Mid-Term
6. Require builders and homeowners to follow, when practicable, the updated Universal Design Guidelines for new and rehabilitated, remodeled, or redesigned age-restricted housing.	DPZ	Mid-Term
<u>7. Ensure Universal Design Guidelines are utilized for at least 10% of all affordable units built.</u>	DPZ	Mid-Term
<b>DN-12 - Create greater opportunities for multi-generational neighborhoods, especially in character areas identified as activity centers.</b>		
1. Design new activity centers to accommodate the needs of various ages, abilities, and life stages. Ensure design of neighborhoods and their amenities provide accessibility using universal design guidelines with sidewalks, wayfinding, and safe connections.	DPZ	Ongoing
2. Bring multi-modal transportation options to locations planned for new multi-generational neighborhoods.	OOT DPZ	Ongoing

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
<b>DN-13 - Preserve affordability of existing housing stock and create opportunities for context-sensitive infill development, especially in Preservation-Revitalization Neighborhoods.</b>		
1. Identify neighborhoods and properties for preservation.	DPZ DHCD	Mid-Term
2. Continue to support the County's housing preservation programs, which are designed to preserve existing affordable housing and assist low- and moderate-income homeowners and renters to remain in their homes.	DHCD DPZ	Ongoing
3. Explore options and partnerships for an acquisition/rehabilitation program for older single-family homes that would support homeownership opportunities for moderate-income households.	DHCD	Ongoing
4. Encourage the development of missing middle housing types that conform to existing neighborhood character and contribute to the creation of mixed-income communities.	DPZ	Ongoing
5. Develop strategies for employing the right of first refusal policy to ensure no loss of affordable units when there are opportunities for redevelopment of multi-family properties.	DHCD	Mid-Term
<b>DN-14 - Support existing neighborhoods and improve community infrastructure and amenities as needed, especially in older or under-served neighborhoods and multi-family communities.</b>		
1. Assess existing community facilities and the neighborhoods that they serve, and upgrade or retrofit as needed to support changing neighborhood needs. Engage communities in the identification of neighborhood needs.	DPW	Ongoing
2. Identify older communities in need of a comprehensive revitalization strategy and work with those communities to develop revitalization plans to assist those communities.	DPZ	Long-term
3. Work with the multi-family rental community to understand the barriers to reporting and resolving issues related to multi-family property maintenance.	DHCD DILP HCHC	Mid-Term