

Amendment 70 to Council Bill No. 28 -2023

BY: Liz Walsh

Legislative Day 11

Date: 10/02/2023

Amendment No. 70

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

*Chapter 6: Dynamic
Neighborhoods*

- *Amends the DN-3 Policy Statement Implementing Actions to require the production of housing units beyond what is required by the MIHU to ensure at least one-for-one replacement of affordable housing within or proximate to the redevelopment, and require the production of housing units that meet the needs of different levels of ability;*
- *Creates a requirement that at least 25% of all new housing units should be affordable;*
- *Creates a requirement that at least 10% of new affordable housing units should be accessible for persons with disabilities;*
- *Creates a requirement that optional compliance for the affordability and accessibility requirements should be limited to payment of a fee in leu equivalent to the cost of the County siting and building comparable units;*
- *Amends the DN-5 Policy Statement to ensure the new affordability and accessibility targets are met and the Implementing Actions to require that all new plans include clear policies to meet the 25% affordable housing requirement;*
- *Amends the narrative section titled “Opportunities for New Multi-Family Communities” to remove references to strategic infill development, redevelopment of older mobile home parks, multi family units, and the HOMP and the Market Research and Demand Forecast;*
- *Amends the DN-7 Policy Statement Implementing Actions to ensure at least a one-for-one replacement of affordable housing units within or proximate to the redevelopment at a comparable cost;*
- *Creates a new DN-11 Policy Statement to support existing County resident struggling to maintain a stable household and creates associated Implementing Actions to continue rental assistance programs begun during COVID-19, expand and re-allocate Housing Commission inventory, expand the County right-of-first refusal to include mobile*

home parks and transitional housing, legislate rent stabilization measures, establish corporate landlord and rental property registries, enforce and expand local inclusionary zoning, preserve existing inventory of more affordable privately-held multi-family rental communities, and support State-level reforms to landlord-tenant law;

- *Amends the DN-11 Policy Statement Implementing Actions to require the supply of affordable age-restricted housing units and require builders to adhere to the updated Design Guidelines;*

Chapter 10: Managing Growth

- *Amends the narrative section titled “Adequate Public Facilities Ordinance (APFO)” and the associated Table 10-1 to reduce the Other Character Areas allocations, remove the Green Neighborhood Allocations, remove the Affordable Housing allocations and substitute Housing Affordable to <60% AMI allocations, and amend the total allocations;*
- *Creates a new MG-1 Policy Statement to ensure year-by-year provision of affordability requirement as depicted in Table 10-1 and creates an associated Implementing Action to revise County processes for granting allocations if affordable unit benchmarks are not met each year;*

Chapter 11: Implementation

- *Amends the DN-3 Policy Statement Implementing Actions to require the production of housing units beyond what is required by the MIHU to ensure at least one-for-one replacement of affordable housing within or proximate to the redevelopment, and require the production of housing units that meet the needs of different levels of ability;*
- *Amends the DN-5 Policy Statement to ensure the new affordability and accessibility targets are met and the Implementing Actions to require that all new plans include clear policies to meet the 25% affordable housing requirement;*
- *Amends the DN-7 Policy Statement Implementing Actions to ensure at least a one-for-one replacement of affordable housing units within or proximate to the redevelopment at a comparable cost;*
- *Creates a new DN-11 Policy Statement to support existing County resident struggling to maintain a stable household and creates associated Implementing Actions to continue rental assistance programs begun during COVID-19, expand and re-allocate Housing Commission inventory, expand the County right-of-first refusal to include mobile*

home parks and transitional housing, legislate rent stabilization measures, establish corporate landlord and rental property registries, enforce and expand local inclusionary zoning, preserve existing inventory of more affordable privately-held multi-family rental communities, and support State-level reforms to landlord-tenant law;

- *Amends the DN-11 Policy Statement Implementing Actions to require the supply of affordable age-restricted housing units and require builders to adhere to the updated Design Guidelines; and*
- *Creates a new MG-1 Policy Statement to ensure year-by-year provision of affordability requirement as depicted in Table 10-1 and creates an associated Implementing Action to revise County processes for granting allocations if affordable unit benchmarks are not met each year.)*

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

- 3 • Chapter 6: Dynamic Neighborhoods: 44, 50, 51, 54, 58, 62
- 4 • Chapter 10: Managing Growth: 7 and 8
- 5 • Chapter 11: Implementation: 37, 39, 41, 42, 43, 59, and 60.

6

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

9

infill development. By seeking opportunities to expand the County’s inclusionary zoning policies and encouraging the development of diverse housing types where growth opportunities exist, mixed-income communities will become more prevalent, housing prices will be less constrained, and county tax rates can remain stable. New financially attainable housing opportunities for all, including low- and moderate-income households, will be less concentrated and more available in more communities throughout the County.

As noted in the previous section, the Zoning Regulations do not permit many missing middle housing types or detached ADUs, and proposed policies aim to allow them with appropriate criteria. This section focuses on where opportunities exist for all types of new housing in the County. The section also emphasizes how regulations may need to change within different geographies, or opportunity areas, to accommodate diverse housing types.

Diverse Housing Opportunities in New Activity Centers


Based on the limited amount of land still available for development, a significant amount of future housing will be concentrated in new mixed-use activity centers identified on the Future Land Use Map (FLUM). The new mixed-use activity centers are envisioned to be compact walkable areas with employment opportunities, commercial uses and open space, community services and amenities, and multi-modal transportation connections. Activity centers, refined from PlanHoward 2030’s Growth and Revitalization place type, create a predictable and sustainable pattern of growth. This pattern supports existing neighborhoods with retail, services, and job growth; provides greater opportunity for attainable housing; and supports opportunities to reduce environmental impacts of activity centers through redevelopment, including improved stormwater management infrastructure. Medium to high housing densities will likely be necessary to supporting this vision.



It is anticipated that activity centers will appeal to a wide variety of residents and will support and maintain the County’s socioeconomic diversity by offering a multitude of housing options and opportunities to increase the supply of income-restricted affordable housing. Retirees, empty nesters, persons with disabilities, families, and young professionals would likely be attracted to living in more active mixed-use environments. As activity centers are envisioned to be the areas with the greatest potential for growth and are planned to be located along transportation corridors, having an efficient, safe, and well-maintained multi-modal transportation system that connects these places is critical. See the County in Motion chapter for more details about the future of transportation.

Activity centers are envisioned to be varying sizes and scales, which will help inform their infrastructure needs. They will also provide beneficial amenities to adjacent existing neighborhoods. However, they should be sensitive to any unintended impacts they may cause, such as traffic and noise. The Supporting Infrastructure chapter discusses the adequate and timely provision of infrastructure. The Public Schools Facilities chapter discusses opportunities for new models for public schools that could be appropriate in certain locations. The Quality by Design chapter recommends that adverse impacts, such as noise, light, and air pollution, be mitigated and new developments should be contextually-appropriate. It also provides guidance on the public realm and walkability within and around these new mixed-use centers.

DN-3 Policy Statement

 Future activity centers—as identified on the Future Land Use Map (FLUM)—should include a unique mix of densities, uses, and building forms that provide diverse, accessible, and affordable housing options.

Implementing Actions

1. Establish a new mixed-density and mixed-use zoning district that encourages diverse housing types and creates opportunities for mixed-income neighborhoods.
2. Allow a vertical (a range of uses within one building) and horizontal (a range of uses within one complex or development site) mix of uses, including housing, employment, and open space, that encourage walkability and transit connections.
3. **Incentivize Require** the production of housing units affordable to low- and moderate-income households, beyond what is currently required by the Moderate Income Housing Unit (MIHU) program, ensuring at least a one-for-one replacement of affordable housing within or proximate to the re-development at comparable cost if the district includes existing affordable units.
4. **Incentivize Require** the production of housing units that meet the needs of different levels of ability (like persons with disabilities) and other special needs households. Ensure that these units are both accessible and affordable.

affordable housing Overlay District Considerations

According to the Housing Opportunities Master Plan, the overlay district should:

- Identify neighborhoods with few existing housing options for low- and moderate-income households.
- Include incentives to encourage the production of additional affordable and/or accessible units beyond the MIHU baseline rules.
- Allow affordable housing development proposals that meet specified criteria to proceed by-right, or without the need for additional reviews and approvals. To qualify, an affordable housing development should reserve a significant portion of units at 60% of AMI and be subject to a long-term use restriction, provide accessible and visitable units beyond the minimum required by law, and fall within a range of parameters related to form, density, massing, setbacks, parking, etc.
- Expand below-AMI housing opportunities in larger areas of the County to address de-concentration of poverty for redevelopment or preservation projects within the wider context of the County as a whole.
- Consider areas of the County where existing infrastructure is underutilized and therefore could support additional residential density with limited new public investment.
- Encourage greater racial and socioeconomic integration by increasing affordable housing opportunities throughout Howard County, especially in locations that do not have them at this time.

There are circumstances in which land and construction costs make it challenging for developers to produce income-restricted units on-site, primarily in the case of single-family detached and age-restricted housing developments. For these two housing types, Howard County therefore allows developers to pay a fee-in-lieu (FIL) instead of providing the units on-site, which is a practice that other jurisdictions also use to advance affordable housing goals. The FIL generates revenue that allows the County to provide gap funding for housing developments with even greater percentages of income-restricted units or even deeper levels of income targeting than what market-rate developments can achieve.

The MIHU and FIL policies are central elements of the affordable housing strategy in Howard County. The Housing Opportunities Master Plan (HOMP) also notes that income-restricted units not only provide housing options for moderate- and low- income households but can also serve the needs of various other household types, including those with extremely low incomes, persons with disabilities and/or receiving disability income, youth aging out of the foster care system, and persons at risk of or experiencing homelessness, among others. These groups

face unique circumstances and challenges. However, the common thread is that many households with these characteristics may disproportionately struggle to find housing that is both affordable to them and meets their specific needs.

To increase the number of income-restricted units in the County and make more units available to special needs households, the HOMP recommends improvements to the MIHU program, such as additional flexibility to accommodate on-site provisions, incentives to encourage the production of more than the required number of units, greater shares of accessible and visitable units for those with disabilities, and/or deeper levels of income targeting. The HOMP also recommends that the County establish various growth and development targets to demonstrate a clear commitment to increasing the supply of homes affordable to low- and moderate-income households and persons with disabilities and special needs, including the following.

- **Affordability Target Requirement:** ~~The greater of at~~ At least 15% 25% of all net new housing units should be available to households making less than 60% of AMI each year.
- **Accessibility Target Requirement:** At least 10% of new housing units affordable to households making less than 60% of AMI should be physically accessible for persons with disabilities. This target should be supplemented with concerted efforts to facilitate accessibility improvements to the existing ownership and rental stock to better enable integrated aging in place.
- Optional compliance for affordability and accessibility should be limited to payment of a fee in lieu equivalent to the cost to the County of siting and building comparable units.

In addition to the MIHU program, the County encourages affordability with financial incentives to residents. For example, the County currently offers downpayment assistance to low- or moderate-income residents seeking to purchase a home through the Settlement Downpayment Loan Program.

The County could also encourage greater affordability through the Zoning Regulations by providing density bonuses or other incentives to developers and property owners in exchange for meeting affordable housing goals. The County should create a working group to examine the feasibility of a targeted incentive program, such as a zoning overlay district, to increase the supply of affordable and accessible housing. According to the HOMP, a zoning overlay district could be targeted to areas with limited affordable and accessible housing, and offer incentives to encourage an increase in the supply of affordable housing through tools such as density bonuses, a bonus pool of housing allocations within the Adequate Public Facilities Ordinance Allocation chart (refer to the Managing Growth chapter), and an administrative review processes. Such a program should seek to increase the supply of affordable and accessible housing units at different AMI levels, similar to the multi-spectrum market affordable housing provisions for Downtown Columbia.

— ☺ —
*I would want to live in Howard County in 10 years if parks, people, and diversity
continue to be a priority, but it would be a matter of cost if I could return.*

— ☺ —
- HoCo By Design process participant

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. Ensure that at least 25% of all net new for sale and rental housing units should be available to households making less than 60% of AMI each year, and at least 10% of those are physically accessible for persons with disabilities.~~

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 the 25% affordable housing goals requirement.
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.

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.

Opportunities for New Multi-Family Communities

Rising affordability issues and personal lifestyle preferences, nationally and locally, have driven many households towards rentership. Between 2005 and 2018, the homeownership rate in Howard County fell from 77% to 72%, as households in nearly every age category moved away from homeownership. The number of renter households between the ages of 25 and 74 increased by 6,000 between 2010 and 2018 (a 43% increase). However, the number of renter households under the age of 35 decreased by 9% between 2010 and 2018, likely due to affordability issues. The County lacks a sufficient supply of rental units to meet future demand. The HoCo By Design Market Research and Demand forecast cites projected demand for 11,249 multi-family apartment rental units over 20 years (2020-2040). While there is a much greater demand for rental multi-family developments, there is still a projected demand for 1,884 for-sale condominium units over the next 20 years.

The HOMP found that a large share of the County's existing rental market is affordable to households that make 60-80% of the Area Median Income (AMI). However, since there are limited rental options for higher (over 120% AMI) and lower (under 60% AMI) income households, the supply of moderately priced rental units tends to serve all income levels. The HOMP suggests that future rental housing should be available at all price points, especially housing that serves low- and moderate-income households where housing supply is limited.



To remain socioeconomically diverse and support a healthy economy, the County should consider opportunities for new multi-family communities in the Multi-Family Neighborhood, Mixed-Use Activity Centers, and Mixed-Use Neighborhood character areas identified on the Future Land Use Map (FLUM). These opportunities can be realized through redevelopment of existing, aging, multi-family properties, and older suburban shopping centers, ~~strategic infill development, and redevelopment of older mobile home parks~~. Increasing the supply of ~~multi-family units, to include market rate rental and units~~ affordable to low- and moderate- income households, will help the County meet various its housing supply gaps ~~identified in the HOMP and the Market Research and Demand Forecast completed for HoCo By Design~~. While multi-family buildings are defined in the County's Zoning Regulations as structures with three or more housing units, multi-family properties can range in size from three to more than 50 units per structure. Various character areas on the FLUM are envisioned to have a range of multi-family housing types; however, Multi-Family Neighborhood, Mixed-Use Activity Centers, and Mixed-Use Neighborhood character areas are envisioned to contain apartment complexes and condominiums with a higher number of units and buildings at a greater scale.

New multi-family communities are encouraged to redevelop using design principles that emphasize an interconnected network of streets, bicycle facilities, and walkways; encourage options to reduce the size and location of surface parking lots; orient buildings toward the street; offer a variety of housing types between larger buildings; and deliver a comprehensive and connected network of open space. For additional details and illustrative concepts about the design and character of new multi-family communities, see Technical Appendix B: Character Areas and Technical Appendix C: Focus Areas.


DN-7 Policy Statement

Support the new development and redevelopment of multi-family communities to meet the County's current and future rental housing demands and ensure that resident displacement is minimized in redevelopment projects.

Implementing Actions

1. Establish new locations and zoning districts as identified on the Future Land Use Map (FLUM) and defined in the character areas appendix for multi-family developments. Prioritize new locations for multi-family housing that are near transit and transit corridors.
2. Support multi-family housing projects that serve a range of income levels and integrate traditional market rate housing with affordable housing opportunities.
3. Ensure that redevelopment of age-restricted housing and housing for residents with disabilities preserves affordability of units for existing residents.
4. ~~Strive for~~ Ensure at least a one-for-one replacement of affordable housing units when within or proximate to the re-development at comparable cost if multi-family communities with affordable units are redeveloped.

DN-8 Policy Statement

 Create opportunities to increase the diversity of home choices in the Rural West, especially missing middle housing types, that preserve the character of the Rural West.

Implementing Actions

1. Allow the development of accessory dwelling units that conform to specific design and site criteria.
2. Locate missing middle housing typologies in the Rural Crossroads, where upper-story residential and small-scale residential infill opportunities exist. Use recommendations found in the Rural Crossroads section of the Focus Areas Technical Appendix for additional guidance.
3. Determine if there are strategic locations in the Rural West where it is feasible to accommodate increased housing development on shared or community well and shared or multi-use sewerage systems while balancing other priorities such as environmental concerns, historical context, and agricultural preservation goals.
4. Evaluate and amend Rural Conservation and Rural Residential Zoning District regulations to allow for duplex and multiplex housing types that fit within the existing neighborhood character.
5. Determine zoning, land development, and other code changes needed for small-scale, context-sensitive, multi-family or mixed-use development in the Rural West.
6. Evaluate and identify barriers to on-site tenant housing for the agricultural workforce.

DN-9 Policy Statement

Facilitate the use of shared and/or multi-use sewerage system technologies to create more diverse housing options in the Rural West.

Implementing Actions

1. Identify best practices for shared and/or multi-use sewerage systems and pursue state and local code changes necessary to facilitate their use.
2. Establish necessary management, operations, and maintenance structures to increase the use of shared and multi-use sewerage systems in the West.
3. Evaluate how accessory dwelling units may be able to safely connect to existing septic systems with capacity.

DN-10 Policy Statement

Establish policies, programs, and planning and zoning practices aimed at reducing farmer-neighbor conflicts.

Implementing Actions

1. Enhance farmer-resident relationships through expansion of educational programs that encourage farm visits and other activities to bridge the farming and non-farm communities and build understanding of allowable farm-related uses.
2. Work with the agricultural and development communities to evaluate, determine, and implement adequate landscape, screening, or other type of buffer requirement on new residential development abutting agricultural uses.
3. Encourage use of the Maryland Agricultural Conflict Resolution Service or other conflict resolution programs to help address farmer-neighbor conflicts.

DN-11 Policy Statement

Support existing County residents struggling to maintain a stable household amid escalating increases in rental costs.

Implementing Actions

1. Continue rental assistance programs begun during the COVID-19 pandemic.
2. Expand and re-allocate Housing Commission inventory until housing supply gaps at low-income and moderate-income affordability levels meaningfully diminish.
3. Expand the locally enacted County right-of-first refusal to include mobile home parks and transitional housing, and to make available to the Commission significant additional funding for acquisition and rehabilitation.
4. Legislate rent stabilization measures similar to those already enacted in neighboring counties.
5. Establish corporate landlord and rental property registries, to include disclosure of unit sizes, rental rates, and associated fees assessed.
6. Enforce and expand local inclusionary zoning and other requirements specific to the count and cost of affordable units provided in existing and new rental communities.
7. Preserve, rehabilitate and enhance existing inventory of more affordable privately-held multi-family rental communities by acceptance of payments in lieu of taxes (PILOTs).
8. Support State-level reforms to landlord-tenant law.

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~~ Require the supply of ~~missing middle housing and accessory dwelling units, affordable age-restricted housing units~~ as identified in Policy ~~Statements DN-1 and DN-2~~ Statement DN-5.
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,~~ adhere to the updated Universal Design Guidelines for new and rehabilitated, remodeled, or redesigned age-restricted housing.

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~~ 1,315 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~~ 1,315 new residential units per year over the 15 years in the chart, including ~~Green Neighborhood and Affordable Housing units Housing Affordable to <60% AMI~~. 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~~ 1,315 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 ~~1,580~~ 1,315 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~~ a set aside ~~incentive for housing affordable to <60% AMI~~ 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.

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: Howard County APFO Allocations Chart - HoCo By Design

Year	Downtown Columbia (1)	Activity Centers	Other Character Areas	Rural West	Total	Green Neighborhood	Affordable Housing Including Housing Affordable to <60% AMI	Total
2026	335	600	365 <u>100</u>	100	1,400	150	150 <u>300</u>	1,435 <u>1,435</u>
2027	335	600	365 <u>100</u>	100	1,400	150	150 <u>300</u>	1,435 <u>1,435</u>
2028	335	600	365 <u>100</u>	100	1,400	150	150 <u>300</u>	1,435 <u>1,435</u>
2029	335	600	365 <u>100</u>	100	1,400	150	150 <u>300</u>	1,435 <u>1,435</u>
2030	335	600	365 <u>100</u>	100	1,400	150	150 <u>300</u>	1,435 <u>1,435</u>
2031	155	600	365 <u>100</u>	100	1,220	150	150 <u>300</u>	1,255 <u>1,255</u>
2032	155	600	365 <u>100</u>	100	1,220	150	150 <u>300</u>	1,255 <u>1,255</u>
2033	155	600	365 <u>100</u>	100	1,220	150	150 <u>300</u>	1,255 <u>1,255</u>
2034	155	600	365 <u>100</u>	100	1,220	150	150 <u>300</u>	1,255 <u>1,255</u>
2035	154	600	365 <u>100</u>	100	1,219	150	150 <u>300</u>	1,254 <u>1,254</u>
2036	154	600	365 <u>100</u>	100	1,219	150	150 <u>300</u>	1,254 <u>1,254</u>
2037	154	600	365 <u>100</u>	100	1,219	150	150 <u>300</u>	1,254 <u>1,254</u>
2038	154	600	365 <u>100</u>	100	1,219	150	150 <u>300</u>	1,254 <u>1,254</u>
2039	154	600	365 <u>100</u>	100	1,219	150	150 <u>300</u>	1,254 <u>1,254</u>
2040	154	600	365 <u>100</u>	100	1,219	150	150 <u>300</u>	1,254 <u>1,254</u>
Total	3,219	9,000	5,475 <u>1500</u>	1,500	19,194 <u>2,250</u>	2,250 <u>4,500</u>	19,719 <u>1,315</u>	
Annual Average	215	600	365 <u>100</u>	100	1,280 <u>150</u>	150 <u>300</u>	1,315 <u>1,315</u>	

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

MG-1 Policy Statement

Ensure year-by-year provision of affordability requirement as depicted in Table 10-1.

Implementing Actions

1. If the number of affordable units provided in a given calendar year is not either at least 20% of total housing units actually allocated that year or 80% of the total number of affordable units prescribed for that year in Table 10-1, County processes for granting allocations shall be revised to achieve at least that minimum balance through the subsequent year’s allocations.

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
DN-2 - Allow attached and detached accessory dwelling units (ADUs) on a variety of single-family attached and single-family detached lots that meet specific site development criteria in residential zoning districts.		
1. Establish a clear, predictable process and location-specific criteria for ADUs.	DPZ	Mid-Term
2. Revise the Zoning Regulations and Subdivision and Land Development Regulations to allow attached and detached ADUs that meet pre-determined location and site criteria. Provide parking requirements as needed.	DPZ DHCD	Mid-Term
3. Establish a clear definition of ADUs in the updated Zoning Regulations.	DPZ	Mid-Term
4. Direct the Adequate Public Facilities Ordinance (APFO) task force to develop recommendations as to the applicability of APFO to accessory dwelling unit creation or construction.	DPZ DHCD	Mid-Term
DN-3 - Future activity centers—as identified on the Future Land Use Map (FLUM)—should include a unique mix of densities, uses, and building forms that provide diverse, accessible, and affordable housing options.		
1. Establish a new mixed-density and mixed-use zoning district that encourages diverse housing types and creates opportunities for mixed-income neighborhoods.	DPZ	Mid-Term
2. Allow a vertical (a range of uses within one building) and horizontal (a range of uses within one complex or development site) mix of uses, including housing, employment, and open space, that encourage walkability and transit connections.	DPZ OOT	Mid-Term
3. <u>Incentivize Require</u> the production of housing units affordable to low- and moderate-income households, beyond what is currently required by the Moderate Income Housing Unit (MIHU) program, <u>ensuring at least a one-for-one replacement of affordable housing within or proximate to the re-development at comparable cost if the district includes existing affordable units.</u>	DHCD DPZ Non-profit Partners	Ongoing
4. <u>Incentivize Require</u> the production of housing units that meet the needs of different levels of ability (like persons with disabilities) and other special needs households. Ensure that these units are both accessible and affordable.	DPZ DHCD Non-profit Partners	Ongoing

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
DN-4 - Allow the development of small-scale missing middle housing and accessory dwelling units (ADUs) that respect the character and integrity of their surroundings and meet specific site conditions in single-family neighborhoods.		
1. Establish design requirements, pattern book or character-based regulations for missing middle housing types and detached accessory dwelling units to ensure that new construction is consistent with the character of the surrounding existing housing.	DPZ	Long-term
2. Establish provisions in the regulations that include dimensional and design standards to ensure neighborhood compatibility, off-street parking requirements, minimum lot sizes, and other standards.	DPZ	Mid-Term
3. Explore zoning and other incentives for minor subdivisions that consist of missing middle housing types and explore form-based or character-based zoning for these types of residential infill developments.	DPZ	Mid-Term
4. Evaluate how accessory dwelling units and other types of new development could enhance or impact stormwater management practices.	DPZ DPW	Mid-Term

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
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. Ensure that at least 25% of all net new for sale and rental housing units should be available to households making less than 60% of AMI each year, and at least 10% of those are physically accessible for persons with disabilities.		
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 meeting <u>the 25% affordable housing goals requirement</u> .	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"> 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. 	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)
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.		
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)
DN-7 - Support the new development and redevelopment of multi-family communities to meet the County's current and future rental housing demands and ensure that resident displacement is minimized in redevelopment projects.		
1. Establish new locations and zoning districts as identified on the Future Land Use Map (FLUM) and defined in the character areas appendix for multi-family developments. Prioritize new locations.	DPZ	Mid-Term
2. Support multi-family housing projects that serve a range of income levels and integrate traditional market rate housing with affordable housing opportunities.	DHCD DPZ	Ongoing
3. Ensure that redevelopment of age-restricted housing and housing for residents with disabilities preserves affordability of units for existing residents.	DHCD	Ongoing
4. Strive for <u>Ensure at least</u> a one-for-one replacement of affordable housing units when within or proximate to the re-development at comparable cost if multi-family communities with affordable units are redeveloped.	HCHC DHCD Private Partners Non-profit Partners	Ongoing
DN-8 - Create opportunities to increase the diversity of home choices in the Rural West, especially in the middle housing types that preserve the character of the Rural West.		
1. Allow the development of accessory dwelling units that conform to specific design and site criteria.	DPZ	Mid-Term
2. Locate missing middle housing typologies in the Rural Crossroads, where upper-story residential and small-scale residential infill opportunities exist. Use recommendations found in the Rural Crossroads section of the Focus Areas Technical Appendix for additional guidance.	DPZ	Mid-Term
3. Determine if there are strategic locations in the Rural West where it is feasible to accommodate increased housing development on shared or community well and shared or multi-use sewerage systems, while balancing other priorities such as environmental concerns, historical context, and agricultural preservation goals.	DPZ DPW HCHD	Ongoing
4. Evaluate and amend Rural Conservation and Rural Residential Zoning District regulations to allow for duplex and multiplex housing types that fit within the existing neighborhood character.	DPZ	Mid-Term
5. Determine zoning, land development, and other code changes needed for small-scale, context-sensitive, multi-family or mixed-use development in the Rural West.	DPZ	Mid-Term
6. Evaluate and identify barriers to on-site tenant housing for the agricultural workforce.	DPZ	Long-term

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
DN-9 - Facilitate the use of shared and/or multi-use sewerage system technologies to create more diverse housing options in the Rural West.		
1. Identify best practices for shared and/or multi-use sewerage systems and pursue state and local code changes necessary to facilitate their use.	DPZ DPW HCHD	Long-Term
2. Establish necessary management, operations, and maintenance structures to increase the use of shared and multi-use sewerage systems in the West.	DPW DPZ	Long-Term
3. Evaluate how accessory dwelling units may be able to safely connect to existing septic systems with capacity.	DPZ HCHD	Ongoing
DN-10 - Establish policies, programs, and planning and zoning practices aimed at reducing farmer-neighbor conflicts.		
1. Enhance farmer-resident relationships through expansion of educational programs that encourage farm visits and other activities to bridge the farming and non-farm communities and build understanding of allowable farm-related uses.	HCEDA OCS	Ongoing
2. Work with the agricultural and development community to evaluate, determine, and implement adequate landscape, screening, or other type of buffer requirement on new residential development abutting agricultural uses.	DPZ	Ongoing
3. Encourage use of the Maryland Agricultural Conflict Resolution Service or other conflict resolution programs to help address farmer-neighbor conflicts.	HCEDA OCS	Ongoing
DN-11 - Support existing County residents struggling to maintain a stable household amid escalating increases in rental costs.		
<u>1. Continue rental assistance programs begun during the COVID-19 pandemic.</u>	DHCD	Ongoing
<u>2. Expand and re-allocate Housing Commission inventory until housing supply gaps at low-income and moderate-income affordability levels meaningfully diminish.</u>	HCHC	Ongoing
<u>3. Expand the locally enacted County right-of-first refusal to include mobile home parks and transitional housing, and to make available to the Commission significant additional funding for acquisition and rehabilitation.</u>	Elected Officials HCHC	Mid-Term
<u>4. Legislate rent stabilization measures similar to those already enacted in neighboring counties.</u>	Elected Officials	Mid-Term
<u>5. Establish corporate landlord and rental property registries, to include disclosure of unit sizes, rental rates, and associated fees assessed.</u>	DHCD	Mid-Term
<u>6. Enforce and expand local inclusionary zoning and other requirements specific to the count and cost of affordable units provided in existing and new rental communities.</u>	DPZ	Ongoing
<u>7. Preserve, rehabilitate and enhance existing inventory of more affordable privately-held multi-family rental communities by acceptance of payments in lieu of taxes (PILOTs).</u>	DPZ	Ongoing
<u>8. Support State-level reforms to landlord-tenant law.</u>	DHCD	Mid-Term

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
DN-11 - Provide a range of affordable, accessible, and adaptable housing options for older adults and persons with special needs.		
1. Use zoning tools and incentives that increase Require the supply of missing middle housing and accessory dwelling units, affordable age-restricted housing units as identified in Policy Statements DN-1 and DN-2 <u>Statement DN-5</u> .	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 practical, adhere to the updated Universal Design Guidelines for new and rehabilitated, remodeled, or redesigned age-restricted housing.	DPZ	Mid-Term
DN-12 - Create greater opportunities for multi-generational neighborhoods, especially in character areas identified as activity centers.		
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)
DN-13 - Preserve affordability of existing housing stock and create opportunities for context-sensitive infill development, especially in Preservation-Revitalization Neighborhoods.		
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
DN-14 - Support existing neighborhoods and improve community infrastructure and amenities as needed, especially in older or under-served neighborhoods and multi-family communities.		
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

Table 10-1: Implementation Matrix

Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
MG-1 - Ensure year-by-year provision of affordability requirement as depicted in Table 10-1.		
1. <u>If the number of affordable units provided in a given calendar year is not either at least 20% of total housing units actually allocated that year or 80% of the total number of affordable units prescribed for that year in Table 10-1, County processes for granting allocations shall be revised to achieve at least that minimum balance through the subsequent year's allocations.</u>	DPZ	Ongoing

Table 10-1: Implementation Matrix

Policy and Implementing Actions	Lead Agency	Timeframe
MG-1 - Evaluate and amend the Adequate Public Facilities Ordinance (APFO) to support the vision and policies presented in HoCo By Design, including current and anticipated development patterns and challenges.		
1. As part of the evaluation of APFO, achieve the following: <ul style="list-style-type: none"> a. Research APFO models used in other Maryland and US jurisdictions that account for infill development and redevelopment to support future growth and transportation patterns as anticipated in this General Plan. b. Assess the applicability of APFO to accessory dwelling units and develop recommendations as applicable. c. Evaluate opportunities to grant automatic or limited exemptions to incentivize affordable, age-restricted, and missing middle housing developments. d. Evaluate the necessity of a housing allocation chart, including its goals, design, and appropriate place in the law. e. Schools: <ul style="list-style-type: none"> i. Collect data for school demands in the County sufficient to evaluate existing conditions, emerging trends, and future year needs. This analysis should include an evaluation of the life cycle of new and existing neighborhoods to better understand the origins of student growth. ii. Evaluate the extent to which new growth generates revenues to pay for school infrastructure and review alternative financing methods. iii. Evaluate the school capacity test in APFO to determine if intended outcomes are being achieved, and recommend changes to the framework and process to better pace development with available student capacity. iv. Examine alternatives to APFO waiting periods whereby a development proposal offsets the potential impact to zoned schools through an additional voluntary mitigation payment. v. Evaluate the timing and process of the school allocation chart. f. Transportation: <ul style="list-style-type: none"> i. Evaluate and amend APFO standards for transportation adequacy and develop context-driven transportation adequacy measures that align with the County's land use and transportation safety vision. ii. Study and develop APFO standards for specific geographic subareas. iii. Study and develop methods to use a fee-based approach to advance the most significant projects in a subarea. iv. Evaluate and amend APFO standards to mitigate trips with investments in bicycle, pedestrian, and transit infrastructure, road connectivity, and safety projects. 	DPZ DHCD HCPSS OOT DPW	Mid-Term
2. Appoint an Adequate Public Facilities Ordinance (APFO) task force within one year of General Plan adoption to review and provide recommendations for APFO updates that reflect the vision and policies in HoCo By Design.	DPZ OOT DHCD HCPSS	Mid-Term