

**Amendment 2 to Council Bill No. 43-2023**

**BY: The Chairperson at the request  
of the County Executive**

**Legislative Day 1  
Date: January 2, 2024**

**Amendment No. 2**

*(This amendment:*

- 1. Amends the definition of “assignee”.*
- 2. Makes a technical correction for word choice.*
- 3. Makes the solicitation process discretionary but requires the solicitation process in order for the County to assign its rights and adds criteria for what potential assignees shall demonstrate as part of the bid process.*
- 4. Provides that the offer will be provided to the Commission, or the Commission’s Assignee for 50 days. However, if the County exercises its right to purchase, the offer to the commission shall be null and void.*
- 5. Clarifies the timing surrounding length of time that the must pass before the offer can be considered by the County or the County’s Assignee.*
- 6. Removes references to the County’s or Commission’s Assignees in certain instances.*
- 7. Prohibits the assignment of the right to purchase where the purchase will result in the increase in certain poverty rates.*
- 8. Provides that the owner will also be required to record covenants.)*

1 On page 1, in line 17, strike “A NON-PROFIT, GOVERNMENTAL AGENCY, OR OTHER THIRD-PARTY”  
2 AND SUBSTITUTE “AN”.

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4 On page 1, in line 19, after “SUBTITLE”, insert “, INCLUDING, WITHOUT LIMITATION, ANY JOINT  
5 VENTURE BETWEEN (1) THE COMMISSION, ITS AFFILIATE, OR SUBSIDIARY, AND (2) ANOTHER  
6 ENTITY”.

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8 On page 2, in line 12, strike “buy” and substitute “PURCHASE”.

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10 On page 2, in line 20, strike “SHALL” and substitute “MAY”.

11

1 On page 2, in line 22, after “CODE.”, insert “THE COUNTY MAY ONLY ASSIGN ITS RIGHTS UNDER THIS  
2 SUBTITLE IF IT HAS UNDERTAKEN SUCH A SOLICITATION PROCESS. AS PART OF THE SOLICITATION  
3 PROCESS, POTENTIAL ASSIGNEES SHALL DEMONSTRATE:”

4 (1) FAMILIARITY WITH THE TERMS AND CONDITIONS OF THIS SECTION AND CORRESPONDING  
5 RIGHT TO PURCHASE REGULATIONS.

6 (2) THE ABILITY TO REVIEW RIGHT TO PURCHASE OFFER PACKAGES SUBMITTED TO THE  
7 DEPARTMENT TO DETERMINE IF THEY ARE WILLING TO EXERCISE THE RIGHT TO  
8 PURCHASE ON BEHALF OF THE DEPARTMENT.

9 (3) THE ABILITY TO CONDUCT AN INITIAL EVALUATION OF A SUBJECT PROPERTY WITHIN  
10 TWO WEEKS OF NOTIFICATION BY THE DEPARTMENT TO DETERMINE IF THEY ARE  
11 INTERESTED IN MATCHING THE TERMS AND CONDITIONS OF THE BUYER’S OFFER  
12 PACKAGE AS THE DEPARTMENT’S ASSIGNEE AND PERFORM DUE DILIGENCE WITHIN THE  
13 TIMEFRAMES SPECIFIED BY THIS SECTION AND RELATED REGULATIONS.

14 (4) THE ABILITY TO OBTAIN REASONABLE FINANCING AND CLOSE ON THE PURCHASE  
15 WITHIN THE TIMEFRAMES SPECIFIED BY THIS SECTION AND RELATED REGULATIONS.

16 (5) THE ABILITY TO OWN, OPERATE, REHABILITATE, AND MAINTAIN QUALITY MULTIFAMILY  
17 RENTAL HOUSING WITH AFFORDABILITY RESTRICTIONS.

18 (6) THE ABILITY TO WORK WITH THE DEPARTMENT AND EVALUATE RENT LEVELS IN  
19 ACCORDANCE WITH THE COUNTY’S PRIORITIES AND INITIATIVES.

20 (7) THE ABILITY TO IMPLEMENT DEVELOPMENT ACTIVITIES AND SECURE FINANCING  
21 NECESSARY TO ACQUIRE AND REHABILITATE, OR IF NECESSARY, REDEVELOP THE  
22 PROPERTY WITH THE FOUNDATIONAL GOAL OF PROVIDING QUALITY AFFORDABLE AND  
23 MIXED-INCOME RENTAL HOUSING ENABLING LONG-TERM OCCUPATION BY HOUSEHOLDS  
24 WITH LOWER INCOMES.

25 (8) EXPERIENCE AND FAMILIARITY WITH THE FINANCING PROGRAMS OF THE UNITED  
26 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OR THE STATE  
27 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, MORE PARTICULARLY  
28 LOW-INCOME HOUSING TAX CREDITS (“LIHTC”), HOME, CDBG, OR ANY PUBLICLY  
29 FUNDED FINANCING, TRUST FUND, OR GRANT PROGRAM.

1           (9) THEIR RECORD OF ENGAGING MBE/WBE/VOBE/DBE BUSINESS INTERESTS AND  
2           BUSINESS INTERESTS OWNED BY RESIDENTS OF HOWARD COUNTY, OR EFFORTS TO  
3           ENGAGE MINORITY, WOMEN, VETERAN-OWNED AND DISABLED- AND LOCALLY OWNED  
4           BUSINESSES IN THE JURISDICTIONS IN WHICH THEY HAVE OPERATED.”.  
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6   On page 3, in line 1, strike “THE FIRST 25” and substitute “50”.

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8   On page 3, in line 2, after “DAYS;” insert “HOWEVER, IF THE COUNTY ELECTS TO EXERCISE OR  
9   ASSIGN ITS RIGHT TO PURCHASE BY SUBMITTING A CONTRACT, AS SET FORTH IN SUBSECTION (II) OF  
10   THIS SECTION, AT ANY TIME AFTER THE FIRST 25 DAYS THAT THE OFFER HAS BEEN IN EFFECT, THE  
11   COMMISSION’S RIGHT TO EXERCISE OR ASSIGN ITS RIGHT TO PURCHASE SHALL BE NULL AND  
12   VOID;”.

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14   On page 3, in line 3, strike “FOR THE REMAINING 25”.

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16   On page 3, in line 4, strike “DAYS” and substitute “FROM THE 26<sup>TH</sup> DAY AFTER THE OFFER WAS  
17   RECEIVED”.

18  
19   On page 4, in line 1, strike ““OR THE COUNTY’S ASSIGNEE” and, in the same line, strike “OR THE”.

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21   On page 4, in line 2, strike “COMMISSION’S ASSIGNEE”.

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23   On page 4, in line 31, strike “OR THE COUNTY’S ASSIGNEE”.

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25   On page 5, in line 1, strike “OR THE COMMISSION’S ASSIGNEE”.

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27   On page 5, in line 6, strike “OR THE”.

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29   On page 5, in line 7, strike “COUNTY’S ASSIGNEE” and, in the same line, strike “OR THE  
30   COMMISSION’S ASSIGNEE”.

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2 On page 5, in line 10, after “purchase” insert “OR ASSIGN”.

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4 On page 5, in line 21, strike both semicolons and substitute a comma, in each instance.

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6 On page 5, in line 27, after “ASSIGNEE” insert “OR THE OWNER IF IT OPTS TO DESIGNATE THE  
7 REQUIRED AFFORDABLE UNITS UNDER 13.1403(I) OF THIS SUBTITLE,”.

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9 On page 5, inline 28, strike “REQUIRES” and substitute “REQUIRE”.