

**Amendment 9**  
**Council Bill No. 24- 2012**

BY: Mary Kay Sigaty and Courtney Watson

Legislative Day No. 9  
Date: July 2, 2012

**Amendment No. 9**

*(This amendment provides for a Downtown Columbia Housing Foundation.)*

1 On the title page, beginning in the seventh line of the purpose paragraph, strike “that the  
2 Partnership serves as the Downtown Columbia Housing Foundation and”.

3

4 On the title page, in the last line of the purpose paragraph, after the semicolon, insert:  
5 “providing for the recognition of a nonprofit entity as the Downtown Columbia Housing  
6 Foundation, setting standards and procedures for recognition and withdrawal of  
7 recognition; specifying the duties of the Foundation;”

8

9 Also on the title page, in the last line, after “Partnership” insert “and the Downtown  
10 Columbia Housing Foundation”.

11

12 On page 1, in line 24, strike “Partnership”; after line 24, insert “**Subtitle 1. Downtown**  
13 **Columbia Partnership.**”.

14

15 Also on page 1, in line 27, strike “TITLE” and substitute “SUBTITLE”.

16

17 On page 2, beginning in line 22, strike “THE HOWARD COUNTY HOUSING COMMISSION FOR  
18 THE PURPOSE OF PROVIDING” and substitute “PROVIDE”.

19

1 On page 7, in line 11, strike “SERVE AS” and substitute “CONTRACT WITH” and in line 12,  
2 strike “AND” and substitute “TO”.

3

4 On page 13, in line 15, after “UNITS” insert “IN THE DISTRICT”.

5

6 On page 15, strike lines 11 and 12 in their entirety and substitute “(B) FOUNDATION. THE  
7 DOWNTOWN COLUMBIA HOUSING FOUNDATION IS THE ENTITY SELECTED AS THE  
8 FOUNDATION UNDER SUBTITLE 2 OF THIS TITLE.”.

9

10 Also on page 15, beginning in line 23, strike “, IN ITS CAPACITY AS THE DOWNTOWN  
11 COLUMBIA HOUSING FOUNDATION,” and, beginning in line 24, strike “HOWARD COUNTY  
12 HOUSING COMMISSION” and substitute “DOWNTOWN COLUMBIA HOUSING FOUNDATION”.

13

14 Also on page 15, in line 29, strike “HOWARD COUNTY HOUSING COMMISSION” and  
15 substitute “DOWNTOWN COLUMBIA HOUSING FOUNDATION” and, in line 30, strike “AT NO  
16 COST” and substitute “FOR A REASONABLE FEE, WHICH SHALL NOT EXCEED 5% OF THE  
17 FUND OR \$100,000, WHICHEVER IS LESS.”.

18

19 On page 16, in line 1, strike “HOWARD COUNTY HOUSING COMMISSION” and substitute  
20 “DOWNTOWN COLUMBIA HOUSING FOUNDATION”.

21

22 On page 16, after line 15, insert:

23 “(E) WITHDRAWAL OF RECOGNITION OF FOUNDATION.

24 THE CONTRACT UNDER SUBSECTION (C)(4) OF THIS SECTION SHALL PROVIDE THAT IF  
25 THE DOWNTOWN COLUMBIA HOUSING FOUNDATION’S RECOGNITION UNDER SUBTITLE 2 OF  
26 THIS TITLE IS TERMINATED FOR ANY REASON:

27 (1) THE FOUNDATION SHALL PRESERVE ALL MONEY IN THE FUND AND  
28 IMMEDIATELY TRANSFER IT TO THE DOWNTOWN COLUMBIA PARTNERSHIP;

1           (2) THE FOUNDATION SHALL PROVIDE A FULL ACCOUNTING OF THE FUND TO THE  
2 DOWNTOWN COLUMBIA PARTNERSHIP; AND

3           (3) THE DOWNTOWN COLUMBIA PARTNERSHIP SHALL HAVE IMMEDIATE ACCESS TO  
4 ALL BOOKS AND RECORDS OF THE FOUNDATION.”

5  
6  
7 On page 19, after 20, insert:

8           **“SUBTITLE 2. DOWNTOWN COLUMBIA HOUSING FOUNDATION.**

9 **SEC. 28.200. - PURPOSES.**

10 THE COUNTY COUNCIL OF HOWARD COUNTY, MARYLAND, DECLARES THAT:

11           (1) A DOWNTOWN COLUMBIA HOUSING FOUNDATION IS NEEDED TO FULFILL THE  
12 VISION OF THE DOWNTOWN COLUMBIA PLAN, A GENERAL PLAN AMENDMENT, FOR A FULL-  
13 SPECTRUM AND DIVERSE MIX OF HOUSING, ENSURING THAT LOW-, MODERATE- AND  
14 MIDDLE-INCOME FAMILIES HAVE AN OPPORTUNITY TO LIVE IN DOWNTOWN COLUMBIA;

15           (2) IT IS NECESSARY AND APPROPRIATE FOR THE COUNTY GOVERNMENT TO  
16 COMPLEMENT, ASSIST, ENCOURAGE AND PROMOTE THE ESTABLISHMENT AND RECOGNITION  
17 OF AN ENTITY TO SERVE AS THE DOWNTOWN COLUMBIA HOUSING FOUNDATION  
18 DESCRIBED IN THE DOWNTOWN COLUMBIA PLAN; AND

19           (3) DEVELOPMENT OF ADDITIONAL HOUSING UNITS IN DOWNTOWN COLUMBIA  
20 MUST PROVIDE INCREASED HOUSING OPPORTUNITIES FOR RESIDENTS AT DIFFERENT INCOME  
21 LEVELS AND SHOULD PROVIDE A RANGE OF HOUSING CHOICES.

22 **SEC. 28.201. – “FOUNDATION” DEFINED.**

23           IN THIS SUBTITLE, “FOUNDATION” MEANS THE DOWNTOWN COLUMBIA HOUSING  
24 FOUNDATION RECOGNIZED BY THE COUNTY COUNCIL UNDER THIS SUBTITLE.

25 **SEC. 28.202. – FOUNDATION - ASSISTANCE.**

26           THE COUNTY GOVERNMENT MAY AND SHOULD PROVIDE ASSISTANCE TO A  
27 FOUNDATION AS A NOT-FOR-PROFIT ENTITY ORGANIZED FOR THE PURPOSE OF PROVIDING  
28 AFFORDABLE HOUSING UNDER § 28.116 OF THIS TITLE.

1 **SEC. 28.203. - MEMBERSHIP AND ORGANIZATION.**

2 *(A) IN GENERAL.*

3 THE FOUNDATION:

4 (1) SHALL BE A NOT-FOR-PROFIT; AND

5 (2) SHOULD INCLUDE REPRESENTATION FROM PRIVATE ENTITIES, COUNTY AND  
6 OTHER PUBLIC AGENCIES, THE COMMUNITY DEVELOPER, ORGANIZATIONS, AND  
7 INDIVIDUALS WHO ARE GENERALLY ABLE TO PROMOTE THE PURPOSES SPECIFIED IN THIS  
8 SUBTITLE.

9 *(B) CONFLICT OF INTEREST.*

10 TO AVOID CONFLICTS OF INTEREST, OR THE APPEARANCE THEREOF, THE BYLAWS OF  
11 THE FOUNDATION SHALL PROVIDE THAT ANY OF ITS MEMBERS WHO ARE CONNECTED WITH,  
12 OR ARE OFFICERS OF, AN ENTITY REQUESTING FUNDING FROM THE FOUNDATION SHALL  
13 ABSTAIN FROM VOTING ON FUNDING FOR SUCH ORGANIZATIONS.

14 **SEC. 28.204. - RECOGNITION; EFFECT OF RECOGNITION; WITHDRAWAL OF**  
15 **RECOGNITION.**

16 *(A) APPLICATION FOR RECOGNITION.*

17 AN ORGANIZATION SEEKING RECOGNITION AS THE FOUNDATION UNDER THIS  
18 SUBTITLE SHALL SUBMIT TO THE COUNTY COUNCIL AN APPLICATION THAT INCLUDES:

19 (1) A COPY OF ITS ARTICLES OF INCORPORATION AND BYLAWS;

20 (2) A LISTING OF ITS OFFICERS AND DIRECTORS;

21 (3) A SUMMARY OF THE RELEVANT BACKGROUND AND EXPERIENCE OF THE BOARD  
22 OF DIRECTORS OF THE ORGANIZATION THAT DEMONSTRATES SUCCESS IN FINANCING  
23 AFFORDABLE HOUSING AND MANAGING HOUSING ASSISTANCE PROGRAMS;

24 (4) A STATEMENT OF THE GENERAL NATURE OF, AND THE MANNER IN WHICH THE  
25 FOUNDATION PROPOSES TO PROVIDE AFFORDABLE HOUSING IN DOWNTOWN COLUMBIA;

1           (5) A DESCRIPTION OF THE METHODS TO BE FOLLOWED TO CARRY OUT THE  
2           PROGRAM DESCRIBED IN § 28.205 OF THIS SUBTITLE, INCLUDING PROCEDURES FOR  
3           ADVISORY COMMITTEES AND PUBLIC PARTICIPATION.

4           (B) RECOGNITION.

5           BY RESOLUTION, THE COUNTY COUNCIL MAY RECOGNIZE, WITH OR WITHOUT  
6           CONDITIONS, THE APPLICANT AS THE DOWNTOWN COLUMBIA HOUSING FOUNDATION:

7           (1) BASED ON THE SUBMISSIONS MADE UNDER THIS SECTION;

8           (2) AFTER RECEIVING THE RECOMMENDATIONS OF THE COUNTY EXECUTIVE; AND

9           (3) AFTER A PUBLIC HEARING.

10          (C) ANNUAL PROGRESS.

11           (1) AS A CONDITION OF CONTINUED RECOGNITION UNDER THIS SUBTITLE, THE  
12          FOUNDATION SHALL:

13                   (I) ESTABLISH AN ADEQUATE SYSTEM FOR MAINTAINING AND UPDATING ITS  
14                   PROGRAM IN ACCORDANCE WITH THIS TITLE AND THE DOWNTOWN COLUMBIA  
15                   PLAN, WITH REASONABLE ANNUAL GOALS AND PRIORITIES;

16                   (II) SUBMIT AN ANNUAL WRITTEN REPORT TO THE COUNTY COUNCIL, THE  
17                   COUNTY EXECUTIVE, AND THE DOWNTOWN COLUMBIA PARTNERSHIP THAT  
18                   DESCRIBES PROGRESS AND PROBLEMS IN CARRYING OUT THE PROGRAM REQUIRED  
19                   BY THIS SUBTITLE; AND

20                   (III) INCLUDE IN THE REPORT THE FINANCIAL STANDING OF THE FUND, THE  
21                   WAYS THE FUND HAS BEEN USED IN THE PAST YEAR, AND THE PROJECTED USES OF  
22                   THE FUND.

23           (2) THE REPORT REQUIRED BY THIS SUBSECTION SHALL BE AVAILABLE TO THE  
24          PUBLIC.

25          (D) EFFECT OF RECOGNITION.

26           (1) WHILE IT IS ENVISIONED THAT THE DOWNTOWN COLUMBIA PARTNERSHIP  
27          SHALL CONTRACT WITH THE FOUNDATION TO PROVIDE AFFORDABLE HOUSING UNDER THE

1 DOWNTOWN COLUMBIA PLAN, NEITHER THE CONTRACTUAL ARRANGEMENT NOR  
2 RECOGNITION OF THE FOUNDATION RELIEVES THE PARTNERSHIP OF ANY RESPONSIBILITY  
3 UNDER THE DOWNTOWN COLUMBIA PLAN.

4 (2) RECOGNITION OF THE FOUNDATION AS PROVIDED IN THIS SUBTITLE DOES NOT  
5 MAKE THE FOUNDATION A PUBLIC INSTRUMENTALITY OF THE COUNTY.

6 (E) WITHDRAWAL OF RECOGNITION.

7 BY RESOLUTION AND AFTER A PUBLIC HEARING, THE COUNTY COUNCIL MAY  
8 WITHDRAW ITS RECOGNITION OF THE FOUNDATION IF THE COUNTY COUNCIL DETERMINES  
9 THAT THE FOUNDATION HAS CEASED TO MEET THE REQUIREMENTS OF THIS SUBTITLE OR  
10 CONDITIONS IMPOSED BY THE COUNCIL IN THE RESOLUTION RECOGNIZING THE APPLICANT  
11 AS THE FOUNDATION.

12 **SEC. 28.205. PROGRAM.**

13 THE FOUNDATION SHALL DEVELOP AND CARRY OUT A PROGRAM OF SERVICES AND  
14 FINANCIAL ASSISTANCE THAT MAY INCLUDE BUT IS NOT LIMITED TO:

15 (1) CREATING A FLEXIBLE MODEL THAT ASPIRES TO MAKE NEW HOUSING IN THE  
16 DISTRICT AFFORDABLE TO INDIVIDUALS EARNING ACROSS ALL INCOME LEVELS;

17 (2) CREATING AN EFFECTIVE, FLEXIBLE MEANS OF PROVIDING A FULL SPECTRUM OF  
18 HOUSING FOR DOWNTOWN COLUMBIA;

19 (3) CONDUCTING MEANINGFUL DISCUSSIONS WITH LAND PURCHASERS IN  
20 DOWNTOWN COLUMBIA TO ENCOURAGE FULL SPECTRUM HOUSING IN EACH AND EVERY  
21 NEIGHBORHOOD;

22 (4) FUNDING NEW CONSTRUCTION;

23 (5) ACQUIRING HOUSING UNITS;

24 (6) PRESERVING EXISTING HOMES;

25 (7) FINANCING REHABILITATION OF RENTAL HOUSING;

26 (8) DEVELOPING SENIOR, FAMILY OR SPECIAL NEEDS HOUSING;

1           (9) PROVIDING PREDEVELOPMENT, BRIDGE, ACQUISITION AND PERMANENT  
2 FINANCING; AND

3           (10) OFFERING EVICTION PREVENTION AND FORECLOSURE ASSISTANCE.

4    **SEC. 28.206. AUDIT.**

5           THE FUND IS SUBJECT TO AUDIT AND THE BOOKS AND RECORDS OF THE  
6 FOUNDATION ARE SUBJECT TO INSPECTION AND EXAMINATION AT ANY REASONABLE TIME  
7 BY THE COUNTY AUDITOR.

8    **SEC. 28.207. SUPPORT FROM COUNTY GOVERNMENT.**

9           WITHIN THE LIMITS OF AVAILABLE FUNDS, THE COUNTY GOVERNMENT MAY  
10 PROVIDE ADMINISTRATIVE AND FINANCIAL SUPPORT TO THE FOUNDATION.”

11