

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2006 Legislative Session

Legislative Day No. **6**

### Bill No. 23-2006

Introduced by: The Chairman at the request of the County Executive

AN ACT amending the adequate public facilities requirements in the Howard County Code; allowing a certain number of additional allocations for moderate income housing; providing for special affordable housing opportunities; and generally relating to Howard County's Adequate Public Facilities Ordinance.

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Introduced and read first time \_\_\_\_\_, 2006. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2006.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

This Bill was read the third time on \_\_\_\_\_, 2006 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2006 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2006

\_\_\_\_\_  
James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that  
2 subsection (b) of Section 16.1102 “Housing Unit Allocation Concept; Housing Unit  
3 Allocation Chart” and subsection (e) of Section 16.1104 “Housing Unit Allocation  
4 Process”, both of Subtitle 11 “Adequate Public Facilities” of Title 16 “Planning, Zoning  
5 and Subdivisions and Land Development Regulations” of the Howard County Code are  
6 amended to read as follows:

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11

**Title 16. Planning, Zoning and Subdivisions and  
Land Development Regulations.  
Subtitle 11. Adequate Public Facilities.**

12 **Section 16.1102. Housing unit allocation concept; housing unit allocation chart.**

13 (b) *Housing Unit Allocation Chart:*

14 (1) *Description:* The housing unit allocation chart is a chart indicating the projected  
15 number of housing unit allocations available to be granted in the county each year  
16 for a 10-year period. The chart is designed to specify housing unit allocations for  
17 the scheduled completion year of a project or any phase of a project. The chart  
18 divides the available housing unit allocations into planning regions and may  
19 provide for a set aside of housing unit allocations for the revitalization of the US  
20 Route 1 Corridor, senior housing units, and affordable housing units. The set  
21 aside for senior housing units and affordable housing units may be assigned to a  
22 specific planning region, selected regions or countywide.

23 (2) *Basis:* The basis of the housing unit allocation chart is the general plan targets for  
24 residential growth by planning region. However, if the general plan monitoring  
25 report indicates that general plan policies for agricultural preservation and  
26 affordable housing are not being met, the housing unit allocation chart may be  
27 adjusted to more effectively achieve these policies.

28 (3) *Preparation and adoption:* The department of planning and zoning shall prepare  
29 and update the housing unit allocation chart for consideration and adoption by the  
30 county council. Once each year, and more often if the council determines that  
31 amendments are appropriate, the county council shall adopt the housing unit

1 allocation chart by resolution, after a public hearing. Whenever the housing unit  
2 allocation chart is adopted or amended, the open/closed chart shall be adopted or  
3 amended concurrently to be consistent.

4 (4) *Amendments for economic development; grants, etc.:* From time to time, the  
5 county may be presented with opportunities for economic development or  
6 availabilities of state or federal grant moneys which require increasing the number  
7 of housing unit allocations for distribution for a given year. In order to take  
8 advantage of these opportunities, the county council may, at any time, amend the  
9 housing unit allocation chart for a certain year or years. If the council makes such  
10 an amendment, it shall use the rolling average (see section 16.1110, "Definitions")  
11 to amend the number and/or regional distribution of allocations for subsequent  
12 years.

13 (5) *Revitalization allocations:* To encourage revitalization along the US Route 1  
14 Corridor, the number of housing unit allocations shall be increased by 250  
15 additional allocations each year, beginning in fiscal year 2004. The revitalization  
16 housing unit allocations are to be used solely for revitalization purposes in multi-  
17 use developments that include residential and office or retail uses. Only projects  
18 east of US Interstate 95 located in the Elkridge or Southeast regions shall be  
19 eligible to receive revitalization allocations. No more than 60 percent of the  
20 allocations shall be granted in a given region per year. A project or development  
21 utilizing revitalization allocations must also satisfy the remaining applicable  
22 provisions of this subtitle.

23 ~~[(6) *Affordable housing allocations:* in order to achieve agricultural preservation~~  
24 ~~polices and to promote affordable housing, beginning in fiscal year 2007:~~  
25 ~~(i) Up to 100 allocations per year shall be reallocated from the rural west to~~  
26 ~~be used solely for affordable housing; and~~  
27 ~~(ii) A development utilizing affordable housing allocations shall satisfy the~~  
28 ~~remaining applicable provisions of this subtitle.]]~~

29 (6) *MODERATE INCOME HOUSING ALLOCATIONS:* TO ENCOURAGE THE  
30 CONSTRUCTION OF MORE MODERATE INCOME HOUSING AND TO  
31 CREATE UNITS THAT ARE MORE AFFORDABLE TO YOUNG

1 WORKERS, FIRST-TIME HOMEBUYERS, AND RETIREES, BEGINNING IN  
2 FISCAL YEAR 2007 THE NUMBER OF HOUSING UNIT ALLOCATIONS  
3 SHALL BE INCREASED BY 100 MODERATE INCOME HOUSING UNIT  
4 ALLOCATIONS EACH YEAR AS FOLLOWS:

- 5 (I) ONLY ONE OR TWO BEDROOM UNITS ARE ELIGIBLE TO  
6 RECEIVE A MODERATE INCOME HOUSING UNIT ALLOCATION;
- 7 (II) THE SQUARE FOOTAGE OF A UNIT SHALL NOT EXCEED:
  - 8 A. 750 SQUARE FEET FOR A ONE BEDROOM UNIT; OR
  - 9 B. 1,000 SQUARE FEET FOR A TWO BEDROOM UNIT; AND
- 10 (III) A DEVELOPMENT USING MODERATE INCOME HOUSING UNIT  
11 ALLOCATIONS SHALL SATISFY THE REMAINING APPLICABLE  
12 PROVISIONS OF THIS SUBTITLE.

13  
14 **Section 16.1104. Housing unit allocation process.**

15 (e) *[[Assisted multifamily housing which cannot generate children:]] SPECIAL*  
16 *AFFORDABLE HOUSING OPPORTUNITIES.*

17 (1) From time to time, the county may be presented with *[[an]]* A SPECIAL  
18 AFFORDABLE HOUSING opportunity for development of EITHER:

- 19 (I) *[[an]]* AN assisted multifamily project *[[which]]* THAT:
  - 20 a. Cannot generate school children, such as *[[housing for the*  
21 *elderly;]]* SENIOR HOUSING OR AGE-RESTRICTED  
22 HOUSING;
  - 23 b. Is funded in whole or in part with local, state or federal loan or  
24 grant funds or other governmental financial assistance; and
  - 25 c. May lose the loan or grant or other assistance if the development is  
26 *[[delayed.]]* DELAYED; OR
- 27 (II) AN INNOVATIVE MODERATE INCOME HOUSING UNIT  
28 DEVELOPMENT, INCLUDING, WITHOUT LIMITATION,  
29 MULTIPLEXES, STACKED UNITS, OR ACCESSORY  
30 APARTMENTS, THAT HAS BEEN DETERMINED BY THE

1 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
2 AND THE DEPARTMENT OF PLANNING AND ZONING TO:

- 3 A. DEMONSTRATE A NEW HOUSING PRODUCT THAT IS  
4 MORE AFFORDABLE THAN EXISTING HOUSING  
5 PRODUCTS; AND  
6 B. HAVE THE POTENTIAL TO PROMOTE HOUSING  
7 DIVERSITY AND THE CONSTRUCTION OF A BROADER  
8 RANGE OF AFFORDABLE HOUSING.

9 (2) If allocations are not currently available [[in the elderly housing setaside  
10 (countywide or by region) and are also not available in the planning region where  
11 the multifamily project is proposed,]] the county council may, by resolution, after  
12 public hearing, authorize [[the]] A SPECIAL AFFORDABLE HOUSING project  
13 to proceed subject to all other provisions of this subtitle.

14 (3) If the county council approves such a resolution, the department of planning and  
15 zoning shall process the project as if allocations were granted. However, the  
16 department of planning and zoning shall carry the project on the list of project  
17 applications waiting for housing unit allocations.

18 (4) When housing unit allocations become available to serve the project, the director  
19 of planning and zoning shall assign allocations to the project. In calculating the  
20 rolling average, the project shall not be exempt and its allocations shall be  
21 included in the year in which they are assigned.

22 (5) A DEVELOPMENT USING ALLOCATIONS UNDER THIS SUBSECTION  
23 SHALL SATISFY THE REMAINING APPLICABLE PROVISIONS OF THIS  
24 SUBTITLE.

25  
26 *Section 2. And Be It Further Enacted* by the County Council of Howard County,  
27 *Maryland, that this Act shall become effective 61 days after its enactment.*