AGENDA ITEM 6.1
December 3, 2002
Introduction

MEMORANDUM

November 27, 2002

TO: County Council

FROM: Michael Faden, Senior Legislative Attorney

SUBJECT: **Introduction:** Bill 38-02, Moderately Priced Dwelling Units - Optional Construction

Council President Silverman intends to introduce Bill 38-02, Moderately Priced Dwelling Units - Optional Construction, on December 3. A public hearing is scheduled for January 14 at 7:30 pm.

This bill is essentially identical to Bill 33-02, on which the Council deferred action on November 26, except that:

- this bill is not an emergency bill; and
- this bill would apply only to developments with at least 20 dwelling units.

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Bill No. 38-02
Concerning: Moderately Priced Dwelling Units - Optional Construction
Revised: 11-27-02 Draft No. 1
Introduced: December 3, 2002
Expires: June 3, 2004
Enacted:
Executive:
Effective:
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Silverman

AN ACT to:

(1) revise the requirements for location of moderately priced dwelling units; and
(2) generally amend the law governing moderately priced dwelling units.

By amending
Montgomery County Code
Chapter 25A, Housing, Moderately Priced
Section 25A-5

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets]	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets]]	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 25A-5 is amended as follows:

25A-5. Requirement to build MPDU's; agreements; alternatives.

* * *

(m) Nothing in this Chapter prohibits an applicant from voluntarily building one or more MPDUs in a development with at least 20 but fewer than 35 dwelling units at one location, and in so doing from qualifying for an optional method of development under Chapter 59. A development with at least 20 but fewer than 35 dwelling units where an applicant voluntarily builds MPDUs must comply with any procedures and development standards that apply to a larger development under this Chapter and Chapter 59.

Approved:

Steven A. Silverman, President, County Council — Date

Approved:

Douglas M. Duncan, County Executive — Date

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council — Date

LEGISLATIVE REQUEST REPORT

Bill 38-02

Moderately Priced Dwelling Units – Optional Construction

DESCRIPTION:	Clarifies that the moderately priced dwelling unit law, Chapter 25A, does not prohibit a developer from voluntarily building MPDU's, and using the optional development standards for developments with MPDU's, in developments with at least 20 and fewer than 35 dwelling units.
PROBLEM:	Attorneys for neighbors of a proposed subdivision challenged the long-held assumption that a developer could build MPDU's in a development with fewer than the minimum number of dwelling units that are required to include MPDU's (in current law, 50 units, but enacted Bill 18-02 would reduce the minimum to 35 units). The law should be clarified to let the Planning Board know what requirements apply to proposed subdivisions.
GOALS AND OBJECTIVES:	To confirm that developers can include MPDU's in developments of a certain size and use the optional development standards in Chapter 59.
COORDINATION:	Planning Board, Department of Housing and Community Affairs, Housing Opportunities Commission
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Michael Faden, Senior Legislative Attorney, 240-777-7905
APPLICATION WITHIN MUNICIPALITIES:	Applies in Brookeville, Chevy Chase View, Chevy Chase Sec. 3, Chevy Chase Sec. 5, Martin's Additions, North Chevy Chase, Takoma Park.
PENALTIES:	Not applicable.