Reimagining Housing for Older People

Summary of the May 2024
Public Forum and Progress Report

Commission on Aging

MONTGOMERY COUNTY

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EXECUTIVE SUMMARY

Bringing together public and private stakeholders, non-profits, community groups, and citizens to advance ideas and actions on affordable housing for older people in Montgomery County was the primary goal behind the Montgomery County Commission on Aging's Public Forum "Reimagining Housing for Older Adults - Ideas and Actions to make Housing Available, Affordable, and Accessible."

The Forum took place on Thursday, May 16, 2024, from 9:30 am to 2:30 pm at the Montgomery County Executive Office Building, in Rockville, Maryland.

The Commission on Aging (CoA) established three specific goals for the public forum. The goals were action-oriented, seeking to identify:

- Modifications to governmental regulations, institutional policies, and financing strategies to achieve increased affordability, accessibility, and availability of a range of housing types.
- The actions needed to overcome the obstacles that deter and or disincentivize the public and private sectors from developing and offering housing to older people with different characteristics (e.g., income, race, physical and mental status), and
- Actions that the CoA, County, and other stakeholders can take to advance the goal of increasing the affordability, availability, and accessibility of housing to meet the needs of the older adult community.

After introductory remarks by David Engel, CoA chair, Patrice McGhee (Chief, Montgomery County Aging and Disability Services) provided a brief background on how the Area Agency on Aging (AAA) functions and the advisory role of the CoA. Kimberly Johnson, Director of the Montgomery County AAA, elaborated on how housing is one element of the agency's portfolio of services. County Executive Marc Elrich provided welcoming remarks via video, and again emphasized the County's commitment to supporting access to affordable and accessible housing for older people. In preparation for the Summit, Mr. Engel had collected video vignettes of older people across the County as they discussed their thoughts and expectations about housing. Participants came from senior centers, Villages, and older adult housing programs. These vignettes underscored the broad array of housing wants and needs among the County's older people and the requirement for a variety of housing solutions.

KEYNOTE SESSION

Two keynote addresses set the stage for the day. The first, by Samar Jha of AARP, who focused on the importance of land use regulations and zoning, specifically the use of accessory dwelling units (ADU), as one example where local government can successfully apply policy levers to allow older people to stay in their communities. The second keynote was presented, by Dr. Linna Zhu of the

Urban Institute, who presented a data analysis that painted a picture of the current housing market in Montgomery County. First and foremost, she noted the lack of supply of housing to meet needs of County residents across the life span and obstacles faced by older residents wanting to downsize. She emphasized that there is a current mismatch between needs and housing size in the County leading her to conclude that rather than choosing to age in place, older residents are "stuck in place."

A central part of the Public Forum was a moderated conversation with the heads of key Montgomery County Agencies (e.g. Planning Department, DHCA, Housing Opportunity Commission (HOC), and Department of Permitting Services), and representatives from the developer and financial communities to address the programs, gaps, and needs for housing for older people.

SESSION 1: STATUS, TRENDS, CHALLENGES & OPPORTUNITIES FOR MONTGOMERY COUNTY HOUSING
To help participants better understand the housing ecosystem in the County, the CoA invited a panel of subject matter experts[1] from both the public and private sectors, with Somer Cross, Chief of Housing for the Montgomery County Department of Housing and Community Affairs (DHCA), serving as moderator. Ms. Cross prefaced the discussion with a brief review of the study on Housing conducted by the County in 2018. She focused on the increase in the number of older people living in the County, especially those aged 75 and over.

The panel discussed the following topics:
- Zoning changes stimulate development of affordable housing
- Financial support available to modify and rehabilitate owned homes.
- Increasing stock of affordable housing costs require solutions that lower land, building and operating costs.
- Partnerships across government and with private and non-profit entities is needed to enhance supply of affordable and accessible housing for older people.

The panelists identified tools they believe would help make more housing more affordable. These include seeking additional funding for new Section 8 and Section 202 housing, conversion of older housing stock, moving to a cash subsidy for the Senior Assisted Living Subsidy, and establishing a rental assistance fund to reduce housing costs to less than 30% of income. There are other tools to defray operating costs, but a more viable solution would rely on overlaying and stacking various programs (i.e. income-based tax credits, weatherization funds, and other subsidies).

INVITED REMARKS DURING THE LUNCH BREAK
- Montgomery County Council President Andrew Friedson cited the specific steps he and his colleagues have taken to make housing support programs more robust, including seeding $100 million for the housing fund and $50 million for the housing preservation fund (which aims to preserve naturally occurring affordable housing). He acknowledged

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[1] Carrie Sanders, Mid-County Planning Chief MNCPPC; Zachary Marks, Senior VP, Housing Opportunities Commission; Simin Rasoleen, Manager, MoCo Office of Permitting Services; Jeff Blackwell, Senior VP Real Estate Development, Victory Housing; Alan Goldstein, VP Real Estate Development, Affordable Housing and Communities; and Sarah Reddinger, VP Community Development, Habitat for Humanity.

that the Design for Life Property Tax Incentive program needs additional attention to increase the number of residents applying for the program.

- Scott Gottbreht, Assistant Secretary of Policy for the Maryland Department of Housing and Community Affairs provided an overview of how the State of Maryland is responding to housing demands of Maryland's increasingly diverse older adult population. He described the three bills passed in the last General Assembly (referenced above) and how the State DHCA is working to develop policies and regulations needed to implement the new laws. Gottbreht encouraged participants to bring new and promising ideas directly to his office.

SESSION 2: INNOVATION TO ACTION — CREATING MORE AFFORDABLE, ACCESSIBLE, AND AVAILABLE HOUSING FOR OLDER ADULTS IN MONTGOMERY COUNTY
In the afternoon, participants in the forum's *Innovation to Action* discussion generated a significant list of actions that county government and its ecosystem partners could take to address the shortage of accessible, affordable housing for older people.

As the discussion made clear, while many worthwhile initiatives are currently underway, more can and should be done to address the lack of affordable, accessible housing for older people. Equally clear: solving the county's housing problem will require "undoing" as well. Specifically, a racially biased and environmentally unsustainable housing infrastructure evolved over many decades and was inadvertently codified in the name of conservation and preservation. Additionally, racial inequity that was initially woven into housing covenants and loan programs persists in current zoning ordinances and is evident in racial disparities in rates of home ownership. Similarly, a built environment, designed around and for gas-powered cars, resulted in lower-density neighborhoods that persist in master plans and zoning ordinances. These systemic barriers and deficits must be undone to achieve more affordable, accessible, and available housing for older people. Rental housing is a critical component to meeting the affordable housing needs.

WRAP UP
David Engel closed the Forum with an overview of next steps. The CoA will prepare a report on the Forum and develop a Road Map showing varied routes the County could take to addressing the overarching issue of affordable, accessible, and available housing for older people. The solutions could come from some combination policy and system changes suggested by the keynote speakers, subject matter experts, and participants. He thanked the speakers and all those who attended and invited them to continue the discussion.

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Introduction

Montgomery County, Maryland is facing a crisis in housing affordability. Many low- and middle-income families and individuals find themselves priced out of the market and unable to buy a home or rent adequate housing. While housing affordability is a concern for people of all ages, for many older residents, the problem is acute. Living on fixed incomes from pensions or Social Security, older people may find themselves "stuck in place" —living in housing that is not accessible (e.g. lacks universal design elements) and thus does not meet their needs— but unable to afford to move within their community. According to AARP, a significant portion of older people spend more than 30% of their income on housing, leaving little room for other essential expenses such as healthcare and groceries. This financial strain can also lead to housing instability and, in some cases, homelessness.

Moreover, the demand for affordable housing for older people in the county is projected to increase significantly in the coming years as an aging baby boomer population, living longer, outnumbers the school age population of the county. Without focused planning and investment, we will continue to struggle to meet this growing demand, exacerbating the housing crisis for older people. Policymakers, urban planners, and communities must address these challenges now to ensure that we, our loved ones, and fellow residents can all live comfortably and securely as we age.

To address these challenges, policymakers and community leaders should prioritize affordable housing initiatives targeted towards older people. Collaboration is crucial; government agencies, nonprofit organizations, financing entities and private developers must partner to create sustainable solutions for affordable housing for older people. Public-private partnerships can leverage resources and expertise to finance and build affordable housing projects tailored to the needs of seniors.

Overview

Bringing together public and private stakeholders, non-profits, community groups, and citizens to advance ideas and actions on affordable housing for older people in Montgomery County was the primary goal behind the Montgomery County Commission on Aging's Public Forum "Reimagining Housing for Older Adults - Ideas and Actions to make Housing Available, Affordable, and Accessible."

The Forum took place on Thursday, May 16, 2024, from 9:30 am to 2:30 pm at the Montgomery County Executive Office Building, in Rockville, Maryland.
The Commission on Aging (CoA) established three specific goals for the public forum. The goals were action-oriented, seeking to identify:

- Modifications to governmental regulations, institutional policies, and financing strategies to achieve increased affordability, accessibility, and availability of a range of housing types.
- The actions needed to overcome the obstacles that deter and or disincentivize the public and private sectors from developing and offering housing to older people with different characteristics (e.g., income, race, physical and mental status), and
- Actions that the CoA, County, and other stakeholders can take to advance the goal of increasing the affordability, availability, and accessibility of housing to meet the needs of the older adult community.

A central part of the Public Forum was a moderated conversation with the heads of key Montgomery County Agencies (e.g. Planning Department, DHCA, Housing Opportunity Commission (HOC), and Department of Permitting Services), and representatives from the developer and financial communities to address the programs, gaps, and needs for housing for older people. The event was structured to explore five key questions:

1. What headway has been made since the 2018 report titled "Meeting the Housing Needs of Older Adults in Montgomery County"?
2. Moving beyond the 2018 report, "How can we work together to tackle the challenge of affordable housing for older adults".
   a. How can we increase adequate supply of housing options in the desired locations to age in place – AVAILABILITY?
   b. What do we need to do to keep housing costs that are at or less than 30 percent of household income -- AFFORDABILITY?
   c. What needs to be done to improve accommodations within a housing unit and to enable better environments for transportation, shopping, connectivity, and community service – ACCESSIBILITY?
3. What are the impediments to progress (from the public and private sectors, including developers)?
4. What levers and programs, traditional and innovative, can county stakeholders use to overcome them?
5. How can county stakeholders encourage public and private, for profit and not for profit, sectors to work cooperatively to develop imaginative legislative, regulatory, fiscal, and construction design approaches to meet this critical and growing need for the older adult population?

The Public Forum also featured a session entitled "**Innovation to Action."** The session was made up of three sequential conversations to generate an action agenda on the topics of Affordability, Accessibility, and Availability. These conversations were intended to identify examples of perspectives, questions, and innovations from audience / participants and included questions such as:

- What are some innovative ways that we can add to the current housing stock, (including privately owned and rental units?
- What role can more accessory dwelling units play?

- What are some innovative financial approaches that can be considered?
- How do we build effective and sustainable public-private partnerships?
- How can we encourage more universal design in the home to foster aging in place?
- Can more Transit Oriented Development play a role in expanding more affordable, available, and accessible housing for older adults?
- What role can Home-Sharing / Co-Housing play?
- How can we encourage developers of housing to consider affordable, accessible, and available housing for older adults?
- What are the proper roles for public sector, private sector, and not-for-profit organizations?

This report of the public forum attempts to address the question: What could Reimagining Housing for Older Adults look like in Montgomery County?   This report summarizes what was heard from experts, stakeholders, and forum participants; highlights important stakeholder actions and key themes; and identifies how the CoA might help to facilitate a group of stakeholders in the County. In general, the report identifies what was heard on how to move forward (for Montgomery County), with regards to increasing inventory that is affordable, accessible, and available.

Key Themes

Participants in the forum's *Innovation to Action* discussion generated a significant list of actions that county government and its ecosystem partners could take to address the shortage of accessible, affordable housing for older people. A complete list of participant suggestions follows this report.

As the discussion made clear, while many worthwhile initiatives are currently underway, more can and should be done to address the lack of affordable, accessible housing for older people. Equally clear: solving the county's housing problem will require "undoing" as well. Specifically, a racially biased and environmentally unsustainable housing infrastructure evolved over many decades and was inadvertently codified in the name of conservation and preservation. Additionally, racial inequity that was initially woven into housing covenants and loan programs persists in current zoning ordinances and is evident in racial disparities in rates of home ownership. Similarly, a built environment, designed around and for gas-powered cars, resulted in lower-density neighborhoods that persist in master plans and zoning ordinances. These systemic barriers and deficits must be undone to achieve more affordable, accessible, and available housing for older people.

A few other key themes emerge from the list:
- **There is no quick fix**. Meeting the challenge of ensuring affordable, available, accessible housing for older people in the county will require a range of policies and initiatives, flexibly deployed. No single initiative or change will be adequate.
- **Housing is a public good and should not be left to the market.** Housing is not simply a marketplace; housing is part of the essential infrastructure enabling

the rest of the county's economy to run and, more importantly, its people to flourish. More involvement of County and State government in the housing market is needed, from the funding of new development, to land acquisition, to rethinking of zoning ordinances, to the enforcement of current regulations, to training for tenants and landlords.

- **Rental housing is critical**. Roughly a third of older residents rent their homes. We need policies that address the needs of older renters as well as older owners, and that provide opportunities for older people to become owners, should they wish to do so. Direct cash subsidies might help ensure that County residents with the lowest incomes—or going through a rough patch—are able remain housed. Improved enforcement of habitability codes, renters' rights, and housing non-discrimination laws is needed. [1]

- **The state has our back.** New state policies and legislation provide a framework and supports for the development and maintenance of affordable housing for both owners and renters.

- **It's supply <u>and</u> it's demand.** Higher density will drive increased availability and greater affordability. We should focus on increasing the density of existing neighborhoods with access to transit, especially through Accessory Dwelling Units (ADUs) and attainable housing strategies such as those contained in the Planning Board's report to the Montgomery County Council.

- **Safety and accessibility require more than handrails**. Policies should be wholistic, addressing the needs of older people to safely live in community, to easily access transportation, and to be able give and receive care in their homes.

- **More available, accessible, affordable housing will benefit residents across the life span.** The housing concerns of older people are not all that different from the housing concerns of younger people. To increase the availability, affordability, and accessibility of housing for older people, we need to engage a multigenerational ecosystem of public, private, and non-profit actors.

- **Smooth the path to accessibility and sustainability.** *As the County Council moves forward with enacting Attainable Housing Strategies, as an advisory board, the CoA encourages the County to directly consider the needs of older people.* They might, for example, incorporate universal design, accessibility, and environmentally friendly features (heat pumps, solar panels, and electric chargers) into the "pattern book."

> There is $500,000 a year allocated to the Design for Life Program. However, the Design for Life Program should be modified to ensure more eligible homeowners successfully use the program.

Many current zoning ordinances value homogeneity and promote exclusivity. At worst, the phrase "neighborhood character" is used to legally maintain socio-economic and racial segregation. Affordable housing demands a focus on heterogeneity and inclusivity and a redefinition of "neighborhood character" that is more about equity and inclusivity

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[1] In 2024, the Biden-Harris administration embarked on an all of government approach to boost the supply of affordable housing for older adults with low incomes using the Section 202 Supportive Housing for the Elderly program.

than setbacks and lot coverage. Affordable housing should be desirable housing where older people can live in a safe and dignified way. More study should be given to the construction of environmentally sustainable and universally accessible housing in Montgomery County.

Summary

On Thursday May 16, 2024, the Montgomery County Commission on Aging (CoA) hosted a day long forum entitled "Reimagining Housing for Older Adults — Ideas and Actions to Make Housing Available, Affordable, and Accessible." The CoA's Aging in Community Committee (AIC) determined the need for the forum following expert briefings, study, and group discussion. The AIC learned that the County's existing housing stock was insufficient to meet the needs of today's cohort of older people and that the current interventions were inadequate to meet these needs. Invitees included policy makers, program managers, service providers and other subject matter experts from across the spectrum of housing and human services in the County, as well as nationally recognized authorities in both private and public sector entities.

After introductory remarks by David Engel, CoA chair, Patrice McGhee (Chief, Montgomery County Aging and Disability Services) provided a brief background on how the Area Agency on Aging (AAA) functions and the advisory role of the CoA. Kimberly Johnson, Director of the Montgomery County AAA, elaborated on how housing is one element of the agency's portfolio of services. County Executive Marc Elrich provided welcoming remarks via video, and again emphasized the County's commitment to supporting access to affordable and accessible housing for older people.

In preparation for the Summit, Mr. Engel had collected video vignettes of older people across the County as they discussed their thoughts and expectations about housing. Participants came from senior centers, Villages, and older adult housing programs. These vignettes underscored the broad array of housing wants and needs among the County's older people and the requirement for a variety of housing solutions. AIC Committee co-chair Wayne Berman reviewed the remaining agenda and introduced the keynote speakers.

KEYNOTE ADDRESSES
Two keynote addresses set the stage for the day. The first, by Samar Jha of AARP, provided an overview of national policy and regulatory challenges and some solutions. The second, by Dr. Linna Zhu of the Urban Institute, honed in on the realities of housing issues in Montgomery County.

<u>Samar Jha</u> serves as Government Affairs Director for AARP. In setting the stage for his presentation, he attributed the founding of AARP in 1958 — well before the establishment of Medicare and Medicaid—to one person's advocacy on behalf of a retired schoolteacher who found herself living in a chicken coop due to a lack of affordable housing[2] and other supports. Mr. Jha presented a framework for examining factors that influence housing affordability including:

Samar Jha discusses new Maryland legislation

- Land use regulations (zoning) that limit the types of housing that can be built.
- The amount of land zoned to allow rental and higher density housing
- Increases in construction and development costs.
- Lack of available private and government financing for homeowners and builders.
- Growth of institutional investment in housing, including purchase and resale of foreclosed properties.
- Transfer taxes, development impact fees, and other non-construction costs.
- Increasing property taxes.

Enabling conditions to foster ADUs happens at state and local levels

Mr. Jha focused on the importance of land use regulations and zoning, specifically the use of accessory dwelling units (ADU), as one example where local government can successfully apply policy levers to allow older people to stay in their communities. The legislative landscape for ADUs varies across states because changes in permitting and zoning/land use laws to remove barriers to building ADUs take place at the state and local levels. He also described legislation that is used to impede ADU development in various parts of the country including: requiring homeowners to occupy the main home or ADU; parking restrictions; conditional use permitting for ADUs; and regulations that restrict short-term rentals.

Zoning for middle housing and transit-oriented development

Middle housing is multi-unit housing (e.g. duplex, triplex) that is closer in scale to single family houses than to apartment buildings. Advantages of middle housing units include: facilitation of multigenerational households, lower costs than single family dwellings, efficient use of land in desirable areas close to amenities such as transportation and shopping. Middle housing

> Accessory dwelling units could include a newly constructed stand-alone structure, a home addition that creates a separate living quarter, or conversion of an existing space such as garage or basement into a separate dwelling.

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[2] According to the US Department of Housing and Urban Development, housing (including utilities, taxes, and other fees) is considered "affordable" when it consumes 30% or less of an occupant's gross income. Households that pay more than 30% of income for housing costs are said to be cost-burdened.

may "better blend" into neighborhoods currently zoned for single-family dwellings and so may therefore be more readily accepted by current residents.

When ADUs and middle housing units are built in transit-accessible areas using universal design concepts[3], they can be broadly attractive to most older people. And, because there may be no or lower land acquisition costs if building is on donated land, property owners and developers may be better positioned to finance construction of ADUs and middle housing. Alternatively, older housing can be retrofitted using universal design and design for life principles, though this can be challenging and costly. Jha also mentioned the three bills passed this last session of the Maryland General Assembly (HB538, HB599, and HB693) that give local jurisdictions more tools to promote building of affordable housing and provide for renters' rights and rent stabilization.

> Middle housing is a type of housing with multiple units that more resemble single family homes than apartment buildings. Middle housing could include cottages, side-by-side duplexes, stacked duplexes, triplexes, or quadplexes, or townhouses.

NIMBY in MoCo, Universal Design in PG

During the Q&A session, participants asked Jha to expound on why ADUs face community opposition and what the County offers by way of support for individuals seeking to build or occupy an ADU. Jha shared that neighbors and community groups represent the primary opponents of ADUs. Montgomery County has developed guidelines for ADUs; requesting a license from the Department of Housing and Community Affairs is the first step in the process. Alternatively, the County offers a housing-sharing program that matches homeowners who have available space with individuals seeking space. Other questions addressed how other counties are using Universal Design to improve accessibility. He noted that Prince George's County just passed a law that incorporates Universal Design into requirements for new construction. The measure will increase the availability of accessible housing in Prince George's County, to the benefit of older residents and those with disabilities or injuries, without adding barriers to construction and cost.

Aging in place or stuck in place?

Linna Zhu is the Senior Research Associate in the Housing Finance Policy Center at Urban Institute. Zhu's data analysis painted a picture of the current housing market in Montgomery County. First and foremost is the lack of supply of housing to meet needs of County residents across the life span and obstacles faced by older residents wanting to downsize. She emphasized that there is a current mismatch between needs and

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[3] Universal design is the design of buildings, products, or environments to make them accessible to people, regardless of age, disability, or other factors.

housing size in the County leading her to conclude that rather than choosing to age in place, older residents are "stuck in place."

Older County residents are house rich but income poor. Renters fare worse.

In Montgomery County, 80% of households over 65 are homeowners and the dominant trend is to age in place. More than half of residents 65-74 still have a mortgage. Whether or not they have a mortgage, older homeowners also face the continually increasing costs of maintenance, taxes, and insurance. The combination of the demographic shift toward a

Linna Zhu presents data on the housing cost burden

more aging population and high borrowing costs creates affordable housing shortages and a mismatch between where people currently live and where they might choose to live without cost and housing supply obstacles.

Older County residents are house rich but income poor. Many are cost burdened, spending more than 30% of income on shelter costs, though owners are less cost-burdened than renters. In addition, market-based financial products such as reverse mortgages are expensive in the high-interest rate environment making it costly and risky to take equity out of homes to enhance income and pay for maintenance. Moreover, older people may lack the financial literacy needed to make the best choice of these products. The shelter cost burden, for both renters and owners, are higher overall for low- and middle-income households. Older renters with fixed incomes are among the most cost-burdened of all and most susceptible to rental rate increases. Zhu also remarked that non-white home owners are denied mortgages and other financing options at a higher rate than whites.

Along with ADUs, Zhu mentioned other policy levers including Section 202 (supportive housing), Section 504 (Home Repair), Home Equity Conversion Mortgages, and Home Modifications through Medicaid or Medicare Advantage Plans.

Mismatch between where older residents live and where they might choose to live if appropriate housing was affordable and available

Montgomery County ranks 12th in owner affordability among the 50 largest counties in the US, but that doesn't translate to housing that is appropriate and affordable for older residents. One reason is that Montgomery County ranks 35th in renter affordability among the 50 largest US counties, making it hard to justify moving from oversized homes to rentals. Zhu explained that 56% of owner-occupied houses that have 3 or more bedrooms have one or two occupants, indicating a mismatch. While median incomes and home values in Montgomery County exceed the national averages, both decrease with age. Montgomery County also has a greater share of households of color compared to the national average. For Black, Latino, and Asian older people, home equity represents a larger portion of wealth than for their white counterparts.

Multiple obstacles to downsizing suggest policy solutions

Zhu asked the audience to consider the reasons that older people encounter difficulties in downsizing. One challenge is the high cost of capital to make homes more attractive to buyers and maximize sale price leads to inertia. Another obstacle is the lack of other suitable residential housing choices in desirable areas; the supply is insufficient. In addition, many smaller rental units are less affordable that maintenance on even a 'too-large' home owned by its resident. Residents also face challenges obtaining new mortgages because of lower income in retirement. Underlying these obstacles are a combination of structural and financing challenges that require attention if this mismatch is to be addressed.

Home-sharing is one promising strategy for a subset of older homeowners

After her presentation, participants asked if other communities have more robust house-sharing programs and what legislation might be enacted to create such a program in Montgomery County. Zhu reported that [Maine](#) has recently passed legislation for a pilot program using the same platform that was used by the City of Boston for a pilot in 2020. Several municipalities in Washington State have also initiated home-sharing programs targeted to older people. Local legislation typically addresses any issues around zoning, but Zhu cautioned that scaling such programs requires culture change and a shift in how independence is defined and internalized.

SESSION 1: STATUS, TRENDS, CHALLENGES & OPPORTUNITIES FOR MONTGOMERY COUNTY HOUSING

To help participants better understand the housing ecosystem in the County, the CoA invited a panel of subject matter experts[4] from both the public and private sectors, with Somer Cross, Chief of Housing for the Montgomery County Department of Housing and Community Affairs (DHCA), serving as moderator. Ms. Cross prefaced the discussion with a brief review of the study on Housing conducted by the County in 2018. She focused on the increase in the number of older people living in the County, especially those aged 75 and over.

Zoning changes stimulate development of affordable housing

In response to this demographic shift, DHCA has continued to refine the Moderately Priced Dwelling Units ([MPDU) program](#), which requires contractors to set aside some units for moderate, affordable housing in higher cost developments. Montgomery County still needs to make policy changes that would allow for a broader array of housing types to be considered for the program, e.g. ADUs, as well as increasing the percentage of MPDUs in a development.   Another recent zoning change allows faith-based

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[4] Carrie Sanders, Mid-County Planning Chief MNCPPC; Zachary Marks, Senior VP, Housing Opportunities Commission; Simin Rasoleen, Manager, MoCo Office of Permitting Services; Jeff Blackwell, Senior VP Real Estate Development, Victory Housing; Alan Goldstein, VP Real Estate Development, Affordable Housing and Communities; and Sarah Reddinger, VP Community Development, Habitat for Humanity.

organizations, educational entities, and other non-profits to put multi-family housing on their excess land in areas zoned for single-family homes. Despite these changes, several panelists mentioned long-standing problems with production of affordable housing for older people. These include a lack of available and affordable financing for developers and challenges scaling a development to optimize the number of moderately priced available units.

Financial support available to modify and rehabilitate owned homes.

In addition to the MPDU program affecting new housing, the County also offers two programs that help older people modify their current homes so they can remain in their homes longer. The Design for Life (DFL) Property Tax Incentive Program provides 3 tiers of property tax incentives to make homes more universally accessible; while DFL can be accessed by builders, homeowners, developers, and renovators, there have been few applications from builders and developers. The Home Accessibility Rehabilitation Program (HARP) is a free program designed to assist people with renovating their homes to make them more accessible to older people or those with disabilities. While there are income limits to be eligible for HARP, older people and disabled individuals of any age can qualify. Ms. Reddinger pointed out that it is important to pair renovations for safety and accessibility with those that increase climate resiliency to ensure that homes are sustainable and retain their value. Panelists acknowledged that the DFL and HARP programs are under-utilized relative to the number of people who are likely eligible.

Increasing stock of affordable housing costs require solutions that lower land, building and operating costs.

Next, the panel turned its attention to the challenge of increasing the stock of affordable housing for older people when development and building costs are coming in at approximately $500,000 per unit. Even when land is more affordable (e.g. land owned by a church or co-located with other services), access to capital remains problematic because of lower projected financial returns on these investments. Moreover, operating costs continue to be high. These high costs create gaps in the financing necessary to successfully build affordable housing for older people. Panelists mentioned several potential ways to offset high costs of capital, including low-income tax credits, the Housing Initiative Fund, and advocacy to increase public funding as well as to change to state zoning policy that disfavors older adult housing. Other possible solutions may be found in subsidies for mixed income development, creative land acquisition, and a focus on less costly types of development, such as low to midrise garden apartments. It should be noted that the County Executive is working on providing public land for affordable housing, however, there are few sites that are close to services and amenities that would be attractive to older owners or renters.

Because gap financing is limited (and typically costs more to acquire), Montgomery County has taken steps to reduce the costs of construction generally by employing modular construction using sustainable features such as solar and heat pumps to also

reduce operating and maintenance costs. The Zoning and Permitting functions within Montgomery County support these efforts.

The panelists identified tools they believe would help make more housing more affordable. These include seeking additional funding for new Section 8 and Section 202 housing, conversion of older housing stock, moving to a cash subsidy for the Senior Assisted Living Subsidy, and establishing a rental assistance fund to reduce housing costs to less than 30% of income. There are other tools to defray operating costs, but a more viable solution would rely on overlaying and stacking various programs (i.e. income-based tax credits, weatherization funds, and other subsidies).

Partnerships across government and with private and non-profit entities is needed to enhance supply of affordable and accessible housing for older people.

The panel was then asked to share their thoughts on the impediments to making progress on increasing supply of affordable housing. Firstly, responsibility for making housing accessible, affordable, and available for older people can't reside within a single department or agency within government. A cultural shift is needed to engage with stakeholders across government and the private sector, including non-profits, to take on this mammoth task. While some partnerships exist now, there is a need for a cross-sector endeavor that brings in new "players" and new thinking to the effort. Secondly, the County must acknowledge and take steps to address the lack of awareness among older people and their families about programs and services that would help them age successfully in their own communities. Thirdly, development is still recovering from the pandemic; this slow down exacerbated the lack of housing options across the life span, but particularly for older people.   Production must be increased so that more housing units are coming online at a lower unit cost. Finally, while the County's Thrive 2050 report laid out the need to drive growth and higher population density at transportation hubs that are service-ready, it has been difficult to find available land that meets the criteria.   It is essential to understand the broad array of housing options that appeal to older people across income levels and take steps to facilitate their development.

During Q & A, panelists were asked why middle housing is disappearing and if, when coming up for financing to build ADUs, could there be a loan program that forgives the debt for older people. Panel members have found that middle housing has become scarce because perceived consumer demand is for either luxury or low-cost housing. For ADUs to become a reliable source of middle housing, citizens must lobby and advocate with policy makers, including the need for innovative loan programs targeted to older people who wish to stay in their homes. Another opportunity lies in allowing future rental income to be considered for homeowners who are financing the ADU construction.

DHHS staffer Pazit Aviv poses a question

Panelists were also asked to comment on affordability of a home and property that is already owned. As noted previously by Zhu, costs of home ownership go beyond the cost

of building the home. Insurance, taxes, and upkeep all factor into affordability and older homeowners need to be aware of programs that can help them manage these factors, lest they find themselves stuck in place.

INTRODUCTION TO THE AFTERNOON SESSION: FROM INNOVATION TO ACTION

CoA Commissioner Kate Stein briefly introduced the goal of the afternoon session. Participants will be asked to process information from the morning's presentations and discussions to identify some concrete steps the CoA and the County can take going forward. She asked that participants begin this effort by capturing solutions on Post-it notes, including where we should re-double our efforts or take up ideas that have not yet been expressed. She also asked participants to identify the greatest challenges we would face in pursuing these solutions. That portion of the discussion would be facilitated by Ms. Stein and Julia Derrigo, both formerly strategic communications and change leaders at Deloitte Consulting.

INVITED REMARKS

Montgomery County Council President Andrew Friedson cited the specific steps he and his colleagues have taken to make housing support programs more robust, including seeding $100 million for the housing fund and $50 million for the housing preservation fund (which aims to preserve naturally occurring affordable housing). He acknowledged that the Design for Life Property Tax Incentive program needs additional attention to increase the number of residents applying for the program.

Andrew Friedson

Scott Gottbreht, Assistant Secretary of Policy for the Maryland Department of Housing and Community Affairs, provided an overview of how the State of Maryland is responding to housing demands of Maryland's increasingly diverse older adult population. He described the three bills passed in the last General Assembly (referenced above) and how the State DHCA is working to develop policies and regulations needed to implement the new laws. Gottbreht encouraged participants to bring new and promising ideas directly to his office.

Scott Gottbreht

SESSION 2: INNOVATION TO ACTION — CREATING MORE AFFORDABLE, ACCESSIBLE, AND AVAILABLE HOUSING FOR OLDER ADULTS IN MONTGOMERY COUNTY

To help activate the discussion, Stein and Derrigo reviewed the topics submitted by attendees on Post-it notes.   They included a panoply of concerns and solutions most notably renters' protections, home-sharing, and addressing barriers to the supply of housing. The moderators invited Somer Cross, Montgomery County DHCA, Matt Losak, CEO of Montgomery County Renter's Alliance, and Dana Johnson, CEO of Homes for America to serve as the discussants on these issues.

Renter protections are needed

Although Montgomery County has passed significant rent stabilization legislation that will cap rent increases at 6%, the cap would still result in rent increases that exceed income increases for most renters and particularly for older renters with fixed incomes. Additionally, new buildings and small business landlords are exempt from the legislation[5]. Renters' Alliance believes that landlords have the ultimate responsibility for stabilizing communities where they own, but code violations frequently go unaddressed. There is a need for landlords and management companies to have and execute plans to address emergency situations in rental housing, such as elevator and utility outages. Robust programs that address landlord-tenant disputes are essential given that approximately 34% of occupied housing units in Montgomery County is renter occupied.

Code enforcement is challenging for several reasons, most notably due to the sheer number of rental units that must be inspected. Additionally, there is flipping of properties amongst owners and property management companies that results in deferred maintenance while "squeezing" all the available equity out of a property before the next flip.   While Montgomery County maintains a list of troubled and at risk rental properties,   a new "no flipping law" which requires owners to have an escrow fund to cover repairs should provide additional protections against repeat code violations.

> Flipping is a term describing purchasing an asset and holding it for only a short period of time before re-selling it.
>
> Most often related to transactions involving real estate and IPOs, flipping is intended to turn a quick profit.

Finally, panelists raised the onerous process that older renters seeking housing through the Housing Opportunities Commission must go through to recertify their eligibility every year and the devastating impact of not re-certifying on time. It was suggested that once a renter reaches retirement age, absent a material change in circumstances, a single recertification should suffice. Property managers are generally not trained to work directly

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[5] DHCA is currently working on preparing conforming policy and regulation and will not enforce the law until the Montgomery County Council approves regulations via the Method (2) process).

with older residents nor are they familiar with benefits and programs that are available to these residents. A certificate program at Montgomery College that would have trained property managers to help older renters was developed but never came to fruition because of the COVID pandemic.

Co-housing and home-sharing are attractive options for some.

The Montgomery County DHHS has partnered with the Housing Initiative Partnership, Inc. (HIP) to help match homeowners who have spare rooms or ADUs in their homes to home seekers searching to rent affordable, healthy, and safe housing. There is no charge for this service. Additionally, DHHS will provide a grant of up to $6,000 to help older homeowners get their available spaces up to code and ready to participate in the Montgomery County home-sharing Program. Homeowners who receive the grant are not required to pay it back, but must commit to participating in the program for three years. Currently, HIP is trying to match ten participating homeowners with potential renters. The panelists discussed the historical lack of funding for the program, the level of effort required to bring homes into compliance, and the underlying reluctance of older people to commit to living with people they are not related to as the most significant obstacles to having a more robust home-sharing program.

Overcoming these barriers requires more than just funding. Some examples included program modifications that focus on efforts to get renters to the point where they can afford to buy the home, e.g. credit repair and rent to own. Another option would be to connect older homeowners in danger of losing their homes with respite through home-sharing. As Zhu noted in her keynote, local legislation around zoning, increased awareness, and culture change around the concept of inter-dependence are all required to make home-sharing programs scalable.

No shortage of ideas for addressing barriers to the supply of affordable housing for older people.

Innovation to Action panel

When asked about overcoming impediments to affordable, accessible, and available housing for older people, panelists and participants identified potential policy and system changes. Some were ambitious and novel. For example, encouraging partnerships with religious institutions, taxing country clubs, and adaptive reuse of schools and government-owned buildings were proposed. (See appendix A for a full list.) These garnered significant discussion during the forum:

- **Partnerships with religious organizations** that have excess land or buildings
- **Develop housing on County-owned land**, especially close to transportation and other services
- **Imbed universal design** principles in zoning and permitting regulations and disconnect the Design for Life program from Permitting
- **Facilitate adaptive reuse** of schools and government buildings

- **Collect data to demonstrate efficacy** and impact of existing programs, e.g. Housing Production Fund
- Facilitate **home-sharing**
- **Raise property taxes** on country clubs and golf courses to fund affordable housing
- Identify and implement **financing vehicles** for developers
- **Learn from other jurisdictions** and replicate promising practices, considering broad development goals and gain inspiration from recent development in Arlington and Prince Georges counties
- Build new as well as **rehabilitate** older rental buildings
- **Encourage property management capabilities**, including certification, when serving older residents
- **Set mandatory limits** on allowable rent increases
- Commit to more rigorous inspection and **code enforcement** program

- Develop multilingual and accessible **"know your rights" training** and communication for older people and their families
- Offer **graduated tax credits** to help offset the costs of insurance increases
- Advocate to shift funding assistance programs toward housing for the growing population of older people, including **retrofitting older housing stock** and **co-locating social and health services** in multi-family housing
- Allow **higher density** for single family homes and **relaxed zoning standards** for ADUs
- Encourage **modular, prefabricated,** and other lower cost construction methods/materials
- Provide **property tax credits** and **other incentives** for older people enrolled in home-sharing program

WRAP UP

David Engel closed the Forum with an overview of next steps. The CoA will prepare a report on the Forum and develop a Road Map showing varied routes the County could take to addressing the overarching issue of affordable, accessible, and available housing for older people. The solutions could come from some combination policy and system changes suggested by the keynote speakers, subject matter experts, and participants. He thanked the speakers and all those who attended and invited them to continue the discussion.

Commission on Aging Chair David Engel wraps up the Forum

Appendices

  A. Full list of ideas generated in brainstorming session
  B. One-page Agenda Summary
  C. Keynote Presentation (Jha)
  D. Keynote Presentation (Zhu)
  E. Meeting the Housing Needs of Older Adults in Montgomery County (May 2018)
  F. Mapping Segregation (Dec 2022)
  G. Attainable Housing Strategies Report, draft (June 2024)
  H. Links to recent state and county housing legislation

APPENDIX A
FULL LIST OF IDEAS GENERATED IN BRAINSTORMING SESSION

- Co-housing / home sharing
- Challenges: cost, zoning, space
- Wood housing-- sinking within first year, I. E., foul smelling water, counter separations, floor splitting in seams, window jams, cold and winter and hot and summer
- Property tax credit program
- Increasing property taxes for elderly -- homeowners tax credit
- Recertification every year
- Why does Montgomery County trail its neighbors in creating housing? Does permit process need change? Zoning?
- Extending property tax relief for seniors to renters
- Increasing renter protection for seniors
- Financing is a key need
- Rent limits; Make it mandatory
- Challenges: 23-year exemption to rent stabilization; no just cause protections; poor communication within HOC, leaving vulnerable tenants in the dark
- Renting out rooms and oversized houses--almost like a personal village?
- Intergenerational matching
- Multilingual and accessible know your rights training county wide addressing all the needs of older adults for information and outreach
- Proactive inspections and better / stronger enforcement of violations and citations
- Better inspection standards from DHCA
- Challenge: lack of code enforcement and landlord tenant enforcement
- Repairing older buildings and addressing the needs of older senior adults in these buildings
- Communal group living
- Factoring in maintenance and upkeep when making a budget for new building
- Church housing
- Make it easier to transfer mortgages
- Intergenerational cohousing
- Provide tax breaks to caregivers whether they care for old or young, in their home or in their charge's home
- Further loosen regulation of ADUs
- Advocate for federal financing of "middle housing" development
- The county should support religious institutions in building affordable housing now that they can
- HOC should do more multi-phase developments where they are building multifamily and senior apartments in the same place at the same time
- The campus approach to senior housing

- Connecting senior communities via transportation So that they don't need to be built in parts of the county that are already densely populated
- Why is the design for life tax incentive funneled through county permitting? This makes no sense
- Get rid of zoning regulations that limit construction of middle housing in residential areas
- More communal living options
- We need to unwind the zoning laws that led to development of more single-family homes and fewer multifamily homes and ADUs
- Encourage use of high-quality manufactured housing (much nicer than trailer homes)
- Allocate more budget to funding retrofitting and repairs for poor homeowners
- Aging in place is the default--how do we enable people to exercise other options?
- More financial options and incentives to build ADU's, for example for giving loans for homeowners
- Accessory dwelling loan forgiveness or loans not due until property sold?
- Solutions: make 20% of MPDU units with universal design, visitable, wheelchair accessible features
- Special loan to fund ADUs
- Challenges: zoning, NIMBY (ADU), not maximizing existing programs
- Stay in place; promote design for life
- Best ideas: support tax incentives to support shared housing; provide funding and regulations to avoid tear downs in neighborhoods so that people renovate instead; provide funding to better advertise shared housing; allow lower cost construction (pre-fab?)
- Reduce senior property taxes by amount of school taxes like in New York
- Raise property taxes on country clubs and to golf courses to fund affordable housing
- Fitting naturally occurring affordable housing (that attracts fixed and low-income tenants) with accessibility modifications
- Housing issues: what i need help with is the period i cannot pay my mortgage. Where can i get help say for a couple of months before i find another job if i lost my job. I see many ways to help renters but nothing for homeowners. Is there any kind of help for a homeowner for a short-- say a month or two--from the county?
- Are these programs actually effective? Efficient? How do we measure?
- What about the agricultural reserve?
- Encourage energy conscious retrofits for older housing
- Is there discussion on rezoning commercial buildings that aren't rented due to more work from home and changing those buildings to residential apartments or condos?
- The county should build affordable housing on land already owns (e.g. Little Falls library parcel)

- Challenges: financing vehicles to provide more options for developers; encourage zoning laws to support multifamily development projects; Identify ways to combat nimbyism
- Incentives for homeowners to renovate or stay in middle class homes
- How can the gap between a homeowner's delinquent property taxes and the need for social service help; a widower lost home even though the mortgage was fully paid
- Recertification issues: after age 62 recertification should be one and done; Call it the grandmother clause; too much to do every year, including providing 6 months of bank statements etcetera
- Take a student debt cancellation approach 2 mortgages and allow cancellation of mortgages on loans of more than 30 years duration where the homeowner is older than 65
- Lower the barriers to entry for older adults who want to buy a Home for the first time
- Challenges: have an open-minded perspective to what other jurisdictions are doing and don't be afraid to duplicate promising practices
- If oldest seniors are most cost burdened… Maybe develop age graduated tax breaks that increase with age and would also encourage older adults and maybe all adults to make healthier lifestyle choices and therefore save money across the board
- More 'golden girls' options -- individual rooms and a nice house with shared living spaces
- Two to three issues: new apartments should include therapy offices on the ground floor
- Property tax credits for older homeowners to take part in the home share program
- Increase HIF pool!
- Alan's challenge to rethink the way we develop the northern part of the red line to look like Arlington
- New building with utility cost lowering front and center
- Determine how realistic "market rate" is
- Funding for services in multifamily housing
- Need support for residents—i.e. Expand PACE programs
- Must lower the property taxes to keep residents in Montgomery County
- Funding / financing ADU basements for older homeowners
- Solution I heard: using potential rental income in ADU financing calculations
- Big challenges: not enough money; workforce shortage; local zoning barriers
- Big ideas: increase number of Li HTC credits to senior housing developers (9% credits!); Expand HARP and other home modification and long-term services and supports programs
- Solutions?: create visibility and universal design regulations and legislation within county as has been done in Pima county Arizona and Bolingbrook IL in order to increase number of accessible new homes

- Solutions?: make design for life easier to use-make permitting and inspections quicker--Allow virtual inspections, have dedicated contractor to help homeowner, refer to assistive technology loan and low cost closets (MD AT)
- County provided transportation services
- Housing issues: The homeowners tax credit is still very high for senior citizens. I also applied for the tax credit but have been denied a couple of times because it was paid by my mortgage company. In 2018 I was denied a tax credit. I was told that if someone paid your property tax for you, then we can't help. This is what the auditor from Baltimore told me. The mortgage company paid the property tax because they want to protect their property. I don't see the reason I was denied a tax credit because the mortgage company paid it. You know when the mortgage company pays the property tax they add it to the monthly mortgage payment period I appealed that decision in 2018 and lost, again because the auditor said someone paid it for me. The old man was denied tax credit because of the reason above.

Appendix B

The Montgomery County Commission on Aging
AGENDA
"Reimagining Housing for Older Adults –
Ideas and Actions to make Housing Available, Affordable, and Accessible."
May 16, 2024, 9:30 am to 2:30 pm
Montgomery County Executive Office Building, Rockville, MD

Welcome and Forum Overview:
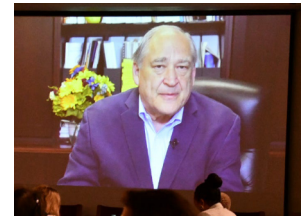
Keynote Addresses: Moderator: Wayne Berman, Commissioner
- Samar Jha MPA, LLM, Government Affairs Director, AARP
- Linna Zhu, PhD, Senior Research Associate, Urban Institute Housing Finance Policy Center
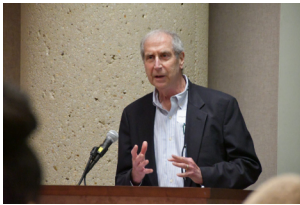
Session #1: <u>Status, Trends, Challenges, & Opportunities for Montgomery County Housing</u>
- Moderator: Somer Cross, Chief of Housing, Department of Housing and Community Affairs
- Carrie Sanders, Mid-County Planning Chief, Maryland National Capital Park, and Planning Commission
- Zachary Marks, Senior VP, Real Estate, Housing Opportunities Commission
- Simin Rasoleen, Manager, Montgomery County Office of Permitting Services
- Jeff Blackwell, Senior VP, Real Estate Development, Victory Housing
- Alan Goldstein, VP, Real Estate Development, Affordable Homes and Communities
- Sarah Reddinger, VP, Community Development, Habitat for Humanity

Box Lunch (compliments of the Senior Nutrition Program) – Marla Caplon

Remarks by Scott Gottbreht, Assistant Secretary of Policy, MD Dept. of Housing

Remarks from County Council President Andrew Friedson

- **Innovation to Action** Julia Derrigo, Kate Stein

1 Factors Impacting Affordable Housing

2 Accessory Dwelling Units
- Older Adults & ADUs
- ADU- National Discussion
- Poison Pills: ADU Legislation
- ADU Legislative Landscape [Statewide]
- ADU Legislative Landscape [Local]
- AARP's ADU Publications

3 Middle Housing?
- Why Does AARP Support Middle Housing?
- Middle Housing Legislative Landscape (Statewide)
- A Spectrum of Approaches: Local Middle Housing
- Middle Housing Legislative Landscape (Local)
- AARP's Middle Housing Publications

4 Other Zoning Initiatives

5 Funding Affordable Housing

6 State of Housing – Maryland
- Maryland's 2024 Housing Bills

7 Housing Equity and Elder Financial Exploitation (EFE) Prevention

8 What to expect in 2024/2025 for Housing?

Factors Impacting Affordable Housing

There are several contributing factors impacting the lack of affordable housing, including:

- Land use regulations (zoning) that limit the types of housing that can be built.

- The amount of land zoned to allow rental housing, and housing at higher densities

- Increases in construction and development costs

- Lack of financing and capital available for homeowners and builders looking to invest in workforce, affordable, and low-income housing

- Lack of government funds earmarked for housing

- The growth of institutional investment in housing (following recent foreclosures)

- Allowing institutional investors to take over foreclosed property, (only to sell it for a higher price)

- Transfer taxes, development impact fees, and other soft costs

- Increasing property taxes.

Accessory Dwelling Units

Accessory dwelling units (ADUs) are independent housing units, typically (but not always) created on single-family lots through remodeling or expanding the existing home or constructed as a detached dwelling.

ATTACHED   DETACHED   INTERIOR (UPPER LEVEL)   INTERIOR (LOWER LEVEL)   GARAGE CONVERSION   ABOVE GARAGE

Older Adults & ADUs

Independent living space

Care of loved ones

Downsize

Extra Source of Income

Increasing Affordable Housing Options

Intergenerational Housing

ADU- National Discussion

Land use regulations (zoning) that limit the types of housing that can be built.

AARP CEO **Jo Ann Jenkins** and HUD Secretary **Marcia Fudge**;

White House Briefing on ADUs: AARP was the only non-government organization invited to speak, and various stakeholders referenced AARP's ADU efforts;

AARP's ADU Publications: ABCs of ADU and ADU Model State Act and Local Ordinance

The **White House** released a fact sheet on September 1, 2021 stating the federal government will work with state and local governments to boost housing supply, including ADUs.

ATTACHED   DETACHED   GARAGE CONVERSION

INTERIOR (UPPER LEVEL)   INTERIOR (LOWER LEVEL)   ABOVE GARAGE

Access the full video at Jo Ann Jenkins & HUD Secretary Marcia Fudge Interview, White House Briefing on ADUs, and Biden-Harris Administration Announces Immediate Steps to Increase Affordable Housing Supply

THE WHITE HOUSE
WASHINGTON

Housing for Older Adults and the Importance of Livable Communities
AARP CEO Jo Ann Jenkins and U.S. Department of Housing and Urban Development Secretary Marcia L. Fudge...

more affordable housing all over this country

Poison Pills: ADU Legislation

1 Owner Occupancy Requirements

2 Parking Requirements

3 Conditional Use Permitting for ADUs

4 Short-term Rentals

ADU Legislative Landscape [Statewide]

Notes:
* Laws passed earlier in California, Washington, and Vermont had required that localities allow for ADUs but did not require by-right approvals.
** Connecticut's law requires by-right approvals. However, it also allows localities to opt out of this provision with a two-thirds vote of both their planning board and legislative body.
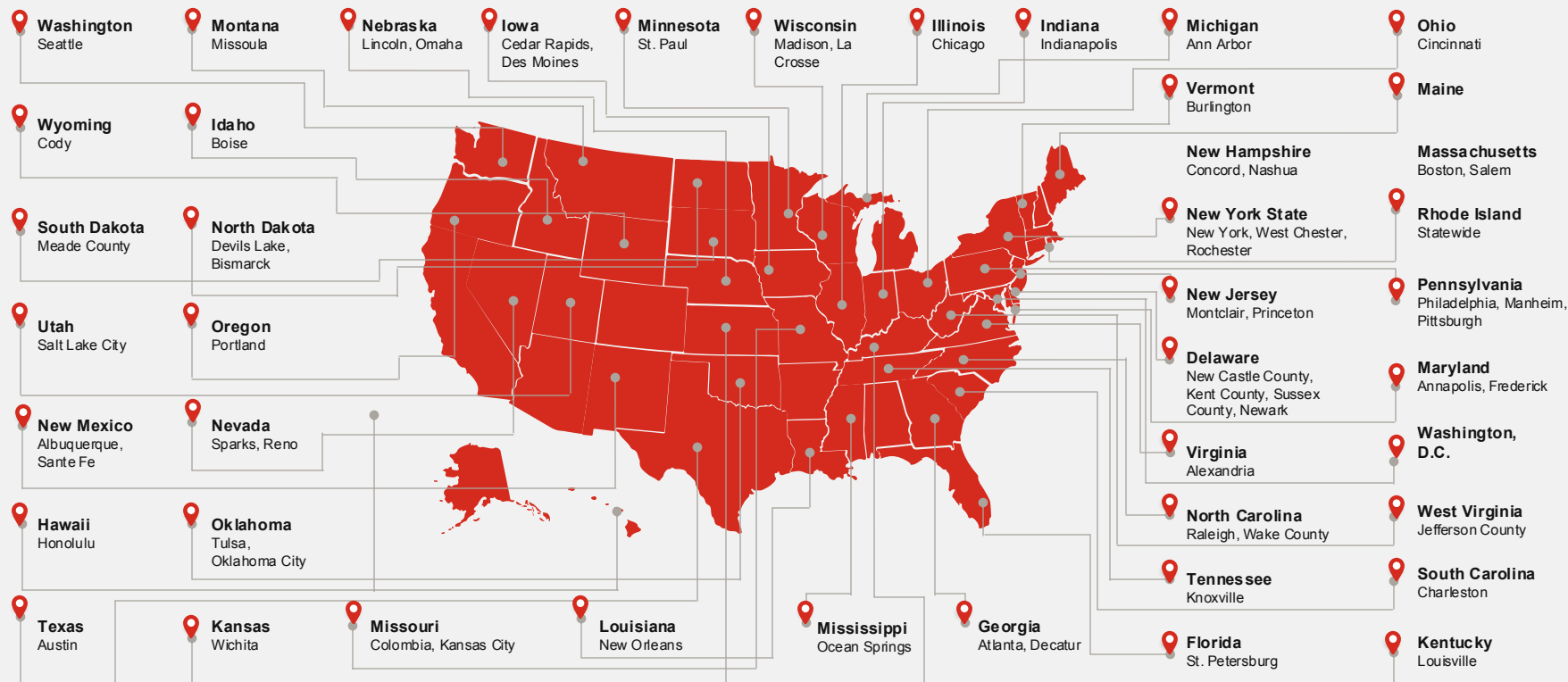*** Rhode Island requires by right on owner occupied lots for family members, on large lots, for internal ADUs, or for an ADU within an existing accessory structure.
****Colorado requires owners to live in the primary unit while the ADU is being constructed.

State	Year(s)	By-Right Permitting Required?	Ban on Owner Occupancy Requirements?	Limits on Parking Requirements?
Hawaii	1981	No	Yes	No
California*	2016	Yes	Yes	Yes
	2019			
Washington*	2023	Yes	Yes	Yes
Oregon	2017	Yes	Yes	Yes
	2019			
Utah	2021	No	No	No
Montana	2023	Yes	Yes	Yes
Vermont*	2020	Yes	No	No
New Hampshire	2016	No	No	No
Connecticut	2021	Mixed**	No	Yes
Maine	2022	No	No	No
Rhode Island	2022	Mixed***	No	Yes
Colorado	2024	Yes	Partial****	Yes

Source: Learning from State Efforts to Encourage Accessory Dwelling Units, Thursday, November 9, 2023 | Ellie Sheild, David Luberoff, Joint Center for Housing Studies, Harvard University, available at https://www.jchs.harvard.edu/blog/learning-state-efforts-encourage-accessory-dwelling-units

8

ADU Legislative Landscape [Local]

Washington
Seattle

Montana
Missoula

Nebraska
Lincoln, Omaha

Iowa
Cedar Rapids,
Des Moines

Minnesota
St. Paul

Wisconsin
Madison, La
Crosse

Illinois
Chicago

Indiana
Indianapolis

Michigan
Ann Arbor

Ohio
Cincinnati

Wyoming
Cody

Idaho
Boise

Vermont
Burlington

Maine

New Hampshire
Concord, Nashua

Massachusetts
Boston, Salem

South Dakota
Meade County

North Dakota
Devils Lake,
Bismarck

New York State
New York, West Chester,
Rochester

Rhode Island
Statewide

Utah
Salt Lake City

Oregon
Portland

New Jersey
Montclair, Princeton

Pennsylvania
Philadelphia, Manheim,
Pittsburgh

Delaware
New Castle County,
Kent County, Sussex
County, Newark

Maryland
Annapolis, Frederick

New Mexico
Albuquerque,
Sante Fe

Nevada
Sparks, Reno

**Washington,
D.C.**

Virginia
Alexandria

Hawaii
Honolulu

Oklahoma
Tulsa,
Oklahoma City

North Carolina
Raleigh, Wake County

West Virginia
Jefferson County

Tennessee
Knoxville

South Carolina
Charleston

Texas
Austin

Kansas
Wichita

Missouri
Colombia, Kansas City

Louisiana
New Orleans

Mississippi
Ocean Springs

Georgia
Atlanta, Decatur

Florida
St. Petersburg

Kentucky
Louisville

Source: State of Accessory Dwelling Unit Production in the U.S. Internal Report, AARP, February 13, 2024

AARP's ADU Publications

Visit: https://www.aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-adus.html to learn more.

Source: AARP's Model State Act and Local Ordinance, Cover Art by Jennifer Goodman

Source: ABCs of ADUs, AARP Livable Communities

Middle Housing?

A group of different housing types that:

✓ Have **multiple** housing units

✓ Are more similar in scale to **single-detached homes** than to apartment buildings

COTTAGE

SIDE-BY-SIDE DUPLEX

STACKED DUPLEX

STACKED TRIPLEX

TOWNHOUSE

FOURPLEX

Why Does AARP Support Middle Housing?

Helps **meet housing needs** of growing communities and provides **diverse** housing options such as smaller homes, multigenerational homes

Allows for **lower-cost housing** options, **expands homeownership** opportunities in **high-opportunity neighborhoods** (schools, parks, jobs)

Promotes **smart land use and sustainability** by supporting infill and compact development, often in walkable neighborhoods, closer to public transit

Preserves neighborhoods and blends well in neighborhoods with single-detached homes

Middle Housing Legislative Landscape (Statewide)

Oregon HB 2001 (2019)

- Population based implementation
- There were concerns about local control even within this context
- The requirements for smaller cities and small jurisdictions simplified or exempted.
- More technical assistance provided by state to local jurisdictions
- Provided a timeline for implementation

California SB 9 2001 (2019)

- Allows homeowners to create up to four homes on an existing parcel
- AARP was part of the negotiating process
- Part of the YIMBY coalition
- Prior to its passage, other bills offering incentives to expand middle housing achieved minimal results.
- This was more prescriptive.

Nebraska LB 866 (2020)

- It directed cities with populations greater than 20,000 to adopt an affordable housing action plan by a set deadline.
- Non-compliance would mean that jurisdictions must allow middle housing in areas zoned for single-detached dwellings.
- Got bipartisan support, with local opposition.
- Discussion around workforce and economic development

Florida SB 102 (2023)

- Preemptive legislation
- Waiver of local processes for multifamily projects if 10% of Units are affordable
- Administrative approval for all multifamily projects
- Tax exemptions for middle housing projects

Washington HB 1110 (2023)

- To allow a broader range of housing options, including duplexes, triplexes, quadplexes, townhouses, stacked flats, courtyard apartments, and cottage housing
- Took two years of negotiation and broader YIMBY coalition
- Streamlining design review processes
- Restrictions on the ability to require off-street parking
- Limits on development standards that may create barriers to middle housing
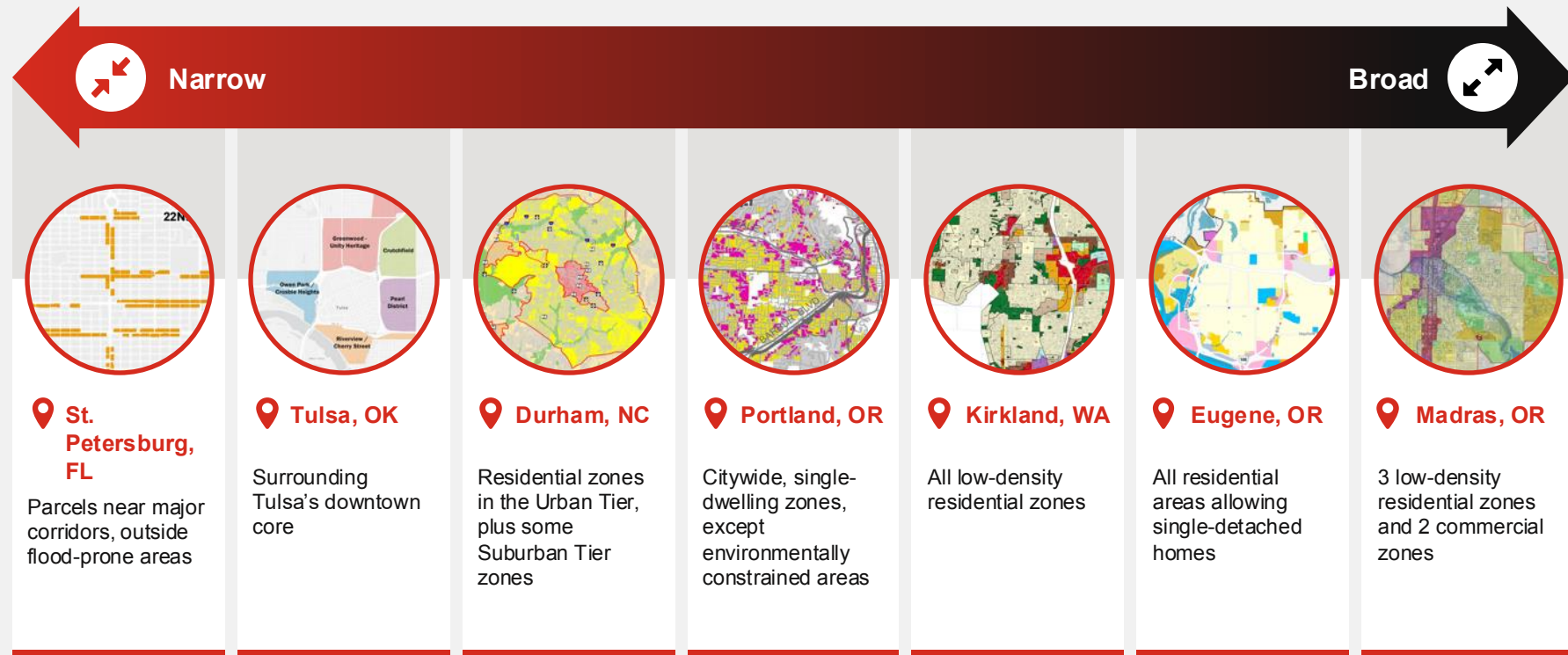
Montana SB 382 (2023)

- Requires local municipalities to quantify their housing needs and adopt at least 5 out of 13 zoning reforms (Section 19).
- Including allowing multi-family housing
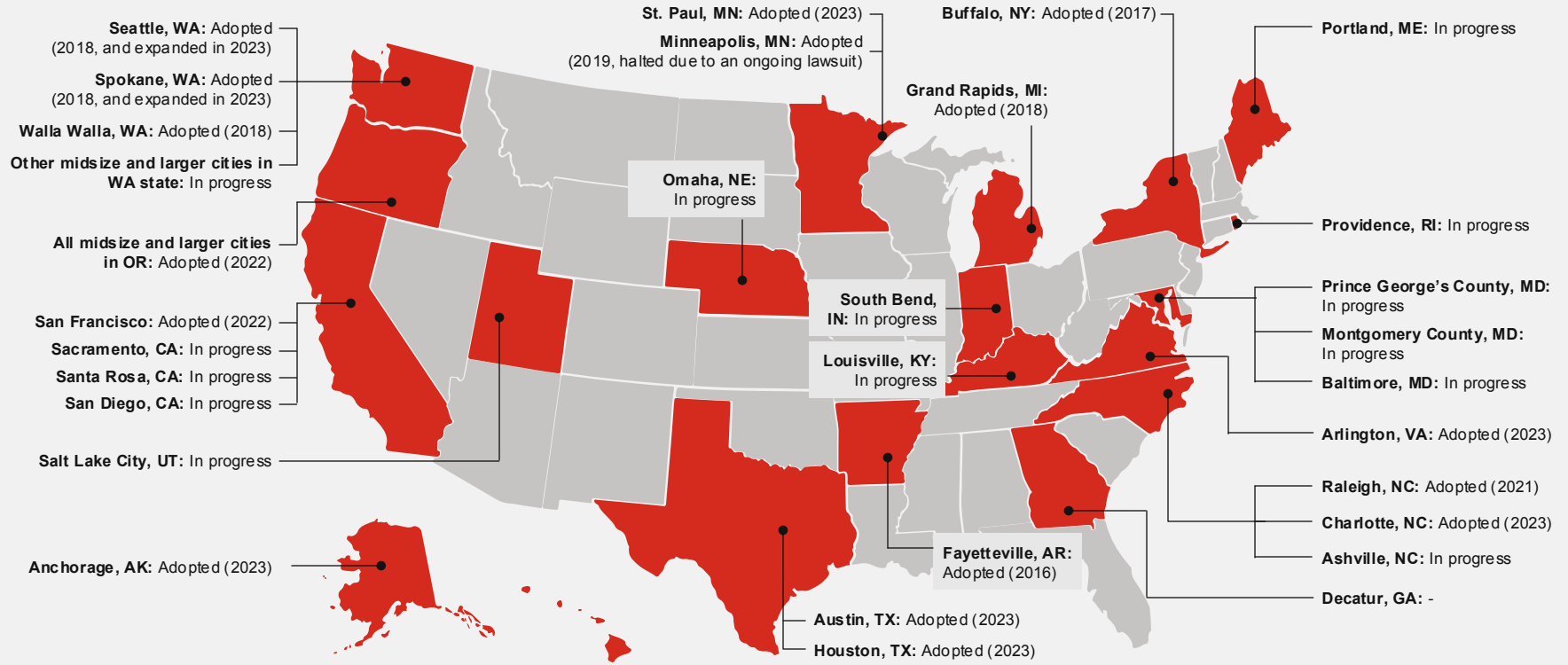- Multi-round negotiations
- Local government buy in

Maryland HB 538 (2024)

- Allows for middle housing, including duplexes, triplexes, quadplexes, cottage clusters, and townhouses.
- Middle housing will be allowed in singe family zoned.
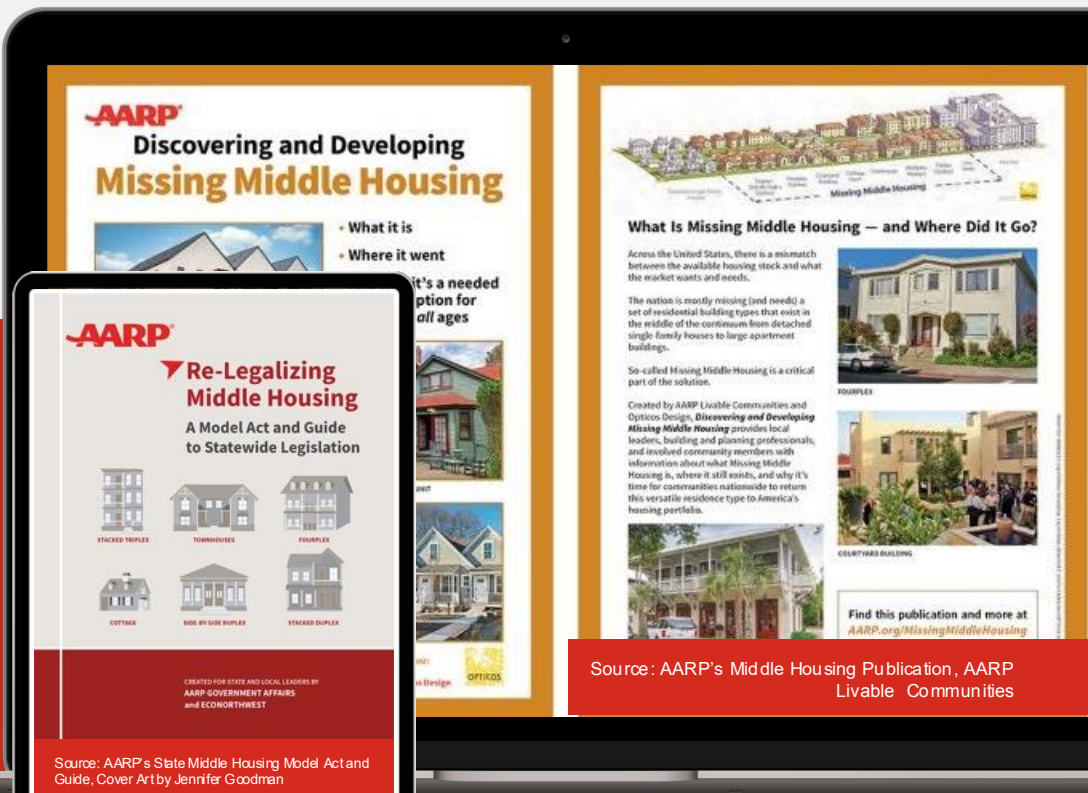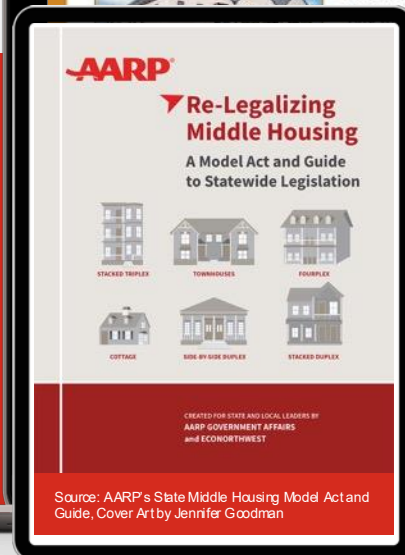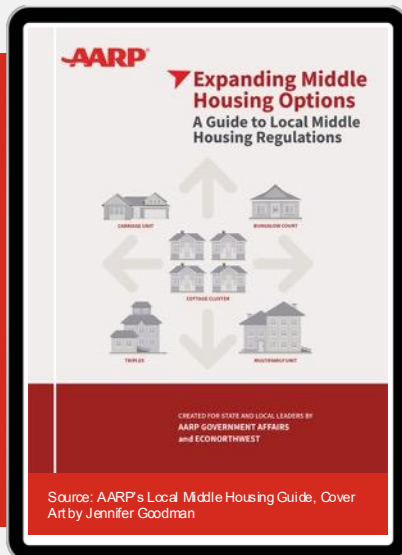
A Spectrum of Approaches: Local Middle Housing

Narrow ← → Broad

St. Petersburg, FL

Parcels near major corridors, outside flood-prone areas

Tulsa, OK

Surrounding Tulsa's downtown core

Durham, NC

Residential zones in the Urban Tier, plus some Suburban Tier zones

Portland, OR

Citywide, single-dwelling zones, except environmentally constrained areas

Kirkland, WA

All low-density residential zones

Eugene, OR

All residential areas allowing single-detached homes

Madras, OR

3 low-density residential zones and 2 commercial zones

Middle Housing Legislative Landscape (Local)

Seattle, WA: Adopted (2018, and expanded in 2023)

Spokane, WA: Adopted (2018, and expanded in 2023)

Walla Walla, WA: Adopted (2018)

Other midsize and larger cities in WA state: In progress

All midsize and larger cities in OR: Adopted (2022)

San Francisco: Adopted (2022)

Sacramento, CA: In progress

Santa Rosa, CA: In progress

San Diego, CA: In progress

Salt Lake City, UT: In progress

Anchorage, AK: Adopted (2023)

St. Paul, MN: Adopted (2023)

Minneapolis, MN: Adopted (2019, halted due to an ongoing lawsuit)

Grand Rapids, MI: Adopted (2018)

Buffalo, NY: Adopted (2017)

Portland, ME: In progress

Providence, RI: In progress

Omaha, NE: In progress

South Bend, IN: In progress

Louisville, KY: In progress

Prince George's County, MD: In progress

Montgomery County, MD: In progress

Baltimore, MD: In progress

Arlington, VA: Adopted (2023)

Raleigh, NC: Adopted (2021)

Charlotte, NC: Adopted (2023)

Ashville, NC: In progress

Decatur, GA: -

Fayetteville, AR: Adopted (2016)

Austin, TX: Adopted (2023)

Houston, TX: Adopted (2023)

AARP's Middle Housing Publications

Visit:
https://www.aarp.org/livable-communities/
to learn more

Source: AARP's Local Middle Housing Guide, Cover Art by Jennifer Goodman

Source: AARP's State Middle Housing Model Act and Guide, Cover Art by Jennifer Goodman

Source: AARP's Middle Housing Publication, AARP Livable Communities

Other Zoning Initiatives

Transit Oriented Development (TOD):

Land use planning approach that aims to create sustainable, walkable communities with high-quality public transportation. Mostly local legislative efforts that have been successful (E.g. **Madison, Wisconsin**). April 2024, the Federal Transit Administration (FTA) awarded TOD planning grants to 20 projects in 16 states. Currently **Washington,** and **Connecticut** are legislating a statewide TOD bill. **Colorado** just passed a TOD bill. In **Maryland**, in 2023 under **HB 12** the TOD Capital Grant and Revolving Loan Fund was established to promote the equitable and inclusive development of TODs throughout the State.

Tiny Homes:

A tiny home is a small house or mobile home that is usually less than 500 square feet, excluding lofts. Tiny homes are designed to be space efficient and ergonomic. They can be built on a permanent foundation or a mobile platform. States like **Montana** recently passed a Tiny House Legislation. **Maryland** does not have a statewide tiny house legislation. Vermont and **Massachusetts** have strong Tiny Homes legislation in the north-east. **Texas and Pennsylvania**, while it does not have statewide legislation, has strong local rules on the issue.

> For more visit: https://www.tinysociety.co/articles/tiny-house-laws-united-states/

Manufactured Housing:

Manufactured housing, also known as a mobile home, is a single-family home built in a factory and transported to a property. **Southern states** have a strong pipeline for the production of manufactured housing.

UNIVERSAL DESIGN IN HOUSING :

Universal design is a design technique which creates public and private spaces for equal access by individuals of all ages and abilities. Such features can be incorporated into private homes and residential facilities to facilitate aging in place and those with disabilities and mobility issues. Prince George's County, MD passed a universal design legislation, and Rhode Island is currently legislating a statewide universal design legislation. AARP is currently working on a model universal design ordinance.

Funding Affordable Housing

Big push for funding affordable housing by states

- **Arizona -** Funding for new affordable housing and homeless Response, more funding for Housing Trust Fund

- **Delaware -** Funding for workforce and affordable housing

- **Iowa -** Creating Workforce Housing Tax Credit programs

- **Maryland -** Providing incentives to multi-family housing projects

- **New York -** Tax incentive for affordable housing developments

- **Pennsylvania -** Funding for home repairs

- **Hawaii -** Issuing bonds to raise money for housing, allocating money for strategic housing initiative, amending state LIHTC priority program.

- **Massachusetts -** $4.1 billion housing bond bill supporting various housing programs, including providing funding for ADUs, supportive housing, inclusionary zoning programs, an first time home buyers program

- **New Jersey -** A4 Bill providing incentives to housing programs, including, ADUs, TODs, and mixed-income housing

Picture Source: https://www.shutterstock.com/image-photo/saving-money-home-loan-mortgage-property-1318396043

State of Housing - Maryland

✓ **According to MD Department of Planning –** **24%** of homeowners are house burdened. And **47%** of renters are rent burdened.

✓ According to AARP/Statista analysis of data available by the U.S. Census Bureau more than **13,500** people are expected to experience homelessness in 2024 and more than **25,500** people are expected to be evicted in 2024.

" **According to MD Gov. Moore's**

"We made the choice to put housing front-and-center this year because we know this issue can't wait. Building a stronger housing market can't wait. Tackling a housing shortage of 96,000 units in Maryland can't wait."

Picture Source: https://www.shutterstock.com/image-photo/saving-money-home-loan-mortgage-property-1318396043

Maryland's 2024 Housing Bills

HB: 538

- Middle Housing
- Transit Oriented Development
- Manufactured Housing in single family
- Mixed Income Housing

HB: 599

- Creates Maryland Community Investment Corporation
- Total Expenditure- $800,000
- Apply for federal funding and administer it
- Most importantly dispose off property

HB: 693

- Establishes the Office of Tenant and Landlord Affairs
- Provide renters with information about their rights
- Creates the Maryland Tenants Bill of Rights
- Increases the eviction filing fee
- Reduces security deposits
- Providing opportunity rent to own for Tenants

Housing Equity and Elder Financial Exploitation (EFE) Prevention

There is a concerted effort to preserve housing equity and prevent EFE

Unfair Service Agreement:

- Unfair and deceptive act of signing a 40-year exclusive real estate listing agreement
- Runs with the land and creates liens
- Upon homeowners pay upto 6% of the property price
- AARP and American Land Title Association developed a model bill to prohibit the practice
- 26 States (including MD) have passed a bill to prohibit Unfair Service Agreement based on the Model Bill

New York in 2021 passed four bills that:

- Mandates implicit bias training for licensed real estate professionals
- Establishes an anti-discrimination housing fund,
- Establishes an obligation to affirmatively further fair housing; and
- Provide further training for real estate professionals to prevent discrimination.

AARP®

THANK YOU!

AARP Livable Communities | *AARP.org/Livable*

Ensuring Housing Stability for Older Adults: Tackling Affordability, Availability, and Accessibility in Montgomery County

Linna Zhu, PhD
Urban Institute, Housing Finance Policy Center
lzhu@urban.org

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Aging in Place: 80% of households headed by someone 65 or older are homeowners.

Homeownership Rates

By age of householder
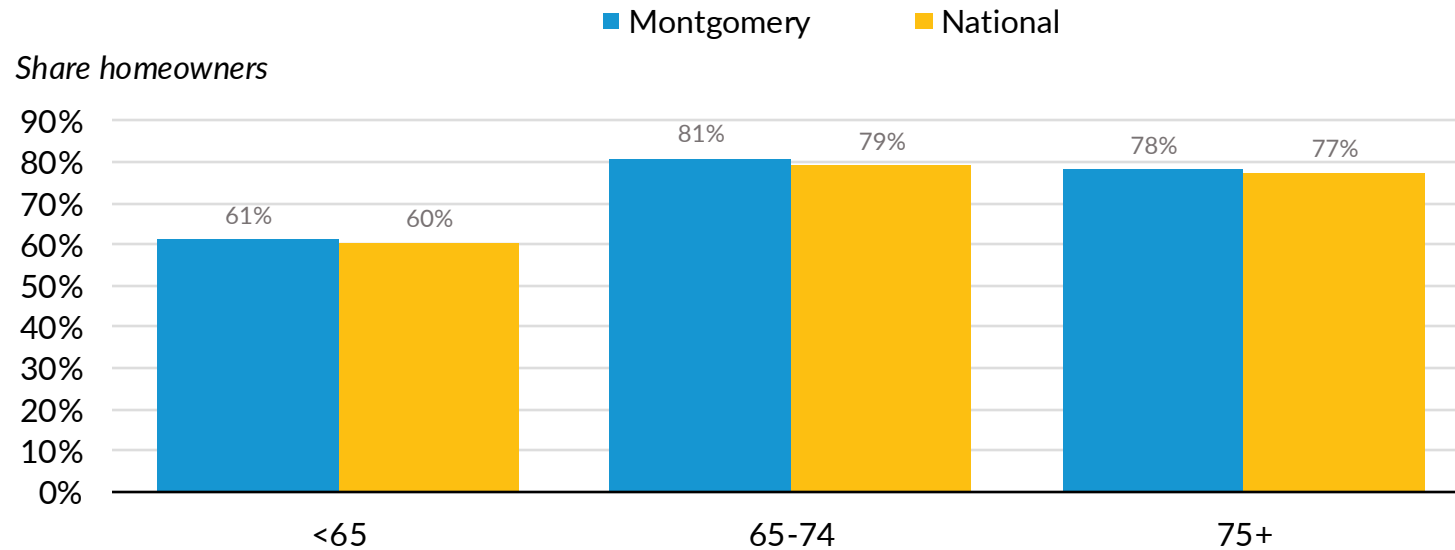
■ Montgomery   ■ National

Share homeowners

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Older adults are most likely to be cost burdened.

Share of Homeowners Cost-Burdened

By age of householder

■ Montgomery ■ National

Share of homeowners
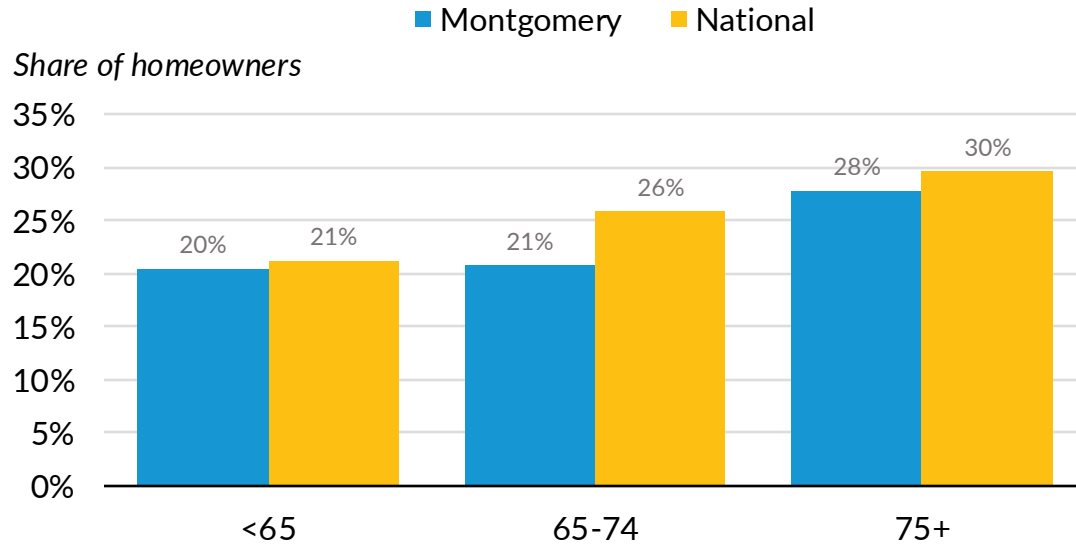
Share of Renters Cost-Burdened

By age of householder

■ Montgomery ■ National

Share of renters
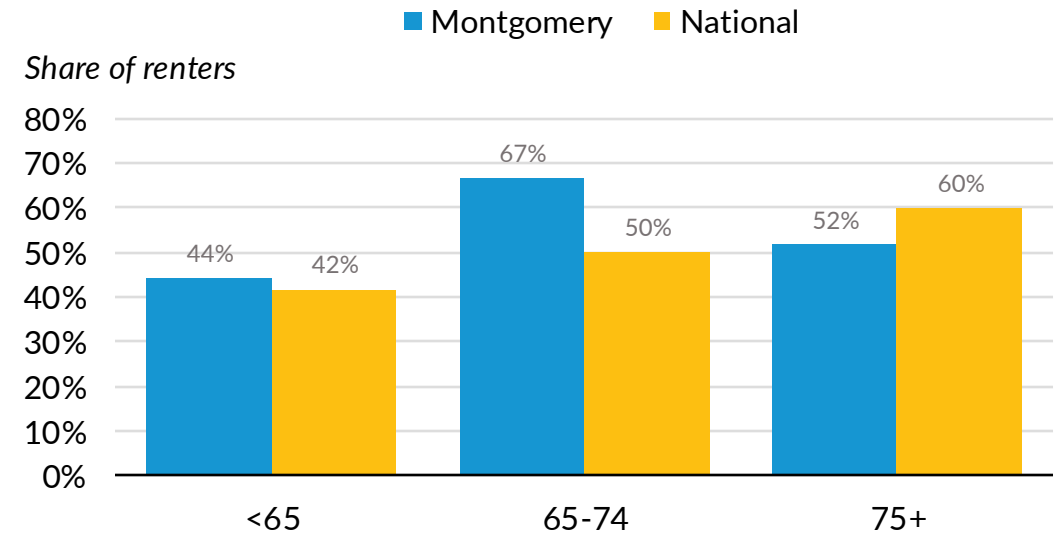
Source: 2022 ACS and Urban Institute Calculations.
Note: Cost burdened = Paying at least 30% of monthly income on shelter costs.

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Low-and moderate-income renters and homeowners are more likely to be cost-burdened.

Median Renter Cost Burden by Income

■ Montgomery ■ National

median of rent to income ratio

household income, relative to AMI
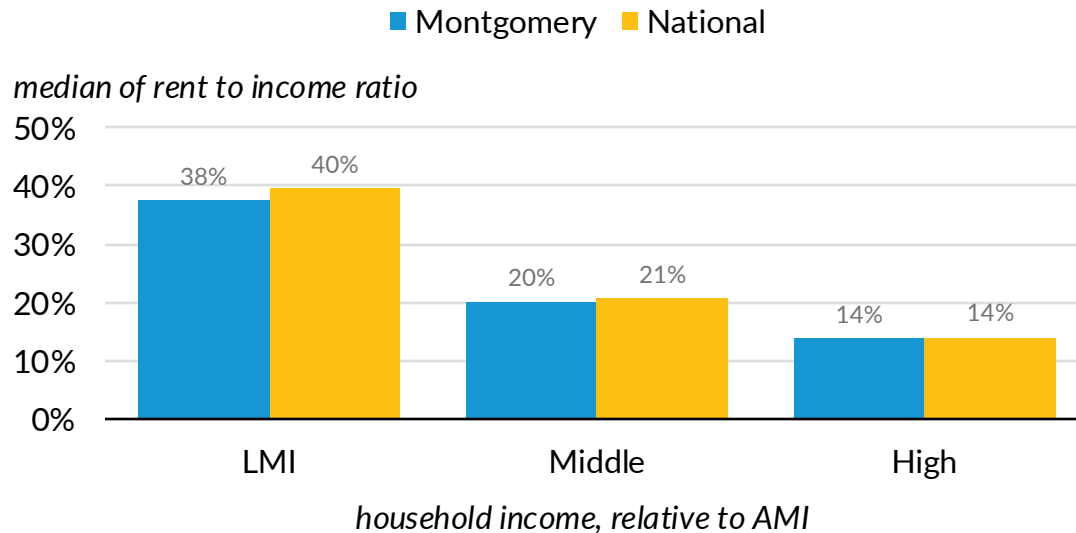
Median Homeowner Cost Burden by Income

■ Montgomery ■ National

median of housing cost to income ratio

household income, relative to AMI
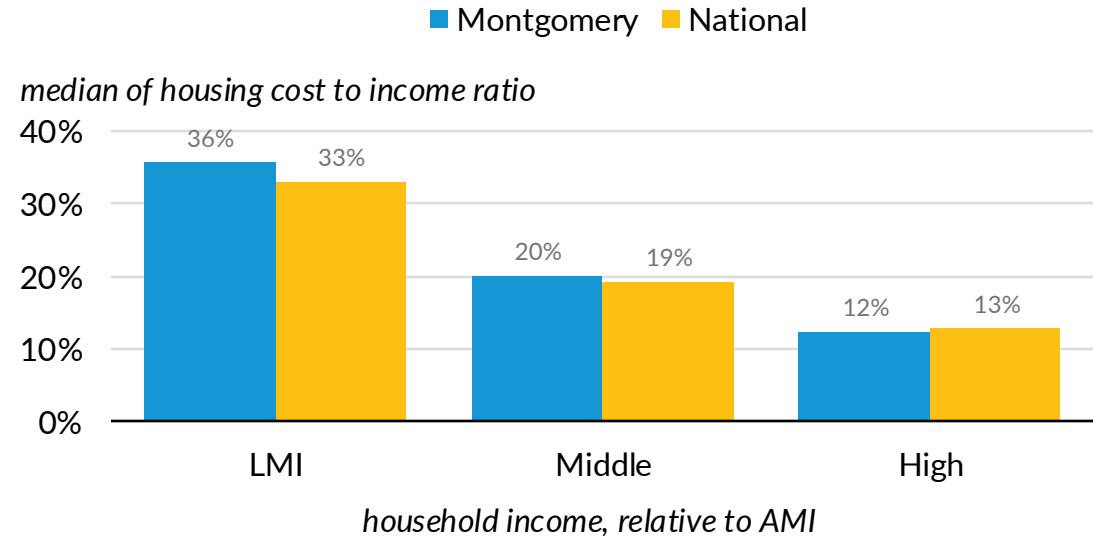
Source: 2022 ACS and Urban Institute Calculations.
Note: Income group relative to area median income (AMI) in MSA (DMV for Montgomery), LMI < 80% AMI, Middle = 80-120% AMI, High = >120% AMI.

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Mortgage debt: Montgomery older homeowners are less likely to own their home outright than the national average.

Share of Homeowners with mortgage

By age of householder

■ Montgomery   ■ National

median of housing cost to income ratio
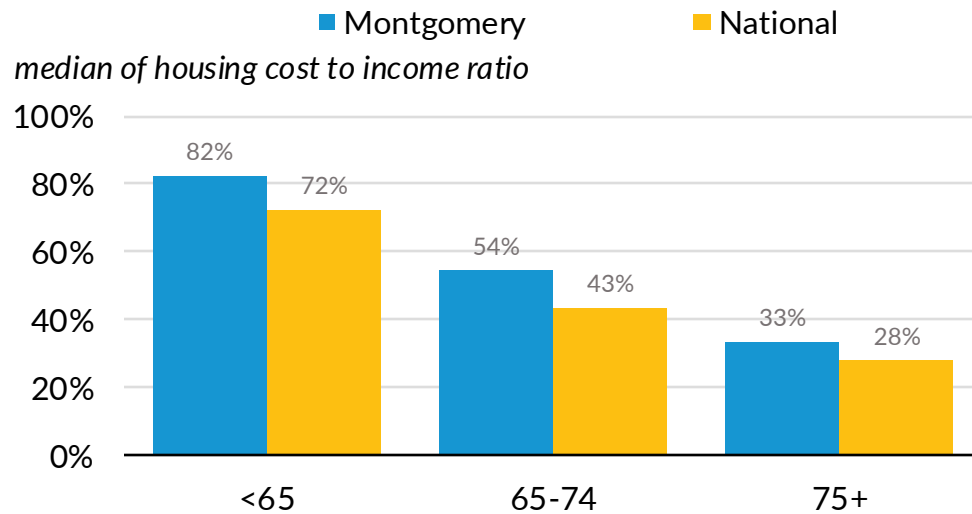
Source: 2022 ACS and Urban Institute Calculations.

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## The Share of Older Homeowners with a Mortgage has Increased Significantly in the Past Two Decades

— <35   — 35-44   — 45-54   — 55-64   — 65-74   — 75+

share of homeowners with a mortgage
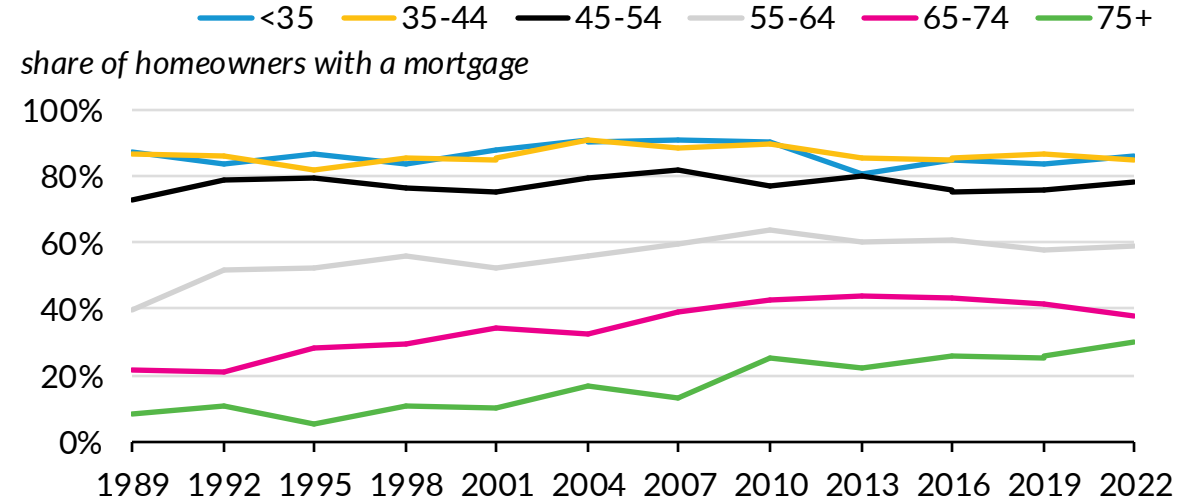
Source: 1989–2022 Survey of Consumer Finances and Urban Institute Calculations.

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Median incomes and home values in Montgomery county are greater than the national averages, however both decrease with age.

Median Household Income

By age of householder

■ Mongomery   ■ National

USD
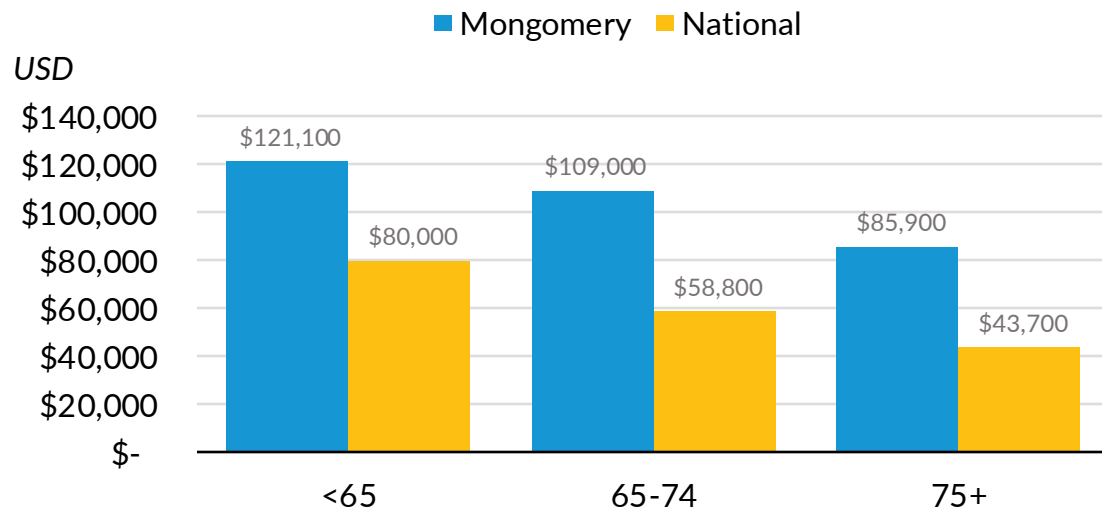
Source: 2022 ACS and Urban Institute Calculations.

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Median Home Value

By age of householder

■ Mongomery   ■ National

USD
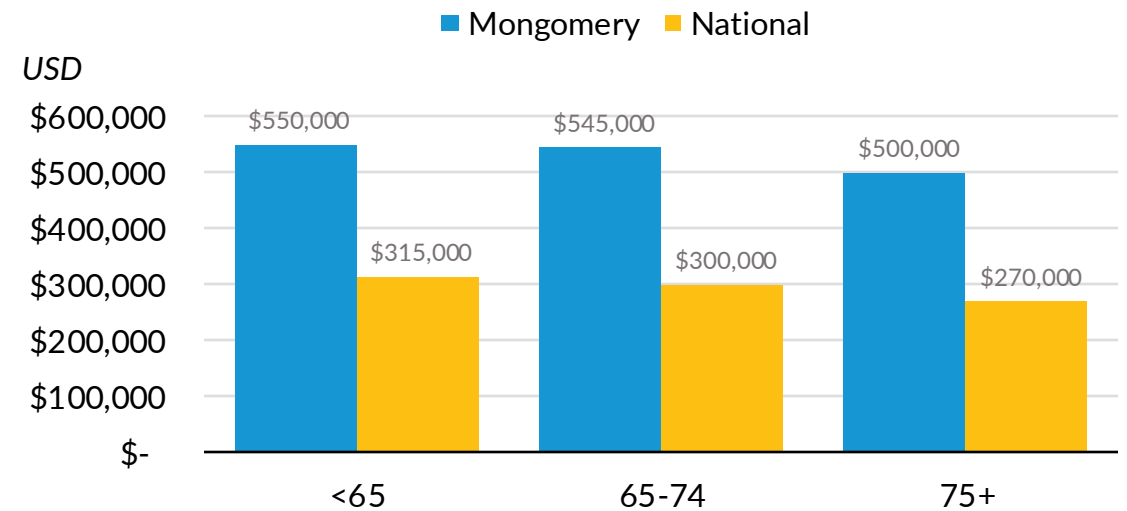
Source: 2022 ACS and Urban Institute Calculations.
Note: Only inclusing owner-occupied properties.

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Most older homeowners live in an oversized home.

- 50 percent of owner-occupied homes in Montgomery county with 3 or more bedrooms are owned by families of only 1 or 2 people.

  - Half of these mismatched households have a household head 65 or older.

  - **69 percent** of households in Montgomery county with a head 65 or older live in a home with 3 or more bedrooms.

- Nationally, 56% of owner-occupied 3+ bedroom homes are owned by 1-2 people, 23% are owned by older small families.

Almost half of large owner-occupied homes in Montgomery county are owned by small families

Legend: ■ 1 person ■ 2 people ■ 3 people ■ 4 people ■ 5 people ■ 6+ people

share of owner-occupied units

Number of Bedrooms
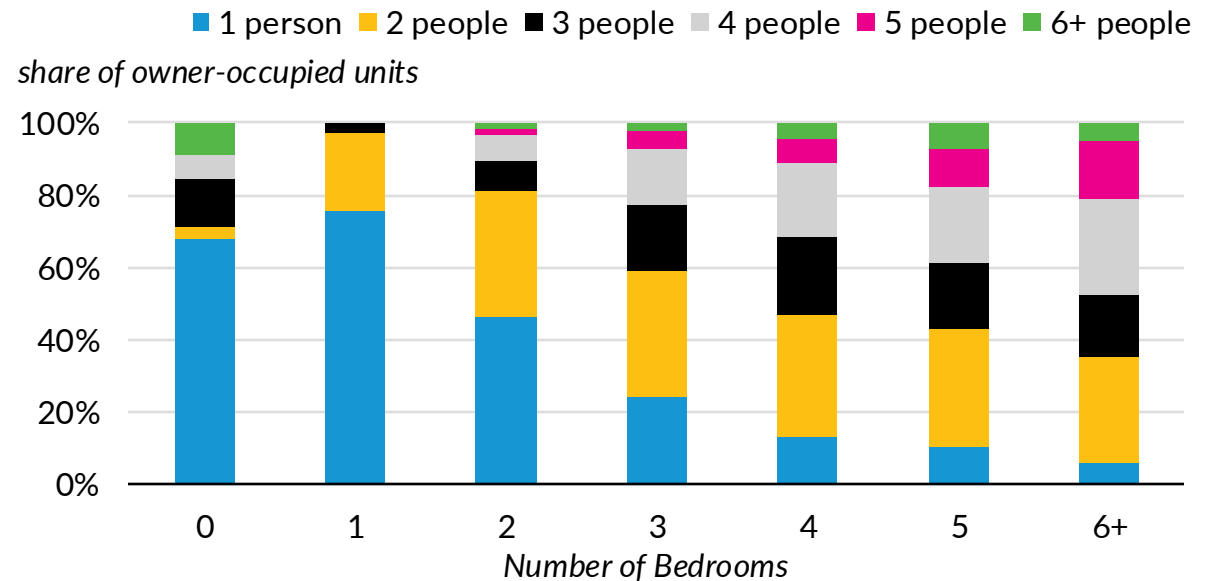
Source: 2022 ACS and Urban Institute Calculations.
Note: Only includes owner-occupied units.

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Montgomery County ranks 12th in owner affordability out of the 50 largest counties in the US.

Homeowner Affordability in top 50 Counties

Montgomery, MD highlighted in

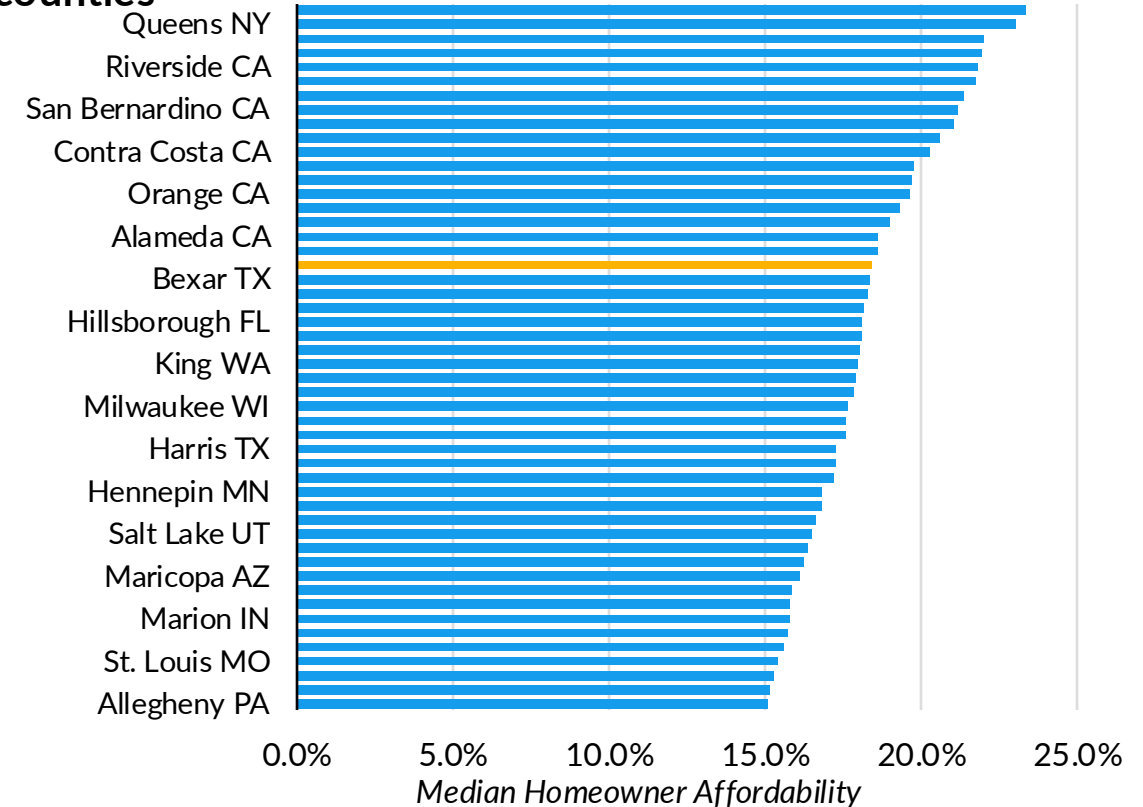*median owner housing costs*

median homeowner income
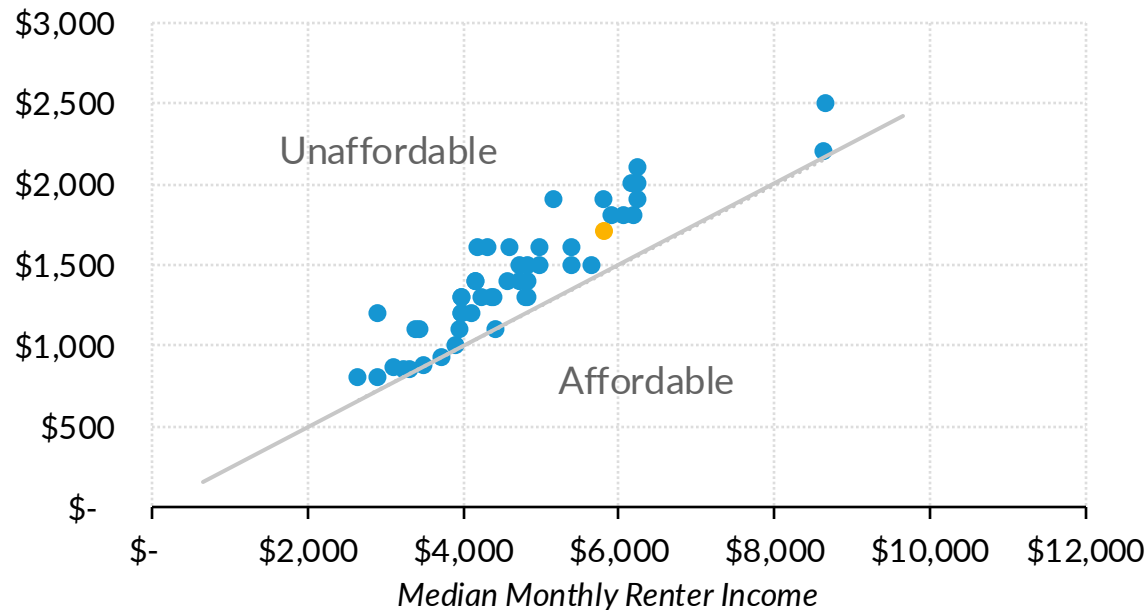
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Median homeowner costs to income burden in 50 largest counties
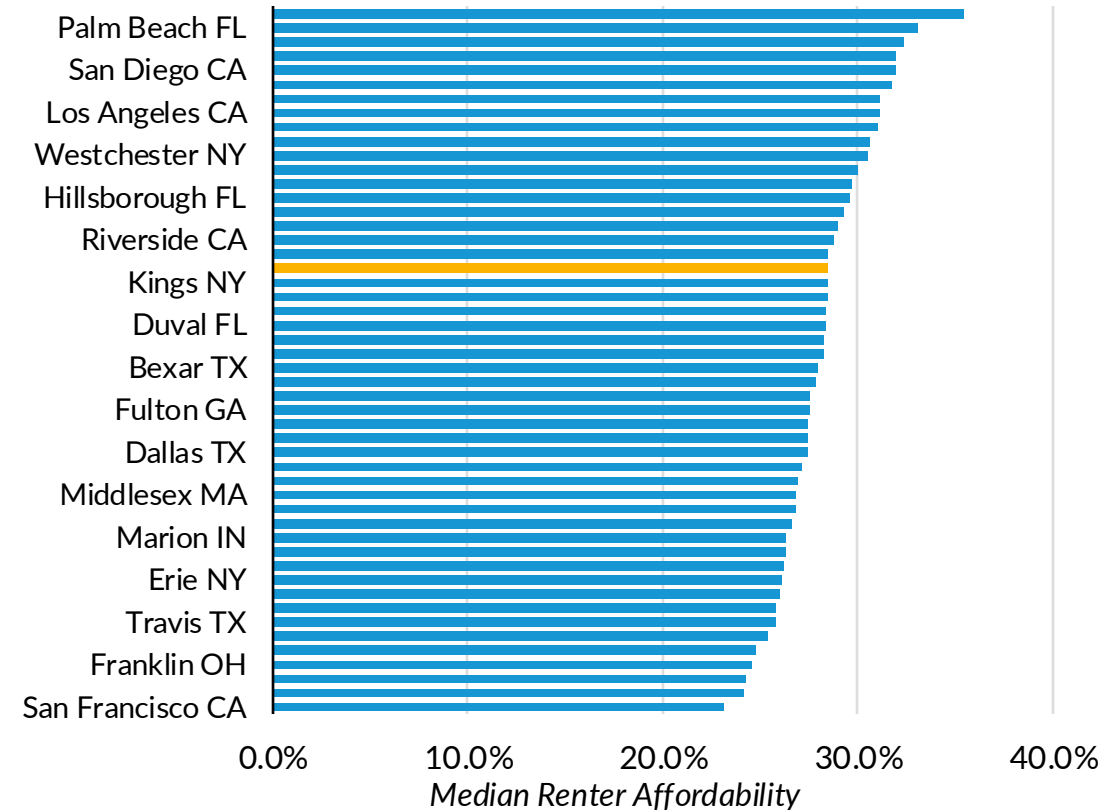
Queens NY
Riverside CA
San Bernardino CA
Contra Costa CA
Orange CA
Alameda CA
Bexar TX
Hillsborough FL
King WA
Milwaukee WI
Harris TX
Hennepin MN
Salt Lake UT
Maricopa AZ
Marion IN
St. Louis MO
Allegheny PA

0.0%   5.0%   10.0%   15.0%   20.0%   25.0%

Median Homeowner Affordability

Source: 2022 ACS and Urban Institute Calculations.
Note: Only Including homeowner households. Median owner housing costs includes all mortgage payments, taxes, utilities and insurance costs. Gray line represents a 25% cost burden.

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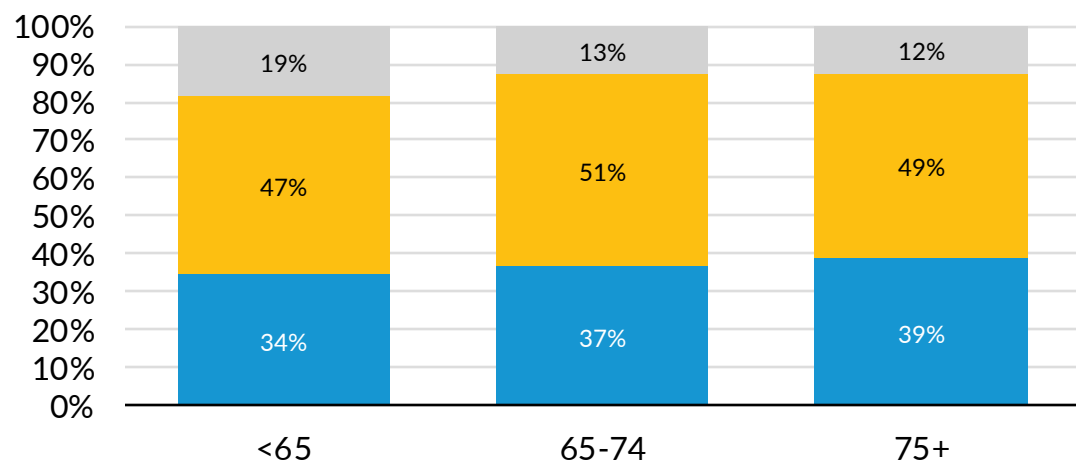
Many of older homeowners live in older properties with poorer property conditions.

Year of construction for owner-occupied homes in Montgomery County

By age of householder

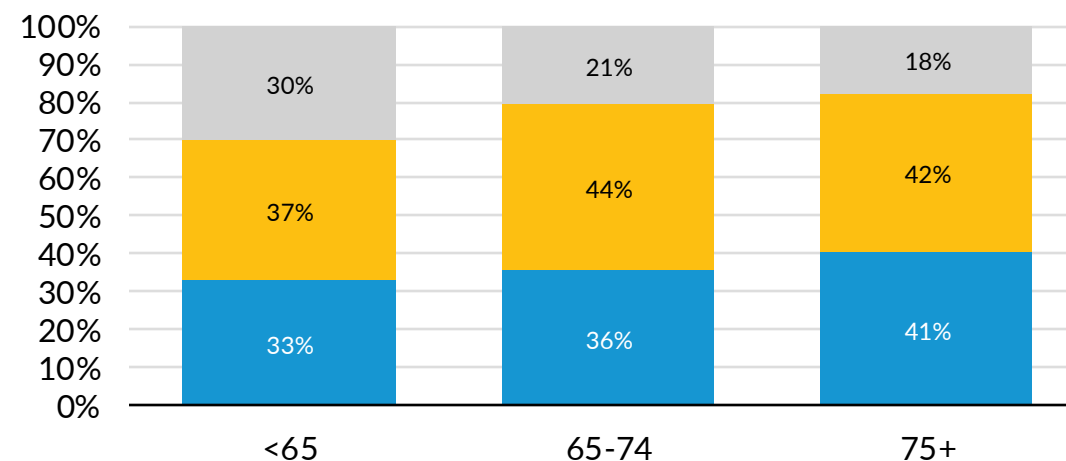■ pre 1970 ■ 1970-2000 ■ since 2000

share of occupied homes

Age	pre 1970	1970-2000	since 2000
<65	34%	47%	19%
65-74	37%	51%	13%
75+	39%	49%	12%

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Year of construction for owner-occupied homes, nationally

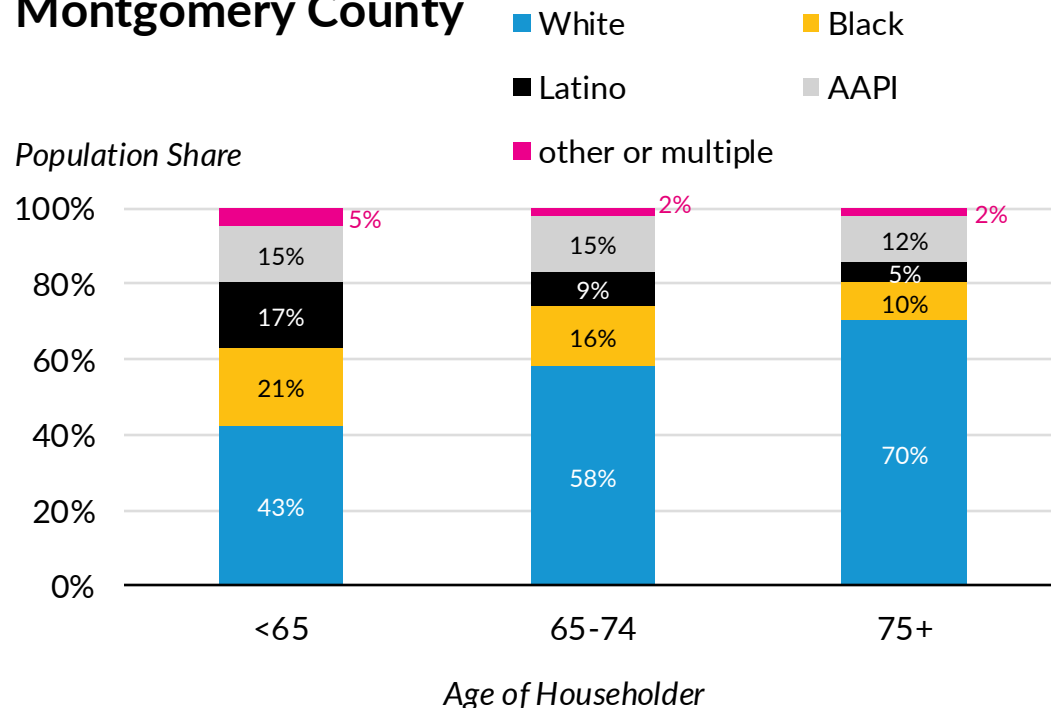By age of householder

■ pre 1970 ■ 1970-2000 ■ Since 2000

share of occupied homes

Age	pre 1970	1970-2000	Since 2000
<65	33%	37%	30%
65-74	36%	44%	21%
75+	41%	42%	18%

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Source: 2022 ACS and Urban Institute Calculations.

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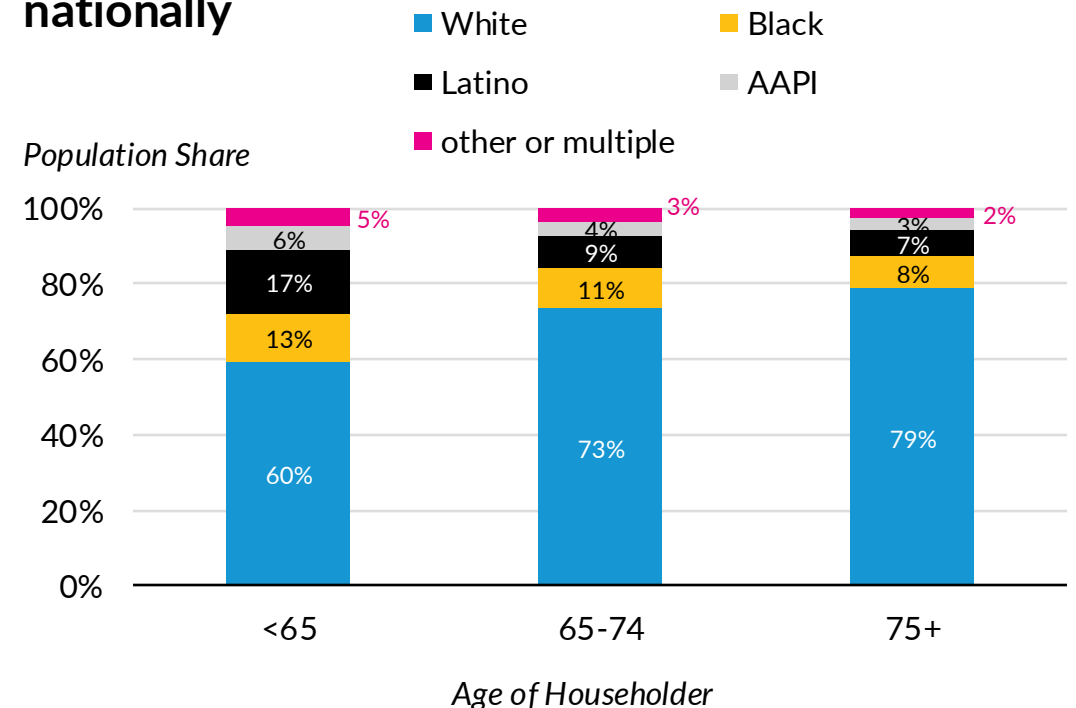
Montgomery County has a greater share of households of color compared to the national average.

Distribution of race and ethnicity by age in Montgomery County

- White
- Black
- Latino
- AAPI
- other or multiple

Population Share

Age of Householder

Distribution of race and ethnicity by age, nationally

- White
- Black
- Latino
- AAPI
- other or multiple

Population Share

Age of Householder

Source: 2022 ACS and Urban Institute Calculations.

Access to home equity is critical to the financial stability of older homeowners, especially homeowners of color

Home Equity as a Share of Total Wealth

for homeowners 62 and older

home equity to wealth

Source: 2022 Survey of Consumer Finances and Urban Institute Calculations.

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However, they have limited opportunities to extract home equity.

- Black HECMs applicants face higher mortgage denial rates than their white counterparts.

- The main contributors to this denial gap are a lack of collateral and financial resources. Black homeowners are more likely to face these issues due to decades of historical and structural racism in our financial system.

- The lack of financial literacy to understand complicated structures of HECMs also limits the adoption rate.

- In addition, older homeowners are more likely to be denied than younger applicants and more so for forward equity extraction products such as cash-out refinances and home equity lines of credit.

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Aging in place
or
Stuck in place?

Tackling Affordability, Availability, Accessibility

Section 202 Supportive Housing for Elderly Program

Section 504 Home Repair Program

Home Equity Conversion Mortgages (HECMs)

Home Modifications Through Medicaid or Medicare Advantage

Accessory Dwelling Units (ADUs)

Retirement Communities Planning

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Appendix E

Montgomery County, Maryland is a community offering high-quality services and amenities to people of all ages and at all stages of life. According to the County's 2017 Community Livability Report, 90 percent of County residents 55 and older say that Montgomery County is a "good" or "excellent" place to live. The County scores particularly high among older adults in terms of its health services, public safety, and parks and activities. However, only 50 percent of residents 55 and older said that Montgomery County was a good place to retire. And just 25 percent rated the cost of living favorably.i Therefore, despite the high quality of life enjoyed by many residents in Montgomery County, there are challenges to ensuring that people can remain in the County as they age and that the County's opportunities and amenities are available to all older adults, regardless of income. In response to the awareness of the growing older adult population and recognition of the unique housing challenges faced by an aging population, the Montgomery County Planning Department contracted with Lisa Sturtevant & Associates, LLC (LSA) to conduct a study of senior housing in Montgomery County. LSA worked with the George Mason University Center for Regional Analysis and Neighborhood Fundamentals, LLC to update previous studies of senior housing in the County and to provide a thorough assessment of housing needs. Overall, there were four primary objectives of this housing study: 1) To quantify the supply of housing serving older adults in Montgomery County, 2) To document the characteristics of the County's older adult population, 3) To assess current and future demand for senior housing, and 4) To offer high-level recommendations for ways in which the County can be better prepared to meet its growing senior housing needs. This study is based on analyses of quantitative data, as well as a comprehensive review of County program and policy documents, a scan of best practices from around the Washington, D.C. region and the country, and interviews with key stakeholders, including housing and senior advocates, residential developers and property managers, and County staff. The study report is designed to provide information and guidance to County staff and elected leaders as they work to meet the needs of the County's growing older adult population.

https://montgomeryplanning.org/wp-content/uploads/2018/05/Meeting-the-Housing-Needs-of-Older-Adults-in-Montgomery-County-Final_5-18-18.pdf

Appendix F

Montgomery Planning

BRIEFING ON THE MAPPING SEGREGATION PROJECT
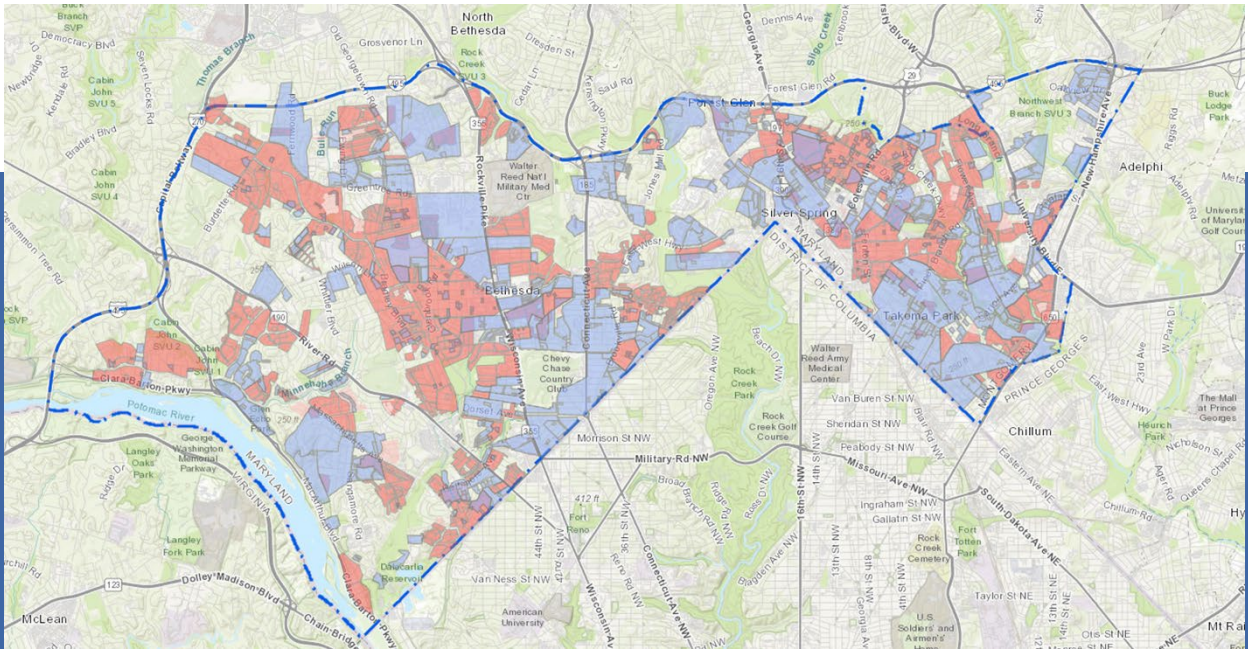
Description

The Planning Board will receive an update on Phase 1 of the Mapping Segregation project to provide comments and feedback to staff.

Completed: November 23, 2022

MCPB
Item No. 10
12-1-2022

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

Montgomeryplanning.org

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📝 Summary:

- Montgomery Planning's Historic Preservation Office and Geographic Information Systems (GIS) teams built a mapping tool that illustrates discriminatory housing practices, historical patterns of segregation, and Black homeownership in the Downcounty Planning Area of Montgomery County. A working draft of the online project mapping tool is now publicly available.

- The scope included an examination of similar projects nationwide and investigation of redlining, racial restrictive covenants, and mortgages refinanced by the Home Owners' Loan Corporation (HOLC) in Montgomery County. As the HOLC "redlining" maps are not available for Washington, D.C. or its environs, the project team focused its efforts on the documentation of racial restrictive covenants which were private contractual agreements that prohibited the sale, rent, lease, or occupation of property based on a person's race, ethnicity, or religious affiliation.

- The research illustrated the wide-spread use of racial restrictive covenants throughout the Downcounty Planning Area. The researchers selectively sampled 1,763 subdivision plats recorded between 1873 and 1952 for racial restrictive covenants. Staff found that properties associated with at least 728 record plats included such covenants (41%). An additional 63 record plats (3.5%) may have included racial restrictive covenants based on historical precedent.

- Various forms of discriminatory housing practices continued in Montgomery County after the Supreme Court's decision in *Shelley v. Kraemer* (1948) found racial restrictive covenants unenforceable by the state. These actions continued to limit opportunities for current and prospective Black residents. The practice of writing racial restrictive covenants into land records was not illegal until the Fair Housing Act (1968).

- Researchers examined 409 loans from the HOLC to Montgomery County Residents. Staff concluded that 400 white residents and seven Black residents financed their mortgages with the HOLC. Two of the property owners' race could not be determined. The limited data suggests that the HOLC provided loans to Black residents of Montgomery County at a lower rate proportional to their share of homeownership.

- Takoma Park is examined as a case study illustrating the impact of racial covenants on the growth and development of the community and its amenities.

- Further opportunities for historical research are summarized in the attached draft project report.

Various forms of legal prejudicial housing practices existed in the United States prior to adoption of the Fair Housing Act (1968), which prohibited discrimination concerning the sale, rental, and financing of housing based on race, religion, national origin, sex, and, as amended, handicap and family status. Institutional racism contributed to the disproportionately and persistently low rates of homeownership and accumulation of housing wealth among Black Americans. In Montgomery County, the private and public sectors channeled racial population growth and influenced the spatial development of the county. These racial population shifts occurred due to the specific actions of land developers, property owners, real estate boards, and the government who used or supported de jure and de facto segregation to limit opportunities for Black Americans and control the development of entire communities.

This study is part of a cohort of recent scholarship that has illuminated the scope of discriminatory housing practices. These practices, including the creation of racial restrictive covenants, were contributors to the persistent wealth gap between Black and white people. Housing discrimination either denied homeownership opportunities to Black people altogether or confined them to isolated neighborhoods where disinvestment and devaluation accumulated.[1]

Beginning in 2021, Montgomery Planning's Historic Preservation Office assisted by the Geographic Information Systems (GIS) Team endeavored to build a mapping tool that illustrated historical patterns of segregation in the Downcounty Planning Area to advance the County's commitment to racial equity. The scope of the inquiry started with an examination of similar projects nationwide and a literature review of discriminatory housing practices. The initial three areas of investigation included redlining, mortgages refinanced by the Home Owners' Loan Corporation (HOLC), and racial restrictive covenants. As research progressed, the project focused on the use of racial restrictive covenants.

The attached draft report presents the historic context regarding discriminatory housing practices in the twentieth century and results of the project team's research and documentation of land records. In addition, the Mapping Segregation Project mapping tool provides public access to the data and analysis recorded by the project team.

The team pursued and expanded upon several topics that were related to the initial scope of work, and some that were tangentially related, but provided detailed information (such as in Takoma Park) that could be replicated for other community-based case studies. The team accomplished the initial project goal to research and map the trend of racial restrictive covenants within the Downcounty Planning Area, and then analyzed property, people, and lender specific information to develop a narrative describing the pervasiveness of racial discrimination in Montgomery County real estate and building practices.

---

[1] Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright Publishing Corporation, 2017).

At this time, the project team is partnering with Research and Strategic Projects Division staff to analyze the legacy of racial restrictive covenants to see if there is any clear correlation with existing racial and demographic profiles of census tracts or other designated areas of the County (such as Equity Focus Areas). This forthcoming research would complete the final portion of the project scope outlined in Phase 1.

The project team will report back to the Planning Board on the results of the research and address any questions or comments from that effort and from this December briefing in early 2023. At that time, the team will finalize the project report to transmit it to the County Council.

The team believes that several important lines of inquiry have been established in this project that can be further developed by historians, academics, the Planning Department, and individuals looking to understand the history of the County. In Phase 2 of the project, for which funding is being requested in FY24, the research methodology of looking to the deed records, loan records, and other primary source documentation could be expanded and broadened geographically to other County planning areas, or could be used for deeper analysis of significant individuals and trends at the community level. A draft scope for Phase 2 will be prepared at the completion of this initial phase.

CONCLUSION

Staff requests that the Planning Board:

1) Review the project mapping tool and the attached project report.
2) Provide comments for staff to address in the next briefing.

ATTACHMENT

Attachment A: Working Draft of the Mapping Segregation Report: Racial Restrictive Covenants, Black Homeownership, and HOLC Loans in the Downcounty Planning Area

Appendix F Attachment A:

Working Draft of the Mapping Segregation Report: Racial Restrictive Covenants, Black Homeownership, and HOLC Loans in the Downcounty Planning Area

https://montgomeryplanning.org/planning/historic/research-and-designation/mapping-segregation-project/

Appendix G

In March 2021, the Montgomery County Council requested that the Montgomery County Planning Board consider zoning reforms to allow opportunities for more diverse housing types in the county; to provide opportunities for public input; and to send recommended zoning modifications to the Council. Subsequently, through the Attainable Housing Strategies initiative (AHS), the Montgomery County Planning Department (Montgomery Planning) studied, reviewed, and refined various housing policy options. This report represents the culmination of this effort by Montgomery Planning, providing the findings of the analyses and presenting the recommendations of the Planning Board, which have also been informed by an extensive stakeholder feedback effort. As requested by the Council, the report identifies zoning reforms that will allow and encourage the creation of a more diverse range of housing typologies across the county. The recommendations in this report should be viewed as a menu of options for the Council to consider, which can be implemented by introducing and adopting relevant zoning or subdivision text amendments that address all or portions of the recommendations. Planning Staff conducted a total of 11 AHS work sessions with the Planning Board, which resulted in the following recommendations.

Here's the link for G: https://montgomeryplanning.org/wp-content/uploads/2024/06/2024-AHS-Final-Report.pdf

APPENDIX H

Links to recent state and county housing legislation

State legislation
Overview:
https://news.maryland.gov/dhcd/2024/04/25/governor-moore-signs-housing-legislation-to-make-maryland-more-affordable/

Housing Innovation Pilot Program and Housing Innovation Fund - Establishment (Housing Innovation Pilot Program Act of 2024) Legislation - HB0007

Renters' Rights and Stabilization Act of 2024:
https://mgaleg.maryland.gov/2024RS/bills/hb/hb0693E.pdf

Property Tax - Credit for Dwelling House of Disabled Veterans - Alterations:
Legislation - HB0063

Housing and Community Development - Affordable Housing - Identifying Suitable Property:
https://mgaleg.maryland.gov/2024RS/bills/hb/hb0283T.pdf

Montgomery County - Housing Opportunities Commission - Alterations MC 3-24:
https://mgaleg.maryland.gov/2024RS/bills/hb/hb0424T.pdf

Land Use – Affordable Housing – Zoning Density and Permitting (Housing Expansion and Affordability Act of 2024):
https://mgaleg.maryland.gov/2024RS/bills/hb/hb0538E.pdf

County:
Bill 7-24 Landlord-Tenant Relations - Tenant Protection and Notification
Stewart; Balcombe, Sayles, Katz, Mink, Albornoz, Jawando, Glass, Friedson

Bill 6-24 Property Tax Credit – Disabled Veterans
Fani-Gonzalez Friedson, Balcombe, Luedtke, Albornoz, Katz, Sayles

Bill 38-23E Tenant Displacement – Right of First Refusal to Buy Rental Housing – Amendments
Council President at the Request of the County Executive
Enacted

ZTA 24-01
https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/20240116_1A.pdf