

Bill No. 38-02  
Concerning: Moderately Priced Dwelling  
Units - Optional Construction  
Revised: 1-31-03 Draft No. 2  
Introduced: December 3, 2002  
Enacted: February 4, 2003  
Executive: February 17, 2003  
Effective: May 19, 2003  
Sunset Date: None  
Ch. 1, Laws of Mont. Co. 2003

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President Silverman

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### AN ACT to:

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

By amending

Montgomery County Code  
Chapter 25A, Housing, Moderately Priced  
[[Section]] Sections 25A-2 and 25A-5

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

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

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**Sec. 1. Sections 25A-2 and 25A-5 ~~[[is]]~~ are amended as follows:**

**25A-2. Declaration of public policy.**

\* \* \*

The County Council hereby declares it to be the public policy of the County to:

\* \* \*

- (5) Require that all subdivisions of ~~[[50]]~~ 35 or more dwelling units include a minimum number of moderately priced units of varying sizes with regard to family needs, and encourage subdivisions with fewer than 35 units to do the same;

\* \* \*

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

\* \* \*

- (m) Nothing in this Chapter prohibits an applicant from voluntarily building ~~[[one or more]]~~ MPDUs, as calculated under subsection (c), in a development with ~~[[at least 20 but]]~~ fewer than 35 dwelling units at one location, and in so doing from qualifying for an optional method of development under Chapter 59. A development with ~~[[at least 20 but]]~~ fewer than 35 dwelling units where an applicant voluntarily builds MPDUs must comply with any procedures and development standards that apply to a larger development under this Chapter and Chapter 59. Subsection (e) and Section 25A-6(b) do not apply to an applicant who voluntarily builds MPDU's under this subsection and in so doing qualifies for an optional method of development.

26 *Approved:*

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28 /s/

2/4/03

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Michael L. Subin, President, County Council

Date

29 *Approved:*

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31 /s/

2/17/03

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Douglas M. Duncan, County Executive

Date

32 *This is a correct copy of Council action.*

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34 /s/

2/20/03

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Mary A. Edgar, CMC, Clerk of the Council

Date