COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Silverman

AN EXPEDITED ACT to:
(1) modify the membership of the MPDU Alternative Review Committee, and allow the members to be represented by designees;
(2) allow certain eligibility standards for buyers and tenants of age-restricted moderately priced dwelling units, and rent levels for those units, to be modified by regulation;
(3) clarify the applicability of certain requirements to build MPDUs in developments with 20 or more but fewer than 50 dwelling units; and
[(2)] (4) correct technical errors in and generally amend County law governing the moderately priced dwelling unit program.

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

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. [[Section 25A-5A is]] Sections 25A-4, 25A-5, 25A-5A, and 25A-7 are amended as follows:


(a) The County Executive must set and annually revise standards of eligibility for the MPDU program by regulation. These standards must specify moderate-income levels for varying sizes of households which will qualify a person or household to buy or rent an MPDU. The Executive must set different income eligibility standards for buyers and renters. The Executive may set different income eligibility standards for buyers and renters of higher-cost or age-restricted housing, as defined by regulation.

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(d) (1) Notwithstanding subsection (c), the Director may allow fewer or no MPDUs to be built in a development with more than 20 but fewer than 50 units at one location if the Planning Board, in reviewing a subdivision or site plan submitted by the applicant and based on the lot size, product type, and other elements of the plan as submitted, finds that [[building the required number of MPDUs]] achieving a bonus density of 20 percent or more at that location:

(A) would not allow compliance with applicable environmental standards and other regulatory requirements, or

(B) would significantly reduce neighborhood compatibility.
(2) If the Planning Board approves a density bonus of at least 20 percent for a development which consists of 20 or more but fewer than 50 units at one location, the number of MPDU’s required must be governed by subsection (c) unless the formula in subsection (c) would not allow the development to have one bonus market rate unit. In that case, the Board must reduce the required number of MPDU’s by one unit and approve an additional market rate unit.

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(m) Nothing in this Chapter prohibits an applicant from voluntarily building MPDUs, as calculated under subsection (c), in a development with fewer than [[35]] 20 dwelling units at one location, and in so doing from qualifying for an optional method of development under Chapter 59. A development with fewer than [[35]] 20 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. Sections 25A-5A, 25A-5B, and 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.

25A-5A. Alternative payment agreement.

(a) The Director may approve an MPDU agreement that allows an applicant, instead of building some or all of the required number of MPDUs in the proposed subdivision, to pay to the Housing Initiative Fund an amount computed under subsection (b), only if an Alternative Review Committee composed of the Director, the Commission’s
Executive Director, and the [Chair of the] Director of Park and Planning [Board], or their respective designees, by majority vote finds that:

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(b) Rents.

(1) The rent, including parking but excluding utilities when they are paid by the tenant, for any MPDU must not exceed a maximum rent for the dwelling unit set by Executive regulations. Different rents must be set for units when utility costs are paid by the owner and included in the rent. Different rents may be set for age-restricted units. Different rents also may be set for high-rise rental units, but those rents must not apply unless the Director finds that no other reasonable means is available to finance the building of all required MPDUs at a specific development.

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Sec. 2. Expedited Effective Date.

The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect as of April 1, 2005.

Approved:

5/20/05

Thomas E. Perez, President, County Council

Date

Approved:

5/20/05

Douglas M. Duncan, County Executive

Date
This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council  
6/5/05

Date