

Expedited Bill No. 4-05  
Concerning: Moderately Priced Dwelling  
Units –Amendments  
Revised: 5-9-05 Draft No. 4  
Introduced: April 5, 2005  
Enacted: May 18, 2005  
Executive: May 28, 2005  
Effective: April 1, 2005  
Sunset Date: None  
Ch. 4, Laws of Mont. Co. 2005

## 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  
[[Section]] Sections 25A-4, 25A-5, 25A-5A, and 25A-7

<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:*

1           **Sec. 1. [[Section 25A-5A is]] Sections 25A-4, 25A-5, 25A-5A, and 25A-7**

2           **are amended as follows:**

3           **25A-4.       Income and eligibility standards.**

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

12   \*       \*       \*

13           **25A-5.       Requirement to build MPDU's; agreements.**

14   \*       \*       \*

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

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

26                       (B)       would significantly reduce neighborhood compatibility.

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

35 \* \* \*

36 (m) Nothing in this Chapter prohibits an applicant from voluntarily building  
 37 MPDUs, as calculated under subsection (c), in a development with  
 38 fewer than ~~[[35]]~~ 20 dwelling units at one location, and in so doing from  
 39 qualifying for an optional method of development under Chapter 59. A  
 40 development with fewer than ~~[[35]]~~ 20 dwelling units where an  
 41 applicant voluntarily builds MPDUs must comply with any procedures  
 42 and development standards that apply to a larger development under  
 43 this Chapter and Chapter 59. Sections 25A-5A, 25A-5B, and 25A-6(b)  
 44 do not apply to an applicant who voluntarily builds MPDU's under this  
 45 subsection and in so doing qualifies for an optional method of  
 46 development.

47 **25A-5A. Alternative payment agreement.**

48 (a) The Director may approve an MPDU agreement that allows an  
 49 applicant, instead of building some or all of the required number of  
 50 MPDUs in the proposed subdivision, to pay to the Housing Initiative  
 51 Fund an amount computed under subsection (b), only if an Alternative  
 52 Review Committee composed of the Director, the Commission's

53 Executive Director, and the [Chair of the] Director of Park and Planning  
54 [Board], or their respective designees, by majority vote finds that:

55 \* \* \*

56 **25A-7. Maximum prices and rents.**

57 \* \* \*

58 (b) *Rents.*

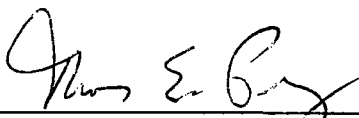
59 (1) The rent, including parking but excluding utilities when they are  
60 paid by the tenant, for any MPDU must not exceed a maximum  
61 rent for the dwelling unit set by Executive regulations. Different  
62 rents must be set for units when utility costs are paid by the  
63 owner and included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

68 \* \* \*

69 **Sec. 2. Expedited Effective Date.**

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

72 *Approved:*

73   
74 \_\_\_\_\_  
Thomas E. Perez, President, County Council Date 5/20/05

75 *Approved:*

76 \_\_\_\_\_  
77   
Douglas M. Duncan, County Executive Date 5/20/05

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

79

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*Linda M. Lauer*

*6/5/05*

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Linda M. Lauer, Clerk of the Council

Date