

Bill No. 13-07
Concerning: Moderately Priced Dwelling
Units - Amendments
Revised: 6-22-07 Draft No. 2
Introduced: June 26, 2007
Expires: December 26, 2008
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Leventhal

AN ACT to:

- (1) allow the Director of the Department of Housing and Community Affairs to set aside certain specially equipped moderately priced dwelling units for eligible disabled persons;
- (2) repeal the authority of the Director to allow an applicant to pay into the Housing Initiative Fund instead of building some or all of the required moderately priced dwelling units in a proposed subdivision; and
- (3) generally amend County law governing the moderately priced dwelling unit program.

By amending

Montgomery County Code
Chapter 25A, Housing, Moderately Priced
Sections 25A-4 and 25A-5

By repealing

Section 25A-5A

Boldface	<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:

28 development with fewer than 20 dwelling units where an applicant
29 voluntarily builds MPDUs must comply with any procedures and
30 development standards that apply to a larger development under this
31 Chapter and Chapter 59. Sections [25A-5A,] 25A-5B[,] and 25A-6(b)
32 do not apply to an applicant who voluntarily builds MPDU's under this
33 subsection and in so doing qualifies for an optional method of
34 development.

35 **[25A-5A. Alternative payment agreement.**

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

43 (1) either:

44 (A) an indivisible package of services and facilities available to
45 all residents of the proposed subdivision would cost
46 MPDU buyers so much that it is likely to make the
47 MPDUs effectively unaffordable by eligible buyers; or

48 (B) environmental constraints at a particular site would render
49 the building of all required MPDUs at that site
50 economically infeasible; and

51 (2) the public benefit of additional affordable housing outweighs the
52 value of locating MPDUs in each subdivision throughout the
53 County, and accepting the payment will further the objective of
54 providing a broad range of housing opportunities throughout the

55 County.

56 (b) Any payment to the Housing Initiative Fund under this Section must
57 equal or exceed 125% of the imputed cost of land for each unbuilt
58 MPDU. Except as further defined by Executive regulation, the imputed
59 land cost must be calculated as 10% (for high-rise units) or up to 30%
60 (for all other housing units) of the actual sale price charged for each
61 substituted unit. If the substituted unit will be a rental unit, the Director
62 must calculate an imputed sale price under applicable regulations, based
63 on the rent actually charged.

64 (c) Any payment to the Housing Initiative Fund under this Section may be
65 used only to buy or build more MPDUs in the same planning policy
66 area (as defined in the County Growth Policy) as the development for
67 which the payment was made, and must not be used to reduce the
68 annual County payment to the Fund.

69 (d) Any subdivision for which a payment is made under this Section is not
70 eligible for any density bonus for which it would otherwise be eligible
71 under Chapter 59.]

72 *Approved:*

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Marilyn J. Praisner, President, County Council

Date

75 *Approved:*

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77

Isiah Leggett, County Executive

Date

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

79

Linda M. Lauer, Clerk of the Council

Date