

**MEMORANDUM**

TO: County Council

FROM: Michael Faden, Senior Legislative Attorney

SUBJECT: **Public Hearing:** Bill 37-12, Housing – Capital Improvements Program – Affordable Housing Assessment

Bill 37-12, Housing – Capital Improvements Program – Affordable Housing Assessment, sponsored by then Council President Berliner and Councilmembers Riemer, Ervin, Floreen, Leventhal, and Andrews, Council President Navarro and Council Vice-President Rice, was introduced on November 27, 2012. A Planning, Housing and Economic Development Committee worksession is tentatively scheduled for January 17, 2013 at 2 p.m.

Bill 37-12 would require the Office of Management and Budget to submit an affordable housing assessment with certain capital projects proposed in the County Capital Improvements Program. The purpose of the assessment is to advise the Council whether each proposed project should include an affordable housing element.

This packet contains:	<u>Circle #</u>
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Bill No. 37-12  
 Concerning: Capital Improvements  
Program – Affordable Housing  
Assessment  
 Revised: 11-15-12 Draft No. 4  
 Introduced: November 27, 2012  
 Expires: May 27, 2014  
 Enacted: \_\_\_\_\_  
 Executive: \_\_\_\_\_  
 Effective: \_\_\_\_\_  
 Sunset Date: \_\_\_\_\_  
 Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Berliner, Riemer, Ervin, Floreen, Leventhal, Andrews, Council President  
 Navarro and Council Vice-President Rice

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**AN ACT** to:

- (1) require the Office of Management and Budget to submit affordable housing assessments with certain capital projects in the Capital Improvements Program;
- (2) authorize the Council to require other County departments and agencies to supplement the assessments furnished by the Office of Management and Budget; and
- (3) generally amend County law regarding the analysis of capital projects.

By amending

Montgomery County Code  
 Chapter 25B, Housing Policy  
 Section 25B-7

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<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 25B-7 is amended as follows:**

2   **25B-7.        [Reserved] Affordable housing assessment.**

3           (a)   For each applicable capital project in the Capital Improvements  
4           Program, the Office of Management and Budget must include in or  
5           transmit with the CIP an analysis of:

6           (1)   the feasibility of including a significant amount of affordable  
7           housing in the project;

8           (2)   the effect of the project on the supply of affordable housing in the  
9           immediate area; and

10          (3)   what capital or operating modifications, if any, would promote  
11          and maximize affordable housing in the project and the  
12          immediate area.

13          (b)   The affordable housing analysis submitted by OMB should discuss at  
14          least the following issues related to the capital project:

15          (1)   compatibility of affordable housing with the underlying project;

16          (2)   conformity of affordable housing to applicable zoning and land  
17          use plans;

18          (3)   proximity to public transit, and availability of other transportation  
19          options; and

20          (4)   proximity to other community services.

21          (c)   As used in this section, applicable capital project means any building  
22          project administered by the Department of General Services or the  
23          Parking Management Division of the Department of Transportation.

24          (d)   In performing its analysis, OMB should consult the Department of  
25          Housing and Community Affairs, the Planning Board, and any other  
26          County department or agency with expertise in affordable housing.

27 (e) The Council may by resolution exempt from this Section a category of  
28 capital projects which by their nature do not require an affordable  
29 housing analysis.

30 *Approved:*

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Nancy Navarro, President, County Council

Date

32 *Approved:*

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Isiah Leggett, County Executive

Date

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

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Linda M. Lauer, Clerk of the Council

Date

## LEGISLATIVE REQUEST REPORT

Bill 37-12

*Housing – Capital Improvements Program – Affordable Housing*

**DESCRIPTION:** Requires the Office of Management and Budget to submit an affordable housing assessment with certain capital projects proposed in the County Capital Improvements Program. The purpose of the assessment is to advise the Council whether each proposed project should include an affordable housing element

**PROBLEM:** The potential for including an affordable housing element in each County Capital Improvements Program projects is not routinely assessed.

**GOALS AND OBJECTIVES:** To find more County projects that could feasibly include an affordable housing element.

**COORDINATION:** Office of Management and Budget, Department of Housing and Community Affairs, Planning Board

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Michael Faden, Senior Legislative Attorney, 240-777-7905

**APPLICATION WITHIN MUNICIPALITIES:** Applies only to County Capital Improvements Program.

**PENALTIES:** Not applicable