

PROPOSED

AMENDED
November 6 and 20, 2023
December 4, 2023

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 17

Bill No. 78-23

Introduced by Mr. Smith, Chair
(by request of the County Executive)

By the County Council, October 2, 2023

Introduced and first read on October 2, 2023
Public Hearing set for and held on November 6, 2023
Public Hearing on AMENDED bill set for and held on November 20, 2023
Public Hearing on SECOND AMENDED bill set for and held on December 4, 2023
Public Hearing on THIRD AMENDED bill set for December 18, 2023
Bill Expires January 5, 2024

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Subdivision and
2 Development – Zoning – Essential Worker Housing Access Act of 2023
3

4 FOR the purpose of modifying fees paid into the Housing Trust Special Revenue Fund;
5 exempting moderately priced dwelling units by a certain percentage from capital
6 facility connection charges; applying prior provisions to applications and permits filed
7 before a certain date; modifying the requirements for a sketch plan application, final
8 plan application, and site development plan; exempting moderately priced dwelling
9 units from development impact fees; adopting new Title 12, entitled “Moderately
10 Priced Dwelling Units” in the Subdivision and Development Article of the Code;
11 defining certain terms; providing for the applicability of the new Title; requiring the
12 establishment of moderately priced dwelling units in certain residential developments;
13 allowing for payment of a fee in lieu of providing moderately priced dwelling units
14 under certain circumstances; requiring an application and agreement with specified
15 terms for a residential development required to include moderately priced dwelling
16 units; providing for the applicability and modification of bulk regulations; establishing
17 eligibility requirements for purchase or rental of moderately priced dwelling units;
18 providing a method for establishing sale and rental prices for moderately priced
19 dwelling units; providing the method of initial and subsequent sale and rental of

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 moderately priced dwelling units; requiring income review and information for
2 continued eligibility to rent moderately priced dwelling units; providing for notice and
3 disposition of proceeds from foreclosure proceedings related to moderately priced
4 dwelling units; requiring covenants for moderately priced dwelling units; permitting
5 bulk transfers of moderately priced dwelling units under certain circumstances;
6 providing for the conversion of rental moderately priced dwelling unit to
7 condominiums or cooperatives; permitting the program administrator to waive certain
8 requirements of the new Title under certain conditions; providing a right of appeal;
9 requiring the program administrator to report certain information to the County
10 Executive and County Council; providing for a density bonus for developments
11 containing moderately priced dwelling units under certain circumstances; exempting
12 certain residential development started before a certain date from the provisions of this
13 Ordinance; providing for a delayed effective date; and generally relating to finance,
14 taxation, and budget, subdivision and development, and zoning.

15
16 BY repealing and reenacting, with amendments: §§ 4-11-124(a); 17-2-101(b)(16) and (17);
17 17-3-201(c)(10) and (11); 17-3-301(c)(11) and (12); and 17-11-203(c)(1)(vii) and (viii)
18 Anne Arundel County Code (2005, as amended)

19
20 BY renumbering: §§ 17-4-202(b)(27) through (38) to be 17-4-202(b)(28) through (39)
21 Anne Arundel County Code (2005, as amended)

22
23 BY adding: §§ 13-5-813(k)(3); 17-2-101(b)(18); 17-3-201(c)(12); 17-3-301(c)(13); 17-4-
24 202(b)(27); 17-11-203(c)(1)(ix); 17-12-101 through ~~17-12-115~~ 17-12-116 to be under
25 the new title, “Title 12. Moderately Priced Dwelling Units”; and 18-12-701 to be under
26 the new subtitle, “Subtitle 7. Moderately Priced Dwelling Units”
27 Anne Arundel County Code (2005, as amended)

28
29 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
30 That §§ 17-4-202(b)(27) through (38) of the Anne Arundel County Code (2005, as
31 amended) are hereby renumbered to be 17-4-202(b)(28) through (39), respectively.

32
33 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
34 Code (2005, as amended) read as follows:

35
36 **ARTICLE 4. FINANCE, TAXATION, AND BUDGET**

37
38 **TITLE 11. BUDGET**

39
40 **4-11-124. Housing Trust Special Revenue Fund.**

41
42 (a) **Fund established.** There is a Housing Trust Special Revenue Fund into which shall
43 be paid the revenue attributable to:

44
45 (1) any real property transfer tax rate levied under § 4-3A-101(c)(2) of this Code in
46 excess of the revenue that would be derived from the real property transfer tax rate levied
47 under § 4-3A-101(c)(1); ~~[[and]]~~

1 (2) any special recordation tax rate in excess of the generally applicable rate that is
2 levied on an instrument of writing for which the consideration payable or the principal
3 amount of debt secured is \$1,000,000 or more; AND

4
5 (3) ANY FEE IN LIEU OR OTHER PAYMENTS UNDER TITLE 12 OF ARTICLE 17 OF THIS
6 CODE.

7 **ARTICLE 13. PUBLIC WORKS**

8
9 **TITLE 5. UTILITIES**

10
11 **13-5-813. Water and wastewater system connection charges and assessments.**

12
13 **(k) Properties exempt from all or part of capital facility connection charges.**

14
15 (3) MODERATELY PRICED DWELLING UNITS ARE EXEMPT FROM 50% OF THE
16 CAPITAL FACILITY CONNECTION CHARGES.

17
18 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

19
20 **TITLE 2. GENERAL PROVISIONS**

21
22 **17-2-101. Scope; applicability.**

23
24 **(b) Applicability to pending and future proceedings.** Subject to the grandfathering
25 provisions of COMAR Title 27, this article applies to all pending and future proceedings
26 and actions of any board, department, or agency empowered to decide applications under
27 this Code, except that:

28
29 (15) an application for sketch plan approval, final plan approval, preliminary plan
30 approval, or approval of a building or grading permit associated with a BRAC Mixed Use
31 Development plan that was filed before December 15, 2022 shall be governed by the law
32 as it existed prior to June 27, 2022; [[and]]

33
34 (16) an application for approval of a sketch plan or final plan for a cluster
35 development, and any building permit, grading permit, or other application associated with
36 a cluster development, filed before November 25, 2022 shall be governed by the law as it
37 existed prior to November 25, 2022; AND

38
39 (17) AN APPLICATION FOR A SKETCH PLAN, PRELIMINARY PLAN, FINAL PLAN, OR
40 BUILDING PERMIT ASSOCIATED WITH A PROPOSED DEVELOPMENT THAT WILL CONTAIN
41 RESIDENTIAL DWELLING UNITS, FILED BEFORE JULY 1, 2024 SHALL BE GOVERNED BY THE
42 LAW AS IT EXISTED PRIOR TO JULY 1, 2024.

43
44 **TITLE 3. SUBDIVISION**

45
46 **17-3-201. Sketch plan application.**

47
48 **(c) Attachments.** A sketch plan shall be accompanied by all information required by
49 the Office of Planning and Zoning and the Department of Inspections and Permits,
50 including to the extent applicable:

1 (10) an equivalent dwelling unit (EDU) worksheet; [[and]]

2
3 (11) a copy of a summary of comments received at the pre-submission community
4 meeting; an affidavit signed by the developer or other evidence acceptable to the Office of
5 Planning and Zoning to prove that a community meeting was held and that a copy of the
6 summary of comments was mailed to each participant at the pre-submission community
7 meeting, to all lot owners within 300 feet of the property to be subdivided, and to the
8 County Councilmember of the Councilmanic District where the property is located and, if
9 the property abuts another Councilmanic District, to that County Councilmember; AND

10
11 (12) A MODERATELY PRICED DWELLING UNIT WORKSHEET FORMULATED BY THE
12 ADMINISTRATOR, AS THAT TERM IS DEFINED IN § 17-12-101, THAT INCLUDES, AT A
13 MINIMUM, THE NUMBER AND TYPES OF MODERATELY PRICED DWELLING UNITS THAT
14 WILL BE OFFERED FOR SALE OR RENTAL, WHICH SHALL BE SUBMITTED TO THE
15 ADMINISTRATOR AND APPROVED BY THE ADMINISTRATOR AS A CONDITION OF THE
16 SKETCH PLAN APPLICATION APPROVAL.

17
18 **17-3-301. Final plan application.**

19
20 (c) **Attachments.** A final plan shall be accompanied by all information required by the
21 Office of Planning and Zoning and the Department of Inspections and Permits, including
22 to the extent applicable:

23
24 (11) a proposed record plat; [[and]]

25
26 (12) a digital copy of the proposed record plat or the fee for digital conversion of a
27 proposed record plat; AND

28
29 (13) IDENTIFICATION OF EACH LOT THAT WILL CONTAIN A MODERATELY PRICED
30 DWELLING UNIT, AND A NOTATION THAT USE OF EACH LOT IS SUBJECT TO THE RECORDED
31 AGREEMENT REQUIRED BY § 17-12-104(B).

32
33 **TITLE 4. SITE DEVELOPMENT PLANS**

34
35 **17-4-202. Site development plan.**

36
37 (b) **Contents.** A site development plan shall be on a 24" x 36" sheet at a scale that is
38 no greater than 1" = 40' and no smaller than 1" = 60' and shall contain all information
39 required by the Office of Planning and Zoning and the Department of Inspections and
40 Permits. The information ordinarily shall include:

41
42 (27) IDENTIFICATION OF EACH LOT THAT WILL CONTAIN A MODERATELY PRICED
43 DWELLING UNIT, AND A NOTATION THAT USE OF EACH LOT IS SUBJECT TO THE RECORDED
44 AGREEMENT REQUIRED BY § 17-12-104(B);

45
46 **TITLE 11. FEES AND SECURITY**

47
48 **17-11-203. Who must pay fees.**

49
50 (c) **Exemptions.**

1 (1) Subject to the conditions set forth in paragraphs (2) and (3) of this subsection,
2 the following shall be exempt from impact fees:

3
4 (vii) facilities for Anne Arundel Community College on property owned by or
5 leased to Anne Arundel Community College; ~~[[and]]~~

6
7 (viii) accessory dwelling units, provided that the accessory dwelling unit is not
8 constructed during the new construction of a principal single-family detached dwelling~~[[.]];~~
9 AND

10
11 (IX) MODERATELY PRICED DWELLING UNITS UNDER TITLE 12 OF THIS ARTICLE.

12
13 **TITLE 12. MODERATELY PRICED DWELLING UNITS**

14
15 **17-12-101. Definitions.**

16
17 IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

18
19 (1) “ADMINISTRATOR” MEANS THE COMMUNITY SERVICE ENTITY WITH WHICH THE
20 COUNTY HAS AN AGREEMENT PURSUANT TO § 3-5-102 OF THIS CODE TO ADMINISTER THE
21 MODERATELY PRICED DWELLING UNIT PROGRAM FOR THE COUNTY AS PROVIDED IN THIS
22 TITLE.

23
24 (2) “APPLICANT” MEANS A PERSON OR ENTITY THAT SUBMITS AN APPLICATION TO
25 DEVELOP:

26
27 (I) 10 OR MORE DWELLING UNITS AT ONE LOCATION IN ONE OR MORE
28 DEVELOPMENTS OR REDEVELOPMENTS, PARTS OF DEVELOPMENTS OR
29 REDEVELOPMENTS, OR PHASES OF DEVELOPMENTS OR REDEVELOPMENTS; OR

30
31 (II) 9 OR LESS DWELLING UNITS AT ONE LOCATION IN ONE OR MORE
32 DEVELOPMENTS OR REDEVELOPMENTS, PARTS OF DEVELOPMENTS OR
33 REDEVELOPMENTS, OR PHASES OF DEVELOPMENTS OR REDEVELOPMENTS IF THE PERSON
34 OR ENTITY VOLUNTARILY SUBJECTS THE DEVELOPMENT OR REDEVELOPMENT TO THE
35 TERMS OF THIS TITLE.

36
37 (3) “BMSA” MEANS THE BALTIMORE METROPOLITAN STATISTICAL AREA.

38
39 (4) “CERTIFICATE OF ELIGIBILITY” MEANS A CERTIFICATE PROVIDED TO AN
40 ELIGIBLE PERSON THAT INDICATES THE PERSON MEETS THE ELIGIBILITY REQUIREMENTS
41 OF § 17-12-106.

42
43 (5) “CLOSING COSTS” MEANS STATUTORY CHARGES FOR TRANSFERRING TITLE,
44 FEES FOR OBTAINING NECESSARY FINANCING, TITLE EXAMINATION FEES, TITLE
45 INSURANCE PREMIUMS, HOUSE LOCATION SURVEY CHARGES, AND FEES FOR
46 PREPARATION OF LOAN DOCUMENTS AND DEED OF CONVEYANCE.

47
48 (6) “CONSUMER PRICE INDEX” MEANS THE LATEST PUBLISHED VERSION OF THE
49 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U) OF THE U.S. DEPARTMENT
50 OF LABOR FOR THE BALTIMORE STATISTICAL METROPOLITAN AREA, OR ANY SIMILAR
51 INDEX SELECTED BY THE ADMINISTRATOR.

52
53 (7) “CONTROL PERIOD” MEANS:

54
55 (I) FOR UNITS INTENDED FOR OWNERSHIP, A 20-YEAR PERIOD COMMENCING ON
56 THE DATE OF ORIGINAL SALE IN WHICH A MODERATELY PRICED DWELLING UNIT IS

1 SUBJECT TO EITHER RESALE PRICE CONTROLS OR OWNER OCCUPANCY REQUIREMENTS
2 PROVIDED IN THIS TITLE; AND

3
4 (II) FOR UNITS INTENDED FOR RENTAL, A 40-YEAR PERIOD COMMENCING ON
5 THE DATE OF ORIGINAL RENTAL IN WHICH A MODERATELY PRICED DWELLING UNIT IS
6 SUBJECT TO EITHER MAXIMUM RENTAL LIMITS OR RENTAL OCCUPANCY REQUIREMENTS
7 PROVIDED IN THIS TITLE.

8
9 (8) "DATE OF ORIGINAL SALE" MEANS THE DATE OF SETTLEMENT FOR THE INITIAL
10 PURCHASE OF A MODERATELY PRICED DWELLING UNIT.

11
12 (9) "DATE OF ORIGINAL RENTAL" MEANS THE EFFECTIVE DATE OF THE FIRST LEASE
13 AGREEMENT FOR A MODERATELY PRICED DWELLING UNIT.

14
15 (10) "DWELLING UNIT" HAS THE MEANING STATED IN § 18-1-101 OF THIS CODE.

16
17 (11) "ELIGIBLE HOUSEHOLD" MEANS A HOUSEHOLD WHOSE INCOME QUALIFIES
18 THE HOUSEHOLD TO PARTICIPATE IN THE MODERATELY PRICED DWELLING UNIT
19 PROGRAM, AND WHO HOLDS A VALID CERTIFICATE OF ELIGIBILITY FROM THE
20 ADMINISTRATOR THAT ENTITLES THE HOUSEHOLD TO BUY OR RENT A MODERATELY
21 PRICED DWELLING UNIT.

22
23 (12) "GROSS HOUSEHOLD INCOME" MEANS THE SALARIES, INTEREST ON SAVINGS
24 AND CHECKING ACCOUNTS, SOCIAL SECURITY BENEFITS, UNEMPLOYMENT INSURANCE,
25 PENSION AND RETIREMENT BENEFITS, DISABILITY BENEFITS, INCOME FROM REAL ESTATE
26 OR OTHER INVESTMENTS, AND INCOME FROM BUSINESS ENTITIES OR PARTNERSHIPS OF
27 ALL ADULTS OVER 18 YEARS OF AGE THAT RESIDE IN A HOUSEHOLD.

28
29 (13) "HOUSEHOLD" MEANS THE INDIVIDUALS WHO INTEND TO LIVE TOGETHER IN
30 A MODERATELY PRICED DWELLING UNIT.

31
32 (14) "HOUSING TRUST SPECIAL REVENUE FUND" MEANS THE FUND ESTABLISHED
33 UNDER § 4-11-124 OF THIS CODE.

34
35 (15) "MARKET RATE UNIT" MEANS A DWELLING UNIT IN A REGULATED
36 DEVELOPMENT OTHER THAN A MODERATELY PRICED DWELLING UNIT.

37
38 (16) "MODERATELY PRICED DWELLING UNIT" MEANS A DWELLING UNIT IN A
39 REGULATED DEVELOPMENT THAT IS OFFERED FOR SALE OR RENT TO ELIGIBLE
40 HOUSEHOLDS THROUGH THE ADMINISTRATOR IN ACCORDANCE WITH THE
41 REQUIREMENTS OF THIS TITLE.

42
43 (17) "REGULATED DEVELOPMENT" MEANS DEVELOPMENT SUBJECT TO § 17-12-102.

44
45 (18) "SINGLE-FAMILY DETACHED DWELLING" HAS THE MEANING STATED IN § 18-1-
46 101 OF THIS CODE.

47
48 **17-12-102. Applicability.**

49
50 (A) **Applicability.** EXCEPT AS PROVIDED IN SUBSECTION, (B), THIS TITLE APPLIES TO:

51
52 (1) A DEVELOPMENT WITH A RESIDENTIAL COMPONENT, THAT PERMITS THE
53 CONSTRUCTION OF A TOTAL OF 10 OR MORE DWELLING UNITS;

54
55 (2) REHABILITATION OF AN EXISTING MULTIFAMILY RESIDENTIAL STRUCTURE
56 THAT INCREASES THE NUMBER OF DWELLING UNITS IN THE STRUCTURE BY A TOTAL OF
57 10 OR MORE DWELLING UNITS;

1 (3) CONVERSION OF A RENTAL PROPERTY TO A CONDOMINIUM OR COOPERATIVE
2 THAT INCREASES THE NUMBER OF DWELLING UNITS BY A TOTAL OF 10 OR MORE
3 DWELLING UNITS;

4
5 (4) A DEVELOPMENT THAT WILL CHANGE THE USE OF AN EXISTING BUILDING
6 FROM A NON-RESIDENTIAL USE TO A RESIDENTIAL USE THAT WILL CONTAIN A TOTAL OF
7 10 OR MORE DWELLING UNITS; AND

8
9 (5) A DEVELOPMENT CONTAINING FEWER THAN 10 DWELLING UNITS THAT AN
10 APPLICANT VOLUNTARILY SUBJECTS TO THE TERMS OF THIS TITLE.

11
12 **(B) Exceptions.** THIS TITLE DOES NOT APPLY TO:

13
14 (1) A DEVELOPMENT THAT:

15
16 (I) IS FINANCED UNDER LOCAL, STATE, OR FEDERAL FINANCING PROGRAMS,
17 INCLUDING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
18 PROGRAMS, MARYLAND COMMUNITY DEVELOPMENT ADMINISTRATION RENTAL
19 PROGRAMS, AND LOW INCOME HOUSING TAX CREDITS; AND

20
21 (II) PROVIDES AN EQUAL OR GREATER NUMBER OF INCOME-RESTRICTED
22 AFFORDABLE UNITS THAN WOULD BE REQUIRED BY THIS TITLE;

23
24 (2) A DEVELOPMENT FINANCED OR DEVELOPED BY ARUNDEL COMMUNITY
25 DEVELOPMENT SERVICES, INC. THAT PROVIDES AN EQUAL OR GREATER NUMBER OF
26 INCOME-RESTRICTED AFFORDABLE UNITS THAN WOULD BE REQUIRED BY THIS TITLE;

27
28 (3) WORKFORCE HOUSING UNDER TITLE 10 OF ARTICLE 18 OF THIS CODE; AND

29
30 (4) HOUSING FOR ELDERLY OF MODERATE MEANS UNDER TITLE 10 OF ARTICLE 18
31 OF THIS CODE.

32
33 **17-12-103. Establishment of moderately priced dwelling units.**

34
35 **(A) Ten to nineteen dwelling units.** ~~IF A REGULATED DEVELOPMENT WILL CONTAIN~~
36 ~~NOT LESS THAN 10 NOR MORE THAN 19 DWELLING UNITS, AN APPLICANT SHALL EITHER:~~

37
38 (1) THIS SUBSECTION DOES NOT APPLY TO A SINGLE-FAMILY DETACHED
39 DWELLING THAT IS LOCATED IN AN RA, RLD, R1, R2, OR R5 ZONING DISTRICT.

40
41 (2) IF A REGULATED DEVELOPMENT WILL CONTAIN NOT LESS THAN 10 NOR MORE
42 THAN 19 DWELLING UNITS, AN APPLICANT SHALL EITHER:

43
44 ~~(1)~~ (I) MAKE A CONTRIBUTION TO THE HOUSING TRUST SPECIAL REVENUE
45 FUND IN ACCORDANCE WITH § 17-12-105(D); OR

46
47 ~~(2)~~ (II) DESIGNATE NOT LESS THAN ~~10%~~ 15% OF EACH TYPE OF DWELLING UNIT
48 OFFERED FOR SALE AND NOT LESS THAN 15% OF EACH TYPE OF DWELLING UNIT OFFERED
49 FOR RENTAL IN THE DEVELOPMENT AS MODERATELY PRICED DWELLING UNITS THAT
50 MEET THE REQUIREMENTS OF THIS TITLE.

51
52 **(B) Twenty or more dwelling units.** ~~IF A REGULATED DEVELOPMENT WILL CONTAIN~~
53 ~~20 OR MORE DWELLING UNITS, AN APPLICANT SHALL DESIGNATE NOT LESS THAN 10% 15%~~
54 ~~OF EACH TYPE OF DWELLING UNIT OFFERED FOR SALE AND NOT LESS THAN 15% OF EACH~~
55 ~~TYPE OF DWELLING UNIT OFFERED FOR RENTAL IN THE DEVELOPMENT AS MODERATELY~~
56 ~~PRICED DWELLING UNITS THAT MEET THE REQUIREMENTS OF THIS TITLE.~~

1 (1) THIS SUBSECTION DOES NOT APPLY TO A SINGLE-FAMILY DETACHED
2 DWELLING THAT IS LOCATED IN AN RA, RLD, R1, R2, OR R5 ZONING DISTRICT.

3
4 (2) IF A REGULATED DEVELOPMENT WILL CONTAIN 20 OR MORE DWELLING UNITS,
5 AN APPLICANT SHALL DESIGNATE NOT LESS THAN 15% OF EACH TYPE OF DWELLING UNIT
6 OFFERED FOR SALE AND NOT LESS THAN 15% OF EACH TYPE OF DWELLING UNIT OFFERED
7 FOR RENTAL IN THE DEVELOPMENT AS MODERATELY PRICED DWELLING UNITS THAT
8 MEET THE REQUIREMENTS OF THIS TITLE.

9
10 (C) **Ten or more single-family detached dwelling units.** IF A REGULATED
11 DEVELOPMENT WILL CONTAIN AT LEAST 10 SINGLE-FAMILY DETACHED DWELLING UNITS
12 THAT ARE LOCATED IN AN RA, RLD, R1, R2, OR R5 ZONING DISTRICT, AN APPLICANT SHALL
13 EITHER:

14
15 (1) MAKE A CONTRIBUTION TO THE HOUSING TRUST SPECIAL FUND IN
16 ACCORDANCE WITH § 17-12-105(D); OR

17
18 (2) DESIGNATE NOT LESS THAN 15% OF EACH TYPE OF DWELLING UNIT OFFERED
19 FOR SALE AND NOT LESS THAN 15% OF EACH TYPE OF DWELLING UNIT OFFERED FOR
20 RENTAL IN THE DEVELOPMENT AS MODERATELY PRICED DWELLING UNITS THAT MEET
21 THE REQUIREMENTS OF THIS TITLE.

22
23 ~~(C)~~ **(D) Fractional units.** WHEN THE APPLICATION OF THE PERCENTAGES SET FORTH
24 IN SUBSECTIONS ~~(A) AND (B)~~ (A), (B), AND (C) RESULT IN FRACTIONAL UNITS, THE RESULT
25 SHALL BE ROUNDED UP TO THE NEXT WHOLE NUMBER.

26
27 **17-12-104. Application and agreement.**

28
29 **(A) Requirements.** A DEVELOPMENT PLAN REQUIRED BY THIS ARTICLE MAY NOT BE
30 APPROVED AND A BUILDING PERMIT MAY NOT BE ISSUED UNLESS THE REQUIREMENTS OF
31 THIS TITLE ARE MET.

32
33 **(B) Agreement.** BEFORE A REGULATED DEVELOPMENT THAT WILL CONTAIN
34 MODERATELY PRICED DWELLING UNITS OR THAT IS REQUIRED TO INCLUDE MODERATELY
35 PRICED DWELLING UNITS MAY BE APPROVED BY THE PLANNING AND ZONING OFFICER,
36 AN APPLICANT SHALL ENTER INTO AN AGREEMENT WITH THE COUNTY OR THE
37 ADMINISTRATOR THAT:

38
39 (1) REQUIRES A SPECIFIC NUMBER OF MODERATELY PRICED DWELLING UNITS TO
40 BE CONSTRUCTED ON A TIME SCHEDULE APPROVED BY THE PLANNING AND ZONING
41 OFFICER;

42
43 (2) REQUIRES EACH SINGLE-FAMILY MODERATELY PRICED DWELLING UNIT TO
44 HAVE TWO OR MORE BEDROOMS;

45
46 (3) REQUIRES THAT THE NUMBER OF EFFICIENCY AND ONE-BEDROOM
47 MODERATELY PRICED DWELLING UNITS IN A REGULATED DEVELOPMENT OF
48 MULTIFAMILY DWELLING UNITS MAY NOT EXCEED THE RATIO THAT MARKET RATE
49 EFFICIENCY AND ONE-BEDROOM UNITS RESPECTIVELY BEAR TO THE TOTAL NUMBER OF
50 MARKET RATE UNITS IN THE DEVELOPMENT;

51
52 (4) DETAILS THE NUMBER, TYPE, LOCATION, AND SEQUENCING PLAN FOR ALL OF
53 THE MODERATELY PRICED DWELLING UNITS TO ENSURE THAT:

54
55 (I) THE NUMBER OF MODERATELY PRICED DWELLING UNITS WHICH ARE
56 EITHER FOR SALE OR RENT ARE BUILT AT THE SAME RATE AND IN THE SAME PROPORTION
57 AS MARKET RATE UNITS; AND

1 (II) TO THE EXTENT FEASIBLE, THE MODERATELY PRICED DWELLING UNITS
2 LOCATED WITHIN THE REGULATED DEVELOPMENT ARE SPREAD THROUGHOUT THE
3 DEVELOPMENT AND NOT CLUSTERED IN ONE OR MORE AREAS;

4
5 ~~(5) REQUIRES THAT THE MODERATELY PRICED DWELLING UNITS BE~~
6 ~~ARCHITECTURALLY COMPATIBLE AND SIMILAR IN GENERAL EXTERIOR APPEARANCE TO~~
7 ~~MARKET RATE UNITS CONSTRUCTED IN THE DEVELOPMENT IN WHICH THEY ARE~~
8 ~~LOCATED;~~

9
10 (5) REQUIRES THE MODERATELY PRICED DWELLING UNITS MEET DESIGN
11 STANDARDS ESTABLISHED BY THE COUNTY OR THE ADMINISTRATOR, TO INCLUDE:

12
13 (I) MINIMUM MODERATELY PRICED DWELLING UNIT SIZE BY UNIT TYPE; AND

14
15 (II) STANDARDS TO ENSURE MODERATELY PRICED DWELLING UNITS ARE
16 ARCHITECTURALLY COMPATIBLE AND SIMILAR IN GENERAL EXTERIOR APPEARANCE TO
17 MARKET RATE UNITS CONSTRUCTED IN THE DEVELOPMENT IN WHICH THEY ARE
18 LOCATED;

19
20 (6) ALLOWS THE APPLICANT TO REDUCE THE INTERIOR AMENITY LEVEL OF THE
21 MODERATELY PRICED DWELLING UNITS IN ACCORDANCE WITH GUIDANCE PROVIDED BY
22 THE ADMINISTRATOR, PROVIDED THAT:

23
24 (I) THE UNITS CONFORM TO APPLICABLE HOUSING AND BUILDING CODES; AND

25
26 (II) THE REDUCTION TO THE INTERIOR AMENITY LEVEL DOES NOT INCLUDE
27 MODIFICATIONS THAT AFFECT ENERGY EFFICIENCY, INCLUDING MECHANICAL
28 EQUIPMENT, PLUMBING, INSULATION, AND DOORS AND WINDOWS;

29
30 (7) REQUIRES COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE AND THE
31 AGREEMENT FOR THE CONTROL PERIOD;

32
33 (8) RUNS WITH THE LAND UNTIL THE CONTROL PERIOD ENDS;

34
35 (9) CONTAINS ANY OTHER INFORMATION OR CONDITIONS THE PLANNING AND
36 ZONING OFFICER DETERMINES TO BE NECESSARY TO ENSURE THE APPLICANT'S
37 COMPLIANCE WITH THIS TITLE; AND

38
39 (10) IS NOTED ON THE FINAL SUBDIVISION PLAT AND RECORDED IN THE LAND
40 RECORDS OF THE COUNTY.

41
42 (C) **Types of units.** A REGULATED DEVELOPMENT SHALL CONTAIN MODERATELY
43 PRICED DWELLING UNITS THAT ARE A DWELLING TYPE ALLOWED IN THE UNDERLYING
44 ZONING DISTRICT.

45
46 **(D) Bulk regulations.**

47
48 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE APPLICANT SHALL COMPLY WITH
49 APPLICABLE BULK REGULATIONS.

50
51 (2) (I) THIS SUBSECTION DOES NOT APPLY TO DEVELOPMENT IN THE CRITICAL
52 AREA.

53
54 (II) 1. SUBJECT TO SUBSUBPARAGRAPH 2, IF THE APPLICANT'S REGULATED
55 DEVELOPMENT INCLUDES MODERATELY PRICED DWELLING UNITS, BULK REGULATIONS
56 RELATED TO LOT SIZE, LOT COVERAGE, SETBACKS, OR BUILDING HEIGHT MAY BE
57 MODIFIED UNDER § 17-2-108 IN LIEU OF A VARIANCE UNDER § 18-16-305 OF THIS CODE.

1 2. A MODIFICATION UNDER SUBSUBPARAGRAPH 1 SHALL BE GRANTED IF
2 THE REQUIREMENTS OF § 17-2-108 HAVE BEEN MET AND THE APPLICANT ESTABLISHES
3 THAT COMPLIANCE WITH THE BULK REGULATION FOR WHICH MODIFICATION IS SOUGHT
4 PREVENTS THE APPLICANT FROM ACHIEVING THE DENSITY BONUS UNDER § 18-12-701 OF
5 THIS CODE OR THE MAXIMUM ALLOWABLE DENSITY FOR THE UNDERLYING ZONING
6 DISTRICT.

7
8 **17-12-105. Contribution in lieu of developing moderately priced dwelling units.**

9
10 **(A) When allowed.** IN EXCEPTIONAL CIRCUMSTANCES, THE PLANNING AND ZONING
11 OFFICER MAY PERMIT AN APPLICANT THAT IS DEVELOPING A SUBDIVISION OF NOT LESS
12 THAN 10 NOR MORE 19 LOTS TO MAKE A CONTRIBUTION TO THE HOUSING TRUST SPECIAL
13 REVENUE FUND IN LIEU OF DEVELOPING MODERATELY PRICED DWELLING UNITS.

14
15 **(B) Requirements.** AN APPLICANT SHALL:

16
17 (1) APPLY TO THE PLANNING AND ZONING OFFICER FOR PERMISSION TO MAKE A
18 CONTRIBUTION AUTHORIZED BY SUBSECTION (A);

19
20 (2) PROVIDE ANY INFORMATION OR DOCUMENTS THAT THE PLANNING AND
21 ZONING OFFICER DEEMS NECESSARY TO DETERMINE WHETHER TO GRANT PERMISSION;
22 AND

23
24 (3) PROVE TO THE SATISFACTION OF THE PLANNING AND ZONING OFFICER, AFTER
25 CONSULTATION WITH AND RECOMMENDATION BY THE ADMINISTRATOR, THAT
26 EXCEPTIONAL CIRCUMSTANCES EXIST.

27
28 **(C) Definition of “exceptional circumstances”.** FOR THE PURPOSES OF THIS SECTION,
29 EXCEPTIONAL CIRCUMSTANCES MEANS:

30
31 (1) IN A PROPOSED DEVELOPMENT, THE COST OF AN INDIVIDUAL PACKAGE OF
32 RESIDENT SERVICES AND FACILITIES TO BE PROVIDED TO ALL HOUSEHOLDS WOULD
33 LIKELY MAKE THE MODERATELY PRICED DWELLING UNITS EFFECTIVELY
34 UNAFFORDABLE TO ELIGIBLE HOUSEHOLDS; OR

35
36 (2) COMPLIANCE WITH THE REQUIREMENTS OF THIS TITLE WOULD RESULT IN THE
37 APPLICANT BEING UNABLE TO SECURE A REASONABLE RETURN FROM OR MAKE ANY
38 REASONABLE USE OF THE PROPERTY, AND THE HARDSHIP IS UNIQUE TO THE PROPERTY,
39 IS NOT DUE TO THE ZONING CLASSIFICATION OF THE PROPERTY, AND IS NOT THE RESULT
40 OF THE APPLICANT’S OWN ACTIONS.

41
42 **(D) Amount of contribution.** THE CONTRIBUTION BY AN APPLICANT PURSUANT TO
43 SUBSECTION (A) OR ~~§ 17-12-103(A)(1)~~ § 17-12-103(A)(1)(I) OR (C)(1) SHALL BE AS FOLLOWS:

44
45 (1) FOR MODERATELY PRICED DWELLING UNITS THAT WOULD BE OFFERED FOR
46 SALE, ~~4% 3% 1%~~ 1% OF THE PURCHASE PRICE OF ~~EACH UNIT~~ ALL UNITS IN THE DEVELOPMENT
47 PAID TO THE COUNTY WITHIN THREE BUSINESS DAYS OF RECORDATION OF THE DEED FOR
48 EACH UNIT; AND

49
50 (2) FOR MODERATELY PRICED DWELLING UNITS THAT WOULD BE OFFERED FOR
51 RENT, EITHER:

52
53 (I) THE DIFFERENCE BETWEEN THE ACTUAL ANNUAL RENTAL INCOME FOR A
54 COMPARABLE MARKET RATE UNIT IN THE DEVELOPMENT AND THE MAXIMUM ANNUAL
55 RENTAL AMOUNT PERMITTED BY THIS TITLE FOR EACH YEAR OF THE 40-YEAR CONTROL
56 PERIOD, PAID BY DECEMBER 31 OF EACH YEAR; OR

1 (II) IF APPROVED BY THE ADMINISTRATOR, A SINGLE PAYMENT THAT IS
2 EQUIVALENT TO THE TOTAL AMOUNT DUE UNDER SUBPARAGRAPH (I) ON A PRESENT
3 VALUE BASIS.

4
5 **17-12-106. Eligibility to purchase or rent a moderately priced dwelling unit.**

6
7 (A) **Application.** HOUSEHOLDS SEEKING TO PURCHASE OR RENT A MODERATELY
8 PRICED DWELLING UNIT SHALL:

9
10 (1) APPLY FOR A CERTIFICATE OF ELIGIBILITY BY SUBMITTING TO THE
11 ADMINISTRATOR A FULLY COMPLETED APPLICATION ON A FORM PROVIDED BY THE
12 ADMINISTRATOR;

13
14 (2) PROVIDE PROOF THAT:

15
16 (I) FOR MODERATELY PRICED DWELLING UNITS OFFERED FOR RENT, THE
17 HOUSEHOLD INCOME DOES NOT EXCEED 75% OF THE MEDIAN INCOME ADJUSTED FOR
18 HOUSEHOLD SIZE FOR THE BMSA; AND

19
20 (II) FOR MODERATELY PRICED DWELLING UNITS OFFERED FOR SALE, THE
21 HOUSEHOLD INCOME DOES NOT EXCEED 100% OF THE MEDIAN INCOME ADJUSTED FOR
22 HOUSEHOLD SIZE FOR THE BMSA;

23
24 (3) IF SEEKING TO PURCHASE A MODERATELY PRICED DWELLING UNIT, PROVIDE
25 PROOF THAT THE HOUSEHOLD IS ABLE TO QUALIFY FOR AND OBTAIN FINANCING;

26
27 ~~(4) PROVIDE PROOF THAT AT LEAST ONE ADULT MEMBER OF THE HOUSEHOLD HAS
28 BEEN A RESIDENT OF OR EMPLOYED IN THE COUNTY, INCLUDING THE CITY OF ANNAPOLIS,
29 FOR AT LEAST 12 CONSECUTIVE MONTHS IMMEDIATELY PRIOR TO THE DATE OF FILING OF
30 THE APPLICATION, OR IS CURRENTLY EMPLOYED BY THE COUNTY, THE COUNTY BOARD
31 OF EDUCATION, OR THE CITY OF ANNAPOLIS, OR IS EMPLOYED AS A TEACHER FOR THE
32 COUNTY BOARD OF EDUCATION;~~

33
34 (4) PROVIDE PROOF THAT AT LEAST ONE ADULT MEMBER OF THE HOUSEHOLD:

35
36 (I) IS A RESIDENT OF THE COUNTY OR EMPLOYED IN THE COUNTY; OR

37
38 (II) HAS ACCEPTED AN OFFER OF EMPLOYMENT AT A LOCATION IN THE
39 COUNTY;

40
41 ~~(5)~~ (5) EXCEPT WHEN WAIVED BY THE ADMINISTRATOR FOR GOOD CAUSE,
42 PROVIDE PROOF THAT NO ADULT MEMBER OF THE HOUSEHOLD HAS OWNED ANY
43 RESIDENTIAL REAL ESTATE DURING THE THREE-YEAR PERIOD PRIOR TO APPLICATION;
44 AND

45
46 ~~(6)~~ (6) CERTIFY THAT THE HOUSEHOLD INTENDS TO OCCUPY THE MODERATELY
47 PRICED DWELLING UNIT AS A PRIMARY RESIDENCE AND WILL NOT LEASE OR SUBLEASE
48 THE MODERATELY PRICED DWELLING UNIT TO ANY OTHER PERSON OR ENTITY.

49
50 (B) **Certificate of eligibility.** HOUSEHOLDS THAT MEET THE REQUIREMENTS OF
51 SUBSECTION (A) SHALL BE GIVEN A CERTIFICATE OF ELIGIBILITY THAT WILL BE VALID
52 FOR THREE YEARS. ELIGIBILITY SHALL BE REVIEWED WITHIN 60 DAYS BEFORE A SALE OR
53 RENTAL OF A MODERATELY PRICED DWELLING UNIT TO ENSURE THAT INCOME
54 ELIGIBILITY GUIDELINES CONTINUE TO BE MET.

55
56 (C) **Waiting list.** IN THE EVENT THERE ARE MORE ELIGIBLE HOUSEHOLDS THAT WISH
57 TO PURCHASE OR RENT A MODERATELY PRICED DWELLING UNIT THAN THERE ARE

1 AVAILABLE UNITS, THE ADMINISTRATOR SHALL ESTABLISH A WAITING LIST FROM WHICH
2 ELIGIBLE HOUSEHOLDS SHALL BE SELECTED AND NOTIFIED.

3
4 **(D) Adjustment of income requirements.** IF THERE ARE NO ELIGIBLE HOUSEHOLDS
5 ON THE WAITING LIST, THE ADMINISTRATOR MAY ADJUST THE INCOME REQUIREMENTS
6 FOR ELIGIBILITY UNDER SUBSECTION (A)(2) FOR EMPLOYEES OF THE COUNTY, THE
7 COUNTY BOARD OF EDUCATION, AND THE CITY OF ANNAPOLIS ~~AND FOR TEACHERS~~
8 ~~EMPLOYED BY THE COUNTY BOARD OF EDUCATION.~~

9
10 **(E) Renewal of certificate of eligibility.** PRIOR TO THE EXPIRATION OF A CERTIFICATE OF
11 ELIGIBILITY, AN ELIGIBLE HOUSEHOLD MAY HAVE THE CERTIFICATE OF ELIGIBILITY
12 RENEWED FOR AN ADDITIONAL ONE YEAR IF THE ELIGIBLE HOUSEHOLD PROVES TO THE
13 SATISFACTION OF THE ADMINISTRATOR THAT THE ELIGIBLE HOUSEHOLD STILL MEETS
14 THE REQUIREMENTS OF SUBSECTION (A).

15
16 **17-12-107. Establishment of initial sales price and initial sale of moderately priced**
17 **dwelling units.**

18
19 **(A) Sales price.** THE INITIAL SALES PRICE OF THE MODERATELY PRICED DWELLING
20 UNITS:

21
22 (1) SHALL BE SET ANNUALLY BY THE ADMINISTRATOR WITHIN 30 DAYS OF THE
23 PUBLICATION OF THE UPDATED INFORMATION FOR THE BMSA, AND MAY BE ADJUSTED BY
24 THE ADMINISTRATOR ONE TIME DURING THAT YEAR IF THE ADMINISTRATOR
25 DETERMINES THAT MARKET CONDITIONS WARRANT AN ADJUSTMENT;

26
27 (2) SHALL TAKE INTO CONSIDERATION THE ITEMS IDENTIFIED IN SUBSECTION (B);
28 AND

29
30 (3) MAY NOT EXCEED THE PRICE THAT A HOUSEHOLD EARNING 80% OF THE
31 MEDIAN INCOME FOR A HOUSEHOLD OF FOUR FOR THE BMSA CAN AFFORD.

32
33 **(B) Factors.** IN SETTING THE INITIAL SALES PRICE OF A MODERATELY PRICED
34 DWELLING UNIT, THE ADMINISTRATOR SHALL CONSIDER:

35
36 (1) THE TYPE OF DWELLING UNIT;

37
38 (2) THE NUMBER OF SQUARE FEET IN THE DWELLING UNIT;

39
40 (3) THE NUMBER OF BEDROOMS AND BATHROOMS; AND

41
42 (4) AFFORDABILITY BASED ON AREA MEDIAN INCOME AND MARKET CONDITIONS.

43
44 **(C) Notice of availability of unit.** THE APPLICANT DEVELOPING MODERATELY PRICED
45 DWELLING UNITS SHALL PROMPTLY NOTIFY THE ADMINISTRATOR WHEN A MODERATELY
46 PRICED DWELLING UNIT IS INITIALLY AVAILABLE FOR SALE.

47
48 **(D) Contents of notice.** THE NOTICE BY THE APPLICANT SHALL:

49
50 (1) SET FORTH THE NUMBER, SIZE, PRICE, AND LOCATION OF UNITS OFFERED;

51
52 (2) PROVIDE THE ANTICIPATED TIMING FOR THE COMPLETION OF CONSTRUCTION;

53
54 (3) PROVIDE THE INFORMATION SPECIFIED IN SUBSECTION (B);

55
56 (4) INCLUDE A COPY OF THE APPROVED FINAL DEVELOPMENT PLAN AND PLAT;

57 AND

1 (5) INCLUDE ANY OTHER INFORMATION THE ADMINISTRATOR DEEMS NECESSARY.

2
3 ~~(E)~~ **(F) Listing of unit.** THE APPLICANT SHALL LIST THE MODERATELY PRICED
4 DWELLING UNIT FOR SALE ON THE REALTOR MULTIPLE LISTING SERVICE.
5

6 (E) ~~(G)~~ **Sale of unit.** THE APPLICANT SHALL SELL THE MODERATELY PRICED DWELLING
7 UNIT TO AN ELIGIBLE HOUSEHOLD AT THE TOP OF THE WAITING LIST DESCRIBED IN § 17-
8 12-106(C), AND AS MAY HAVE BEEN ADJUSTED IN ACCORDANCE WITH § 17-12-106(D).
9

10 **(F) No eligible household.**

11
12 (1) IF THERE ARE NO ELIGIBLE HOUSEHOLDS WILLING OR ABLE TO PURCHASE A
13 MODERATELY PRICED DWELLING UNIT, ARUNDEL COMMUNITY DEVELOPMENT SERVICES,
14 INC. AND THE HOUSING COMMISSION OF ANNE ARUNDEL COUNTY SHALL HAVE THE FIRST
15 OPTION TO PURCHASE THE UNIT FOR USE IN THEIR PROGRAMS OR IN PROGRAMS
16 ADMINISTERED BY THEM.
17

18 (2) IF ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC. OR THE HOUSING
19 COMMISSION OF ANNE ARUNDEL COUNTY DO NOT PURCHASE THE UNIT, THE APPLICANT
20 MAY SELL THE MODERATELY PRICED DWELLING UNIT TO A HOUSEHOLD THAT IS NOT
21 ELIGIBLE, PROVIDED THE PURCHASER COMPLIES WITH THE REQUIREMENTS OF THIS TITLE
22 THAT AN ELIGIBLE HOUSEHOLD WOULD HAVE TO COMPLY WITH AFTER PURCHASE OF A
23 MODERATELY PRICED DWELLING UNIT FOR THE CONTROL PERIOD.
24

25 **17-12-108. Resale of moderately priced dwelling units.**

26
27 **(A) Applicability.** THIS SECTION DOES NOT APPLY TO FORECLOSURE PROCEEDINGS.
28

29 **(B) Resale.** IF A MODERATELY PRICED DWELLING UNIT IS OFFERED FOR RESALE
30 DURING THE CONTROL PERIOD:
31

32 (1) ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC. AND THE HOUSING
33 COMMISSION OF ANNE ARUNDEL COUNTY SHALL HAVE THE FIRST OPTION TO PURCHASE
34 THE UNIT FOR USE IN THEIR PROGRAMS OR IN PROGRAMS ADMINISTERED BY THEM;
35

36 (2) IF ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC. OR THE HOUSING
37 COMMISSION OF ANNE ARUNDEL COUNTY DOES NOT PURCHASE THE MODERATELY
38 PRICED DWELLING UNIT, THEN THE OWNER SHALL SELL THE MODERATELY PRICED
39 DWELLING UNIT TO AN ELIGIBLE HOUSEHOLD; AND
40

41 (3) IF THERE ARE NO ELIGIBLE HOUSEHOLDS WILLING OR ABLE TO PURCHASE THE
42 UNIT, THE UNIT MAY BE SOLD TO A HOUSEHOLD THAT IS NOT ELIGIBLE PROVIDED THAT
43 THE PURCHASER COMPLIES WITH THE REQUIREMENTS OF THIS TITLE THAT AN ELIGIBLE
44 HOUSEHOLD WOULD HAVE TO COMPLY WITH AFTER PURCHASE OF A MODERATELY
45 PRICED DWELLING UNIT FOR THE REMAINDER OF THE CONTROL PERIOD.
46

47 **(C) Resale price.** THE RESALE PRICE OF A MODERATELY PRICED DWELLING UNIT FOR
48 SALE DURING THE CONTROL PERIOD SHALL BE EQUAL TO THE PRIOR SALE PRICE PLUS:
49

50 (1) A PERCENTAGE OF THE MODERATELY PRICED DWELLING UNIT'S SALE PRICE
51 EQUAL TO THE INCREASE IN THE COST OF LIVING, CALCULATED USING THE CONSUMER
52 PRICE INDEX, BETWEEN THE DATES OF OWNERSHIP;
53

54 (2) THE FAIR MARKET VALUE OF IMPROVEMENTS MADE TO THE UNIT DURING THE
55 DATES OF OWNERSHIP; AND
56

57 (3) A REASONABLE SALES COMMISSION, IF PAID BY THE SELLER.

1 (D) **Adjustment of resale price.** THE RESALE PRICE OF A MODERATELY PRICED
2 DWELLING UNIT MAY BE REDUCED BY THE ADMINISTRATOR TO REFLECT ABNORMAL
3 WEAR AND TEAR BECAUSE OF NEGLECT, ABUSE, OR INSUFFICIENT MAINTENANCE.

4
5 **17-12-109. Rental of moderately priced dwelling units.**

6
7 (A) **Rental rate.** THE RENTAL RATE FOR A MODERATELY PRICED DWELLING UNIT:

8
9 (1) SHALL BE SET ANNUALLY BY THE ADMINISTRATOR WITHIN 30 DAYS OF THE
10 PUBLICATION OF THE UPDATED INFORMATION FOR THE BMSA AND MAY BE ADJUSTED BY
11 THE ADMINISTRATOR ONE TIME DURING THAT YEAR IF THE ADMINISTRATOR
12 DETERMINES THAT MARKET CONDITIONS WARRANT AN ADJUSTMENT;

13
14 (2) SHALL TAKE INTO CONSIDERATION THE ITEMS IDENTIFIED IN SUBSECTION (B);
15 AND

16
17 (3) MAY NOT EXCEED THE RATE THAT A HOUSEHOLD EARNING 75% OF THE MEDIAN
18 INCOME FOR A HOUSEHOLD OF FOUR IN THE BMSA CAN AFFORD.

19
20 (B) **Factors.** IN SETTING THE RENTAL RATE, THE ADMINISTRATOR SHALL CONSIDER:

21 (1) THE TYPE OF DWELLING UNIT;

22 (2) THE NUMBER OF SQUARE FEET IN THE DWELLING UNIT; AND

23 (3) THE NUMBER OF BEDROOMS AND BATHROOMS.

24
25
26
27 (C) **Review of rental rates.**

28
29 (1) THE ADMINISTRATOR SHALL ANNUALLY REVIEW INCOME ELIGIBILITY AND
30 RENTAL RATES FOR COMPLIANCE.

31
32 (2) A HOUSEHOLD WHOSE INCOME INCREASES OVER 75% OF THE MEDIAN INCOME
33 ADJUSTED FOR HOUSEHOLD SIZE IN THE BMSA WHILE RENTING A MODERATELY PRICED
34 DWELLING UNIT MAY CONTINUE TO RESIDE IN THE UNIT, ~~AND THE NEXT AVAILABLE~~
35 ~~RENTAL UNIT SHALL BE LEASED TO AN ELIGIBLE HOUSEHOLD, EVEN IF THAT UNIT WAS~~
36 ~~NOT PREVIOUSLY DESIGNATED AS A MODERATELY PRICED DWELLING UNIT AND RENEW~~
37 ~~ITS LEASE UNTIL THE END OF A LEASE TERM DURING WHICH THE HOUSEHOLD INCOME~~
38 ~~EXCEEDS 120% OF THE MEDIAN INCOME ADJUSTED FOR HOUSEHOLD SIZE IN THE BMSA.~~
39 WHEN THE DWELLING UNIT IS VACATED, IT WILL BE OFFERED FOR RENT TO AN ELIGIBLE
40 HOUSEHOLD.

41
42 (D) **Advertising and marketing of moderately priced dwelling units.** A LANDLORD
43 SHALL ADVERTISE AND MARKET A MODERATELY PRICED DWELLING UNIT IN THE SAME
44 MANNER AS THE LANDLORD ADVERTISES AND MARKETS MARKET RATE UNITS THAT ARE
45 WITHIN THE SAME DEVELOPMENT.

46
47 (E) **Lease term.** THE TERM FOR EACH LEASE OF A MODERATELY PRICED DWELLING
48 UNIT MAY NOT EXCEED ONE YEAR, BUT MAY BE SUBJECT TO RENEWALS.

49
50 (F) **Information to be provided.** LANDLORDS SHALL PROVIDE TO THE
51 ADMINISTRATOR COPIES OF ALL APPROVED LEASE APPLICATIONS, LEASES, LEASE
52 RENEWALS, INCOME CERTIFICATIONS, AND RENT INCREASE NOTICES FOR ALL
53 MODERATELY PRICED DWELLING UNITS.
54

1 **17-12-110. Foreclosure.**

2
3 (A) **Notice.** A PARTY INTENDING TO INITIATE A FORECLOSURE PROCEEDING RELATED
4 TO A MODERATELY PRICED DWELLING UNIT SHALL NOTIFY THE ADMINISTRATOR OF THE
5 PENDING ACTION AT LEAST 30 DAYS PRIOR TO FILING THE ACTION, AND THE
6 ADMINISTRATOR SHALL HAVE THE RIGHT TO CURE THE DEFAULT AND STAY
7 ACCELERATION OF THE NOTE OR OTHER INSTRUMENT.

8
9 (B) **Proceeds of foreclosure sale – dwelling unit.** IF A MODERATELY PRICED
10 DWELLING UNIT IS SOLD AT FORECLOSURE DURING THE CONTROL PERIOD FOR AN
11 AMOUNT THAT EXCEEDS THE PRICE ESTABLISHED UNDER § 17-12-107 OR § 17-12-108, PLUS
12 REASONABLE EXPENSES OF FORECLOSURE, AS APPROVED BY THE ADMINISTRATOR, ANY
13 SUCH EXCESS AMOUNT SHALL BE PAID TO THE COUNTY AND DEPOSITED INTO THE
14 HOUSING TRUST SPECIAL REVENUE FUND.

15
16 (C) **Proceeds of foreclosure sale – rental complex.** DURING THE CONTROL PERIOD, IF
17 THE SALE PRICE AT FORECLOSURE OF A RENTAL COMPLEX THAT CONTAINS MODERATELY
18 PRICED DWELLING UNITS EXCEEDS THE FAIR MARKET VALUE OF THE RENTAL COMPLEX
19 ON THE DATE OF ORIGINAL RENTAL FOR THE FIRST UNIT RENTED IN THE COMPLEX PLUS
20 REASONABLE EXPENSES OF FORECLOSURE, AS APPROVED BY THE ADMINISTRATOR, ANY
21 SUCH EXCESS AMOUNT SHALL BE PAID TO THE COUNTY AND DEPOSITED INTO THE
22 HOUSING TRUST SPECIAL REVENUE FUND.

23
24 **17-12-111. Notice to purchasers of or lenders for a moderately priced dwelling unit.**

25
26 (A) **Covenant required – for sale dwelling unit.** DURING THE CONTROL PERIOD, ANY
27 DEED, MORTGAGE, OR DEED OF TRUST CONVEYING A MODERATELY PRICED DWELLING
28 UNIT OR AN INTEREST IN A MODERATELY PRICED DWELLING UNIT SHALL CONTAIN A
29 COVENANT RUNNING WITH THE LAND DECLARING THAT USE, RESALE, AND
30 FORECLOSURE OF THE UNIT IS SUBJECT TO THE REQUIREMENTS OF THIS TITLE AND THAT
31 THE ADMINISTRATOR SHALL HAVE THE RIGHT TO ENFORCE THE COVENANT.

32
33 (B) **Covenant required – rental complex.** PRIOR TO THE INITIAL RENTAL OF A
34 MODERATELY PRICED DWELLING UNIT IN A RENTAL COMPLEX, EACH LENDER WHOSE
35 LIEN IS SECURED BY ONE OR MORE MODERATELY PRICED DWELLING UNITS THAT WILL
36 BE UTILIZED AS RENTAL UNITS SHALL PROVIDE THE ADMINISTRATOR WITH
37 SATISFACTORY PROOF THAT RUNS WITH THE LAND FOR THE CONTROL PERIOD AND THAT
38 HAS BEEN RECORDED IN THE LAND RECORDS OF THE COUNTY, THAT ANY USE OF EACH
39 MODERATELY PRICED DWELLING UNIT AND ANY FORECLOSURE OF ANY LIEN WILL BE
40 SUBJECT TO THE REQUIREMENTS OF THIS TITLE AND THAT THE ADMINISTRATOR SHALL
41 HAVE THE RIGHT TO ENFORCE THIS OBLIGATION.

42
43 **17-12-112. Bulk transfers.**

44
45 THIS TITLE DOES NOT PROHIBIT THE BULK TRANSFER OR SALE OF ALL OR SOME OF
46 THE MODERATELY PRICED DWELLING UNITS DURING THE CONTROL PERIOD SO LONG AS
47 THE BUYER IS BOUND BY THE REQUIREMENTS OF THIS TITLE.

48
49 **17-12-113. Conversion to condominium or cooperative.**

50
51 (A) **Effect of conversion.** IF ALL OR PART OF A RENTAL COMPLEX THAT CONTAINS
52 MODERATELY PRICED DWELLING UNITS IS CONVERTED TO A CONDOMINIUM OR
53 COOPERATIVE, THE REQUIREMENTS OF THIS TITLE THAT PERTAIN TO THE SALE OF
54 INDIVIDUAL MODERATELY PRICED DWELLING UNITS SHALL APPLY.

1 (B) **Date of original sale.** FOR THE PURPOSES OF A SALE UNDER SUBSECTION (A), THE
2 DATE OF ORIGINAL RENTAL SHALL BE CONSIDERED THE DATE OF ORIGINAL SALE.

3
4 **17-12-114. Waiver.**

5
6 THE ADMINISTRATOR MAY WAIVE THE REQUIREMENTS OF THIS TITLE PERTAINING TO
7 THE RESALE OF MODERATELY PRICED DWELLING UNITS OR THE ESTABLISHMENT OF
8 RENTAL RATES IF THE REQUIREMENTS CONFLICT WITH THE REGULATIONS OF FEDERAL
9 OR STATE HOUSING PROGRAMS AND WILL PREVENT ELIGIBLE HOUSEHOLDS FROM
10 BUYING OR RENTING MODERATELY PRICED DWELLING UNITS.

11
12 **17-12-115. Appeal.**

13
14 A PERSON AGGRIEVED BY A FINAL DECISION OF THE ADMINISTRATOR OR THE
15 PLANNING AND ZONING OFFICER MAY APPEAL THE DECISION TO THE COUNTY BOARD OF
16 APPEALS.

17
18 **17-12-116. Report.**

19
20 ON OR BEFORE JULY 1, 2027, AND EVERY 3 YEARS THEREAFTER, THE ADMINISTRATOR
21 SHALL REPORT TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL ON THE
22 MODERATELY PRICED DWELLING UNIT PROGRAM, INCLUDING:

23
24 (1) THE TOTAL NUMBER OF MODERATELY PRICED DWELLING UNITS CREATED
25 DURING THE REPORTING PERIOD ITEMIZED BY:

26
27 (I) THE NUMBER OF UNITS OFFERED FOR RENT;

28
29 (II) THE NUMBER OF UNITS OFFERED FOR SALE; AND

30
31 (III) THE SIZE OF THE UNIT MEASURED BY THE NUMBER OF BEDROOMS;

32
33 (2) THE AMOUNT OF CONTRIBUTIONS TO THE HOUSING TRUST SPECIAL FUND MADE
34 DURING THE REPORTING PERIOD;

35
36 (3) THE INITIAL SALE PRICE, INCLUDING ANY ADJUSTMENTS, FOR MODERATELY
37 PRICED DWELLING UNITS ESTABLISHED DURING THE REPORTING PERIOD;

38
39 (5) THE RENTAL RATE, INCLUDING ANY ADJUSTMENTS, FOR MODERATELY PRICED
40 DWELLING UNITS ESTABLISHED DURING THE REPORTING PERIOD;

41
42 (4) THE INCOME ELIGIBILITY REQUIREMENTS, INCLUDING ANY ADJUSTMENTS, TO
43 PURCHASE OR RENT A MODERATELY PRICED DWELLING UNIT ESTABLISHED DURING THE
44 REPORTING PERIOD; AND

45
46 (5) THE NUMBER OF HOUSEHOLDS ON THE WAITING LIST DESCRIBED UNDER § 17-
47 12-106(C) DURING THE REPORTING PERIOD.

48
49 **ARTICLE 18 ZONING**

50
51 **TITLE 12. SPECIAL USES**

52
53 **SUBTITLE 7. Moderately Priced Dwelling Units**

1 **18-12-701. Moderately Priced Dwelling Units.**

2
3 A DEVELOPMENT THAT INCLUDES MODERATELY PRICED DWELLING UNITS UNDER
4 TITLE 12 OF ARTICLE 17 OF THIS CODE MAY BE GRANTED A DENSITY BONUS BY THE
5 PLANNING AND ZONING OFFICER OF UP TO:

6
7 (A) ~~40%~~ 15% ABOVE THE MAXIMUM PERMITTED DENSITY FOR SALE UNITS; AND

8
9 (B) 15% ABOVE THE MAXIMUM PERMITTED DENSITY FOR RENTAL UNITS.

10
11 ~~SECTION 3. *And be it further enacted,* That the provisions of this Ordinance may not~~
12 ~~be applied to a proposed development that will contain residential dwelling units and that~~
13 ~~receives sketch plan approval, preliminary plan approval, final plan approval, or approval~~
14 ~~of a building permit on or before July 1, 2024.~~

15
16 SECTION 4. 3. ~~*And be it further enacted,*~~ That this Ordinance shall take effect on July
17 1, 2024.