

## **Chapter 23**

### **(Senate Bill 83)**

AN ACT concerning

#### **Affordable Housing Programs – Authority of Local Governments to Support Programs – Sunset Repeal**

FOR the purpose of repealing the termination date for a certain provision of law authorizing local governments to take certain actions to support, foster, or promote an affordable housing program for individuals or families of low or moderate income; and generally relating to the authority of local governments to take action to support, foster, and promote affordable housing.

BY repealing and reenacting, without amendments,  
Article 24 – Political Subdivisions – Miscellaneous Provisions  
Section 21–101  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 386 of the Acts of the General Assembly of 2008  
Section 3

BY repealing and reenacting, with amendments,  
Chapter 387 of the Acts of the General Assembly of 2008  
Section 3

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article 24 – Political Subdivisions – Miscellaneous Provisions**

21–101.

To support, foster, or promote an affordable housing program for individuals or families of low or moderate income, a county or municipality may:

(1) Establish local trust funds or provide for the appropriation of funds;

(2) Waive or modify building permit or development impact fees and charges that are not mandated under State law for the construction or rehabilitation of lower income housing units:

(i) In proportion to the number of lower income housing units of a development; and

(ii) That are:

1. Financed, in whole or in part, by public funding that requires mortgage restrictions or recorded covenants restricting the rental or sale of the housing units to lower income residents in accordance with specific government program requirements; or

2. Developed by a nonprofit organization that:

A. Has been exempt from federal taxation under § 501(c)(3) of the Internal Revenue Code for a period of at least 3 years; and

B. Requires the homebuyer to participate in the construction or rehabilitation of the housing unit;

(3) Enact legislation that restricts cost and resale prices and requires development of affordable housing units as part of any subdivision in return for added density;

(4) Provide land or property from the inventory of the county or municipality; and

(5) Support PILOT (payment in lieu of taxes) programs to encourage construction of affordable housing.

### **Chapter 386 of the Acts of 2008**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008. [It shall remain effective for a period of 3 years and, at the end of September 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

### **Chapter 387 of the Acts of 2008**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008. [It shall remain effective for a period of 3 years and, at the end of September 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

**Approved by the Governor, April 12, 2011.**