

HB878_Delegation_FAV.pdf

Uploaded by: Abbey Rubeling

Position: FAV

SENATOR CLARENCE K. LAM
SENATE CHAIR

MILLER SENATE OFFICE BUILDING
11 BLADEN STREET, ROOM 420
ANNAPOLIS, MARYLAND 21401

SENATOR GUY GUZZONE
SENATOR KATIE FRY HESTER



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401
HOWARD COUNTY DELEGATION

DELEGATE COURTNEY WATSON
HOUSE CHAIR

THE MARYLAND HOUSE OF DELEGATES
6 BLADEN STREET, ROOM 350
ANNAPOLIS, MARYLAND 21401

DELEGATE VANESSA ATTERBEARY
DELEGATE ERIC EBERSOLE
DELEGATE JESSICA FELDMARK
DELEGATE TERRI L. HILL
DELEGATE TRENT KITTLEMAN
DELEGATE REID J. NOVOTNY
DELEGATE SHANE PENDERGRASS
DELEGATE JEN TERRASA

March 31, 2022

The Honorable Paul G. Pinsky
Chair, Education, Health, and Environmental Affairs
The Maryland Senate
11 Bladen Street, 2 West
Annapolis, Maryland 21401

Dear Chair Pinsky:

The Howard County joint House and Senate Delegation has voted in favor of the following bill that will appear before your Committee:

HB0878 Howard County - Department of Housing and Community Development - Housing Opportunities Trust Fund Ho. Co. 05-22

A copy of the Delegation vote sheet in favor of this bill is attached and we request a favorable Committee Report. Please contact the Howard County Delegation office at x3360 or hoc1@mlis.state.md.us if you require any additional information.

Sincerely,

Handwritten signature of Senator Clarence K. Lam.

Senator Clarence K. Lam
Senate Chair
Howard County Delegation

Handwritten signature of Delegate Courtney Watson.

Delegate Courtney Watson
House Chair
Howard County Delegation

Howard County Delegation

Voting Record – 2022 Session

Bill Number: HB0878

HoCo Bill Number: 5-22

Vote Date: 1/19/22

Final Action: Passed

Motion:

Favorable

Favorable with Amendment

Withdrawn

Name	Yea	Nay	Abstain	Excused
Lam, Clarence, Chair, Sen.	✓			
Watson, Courtney, Chair, Del.	✓			
Guzzone, Guy, Sen.	✓			
Hester, Katie Fry, Sen.	✓			
Atterbeary, Vanessa, Del.	✓			
Ebersole, Eric, Del.	✓			
Feldmark, Jessica, Del.	✓			
Hill, Terri, Del.	✓			
Kittleman, Trent, Del.		✓		
Novotny, Reid, Del.	✓			
Pendergrass, Shane, Del.				✓
Terrasa, Jen, Del.	✓			

Committee Reporter Abbey Rubeling

HB0878 Rigby Favorable - Senate.pdf

Uploaded by: Christiana Rigby

Position: FAV



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

Christiana Rigby
Councilmember

District 3

TESTIMONY IN SUPPORT OF HB0878

Howard County - Department of Housing and Community Development - Housing Opportunities Trust Fund

March 31, 2022

Dear Chair Pinsky, Vice Chair Kagan, and Members of the Education, Health, and Environmental Affairs Committee:

Thank you for the opportunity to provide written testimony to the Committee. I am writing to express my **strong support for HB0878**, legislation introduced by the Howard County Delegation to establish a Housing Opportunities Trust Fund in Howard County.

HB0878 would create a non-reverting special fund in Howard County with the goal of promoting and investing in affordable housing opportunities. Specifically, this legislation would allow Howard County Government to direct funds to affordable housing initiatives year after year, which will enhance our ability to provide rental and down payment assistance, construct new affordable units, and improve the quality of existing affordable housing options. Importantly, at least half of the expenditures from this fund will benefit families who are at or below 50% of our area median income.

In May 2021, the Howard County Housing Opportunities Master Plan Task Force released its final plan and recommendations, which charts a roadmap for expanding housing affordability in Howard County. The Master Plan calls for "the creation of an Affordable Housing Trust Fund, which should consist of both existing and new revenue sources that can collectively serve as a formal, coordinated, and predictable structure for allocating housing funding." HB0878 meets that call to action.

This legislation is incredibly important in our efforts to address the severe lack of affordable housing in Howard County. According to American Community Survey data for Howard County, 38% of renter households are cost burdened, and roughly 19% of renter households are severely burdened by the cost of housing. At the same time, the cost of purchasing a home and renting an apartment has risen drastically during the pandemic. This trajectory is simply unsustainable. Addressing these housing challenges will require all levels of government to directly invest in affordable housing opportunities.

HB0878 will help Howard County provide critical and sorely-needed opportunities for safe, stable, and affordable homes for residents across our community. Thank you for your consideration of this legislation. I respectfully encourage a favorable report.

Sincerely,

Christiana Rigby
Howard County Councilmember, District 3

HB878_Jeng_fav.pdf

Uploaded by: Jackie Eng

Position: FAV

Howard County Housing Affordability Coalition

Maryland General Assembly
Senate Education, Health and Environmental Affairs Committee Hearing
March 31, 2022

Department of Housing and Community Development—Housing Opportunities Trust Fund
HB0878-2022 – Position: Favorable

Good afternoon. Chair Pinsky, Vice Chair Kagan and Committee members. My name is Jackie Eng and it is a privilege to testify today on behalf of the Howard County Housing Affordability Coalition. The Coalition is comprised of 69 individuals and nonprofit organizations that advocate within our County to increase the availability of housing that is affordable and accessible to households with limited and/or fixed incomes. The Coalition strongly supports HB0878. We appreciate our Howard County Delegation introducing this legislation that will authorize establishing the Howard County Housing Opportunities Trust Fund.

The need for affordable rental housing and home ownership opportunities in Howard County has been well documented, most recently in our *2021 Housing Opportunities Master Plan* and the background generated in the current initiative that will update the County's General Plan. The Housing Master Plan specifically recommends creation of a "Trust Fund, which is a formal, coordinated and predictable structure for allocating housing funding." HB0878 is the critical first step in establishing such a fund and enabling the County's Department of Housing and Community Development to put in place the administrative structure to ensure the legislation's goal of "equitable access to affordable housing for households of limited income in Howard County."

The \$121,000 median income, the \$2300 average 2 bedroom rent, and the \$509,000 resale price of a home, present extraordinary barriers to too many of our community's households. In Howard County there are 9,000 eligible low-income renter households, but only 2600 affordable rental units. Among low-income seniors there are 4500 eligible households but only 1000 affordable units. We have 120 residents with disabilities who are currently on the State's 811 waiting list. One in four of our County renters are severely cost-burdened--paying more than 50% of their gross income on housing. This is an increase of 33% since 2010.

Howard County studies related to economic growth and quality of life have observed that much of the current and future economic success of the County depends on it's continuing to be an appealing place to live and work, which means continued investment in first tier infrastructure—education, transportation and most certainly housing. A critical element of the County's economic appeal depends on the availability of equitable and affordable housing opportunities for all people who want to live here. The lack of such housing ultimately will hamper the ability for Howard County to grow as an economic hub as it becomes hard to recruit workers who are priced out of the local housing market.

Housing Trust Funds have been used successfully in other jurisdictions across the country and particularly in neighboring jurisdictions to support clear action plans that facilitate an affordable housing vision and long-term strategies. Importantly, a non-reverting Housing Trust Fund will provide a vehicle enabling diversified, including private, funding that can augment County contributions to ensure that the Fund is sustainable over the long-term.

For the County and for our current and future low and moderate-income residents, we urge the Committee to issue a favorable report for HB0878.

Thank you for your consideration of the Coalition's perspective.

Respectfully,
Jacqueline Eng

Jacqueline Eng, Coalition Coordinator

HB 878_JBroderick_fav.pdf

Uploaded by: Jennifer Broderick

Position: FAV



March 30, 2022

Dear Education, Health, and Environmental Affairs Committee Members,

I'm Jen Broderick, Executive Director of Bridges to Housing Stability, a nonprofit in Howard County Maryland. On behalf of Bridges. I am writing in support of HB 878.

Bridges to Housing Stability has been a nonprofit focused on preventing and ending homelessness through affordable housing solutions since 1990. Housing prices have been soaring in Howard County for the past year. Rents on even the Class C (more naturally occurring affordable housing units) have gone up at least two hundred dollars a month on average since 2020, greatly outpacing normal inflation rates and the modest income increases of minimum wage workers.

Housing is one of the best researched social determinants of health. Chronically homeless individuals have more health and mental health issues, and a shorter lifespan than housed individuals. This is often due to the toxic stress housing instability causes, that can lead to increased substance abuse and overdose risk.

I served on the Housing Opportunities Task Force in 2019- early 2021 that looked at ways that the County could increase housing for low-income, moderate income, people with disabilities, and seniors. One of the key recommendations from the resulting plan is having a Housing Trust fund. These funds can be used with versatility to help meet the needs of these populations equitably.

Housing Trust funds have been used successfully to expand housing opportunities in many other Maryland Counties in recent years. As the price of housing in Howard County continues to rise, and the available land where building new development can go up shrinks, it is important to have a trust fund that can support various activities to keep vulnerable populations housed in the county.

One of the ways that Bridges could help with the 6000+ units of affordable housing needed, is to use some available funds as a match to continue to purchase scattered site housing units in multi-family developments, and keep them rented at affordable levels, so low-income households are not rent burdened. This is one possible use of Housing trust funds that would keep units available throughout the county for low wage workers.

The Housing Trust fund will be essential for improving housing opportunities for those who most need stable housing solutions in the county. I hope you will support HB 878

If you have any questions, please feel free to contact me anytime at 410-312-5760 ext. 117 or jennifer@bridges2hs.org

Thank you

Jennifer Broderick, LCSW
Executive Director
Bridges to Housing Stability, Inc.
9520 Berger Rd. Suite 311
Columbia, MD, 21046

OAG Letter_Feldmark_02_01_22.pdf

Uploaded by: Jessica Feldmark

Position: FAV

BRIAN E. FROSH
ATTORNEY GENERAL

ELIZABETH F. HARRIS
CHIEF DEPUTY ATTORNEY GENERAL

CAROLYN A. QUATTROCKI
DEPUTY ATTORNEY GENERAL



THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

SANDRA BENSON BRANTLEY
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KATHRYN M. ROWE
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SHAUNEE L. HARRISON
ASSISTANT ATTORNEY GENERAL

JEREMY M. MCCOY
ASSISTANT ATTORNEY GENERAL

DAVID W. STAMPER
ASSISTANT ATTORNEY GENERAL

February 1, 2022

The Honorable Jessica Feldmark
Maryland General Assembly
216 House Office Building
Annapolis, Maryland 21401

Re: Howard Co. 05-22

Dear Delegate Feldmark:

This letter confirms email advice given to you last December. David Stamper and I discussed Howard Co. 05-22, related to the establishment of the Housing Opportunities Trust Fund. We believe that it does not violate Howard County's home rule. The bill appears to be a budgeting law or a law regulating appropriations, as it does not authorize or provide for any new local revenues but simply creates a special fund and restricts how the County may use money in the fund. The Court of Appeals has said that because a county's authority to budget and appropriate money is an inherent power, and not an "express power," Art. XI-A, § 4 does not preclude the General Assembly from enacting a local law for a charter county regulating appropriations. *See City of Annapolis v. Anne Arundel County*, 347 Md. 1, 14-15 (1997).

Moreover, even if there is a viable argument that the General Assembly cannot enact a public local law regulating appropriations if the law would be inconsistent with the county charter—which is not clearly a valid argument—we do not see how your bill would be inconsistent with the budgeting provisions in the County charter. The bill does not direct County revenues to a particular purpose nor require that the County appropriate money for a particular purpose. It creates a special fund to hold money appropriated by the County (if the County chooses to appropriate money for that purpose) or received as a gift or grant for the fund.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Benson Brantley".

Sandra Benson Brantley
Counsel to the General Assembly

HB878_HoCoJCRC__fav .pdf

Uploaded by: Laura Salganik

Position: FAV



**TESTIMONY TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS
COMMITTEE**

**HB 878 – HOWARD COUNTY – DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT – HOUSING OPPORTUNITIES TRUST FUND HO. CO 5-22**

POSITION: FAVORABLE

By: Betsy Singer and Laura Salganik, Co-Chairs

Date: March 31, 2022

The Jewish Community Relations Council of the Jewish Federation of Howard County believes that affordable housing is a social justice issue. It is well known that Howard County has a severe shortage of affordable housing, particularly for rentals. The latest county rental survey found a shortage of about 6,600 units for low-income households.

Where are these households living? Many are forced to rent apartments they can't afford. Almost a quarter of all rental households in the County – almost 7,000 households – pay 50 percent or more of their income on rent. When households are paying 50 percent or more of their income on rent, it is impossible to have enough money for other necessities: food, health care, childcare, broadband access, and transportation. This situation leads to cascading problems including poor health, lack of transportation to work, unemployment, mental health challenges, issues in school. It is an untenable way to live.

The housing shortage has a disproportionate impact on African American households. In FY21, about 75 percent of housing voucher holders identified themselves as Black/African American. About 60 percent of callers to the housing emergency hotline were Black/African American.

Howard County's housing crisis cannot be solved by the private market alone or by annual budget allocations of public funds.

The Housing Opportunities Trust Fund will enable Howard County to accrue a source of funds from multiple sources that is dedicated to promoting equitable access to affordable housing. The fund may be used for providing assistance to renters and first-time homebuyers; developing, preserving, rehabbing, and improving affordable housing; and increasing, by other means, affordability or accessibility of housing for households with limited income. It will assure that the lowest income residents will benefit, by requiring that 50% of expenditures benefit those with no more than 50% of Howard County median income and 40% benefit those with an annual income of not more than 30% of median income.

Howard County needs to establish the Housing Opportunities Trust Fund. We respectfully urge this committee to provide a FAVORABLE report on HB878.

DHCD_HB 878_Support_Housing Trust Fund_Final.pdf

Uploaded by: Meghan Lynch

Position: FAV



March 31, 2022

Senator Paul Pinsky, Chair
Senate Education, Health, and Environmental Affairs Committee
Miller Senate Office Building, 2 East
Annapolis, MD 21401

Re: Testimony **IN SUPPORT** of HB 878: Howard County – Department of Housing and Community Development – Housing Opportunities Trust Fund

Dear Chair Pinsky, Vice Chair Kagan, and Members of the Committee

I'm Kelly Cimino, Director of the Howard County Department of Housing and Community Development. On behalf of Howard County Executive Calvin Ball and the Administration, I'm testifying in support of House Bill 878 which would establish a Housing Opportunities Trust Fund. We would like to thank Delegate Feldmark for her leadership on this bill and the Howard County Delegation for sponsoring.

Part of the County's economic appeal depends on the availability of equitable and affordable housing opportunities for people that want to live in the County. There is already a significant unmet housing need for limited-income households and people with disabilities and this gap is widening.

The County completed the Housing Opportunities Master Plan earlier this year. This plan emphasizes the importance of residential options that provide a greater diversity of housing stock, including differing product types such as multifamily apartments, higher-density single-family attached or townhome options, and single-family rental units that could make housing more attainable for a diverse market audience.

The Housing Opportunities Trust Fund would be an important tool to address the critical housing infrastructure needs facing Howard County. The fund would be administered by the Department of Housing and Community Development to promote and support equitable, geographically disbursed and affordable rental and for-sale housing opportunities throughout the County and assist in alleviating the difficulties of many low- and moderate-income households, including seniors and people with disabilities, to obtain and maintain housing that meets their needs at costs that they can afford; and to meet these needs by providing funding for rental housing development, preservation and rehabilitation, rental assistance, homeownership, home improvements and other affordable housing opportunities. The Housing Opportunities Trust Fund could be used to provide loans, grants, guarantees or direct financial assistance to individuals, non-profit partners and developers to:

- 1) Construct new affordable housing units;
- 2) Acquire land upon which affordable housing may be constructed;
- 3) Buy and rehabilitate existing rental units that might otherwise be removed from the supply of affordable housing;
- 4) Increase the accessibility of new and existing housing, both rental and homeownership;
- 5) Support home modifications or improvements to help people age in place;
- 6) Assist with the purchase of for-sale housing; and
- 7) Provide rent subsidies to low-income households.

The Department would provide an annual report of revenue and expenditures to the County Council as referenced in the bill. The Housing Opportunities Trust Fund will be used to create and promote equitable access to affordable housing opportunities for low- and moderate-income households in the County. Thank you for your consideration and support of HB 878.

Kelly Cimino

Howard County Department of Housing and Community Development, Director

HB0878_djung_unfav.pdf

Uploaded by: Deb Jung

Position: UNF



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

Deb Jung
Councilmember

District 4

March 30, 2022

HB0878

Deb Jung

Howard County Council

UNFAVORABLE

Dear Chair Pinsky, Vice Chair Kagan, and Members of the Senate's Education, Health, and Environmental Affairs Committee:

I am writing in opposition to HB0878, which will create a Housing Trust Fund for Howard County. I am a Howard County Councilmember representing District 4, which includes a large portion of Columbia.

While I am in full support of affordable housing and funding that effort, I testified at the Howard County Delegation's public hearing that the bill, as written, would be a violation of the home rule amendment of our County Charter, which expressly grants charter counties authority to provide for the financing of housing and housing projects.

This is set out in Section 10-312 (d) of the Local Government Article of the Maryland Code. This bill pertains solely to the operations of a County government housing department responsible for, among other things, housing finance. The General Assembly cannot legislate by public local law for a charter county on a subject covered by the Express Powers Act cited above. The sponsor of this bill sought an opinion from the Office of the Maryland Attorney General but that office failed to review the relevant provisions of the Express Powers Act. I urge you to consider the legal sufficiency of this bill and the role that the General Assembly should play in exercising powers reserved for the County.

Other jurisdictions have established Housing Trust Funds through local legislation. Howard County Councilmembers were informed in the summer of 2021 during a Monthly Meeting that legislation fulfilling the Master Plan's recommendations for a Housing Trust Fund would be forthcoming. I asked for legislation that addresses the following:

- year-end reversion of funds
- maximum amounts to individual developers for any one project

- governance and fund oversight
- a spending plan with priorities
- community input process, and
- strategies for locating low-income housing throughout the county instead of concentrating this housing into low-income census tracts in Columbia.

There has been no legislation filed to date and there is no authority impediment to creating such a fund locally.

This bill creates a fund outside of the normal budget process and undermines good governance. It is designed to circumvent the oversight role that the County Council has over the annual budget. As a Charter County, the County Executive has almost complete control of the budget and the Council is primarily a public facing presenter of budget matters. Still the General Assembly has been invited to tip the scales even more and strip the Council of its small role in ensuring accountability.

I know many of you on this committee recognize and support efforts to address the affordable housing crisis in our State. But despite its name, this bill is not about affordable housing. The ability to support affordable housing initiatives already exists and funding is already being used to support housing goals in Howard County. In the past two years, the County Council has approved two payments in lieu of taxes for low- to moderate-income apartments and we are currently considering legislation that will transfer \$6.5 million from contingency to be used in part for ongoing rental housing projects. Howard County has the financial mechanism to support its housing goals and I support initiatives that follow a transparent and financially responsible process.

At a recent legislative forum, Councilmembers were asked about their support for this bill and three of our five members, including me, stated publicly that we would not fund it. I've outlined my reasons against this bill above and I request local legislation that will provide a mechanism for delivering stable housing for families and continuing Jim Rouse's vision of an economically diverse community.

Sincerely,



Deb Jung
Howard County Council, District 4

HB0878 Unfavorable Hurewitz.pdf

Uploaded by: Joel Hurewitz

Position: UNF

HB0878 HOWARD COUNTY - DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT - HOUSING OPPORTUNITIES TRUST FUND HO. CO. 05-22

Education, Health, and Environmental Affairs Committee

Unfavorable

Testimony of Joel Hurewitz
Columbia, MD
Howard County
March 31, 2022

HB0878 IS AN UNCONSTITUTIONAL INFRINGEMENT ON THE HOME RULE POWERS OF HOWARD COUNTY

Last year, the majority of the Howard County Council voted to put the County Executive’s proposed Housing Opportunities Trust Fund into contingency because it was little more than a line item in the budget. There were no rules or guidance about how the Fund would be managed or how the monies would be spent. Rather than submit a bill to the County Council, the County Executive had his part-time employee and member of the County Delegation sponsor HB0878. The bill is an improper end run around the powers of the County Council, and for the reasons discussed herein is unconstitutional. Howard County Councilmember Deb Jung and I both testified before the Howard County Delegation that the bill violates Howard County’s home rule powers as granted in the Express Powers Act.

The Maryland Constitution in **Article XI-A Local Legislation Section 4**. states “From and after the adoption of a charter under the provisions of this Article by the City of Baltimore or any County of this State, no public local law shall be enacted by the General Assembly for said City or County on any subject covered by the express powers . . .“ One such provision of the Express Powers Act is § 10-312. “County property; housing projects; franchise; required notice” which states in part:

(d) Housing projects. --A county may provide for the financing of any housing or housing project wholly or partly, including the placement of a deed of trust, mortgage, or other debt instrument on the property to ensure repayment of funds used to purchase, construct, rehabilitate, or otherwise develop the housing project.

In its opinion letter of February 1, 2022, the Office of the Maryland Attorney General inexplicably failed to discuss the relevant provision of the Express Powers Act but instead analyzed the bill as if it was only legislation about appropriations and budgeting. Thus, the letter cited an irrelevant case involving a dispute between the City of Annapolis and Anne Arundel County.

Instead, the Attorney General should have given the bill the proper review of a Home Rule violation which the Maryland Court of Appeals has explained is a two-step analysis:

A conclusion that a statute violates the Home Rule Amendment requires two findings: (1) that the law in question is a public *local* law, as opposed to a public *general* law; and (2) that the law addresses a subject covered by the express powers granted to the particular geographical subdivision. See *State’s Attorney v. Mayor & City Council*, 274 Md. 597, 337 A.2d 92 (1975).

Park v. Board of Liquor License Commrs. for Balto. City, 338 Md. 366, 377 (1995). It is undisputed that HB0878 is a Howard County Delegation public local law. Thus, the Attorney General should have considered how HB0878 addresses the subject of “Housing Projects” –a power granted to Howard County in § 10-312(d). When HB0878 is properly analyzed clause by clause alongside § 10-312(d) it is clear that the bill covers the subject of housing and housing projects and is thus unconstitutional.

HB0878 ADDRESSES A SUBJECT COVERED BY THE EXPRESS POWERS ACT GRANTED TO HOWARD COUNTY

As seen in the highlighted pairings of § 10-312(d) and HB0878, not only does HB0878 address the subject of housing but it does so in some places by using the same basic root words—“develop” and “rehabilitate”--as those used in § 10-312(d). Thus, HB0878 undeniably addresses a subject covered by the express powers granted to Howard County.

A county may provide for the financing of any housing or housing project

ESTABLISHING THE HOUSING OPPORTUNITIES TRUST FUND AS A NONREVERTING SPECIAL FUND TO BE USED TO PROMOTE EQUITABLE ACCESS TO AFFORDABLE HOUSING FOR HOUSEHOLDS OF LIMITED INCOME IN HOWARD COUNTY

A county may provide for the financing of any housing or housing project

(D)(1) THE FUND SHALL BE USED TO PROMOTE EQUITABLE ACCESS TO AFFORDABLE HOUSING FOR HOUSEHOLDS OF LIMITED INCOME IN HOWARD COUNTY.

A county may provide for the financing of any housing or housing project

(2) AUTHORIZED USES OF THE FUND INCLUDE: (I) PROVIDING ASSISTANCE TO RENTERS AND FIRST-TIME HOME BUYERS;

to purchase, construct, rehabilitate, or otherwise develop the housing project.

(II) DEVELOPING, PRESERVING, REHABILITATING, AND IMPROVING AFFORDABLE HOUSING, INCLUDING AFFORDABLE RENTAL HOUSING; AND
(III) INCREASING, BY ANY OTHER MEANS, THE AFFORDABILITY OR ACCESSIBILITY OF HOUSING FOR HOUSEHOLDS OF LIMITED INCOME IN HOWARD COUNTY.

A county may provide for the financing of any housing or housing project wholly or partly, including the placement of a deed of trust, mortgage, or **other debt instrument** on the property

(E)(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IS AUTHORIZED TO ADMINISTER THE FUND FOR THE PURPOSE ESTABLISHED IN SUBSECTION (D) OF THIS SECTION BY ISSUING **LOANS, GRANTS, GUARANTEES, OR DIRECT FINANCIAL ASSISTANCE TO INDIVIDUALS, NONPROFIT ORGANIZATIONS, OR DEVELOPERS OF AFFORDABLE HOUSING**

This analysis shows that HB0878 fulfills the two findings as laid out by the Maryland Court of Appeals in its opinion in *Park*: it is a public local law, and it covers the subject of housing found in the Express Powers Act.

Furthermore, while Howard County intends to create a nonreverting fund, Section 611 “Lapsed Appropriations” of the Howard County Charter states the general exception for the lapsing of county appropriations: “Unless otherwise provided by **public general law.**” HB0878 is of course a public local law and not a public general law; Howard County has not explained how the requirement in Section 611 of the County Charter will be fulfilled by a public local law. If HB0878 is passed, the Section 611 provision of the Charter will for all intents and purposes just mean “law.” This end run around the plain language of Howard County’s Charter is another reason why HB0878 is an improper public local law.

Housing policy and affordable housing is a subject which should be addressed by the Howard County Council. Legislation to create a housing opportunities trust fund similar to HB0878 should be presented by the Howard County Executive to the Council for its consideration. However, unconstitutional local delegation bills should not be used to resolve a political dispute¹ between the County Executive and members of the County Council.

Therefore, the completely flawed Attorney General’s opinion letter should be disregarded and HB0878 should be given an **Unfavorable Report** for being an unconstitutional infringement on the Home Rule powers of Howard County.

1 See e.g. HB1478 2013 “Baltimore County - Division of Animal Control - Treatment of Unclaimed Dogs or Cats” which was intended to resolve a dispute between Baltimore County and animal advocates. The Baltimore County Assistant County Attorney testified at 1:39:50 that the bill violated the Express Powers Act. <https://mgahouse.maryland.gov/mga/play/cd9b819b850f40c7af4f766b03c8dc55/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=4867430>