



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,

A handwritten signature in blue ink that reads "Deb Jung". The signature is stylized with a cursive-like font.

Deb Jung
Howard County Council, District 4