

Bill No. 33-22
Concerning: Capital Improvements
Program – Affordable Housing
Feasibility Study – Required
Revised: 1/23/2023 Draft No. 6
Introduced: November 15, 2022
Enacted: January 31, 2023
Executive: Returned unsigned;
becomes law February 28, 2023
Effective: July 1, 2023
Sunset Date: None
Ch. 2, Laws of Mont. Co. 2023

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Friedson
Co-Sponsors: Councilmembers Katz, Albornoz, Fani-González, Stewart, Balcombe, Mink, Sayles,
Jawando, and Glass, and former Councilmembers Navarro, Riemer and Rice

AN ACT to:

- (1) require the [[County Executive]] Department of General Services to submit an affordable housing feasibility study to the Council for certain capital projects;
- (2) establish a review process for the Council to determine project feasibility for colocation of affordable housing; and
- (3) generally amend County law regarding the analysis of capital projects.

By amending

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

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<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. Affordable housing feasibility study and assessment.**

3 (a) Definitions. As used in this Section:

4 Affordable housing feasibility study means an analysis of [any]
 5 applicable capital projects that includes an evaluation of affordable
 6 housing at a library, recreation center, police station, fire station, or any
 7 other general services building.

8 Applicable capital project means any proposed building project
 9 administered by the Department of General Services or the Parking
 10 Management Division of the Department of Transportation.

11 Department means the Department of General Services.

12 (b) Affordable housing feasibility study. For [[any]] an applicable capital
 13 project, prior to the completion of facility planning, [[development of]]
 14 the program of requirements, site selection, or land acquisition, the
 15 [[County Executive]] Department must prepare and submit an
 16 affordable housing feasibility study to the Council.

17 (c) Contents of the feasibility study. The study must include [[, but is not
 18 limited to,]] the following:

- 19 (1) a description of the proposed capital project;
- 20 (2) outreach efforts and stakeholder input;
- 21 (3) proposed [[development of the]] program of requirements, if
 22 [[any]] available;
- 23 (4) [[potential]] site and environmental constraints;
- 24 (5) programmatic elements or efficiencies associated with [[for]]
 25 colocation [[projects]];
- 26 (6) the projected total cost for construction, including, if [any]
 27 available, costs of colocation of affordable housing;

- 28 (7) a statement of whether colocation is feasible and potential
 29 impacts to the proposed capital project; and
- 30 (8) any other related components used for consideration to determine
 31 project feasibility.
- 32 (d) County Council review.
- 33 (1) Within 30 days after the Council receives the affordable housing
 34 feasibility study under subsection (b), the Council must:
- 35 (A) review the feasibility study; and
- 36 (B) determine by a vote whether to approve or disapprove the
 37 analysis provided in the feasibility study.
- 38 (2) An analysis approved by the Council under subparagraph (1)(B)
 39 permits the project to proceed in its normal course of planning,
 40 design, and construction.
- 41 (3) Capital project plan. If the Council disapproves of the analysis
 42 under subparagraph (1)(B) and determines that colocation of
 43 affordable housing is feasible, the [[County Executive]]
 44 Department must, within a reasonable timeframe, develop and
 45 transmit to the Council a plan where the capital project identified
 46 in the study includes colocation of affordable housing.
- 47 (e) Review of the [[Executive's]] capital project plan. Before appropriation
 48 in the Capital Improvements Program, the Council must review and
 49 approve the capital project plan submitted by the [[Executive]]
 50 Department under subsection (d)(3). A plan that does not include
 51 colocation must contain a written explanation describing the
 52 circumstances as to why the requirements for colocation could not be
 53 fulfilled and the reasons for a waiver.

54 (f) Waiver. The Council may waive any requirement under this Section if
55 the Council determines the project would:

- 56 (1) result in a loss of a site;
- 57 (2) require emergency appropriation; or
- 58 (3) may experience further delay not in the best interest of the public.

59 [(a)] (g) Affordable housing assessment. For each applicable capital project in
60 the Capital Improvements Program during facility planning, the
61 Office of Management and Budget must include in or transmit with
62 the CIP an evaluation of:

- 63 (1) the feasibility of including a significant amount of affordable
64 housing in the project;
- 65 (2) the effect of the project on the supply of affordable housing in the
66 immediate area;
- 67 (3) what capital or operating modifications, if any, would promote
68 and maximize affordable housing in the project and the
69 immediate area; and
- 70 (4) what operating budget modifications, if any, would be needed to
71 build and maintain affordable housing in the project.

72 [(b)] (h) * * *


73 [(c)] As used in this section, applicable capital project means any proposed building
74 project administered by the Department of General Services or the Parking
75 Management Division of the Department of Transportation.]

76 [(d)] (i) * * *

77 [(e)] (j) * * *

78 **Sec. 2. Effective Date; Transition.** The amendments in Section 1 take effect
79 on July 1, 2023.

Approved:




Evan Glass, President, County Council
2/1/2023
Date

Approved:

Returned Unsigned

Marc Elrich, County Executive
2/28/2023
Date

This is a correct copy of Council action.



Judy Rupp, Clerk of the Council
2/28/2023
Date