Introduced 02·03·2025
Public Hearing 02·18·2025
Council Action 03·03·2025
Executive Action 03·06·2025
Effective Date 05·06·2025

County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 2

Bill No. 10 -2025

Introduced by: Liz Walsh

~~SHORT TITLE: To require Mobile Home Parks and Motels to offer a right of first refusal to Howard County.~~

~~AN ACT amending the Howard County Code to establish a Notice and a Requirement to provide an offer to the County and Housing Commission to purchase Mobile Home Parks or Motels offered for sale in the County; and generally relating to the sale of Mobile Home Parks, or Motels.~~

SHORT TITLE: To require Mobile Home Parks and Motels to offer a right of first refusal to Howard County, The Howard County Housing Commission or their assignees.

AN ACT amending the Howard County Code to establish a notice and a requirement to provide an offer to the County or the Housing Commission or their assignees to purchase Mobile Home Parks or Motels offered for sale in the County, and the affordability requirements for any rental property, Mobile Home Park or Motel purchased by the County or the Housing Commission or their assignees.

Introduced and read first time Feb 3, 2025. Ordered posted and hearing scheduled.

By order Michelle Harrod
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Feb 18, 2025.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on March 3 2025 and Passed ___, Passed with amendments ✓, Failed ___.

By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4 day of March, 2025 at 2 a.m. (p.m.)

By order Michelle Harrod
Michelle Harrod, Administrator

Approved by the County Executive March 6, 2025

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

Section 1. Be It Enacted *by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:*

By amending:

Title 13. Housing and Community Development

Subtitle 14. Notice and Right to Purchase – Sale of Rental Housing

HOWARD COUNTY CODE

Title 13. Housing and Community Development.

Subtitle 14. – Notice and Right to Purchase - Sale of Rental Housing, MOBILE HOME PARKS, AND MOTELS

Sec. 13.1400. - Definitions.

(A) *ASSIGNEE* MEANS AN ENTITY TO WHOM THE COUNTY OR COMMISSION ASSIGNS ITS RIGHTS UNDER SECTION 13.1403 OF THIS SUBTITLE, INCLUDING, WITHOUT LIMITATION, ANY JOINT VENTURE BETWEEN (1) THE COMMISSION, ITS AFFILIATE, OR SUBSIDIARY, AND (2) ANOTHER ENTITY.

(~~a~~B) Commission means the Howard County Housing Commission.

(~~b~~C) Department means the Department of Housing and Community Development.

(~~c~~D) *MOBILE HOME PARK* MEANS A MOBILE HOME DEVELOPMENT ORGANIZED AS A CONDOMINIUM REGIME THAT ONLY RENTS UNITS OR CONSISTING OF ONE LOT WHICH IS DIVIDED INTO INDIVIDUAL SITES AND OPERATED EXCLUSIVELY AS A RENTAL.

(~~d~~E) *MOTEL* MEANS ANY BUILDING OR PORTION THEREOF OR GROUP OF BUILDINGS CONTAINING GUEST ROOMS IN WHICH, FOR COMPENSATION, LODGING IS PROVIDED TO GUESTS ON A DAILY, WEEKLY, OR MONTHLY BASIS.

([[(c)]]~~e~~F) *Owner* means an individual or entity holding title to rental housing, A MOBILE HOME PARK, OR MOTEL.

([[(d)]]~~F~~G) *Rental Housing* means a multiple-family dwelling, or a group of multiple-family dwellings operated as one entity, with a total of five or more rental units.

([[(e)]]~~G~~H) *Sale, sell* or *selling* means:

(1) Transfer of title to rental housing, MOBILE HOME PARK, OR MOTEL;

(2) Transfer in a 12-month period of a majority interest in ownership of the rental housing, MOBILE HOME PARK, OR MOTEL; or

(3) Transfer in a 12-month period a majority interest in ownership of an entity holding title to the rental housing, MOBILE HOME PARK, OR MOTEL; or

(4) Lease of rental housing, MOBILE HOME PARK, OR MOTEL for more than seven years.

([[(f)]]~~H~~I) *Tenant* means an individual who lives in a rental housing unit, OR MOBILE HOME PARK with the owner's consent and is responsible for paying rent to the owner.

([[(g)]]~~I~~J) *Tenant organization* means an association of tenants of rental housing, OR MOBILE HOME PARK that represents tenants of at least 30 percent of the occupied units in the rental housing OR MOBILE HOME PARK.

([[(h)]]~~J~~K) *Title* means:

(1) A legal or equitable ownership interest in rental housing, MOBILE HOME PARK, OR MOTEL; or

(2) A legal, equitable, or beneficial interest in a partnership, limited partnership, corporation, trust, or other person who is not an individual, that has a legal or equitable interest in rental housing, MOBILE HOME PARK, OR MOTEL.

Sec. 13.1401. - Purpose.

The purpose of this subtitle is to address a shortage of affordable rental housing in the county and to increase opportunities for the Department and the Commission to expand the number of affordable dwelling units available in the County by requiring an owner of rental housing, A MOBILE HOME PARK, OR MOTEL to first provide notice and a written offer to purchase

to the Department, the Commission, and a tenant organization when the owner offers the rental housing, MOBILE HOME PARK, OR MOTEL for sale either in whole or in part to another party.

Sec. 13.1402. - Notice required.

(a) *Notice of Intent to Sell.* Unless otherwise provided by law, no later than three days after offering the rental housing, MOBILE HOME PARK, OR MOTEL for sale, the owner shall provide by first class mail to the department, the commission, and tenants of the rental housing, MOBILE HOME PARK, OR GUESTS OF THE MOTEL written notice of the owner's intent to sell the property. Any contract of sale shall comply with the requirements of this subtitle prior to entering into a non-contingent contract of sale of rental housing, A MOBILE HOME PARK, OR A MOTEL. The owner may enter into a contract of sale for rental housing, A MOBILE HOME PARK, OR A MOTEL that is contingent upon the county's or the commission's waiver of rights pursuant to this subtitle.

(b) *Notice upon the execution of a bona fide contract of sale.* Unless otherwise provided by law, no later than ten days after the execution of a bona fide contract of sale of rental housing, A MOBILE HOME PARK, OR A MOTEL, the owner shall provide written notice of the sale:

(1) To each tenant in the rental housing OR MOBILE HOME PARK, AND TO EACH GUEST IN THE MOTEL by first-class and to any tenant organization, if any, by certified mail, return receipt requested;

(2) By conspicuously posting the notice in public areas of the rental housing, MOBILE HOME PARK, OR MOTEL; and

(3) To the Department of Inspections, Licenses and Permits by certified mail, return receipt requested; and

(4) To the Department and the Commission by certified mail, return receipt requested with a list identifying each tenant and the tenant's address.

(C) *Notice compliance.* The owner shall issue a certificate of notice compliance for the sale of rental housing, MOBILE HOME PARK, OR MOTEL to the County in a form appropriate for recordation in the land records.

(D) *Enforcement.*

(1) The County may enforce this provision by:

(a) Investigating any alleged violation;

(b) Issuing a summons or subpoena to compel the attendance of a person or the production of documents or other evidence;

(c) Reporting a violation to any other appropriate government agency;

(d) Informal conciliation between a complainant and an alleged violator;

(e) Dismissing a complaint when the County determines that there is insufficient evidence of a violation;

(f) Obtaining injunctive or other appropriate judicial relief, such as an order to:

(1) Require compliance with a summons or a subpoena;

(2) Require an alleged violator or witness to attend a proceeding concerning the alleged violation;

(3) Require production of documents or other evidence;

(4) Require transfer of documents or other evidence to the Court; or

(5) Prohibit the destruction of documents or other evidence;

(g) Ordering any appropriate financial, legal, or equitable relief to a tenant injured by a violation of this Chapter;

(h) Any other applicable enforcement action that the County could take to enforce a violation;

(i) Developing, conducting, or assisting in educational and information programs concerning the requirements of this Chapter; and

(j) Adopting regulations to implement this Chapter.

(2) The rental housing license issued under Subtitle 9 of Title 14 of this Code is subject to revocation by the Director of the Howard County Department of Inspections, Licenses and

Permits if the owner of the Rental Housing OR THE MOBILE HOME PARK violates the provisions of 13.1403, then revocation may occur after service of notice describing the violation under the subtitle and the revocation can be enforced for up to 24 months. Notice shall be served in accordance with the provisions of section 14.903(c).

(e) This Chapter does not limit any other legal right available to a person.

(f) Nothing herein creates a third-party right in any individual tenant.

SECTION 13.1403. – RIGHT TO PURCHASE

(a) *Right To Purchase.* An owner shall offer the County and Commission the right to buy rental housing, A MOBILE HOME PARK, OR A MOTEL in accordance with the requirements of this subtitle, except if the property meets the requirements under Section 13.1403(~~f~~H).

(B) *ASSIGNMENT OF RIGHTS.* BY WRITTEN AGREEMENT, THE COUNTY OR COMMISSION MAY ASSIGN ITS RIGHT TO PURCHASE TO AN ASSIGNEE. THIS ASSIGNMENT SHALL BE IN WRITING, MAY BE RECORDED, AND SHALL REQUIRE THAT THE ASSIGNEE ACCEPT ALL RESPONSIBILITIES OF THE COUNTY OR COMMISSION AS IF THE COUNTY OR COMMISSION WERE PURCHASING THE RENTAL HOUSING, MOBILE HOME PARK, OR MOTEL.

(C) *SOLICITATION PROCESS.* ON AN ANNUAL BASIS, THE COUNTY MAY UNDERGO A SOLICITATION PROCESS OR EXPRESSION OF INTEREST TO CREATE AND RETAIN A QUALIFIED LIST OF ASSIGNEES THAT SHALL BE IN ACCORDANCE WITH TITLE 4, SUBTITLE 1 OF THIS CODE. THE COUNTY MAY ONLY ASSIGN ITS RIGHTS UNDER THIS SUBTITLE IF IT HAS UNDERTAKEN SUCH A SOLICITATION PROCESS. THE COMMISSION SHALL FOLLOW ITS OWN PROCUREMENT PROCEDURES IN DETERMINING THE ASSIGNMENT OF ITS RIGHTS UNDER THIS SUBTITLE.

(~~b~~D) *Requirements for offer.* An offer required by subsection (a) shall:

(1) Be in writing;

(2) Be on commercially reasonable terms and include substantially the same terms and conditions upon which the owner will offer the property for sale on the commercial market or which are contained in a contingent bona fide contract of sale executed by the owner and a third party; and

(3) Remain open for 45 days after it is received, ~~for the County and Commission.~~ AS FOLLOWS:

(I) TO THE COMMISSION OR THE COMMISSION'S ASSIGNEE FOR 45 DAYS; HOWEVER, IF THE COUNTY ELECTS TO EXERCISE OR ASSIGN ITS RIGHT TO PURCHASE BY SUBMITTING A CONTRACT, AS SET FORTH IN SUBSECTION (II) OF THIS SECTION, AT ANY TIME AFTER THE FIRST 25 DAYS THAT THE OFFER HAS BEEN IN EFFECT, THE COMMISSION'S RIGHT TO EXERCISE OR ASSIGN ITS RIGHT TO PURCHASE SHALL BE NULL AND VOID; AND

(II) TO THE COUNTY OR THE COUNTY'S ASSIGNEE FROM THE 26TH DAY AFTER THE OFFER WAS RECEIVED.

(e E) *Information and inspection.* The owner shall give the County OR THE COUNTY'S ASSIGNEE and Commission OR THE COMMISSION'S ASSIGNEE:

(1) Any information about the rental housing, MOBILE HOME PARK, OR MOTEL relevant to exercising the right of purchase, such as architectural and engineering plans and specifications, and operating data; and

(2) Access to the rental housing, MOBILE HOME PARK, OR MOTEL to inspect the property and conduct reasonable tests at reasonable times after reasonable notice.

The County OR THE COUNTY'S ASSIGNEE or Commission OR THE COMMISSION'S ASSIGNEE shall pay the owner a reasonable deposit not to exceed the actual cost of reproducing any architectural and engineering plans that the owner is requested to provide. The owner shall refund the deposit when the plans are returned to the owner.

(d F) *Exercise of right to purchase.*

(1) The County OR THE COUNTY'S ASSIGNEE or Commission OR THE COMMISSION'S ASSIGNEE may exercise the right to purchase by accepting the offer within the applicable period under subsection (b D)(3).

(2) The owner shall sell the rental housing, MOBILE HOME PARK, OR MOTEL under the right to purchase if the acceptance includes substantially the same terms and conditions contained in the owner's bona fide offer or contingent contract of sale with a third party, including any contract term that provides for a real estate commission payable to an independent broker, not to exceed three percent of the sales price. Notwithstanding this general requirement or any term of the contract, the County OR THE COUNTY'S ASSIGNEE or Commission OR THE COMMISSION'S ASSIGNEE may condition its acceptance on obtaining financing at any time before the deadline in paragraph (3) for completing the sale.

(3) The owner and the County OR THE COUNTY'S ASSIGNEE or Commission OR THE COMMISSION'S ASSIGNEE shall complete a sale under this subsection within 180 days after the County or Commission receives the owner's offer unless the parties agree in writing to extend the 180-day period.

~~(4) The right to purchase applies in the following order of priority:~~

~~(a) the County; and~~

~~(b) Commission.~~

(eG) *Expiration of right to purchase.* If the County OR THE COUNTY'S ASSIGNEE and Commission OR THE COMMISSION'S ASSIGNEE do not exercise their rights to purchase within the applicable period under subsection (bD)(3), the owner may sell the rental housing, MOBILE HOME PARK, OR MOTEL to the third-party buyer under substantially the same terms and conditions offered to the County OR THE COUNTY'S ASSIGNEE and Commission OR THE COMMISSION'S ASSIGNEE .

(~~f~~H) *Sales not requiring Right to Purchase.* An owner does not have to provide a right to purchase for the sale of the following transfers of a rental facility:

(1) Any transfer made pursuant to the terms of a bona fide mortgage or deed of trust agreement, excluding an indemnity deed of trust;

(2) Any transfer to a mortgagee in lieu of foreclosure or any transfer pursuant to any other proceedings, arrangement or deed in lieu of foreclosure;

(3) Any transfer made pursuant to a judicial sale or other judicial proceeding brought to secure payment of a debt or for the purpose of securing the performance of an obligation;

(4) Any transfer of the interest of one co-tenant to another co-tenant by operation of law or otherwise;

(5) Any transfer made by will or descent or by intestate distribution;

(6) Any transfer made to any municipal, county or state government or to any agencies, instrumentalities or political subdivisions thereof;

(7) Any transfer to an owner's spouse or child; or

(8) Any transfer into a partnership or corporation wholly owned by the person(s) so transferring.

(~~g~~I) *Forgoing the right to purchase for affordable units.* If a rental housing, MOBILE HOME PARK, OR MOTEL owner enters a binding agreement with the County or Commission to designate and maintain the greater of either the existing percentage or at least 20 percent of the units in the rental housing, MOBILE HOME PARK, OR MOTEL offered for sale classified as affordable to persons of eligible income (as defined in Section 12.1303(i) of the County Code) for at least 40 years, then the owner does not have to offer a right to purchase as provided in this Section.

(~~h~~J) *Forgoing the Right to Purchase in a Timely Manner.* The County or Commission shall, within seven days of the notice of sale under section 13.1402(a) or (b), notify the owner of a rental housing, MOBILE HOME PARK, OR MOTEL development:

(1) That neither will purchase OR ASSIGN ITS RIGHT TO PURCHASE the property offered for sale if the purchase would:

a. Increase the poverty level in a census tract lock group if the poverty level in the census tract block group is ten percent or greater; or

b. Increase the poverty rate of a census tract block group to ten percent or greater;

[[Or if there is no intent to pursue the purchase of the property.]]

(2) OR IF THERE IS NO INTENT TO PURSUE THE PURCHASE OF THE PROPERTY.

(~~i~~K) *Certification to Department of Finance*. The Department of Finance shall develop a method to certify that the transaction meets the requirements of this section.

Sec. 13. 1404. - Purchase.

(a) *Purchase.* In addition to the right to purchase set forth in section 13.1403, the Commission, or the tenant organization, if any, may negotiate with the owner to purchase the rental housing, MOBILE HOME PARK, OR MOTEL.

(b) *Information and Inspection.* Upon entering into negotiations and on request the owner shall give the Department, the Commission, and any tenant organization:

(1) Any information about the rental housing relevant to purchasing the rental housing, MOBILE HOME PARK, OR MOTEL such as architectural and engineering plans and specifications, and operating data; or

(2) Access to the rental housing, MOBILE HOME PARK, OR MOTEL to inspect the property and conduct reasonable tests at reasonable times after reasonable notice.

(c) *The County or Commission.* The County or Commission may make an offer to purchase the rental housing, MOBILE HOME PARK, OR MOTEL in accordance with section 13.407.

SECTION 13.1405. AFFORDABLE UNITS.

~~At least 20 percent of the units of any rental housing, MOBILE HOME PARK, OR MOTEL purchased by the Department or the Commission shall be maintained as affordable, in perpetuity, to households with income at levels at or below the moderate-income level as defined in Section 13.1303(i) of this Code.~~

(A) AFFORDABILITY REQUIREMENT. AT LEAST 20 PERCENT OF THE UNITS OF ANY RENTAL HOUSING, MOBILE HOME PARK, OR MOTEL PURCHASED BY THE COUNTY, THE COMMISSION, AN ASSIGNEE OF THE COUNTY, OR AN ASSIGNEE OF THE COMMISSION AS ALLOWED UNDER SECTION 13.403(B) OF THIS SUBTITLE, SHALL BE MAINTAINED AS AFFORDABLE, FOR AT LEAST 40 YEARS, TO HOUSEHOLDS WITH INCOME AT LEVELS AT OR BELOW THE MODERATE-INCOME LEVEL AS DEFINED IN SECTION 13.1303(I) OF THIS CODE. FOR THE FIRST 15 YEARS AFTER CLOSING, NEITHER THE COUNTY NOR ITS ASSIGNEE, NOR THE COMMISSION NOR ITS ASSIGNEE SHALL INCREASE THE PERCENTAGE OF AFFORDABLE UNITS IN ANY PROPERTY PURCHASED UNDER THIS SUBTITLE TO MORE THAN 50%, OR IF IT IS MORE THAN 50% AT CLOSING, TO ANY HIGHER PERCENTAGE.

(B) RECORDED COVENANT. THE COUNTY, THE COUNTY'S ASSIGNEE, THE COMMISSION, OR THE COMMISSION'S ASSIGNEE OR THE OWNER IF IT OPTS TO DESIGNATE THE REQUIRED AFFORDABLE UNITS UNDER 13.1403(I) OF THIS SUBTITLE, SHALL EXECUTE AND RECORD COVENANTS ON THE PROPERTY, IN A FORM ACCEPTABLE TO THE COUNTY, THAT REQUIRE THE PURCHASER AND ALL SUBSEQUENT OWNERS OF THE PROPERTY TO ADHERE TO THE REQUIREMENTS OF THIS SECTION FOR A PERIOD OF NOT FEWER THAN 40 YEARS FROM THE DATE OF THE CLOSING ON THE PROPERTY.

Sec. 13.1406. - Regulations.

The Department may adopt regulations to implement this section.

Sec. 13.1407. - Annual reports to the Council.

Subject to section 22.1000 of the County Code, by February 1 of each year, the Department and the Commission shall report and present to the Council on activities under this subtitle for the prior calendar year, including:

(a) Any notice of offer to sell received by the Department or Commission; and

(b) The number of rental units the Department or Commission acquired, specifically:

(1) The location of affordable units;

(2) The unit mix of the rental housing, MOBILE HOME PARK, OR MOTEL broken down by market rate and affordable units;

(3) A breakdown of affordable units by number and size of bedrooms;

(4) A breakdown of affordability levels for the affordable units;

(5) A comparison of unit finishes for market rate and affordable units;

(6) A comparison of additional fees beyond rent for market rate and affordable units;

(7) Capital investments and amenities made or planned for the property;

(8) The general condition and planned maintenance for the property;

(9) How the overall number of existing affordable units in the county relates to the affordable housing needs, including unmet housing demand, identified in the most current Housing Opportunities Master Plan or similar plan approved by the County Council; and

(10) A map showing the locations and totals by location of (i) the existing affordable units in the county, (ii) the market rate units, (iii) the approved but not built affordable units and market rate units; and (iv) housing unit allocations granted for both affordable units and market rate units.

Section 2. And Be It Further Enacted *by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 10-2025

BY: Liz Walsh

Legislative Day 3
Date: March 3, 2025

Amendment No. 1

(This amendment allows for an assignment of rights process for the County and the Howard County Housing Commission; establishes a solicitation process for qualified assignees; prohibits an increase in the percentage of affordable units to more than 50% for properties purchased; and requires a recorded covenant relating to affordable housing units.)

On the Title page, strike both Short Title and the Title, in their entirety and substitute the following:

"**SHORT TITLE:** To require Mobile Home Parks and Motels to offer a right of first refusal to Howard County, the Howard County Housing Commission or their assignees.

AN ACT amending the Howard County Code to establish a notice and a requirement to provide an offer to the County or the Housing Commission or their assignees to purchase Mobile Home Parks or Motels offered for sale in the County, and the affordability requirements for any rental property, Mobile Home Park or Motel purchased by the County or the Housing Commission or their assignees.".

On page 1, below line 14, insert "(A) *ASSIGNEE* MEANS AN ENTITY TO WHOM THE COUNTY OR COMMISSION ASSIGNS ITS RIGHTS UNDER SECTION 13.1403 OF THIS SUBTITLE, INCLUDING, WITHOUT LIMITATION, ANY JOINT VENTURE BETWEEN (1) THE COMMISSION, ITS AFFILIATE, OR SUBSIDIARY, AND (2) ANOTHER ENTITY.". Renumber the remainder of the section accordingly.

On page 5, in line 9, strike "f" and substitute "H"

I certify that this a true copy of Am 1 to CB 10-2025
passed on March 3, 2025
Michelle Harrison
Council Administrator

On page 5, immediately following line 9, insert the following:

"(B) *ASSIGNMENT OF RIGHTS.* BY WRITTEN AGREEMENT, THE COUNTY OR COMMISSION MAY ASSIGN ITS RIGHT TO PURCHASE TO AN ASSIGNEE. THIS ASSIGNMENT SHALL BE IN WRITING, MAY BE RECORDED, AND SHALL REQUIRE THAT THE ASSIGNEE ACCEPT ALL RESPONSIBILITIES OF THE COUNTY OR COMMISSION AS IF THE COUNTY OR COMMISSION WERE PURCHASING THE RENTAL HOUSING, MOBILE HOME PARK, OR MOTEL.

(C) *SOLICITATION PROCESS.* ON AN ANNUAL BASIS, THE COUNTY MAY UNDERGO A SOLICITATION PROCESS OR EXPRESSION OF INTEREST TO CREATE AND RETAIN A QUALIFIED LIST OF ASSIGNEES THAT SHALL BE IN ACCORDANCE WITH TITLE 4, SUBTITLE 1 OF THIS CODE . THE COUNTY MAY ONLY ASSIGN ITS RIGHTS UNDER THIS SUBTITLE IF IT HAS UNDERTAKEN SUCH A SOLICITATION PROCESS. THE COMMISSION SHALL FOLLOW ITS OWN PROCUREMENT PROCEDURES IN DETERMINING THE ASSIGNMENT OF ITS RIGHTS UNDER THIS SUBTITLE.".

On page 5, in line 10, strike "b" and substitute "D"

On page 5, line 16, strike ", for the County and Commission" and insert the following "AS FOLLOWS:

(I) TO THE COMMISSION OR THE COMMISSION'S ASSIGNEE FOR 45 DAYS; HOWEVER, IF THE COUNTY ELECTS TO EXERCISE OR ASSIGN ITS RIGHT TO PURCHASE BY SUBMITTING A CONTRACT, AS SET FORTH IN SUBSECTION (II) OF THIS SECTION, AT ANY TIME AFTER THE FIRST 25 DAYS THAT THE OFFER HAS BEEN IN EFFECT, THE COMMISSION'S RIGHT TO EXERCISE OR ASSIGN ITS RIGHT TO PURCHASE SHALL BE NULL AND VOID; AND

(II) TO THE COUNTY OR THE COUNTY'S ASSIGNEE FROM THE 26TH DAY AFTER THE OFFER WAS RECEIVED.".

One page 5, in line 17 Strike "c" and substitute "E". In the same line, immediately following "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 5, in line 23 immediately after "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 6, in line 3 strike "d" and substitute "F".

On Page 6 line 4, immediately following "County" insert "OR THE COUNTY'S ASSIGNEE", and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 6, in line 5, strike "(b)" and substitute "(D)"

On page 6, in line 11, immediately after "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 6, in line 14, immediately after "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 6, strike lines 17-19 in their entirety.

On page 6, in line 20, strike "e" and substitute "G". In the same line, immediately after "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 6, in line 21, strike "(b)" and substitute "(D)".

On page 6, in line 23, immediately after "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE". Renumber the remainder of the section accordingly.

On page 7, in line 24, immediately after the first "purchase" insert "OR ASSIGN ITS RIGHT TO PURCHASE"

On page 9, strike lines 2-5 in their entirety and substitute the following:

"(A) AFFORDABILITY REQUIREMENT. AT LEAST 20 PERCENT OF THE UNITS OF ANY RENTAL HOUSING, MOBILE HOME PARK, OR MOTEL PURCHASED BY THE COUNTY, THE COMMISSION, AN ASSIGNEE OF THE COUNTY, OR AN ASSIGNEE OF THE COMMISSION AS ALLOWED UNDER SECTION 13.403(B) OF THIS SUBTITLE, SHALL BE MAINTAINED AS AFFORDABLE, FOR AT LEAST 40 YEARS, TO HOUSEHOLDS WITH INCOME AT LEVELS AT OR BELOW THE MODERATE-INCOME LEVEL AS DEFINED IN SECTION 13.1303(I) OF THIS CODE. FOR THE FIRST 15 YEARS AFTER CLOSING, NEITHER THE COUNTY NOR ITS ASSIGNEE, NOR THE COMMISSION NOR ITS ASSIGNEE SHALL INCREASE THE PERCENTAGE OF AFFORDABLE UNITS IN ANY PROPERTY PURCHASED UNDER THIS SUBTITLE TO MORE THAN 50%, OR IF IT IS MORE THAN 50% AT CLOSING, TO ANY HIGHER PERCENTAGE.

(B) RECORDED COVENANT. THE COUNTY, THE COUNTY'S ASSIGNEE, THE COMMISSION, OR THE COMMISSION'S ASSIGNEE OR THE OWNER IF IT OPTS TO DESIGNATE THE REQUIRED AFFORDABLE UNITS UNDER 13.1403(I) OF THIS SUBTITLE, SHALL EXECUTE AND RECORD COVENANTS ON THE PROPERTY, IN A FORM ACCEPTABLE TO THE COUNTY, THAT REQUIRE THE PURCHASER AND ALL SUBSEQUENT OWNERS OF THE PROPERTY TO ADHERE TO THE REQUIREMENTS OF THIS SECTION FOR A PERIOD OF NOT FEWER THAN 40 YEARS FROM THE DATE OF THE CLOSING ON THE PROPERTY."

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 2

Bill No. 10 -2025

Introduced by: Liz Walsh

SHORT TITLE: To require Mobile Home Parks and Motels to offer a right of first refusal to Howard County.

AN ACT amending the Howard County Code to establish a Notice and a Requirement to provide an offer to the County and Housing Commission to purchase Mobile Home Parks or Motels offered for sale in the County; and generally relating to the sale of Mobile Home Parks, or Motels.

Introduced and read first time _____, 2025. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2025.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2025 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____day of _____, 2025 at ___ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved by the County Executive _____, 2025

_____
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

Section 1. Be It Enacted *by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:*

By amending:

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HOWARD COUNTY CODE

Title 13. Housing and Community Development.

Subtitle 14. – Notice and Right to Purchase - Sale of Rental Housing, MOBILE HOME PARKS, AND MOTELS

Sec. 13.1400. - Definitions.

(a) *Commission* means the Howard County Housing Commission.

(b) *Department* means the Department of Housing and Community Development.

(C) *MOBILE HOME PARK* MEANS A MOBILE HOME DEVELOPMENT ORGANIZED AS A CONDOMINIUM REGIME THAT ONLY RENTS UNITS OR CONSISTING OF ONE LOT WHICH IS DIVIDED INTO INDIVIDUAL SITES AND OPERATED EXCLUSIVELY AS A RENTAL.

(D) *MOTEL* MEANS ANY BUILDING OR PORTION THEREOF OR GROUP OF BUILDINGS CONTAINING GUEST ROOMS IN WHICH, FOR COMPENSATION, LODGING IS PROVIDED TO GUESTS ON A DAILY, WEEKLY, OR MONTHLY BASIS.

([[(c)]]E) *Owner* means an individual or entity holding title to rental housing, A MOBILE HOME PARK, OR MOTEL.

([[(d)]]F) *Rental Housing* means a multiple-family dwelling, or a group of multiple-family dwellings operated as one entity, with a total of five or more rental units.

([[(e)]]G) *Sale, sell* or *selling* means:

(1) Transfer of title to rental housing, MOBILE HOME PARK, OR MOTEL;

(2) Transfer in a 12-month period of a majority interest in ownership of the rental housing, MOBILE HOME PARK, OR MOTEL; or

(3) Transfer in a 12-month period a majority interest in ownership of an entity holding title to the rental housing, MOBILE HOME PARK, OR MOTEL; or

(4) Lease of rental housing, MOBILE HOME PARK, OR MOTEL for more than seven years.

([[(f)]]H) *Tenant* means an individual who lives in a rental housing unit, OR MOBILE HOME PARK with the owner's consent and is responsible for paying rent to the owner.

([[(g)]]I) *Tenant organization* means an association of tenants of rental housing, OR MOBILE HOME PARK that represents tenants of at least 30 percent of the occupied units in the rental housing OR MOBILE HOME PARK.

([[(h)]]J) *Title* means:

(1) A legal or equitable ownership interest in rental housing, MOBILE HOME PARK, OR MOTEL; or

(2) A legal, equitable, or beneficial interest in a partnership, limited partnership, corporation, trust, or other person who is not an individual, that has a legal or equitable interest in rental housing, MOBILE HOME PARK, OR MOTEL.

Sec. 13.1401. - Purpose.

The purpose of this subtitle is to address a shortage of affordable rental housing in the county and to increase opportunities for the Department and the Commission to expand the number of affordable dwelling units available in the County by requiring an owner of rental housing, A MOBILE HOME PARK, OR MOTEL to first provide notice and a written offer to purchase to the Department, the Commission, and a tenant organization when the owner offers the rental housing, MOBILE HOME PARK, OR MOTEL for sale either in whole or in part to another party.

Sec. 13.1402. - Notice required.

(a) *Notice of Intent to Sell.* Unless otherwise provided by law, no later than three days after offering the rental housing, MOBILE HOME PARK, OR MOTEL for sale, the owner shall provide by first class mail to the department, the commission, and tenants of the rental housing, MOBILE HOME PARK, OR GUESTS OF THE MOTEL written notice of the owner's intent to sell the property. Any contract of sale shall comply with the requirements of this subtitle prior to entering into a non-contingent contract of sale of rental housing, A MOBILE HOME PARK, OR A MOTEL. The owner may enter into a contract of sale for rental housing, A MOBILE HOME PARK, OR A MOTEL that is contingent upon the county's or the commission's waiver of rights pursuant to this subtitle.

(b) *Notice upon the execution of a bona fide contract of sale.* Unless otherwise provided by law, no later than ten days after the execution of a bona fide contract of sale of rental housing, A MOBILE HOME PARK, OR A MOTEL, the owner shall provide written notice of the sale:

(1) To each tenant in the rental housing OR MOBILE HOME PARK, AND TO EACH GUEST IN THE MOTEL by first-class and to any tenant organization, if any, by certified mail, return receipt requested;

(2) By conspicuously posting the notice in public areas of the rental housing, MOBILE HOME PARK, OR MOTEL; and

(3) To the Department of Inspections, Licenses and Permits by certified mail, return receipt requested; and

(4) To the Department and the Commission by certified mail, return receipt requested with a list identifying each tenant and the tenant's address.

(C) *Notice compliance.* The owner shall issue a certificate of notice compliance for the sale of rental housing, MOBILE HOME PARK, OR MOTEL to the County in a form appropriate for recordation in the land records.

(D) *Enforcement.*

(1) The County may enforce this provision by:

(a) Investigating any alleged violation;

(b) Issuing a summons or subpoena to compel the attendance of a person or the production of documents or other evidence;

(c) Reporting a violation to any other appropriate government agency;

(d) Informal conciliation between a complainant and an alleged violator;

(e) Dismissing a complaint when the County determines that there is insufficient evidence of a violation;

(f) Obtaining injunctive or other appropriate judicial relief such as an order to:

(1) Require compliance with a summons or a subpoena;

(2) Require an alleged violator or witness to attend a proceeding concerning the alleged violation;

(3) Require production of documents or other evidence;

(4) Require transfer of documents or other evidence to the Court; or

(5) Prohibit the destruction of documents or other evidence;

(g) Ordering any appropriate financial, legal, or equitable relief to a tenant injured by a violation of this Chapter;

(h) Any other applicable enforcement action that the County could take to enforce a violation;

(i) Developing, conducting, or assisting in educational and information programs concerning the requirements of this Chapter; and

(j) Adopting regulations to implement this Chapter.

(2) The rental housing license issued under Subtitle 9 of Title 14 of this Code is subject to revocation by the Director of the Howard County Department of Inspections, Licenses and Permits if the owner of the Rental Housing OR THE MOBILE HOME PARK violates the provisions of 13.1403, then revocation may occur after service of notice describing the violation under

the subtitle and the revocation can be enforced for up to 24 months. Notice shall be served in accordance with the provisions of section 14.903(c).

(e) This Chapter does not limit any other legal right available to a person.

(f) Nothing herein creates a third-party right in any individual tenant.

SECTION 13.1403. – RIGHT TO PURCHASE

(a) *Right To Purchase.* An owner shall offer the County and Commission the right to buy rental housing, A MOBILE HOME PARK, OR A MOTEL in accordance with the requirements of this subtitle, except if the property meets the requirements under Section 13.1403(f).

(b) *Requirements for offer.* An offer required by subsection (a) shall:

(1) Be in writing;

(2) Be on commercially reasonable terms and include substantially the same terms and conditions upon which the owner will offer the property for sale on the commercial market or which are contained in a contingent bona fide contract of sale executed by the owner and a third party; and

(3) Remain open for 45 days after it is received, for the County and Commission.

(c) *Information and inspection.* The owner shall give the County and Commission:

(1) Any information about the rental housing, MOBILE HOME PARK, OR MOTEL relevant to exercising the right of purchase, such as architectural and engineering plans and specifications, and operating data; and

(2) Access to the rental housing, MOBILE HOME PARK, OR MOTEL to inspect the property and conduct reasonable tests at reasonable times after reasonable notice.

The County or Commission shall pay the owner a reasonable deposit not to exceed the actual cost of reproducing any architectural and engineering plans that the owner is

requested to provide. The owner shall refund the deposit when the plans are returned to the owner.

(d) *Exercise of right to purchase.*

(1) The County or Commission may exercise the right to purchase by accepting the offer within the applicable period under subsection (b)(3).

(2) The owner shall sell the rental housing, MOBILE HOME PARK, OR MOTEL under the right to purchase if the acceptance includes substantially the same terms and conditions contained in the owner's bona fide offer or contingent contract of sale with a third party, including any contract term that provides for a real estate commission payable to an independent broker, not to exceed three percent of the sales price. Notwithstanding this general requirement or any term of the contract, the County or Commission may condition its acceptance on obtaining financing at any time before the deadline in paragraph (3) for completing the sale.

(3) The owner and the County or Commission shall complete a sale under this subsection within 180 days after the County or Commission receives the owner's offer unless the parties agree in writing to extend the 180-day period.

(4) The right to purchase applies in the following order of priority:

(a) the County; and

(b) Commission.

(e) *Expiration of right to purchase.* If the County and Commission do not exercise their rights to purchase within the applicable period under subsection (b)(3), the owner may sell the rental housing, MOBILE HOME PARK, OR MOTEL to the third-party buyer under substantially the same terms and conditions offered to the County and Commission.

(f) *Sales not requiring Right to Purchase.* An owner does not have to provide a right to purchase for the sale of the following transfers of a rental facility:

(1) Any transfer made pursuant to the terms of a bona fide mortgage or deed of trust agreement, excluding an indemnity deed of trust;

(2) Any transfer to a mortgagee in lieu of foreclosure or any transfer pursuant to any other proceedings, arrangement or deed in lieu of foreclosure;

(3) Any transfer made pursuant to a judicial sale or other judicial proceeding brought to secure payment of a debt or for the purpose of securing the performance of an obligation;

(4) Any transfer of the interest of one co-tenant to another co-tenant by operation of law or otherwise;

(5) Any transfer made by will or descent or by intestate distribution;

(6) Any transfer made to any municipal, county or state government or to any agencies, instrumentalities or political subdivisions thereof;

(7) Any transfer to an owner's spouse or child; or

(8) Any transfer into a partnership or corporation wholly owned by the person(s) so transferring.

(g) *Forgoing the right to purchase for affordable units.* If a rental housing, MOBILE HOME PARK, OR MOTEL owner enters a binding agreement with the County or Commission to designate and maintain the greater of either the existing percentage or at least 20 percent of the units in the rental housing, MOBILE HOME PARK, OR MOTEL offered for sale classified as affordable to persons of eligible income (as defined in Section 12.1303(i) of the County Code) for at least 40 years, then the owner does not have to offer a right to purchase as provided in this Section.

(h) *Forgoing the Right to Purchase in a Timely Manner.* The County or Commission shall, within seven days of the notice of sale under section 13.1402(a) or (b), notify the owner of a rental housing, MOBILE HOME PARK, OR MOTEL development:

(1) That neither will purchase the property offered for sale if the purchase would:

a. Increase the poverty level in a census tract lock group if the poverty level in the census tract block group is ten percent or greater; or

b. Increase the poverty rate of a census tract block group to ten percent or greater;

[[Or if there is no intent to pursue the purchase of the property.]]

(2) OR IF THERE IS NO INTENT TO PURSUE THE PURCHASE OF THE PROPERTY.

(i) *Certification to Department of Finance*. The Department of Finance shall develop a method to certify that the transaction meets the requirements of this section.

Sec. 13. 1404. - Purchase.

(a) *Purchase.* In addition to the right to purchase set forth in section 13.1403, the Commission, or the tenant organization, if any, may negotiate with the owner to purchase the rental housing, MOBILE HOME PARK, OR MOTEL.

(b) *Information and Inspection.* Upon entering into negotiations and on request the owner shall give the Department, the Commission, and any tenant organization:

(1) Any information about the rental housing relevant to purchasing the rental housing, MOBILE HOME PARK, OR MOTEL such as architectural and engineering plans and specifications, and operating data; or

(2) Access to the rental housing, MOBILE HOME PARK, OR MOTEL to inspect the property and conduct reasonable tests at reasonable times after reasonable notice.

(c) *The County or Commission.* The County or Commission may make an offer to purchase the rental housing, MOBILE HOME PARK, OR MOTEL in accordance with section 13.407.

SECTION 13.1405. AFFORDABLE UNITS.

At least 20 percent of the units of any rental housing, MOBILE HOME PARK, OR MOTEL purchased by the Department or the Commission shall be maintained as affordable, in perpetuity, to households with income at levels at or below the moderate-income level as defined in Section 13.1303(i) of this Code.

Sec. 13.1406. - Regulations.

The Department may adopt regulations to implement this section.

Sec. 13.1407. - Annual reports to the Council.

Subject to section 22.1000 of the County Code, by February 1 of each year, the Department and the Commission shall report and present to the Council on activities under this subtitle for the prior calendar year, including:

(a) Any notice of offer to sell received by the Department or Commission; and

(b) The number of rental units the Department or Commission acquired, specifically:

(1) The location of affordable units;

(2) The unit mix of the rental housing, MOBILE HOME PARK, OR MOTEL broken down by market rate and affordable units;

(3) A breakdown of affordable units by number and size of bedrooms;

(4) A breakdown of affordability levels for the affordable units;

(5) A comparison of unit finishes for market rate and affordable units;

(6) A comparison of additional fees beyond rent for market rate and affordable units;

(7) Capital investments and amenities made or planned for the property;

(8) The general condition and planned maintenance for the property;

(9) How the overall number of existing affordable units in the county relates to the affordable housing needs, including unmet housing demand, identified in the

most current Housing Opportunities Master Plan or similar plan approved by the County Council; and

(10) A map showing the locations and totals by location of (i) the existing affordable units in the county, (ii) the market rate units, (iii) the approved but not built affordable units and market rate units; and (iv) housing unit allocations granted for both affordable units and market rate units.

Section 2. And Be It Further Enacted *by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*

Harrod, Michelle

To: Gold, Rebecca
Cc: Wimberly, Theodore; Almon, James; Rinehart, Nick
Subject: RE: A1CB10-2025 Spelling Error

Rebecca,

Thank you, we will correct during enrollment.

Thank you,
Michelle R. Harrod
Howard County Government
Administrator to the County Council

410-313-3111 (office)
443-398-6013 (cell)
mrharrod@howardcountymd.gov

From: Gold, Rebecca <rgold@howardcountymd.gov>
Sent: Friday, February 28, 2025 2:13 PM
To: Harrod, Michelle <mrharrod@howardcountymd.gov>
Subject: A1CB10-2025 Spelling Error

Good afternoon, Michelle!

If you weren't already aware, I believe there's a spelling error in Page 4, Line 23, of Amendment 1 to CB10-2025:

20 (B) RECORDED COVENANT. THE COUNTY, THE COUNTY'S ASSIGNEE, THE COMMISSION, OR
21 THE COMMISSION'S ASSIGNEE OR THE OWNER IF IT OPTS TO DESIGNATE THE REQUIRED
22 AFFORDABLE UNITS UNDER 13.1403(I) OF THIS SUBTITLE, SHALL EXECUTE AND RECORD
23 CONVENTS ON THE PROPERTY, IN A FORM ACCEPTABLE TO THE COUNTY, THAT REQUIRE THE

Thank you,

Rebecca Gold
Howard County Government
Office of the County Auditor
Legislative Auditor
3430 Court House Drive, Ellicott City, MD 21043
rgold@howardcountymd.gov
410-313-2005 (office)

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Amendment 1 to Council Bill No. 10-2025

BY: Liz Walsh

Legislative Day 3
Date: March 3, 2025

Amendment No. 1

(This amendment allows for an assignment of rights process for the County and the Howard County Housing Commission; establishes a solicitation process for qualified assignees; prohibits an increase in the percentage of affordable units to more than 50% for properties purchased; and requires a recorded covenant relating to affordable housing units.)

On the Title page, strike both Short Title and the Title, in their entirety and substitute the following:

"**SHORT TITLE:** To require Mobile Home Parks and Motels to offer a right of first refusal to Howard County, the Howard County Housing Commission or their assignees.

AN ACT amending the Howard County Code to establish a notice and a requirement to provide an offer to the County or the Housing Commission or their assignees to purchase Mobile Home Parks or Motels offered for sale in the County, and the affordability requirements for any rental property, Mobile Home Park or Motel purchased by the County or the Housing Commission or their assignees.".

On page 1, below line 14, insert "(A) *ASSIGNEE* MEANS AN ENTITY TO WHOM THE COUNTY OR COMMISSION ASSIGNS ITS RIGHTS UNDER SECTION 13.1403 OF THIS SUBTITLE, INCLUDING, WITHOUT LIMITATION, ANY JOINT VENTURE BETWEEN (1) THE COMMISSION, ITS AFFILIATE, OR SUBSIDIARY, AND (2) ANOTHER ENTITY.". Renumber the remainder of the section accordingly.

On page 5, in line 9, strike "f" and substitute "H"

On page 5, immediately following line 9, insert the following:

"(B) *ASSIGNMENT OF RIGHTS.* BY WRITTEN AGREEMENT, THE COUNTY OR COMMISSION MAY ASSIGN ITS RIGHT TO PURCHASE TO AN ASSIGNEE. THIS ASSIGNMENT SHALL BE IN WRITING, MAY BE RECORDED, AND SHALL REQUIRE THAT THE ASSIGNEE ACCEPT ALL RESPONSIBILITIES OF THE COUNTY OR COMMISSION AS IF THE COUNTY OR COMMISSION WERE PURCHASING THE RENTAL HOUSING, MOBILE HOME PARK, OR MOTEL.

(C) *SOLICITATION PROCESS.* ON AN ANNUAL BASIS, THE COUNTY MAY UNDERGO A SOLICITATION PROCESS OR EXPRESSION OF INTEREST TO CREATE AND RETAIN A QUALIFIED LIST OF ASSIGNEES THAT SHALL BE IN ACCORDANCE WITH TITLE 4, SUBTITLE 1 OF THIS CODE . THE COUNTY MAY ONLY ASSIGN ITS RIGHTS UNDER THIS SUBTITLE IF IT HAS UNDERTAKEN SUCH A SOLICITATION PROCESS. THE COMMISSION SHALL FOLLOW ITS OWN PROCUREMENT PROCEDURES IN DETERMINING THE ASSIGNMENT OF ITS RIGHTS UNDER THIS SUBTITLE.".

On page 5, in line 10, strike "b" and substitute "D"

On page 5, line 16, strike ", for the County and Commission" and insert the following "AS FOLLOWS:

(I) TO THE COMMISSION OR THE COMMISSION'S ASSIGNEE FOR 45 DAYS; HOWEVER, IF THE COUNTY ELECTS TO EXERCISE OR ASSIGN ITS RIGHT TO PURCHASE BY SUBMITTING A CONTRACT, AS SET FORTH IN SUBSECTION (II) OF THIS SECTION, AT ANY TIME AFTER THE FIRST 25 DAYS THAT THE OFFER HAS BEEN IN EFFECT, THE COMMISSION'S RIGHT TO EXERCISE OR ASSIGN ITS RIGHT TO PURCHASE SHALL BE NULL AND VOID; AND

(II) TO THE COUNTY OR THE COUNTY'S ASSIGNEE FROM THE 26TH DAY AFTER THE OFFER WAS RECEIVED.".

One page 5, in line 17 Strike "c" and substitute "E". In the same line, immediately following "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 5, in line 23 immediately after "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 6, in line 3 strike "d" and substitute "F".

On Page 6 line 4, immediately following "County" insert "OR THE COUNTY'S ASSIGNEE", and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 6, in line 5, strike "(b)" and substitute "(D)"

On page 6, in line 11, immediately after "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 6, in line 14, immediately after "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 6, strike lines 17-19 in their entirety.

On page 6, in line 20, strike "e" and substitute "G". In the same line, immediately after "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE".

On page 6, in line 21, strike "(b)" and substitute "(D)".

On page 6, in line 23, immediately after "County" insert "OR THE COUNTY'S ASSIGNEE" and immediately following "Commission" insert "OR THE COMMISSION'S ASSIGNEE". Renumber the remainder of the section accordingly.

On page 7, in line 24, immediately after the first "purchase" insert "OR ASSIGN ITS RIGHT TO PURCHASE"

On page 9, strike lines 2-5 in their entirety and substitute the following:

"(A) AFFORDABILITY REQUIREMENT. AT LEAST 20 PERCENT OF THE UNITS OF ANY RENTAL HOUSING, MOBILE HOME PARK, OR MOTEL PURCHASED BY THE COUNTY, THE COMMISSION, AN ASSIGNEE OF THE COUNTY, OR AN ASSIGNEE OF THE COMMISSION AS ALLOWED UNDER SECTION 13.403(B) OF THIS SUBTITLE, SHALL BE MAINTAINED AS AFFORDABLE, FOR AT LEAST 40 YEARS, TO HOUSEHOLDS WITH INCOME AT LEVELS AT OR BELOW THE MODERATE-INCOME LEVEL AS DEFINED IN SECTION 13.1303(I) OF THIS CODE. FOR THE FIRST 15 YEARS AFTER CLOSING, NEITHER THE COUNTY NOR ITS ASSIGNEE, NOR THE COMMISSION NOR ITS ASSIGNEE SHALL INCREASE THE PERCENTAGE OF AFFORDABLE UNITS IN ANY PROPERTY PURCHASED UNDER THIS SUBTITLE TO MORE THAN 50%, OR IF IT IS MORE THAN 50% AT CLOSING, TO ANY HIGHER PERCENTAGE.

(B) RECORDED COVENANT. THE COUNTY, THE COUNTY'S ASSIGNEE, THE COMMISSION, OR THE COMMISSION'S ASSIGNEE OR THE OWNER IF IT OPTS TO DESIGNATE THE REQUIRED AFFORDABLE UNITS UNDER 13.1403(I) OF THIS SUBTITLE, SHALL EXECUTE AND RECORD CONVENTS ON THE PROPERTY, IN A FORM ACCEPTABLE TO THE COUNTY, THAT REQUIRE THE PURCHASER AND ALL SUBSEQUENT OWNERS OF THE PROPERTY TO ADHERE TO THE REQUIREMENTS OF THIS SECTION FOR A PERIOD OF NOT FEWER THAN 40 YEARS FROM THE DATE OF THE CLOSING ON THE PROPERTY."

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on _____, 2025.

_____
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2025.

_____
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2025.

_____
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2025.

_____
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2025.

_____
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2025.

_____
Michelle R. Harrod, Administrator to the County Council

Office of the County Auditor
Auditor's Analysis

Council Bill No. 10-2025

Introduced: February 3, 2025
Auditor: Rebecca Gold

Fiscal Impact:

The fiscal impact of this legislation cannot be determined, as it is unknown how many mobile home park or motel sales may lead the County or Housing Commission to exercise their right to purchase. The potential fiscal impact might include the following:

- Costs of appraisals for mobile home parks and motels. These expenses currently range from $1,500 to $3,500 per appraisal, depending on the complexity of the appraisal.
- Forgone property tax and transfer tax revenues from the private ownership or sale of mobile home parks or motels.
    - The Department of Finance indicated that the total amount paid in property taxes on mobile home parks and motels was $4,110,053 in FY 2023 and $3,900,286 in FY 2024.
- Revenue to the County for unit rentals in County-owned mobile home parks or motels.

According to the Department of Housing and Community Development, the following hotel and motel sales have taken place in recent years (excluding properties that were bundled as part a larger property portfolio):

Calendar Year	Number of Properties	Total Sales Prices	Avg Price per Property	Total Number of Units	Avg Price Per Unit
2021	4	$ 15,180,000	$ 3,795,000	243	$ 62,469
2022	3	14,415,000	4,805,000	179	80,531
2023	N/A	N/A		N/A	N/A
2024	1	2,000,000	2,000,000	29	68,966

Provided by the Department of Housing and Community Development

Purpose:

Council Bill 10-2025 modifies Title 13, Subtitle 14, of the Howard County Code, expanding the County's and Housing Commission's existing rights of first refusal to include mobile home parks and motels.

Other Comments:

We asked the Administration how the County will confirm that a property has been sold to a third-party buyer under substantially the same terms and conditions offered to the County and Commission, in accordance with Section 13.1403(e) of the Howard County Code. The Director of the Department of Housing and Community Development indicated that the County could research land records to confirm the sales price on the recorded deed after closing.

According to the Department of Inspections, Licenses and Permits, there are currently 21 properties in the County, comprising a total of 1,747 rooms or units, which would be classified as either mobile home parks or motels.

The current percentage of units within existing mobile home parks and motels which would qualify as affordable (according to Section 13.1405 of the Howard County Code) is unknown. We cannot determine whether this legislation would increase the total number of affordable housing units in the County.