

Introduced 03.03.2025
Public Hearing 03.17.2025
Council Action 05.05.2025
Executive Action 05.08.2025
Effective Date 07.08.2025

County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 3

Bill No. 18 -2025

Introduced by: Christiana Rigby

SHORT TITLE: Transit ~~Orient~~ Oriented Development Districts (TOD) – Residential Units Exemptions

AN ACT Amending the definition of “Moderate income housing units”, establishing and retaining the School Surcharge rate at time of submittal of sketch plan; providing for a Payment in Lieu of Taxes (PILOT) for Disability Income Housing Units within a Transit Oriented Development (TOD) district; and exempting Transit Oriented Development (TOD) district residential units from the Adequate Public Facilities Ordinance School Capacity Test and generally relating to Transit Oriented ~~Developments~~ Development districts.

Introduced and read first time March 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 March 17, 2025.

By order

Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on May 5, 2025 and Passed ✓, Passed with amendments ✓, Failed .

By order

Michelle Harrod
Michelle Harrod, Administrator

Scaled with the County Seal and presented to the County Executive for approval this 6 day of May, 2025 at 5⁰⁰ a.m./p.m.

By order

Michelle Harrod
Michelle Harrod, Administrator

Approved by the County Executive May 8, 2025

Calvin Ball
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.

1 **WHEREAS**, The County recognizes the urgent need for accessible and affordable housing, as
2 the current supply shortage, estimated by Maryland’s Department of Housing and Community
3 Development in June 2024 to be at 96,000 housing units in the state, has contributed to a housing
4 affordability crisis that disproportionately impacts low- and moderate-income residents; and
5

6 **WHEREAS**, The State of Maryland has enacted legislation, including HB538-2025 2024, to
7 promote transit-oriented development and require local jurisdictions to align zoning and land-use
8 policies with state-level priorities for smart growth and increased housing supply; and
9

10 **WHEREAS**, RCLCO Real Estate Advisors conducted a Market Research and Demand Forecast
11 to inform *HoCo By Design* and identified projected demands of 31,000 new homes as well as a
12 current “pent up” demand of about 20,000 housing units for a total of over 50,000 new housing
13 units over the next 20 years in Howard County; and
14

15 **WHEREAS**, Howard County’s General Plan, *HoCo By Design*, approved in 2024, highlights
16 “Transit Activity Centers” as an “Area to Transform” and includes policy statements that
17 encourage development in activity centers, including policy statements DN-1, DN-4, and DN-8,
18 and several policy statements within the Route 1 Corridor Plan; and
19

20 **WHEREAS**, This legislation provides clarity and certainty for builders and community
21 stakeholders by streamlining approval processes for ~~qualified~~ Transit-Oriented Development
22 district projects, ensuring that new housing can be delivered efficiently and in accordance with
23 state and county legislative mandates; and
24

25 **WHEREAS**, This measure will contribute to the County’s Moderate-Income Housing Unit
26 (MIHU) and Disability Income Housing Unit (DIHU) inventory, expanding critical housing
27 opportunities for residents across various income levels and ensuring a more inclusive and
28 diverse community, as encouraged in Policy Statements DN-4, DN-6, DN-7, DN-8, DN-12, and
29 DN-13 of *HoCo By Design*; and
30

1 **WHEREAS**, Encouraging smart growth and responsible development in designated Transit-
2 Oriented Development (TOD) ~~areas~~ districts is a key strategy for addressing the housing
3 shortage and supports broader economic and environmental goals in promoting sustainable,
4 walkable communities with access to public transit; and
5

6 **WHEREAS**, In September 2024, Howard County's Department of Planning and Zoning
7 analyzed data for the Howard County Public School System on student yield and concluded that
8 in their Pupil Yield Report, of all styles of housing, multifamily housing, which is generally
9 favored in Transit Oriented Developments, produces between 0.16 and 0.38 pupils per unit,
10 significantly less than other housing types; and
11

12 **WHEREAS**, Denser residential housing expands the assessable base for Howard County,
13 providing higher sales and property tax revenues that can support priorities such as education,
14 health and safety, and the connectivity of people and places; and
15

16 **WHEREAS**, Incentives that encourage development in Transit-Oriented ~~Developments (TODs)~~
17 Development (TOD) districts align with local and state smart growth priorities, expand housing
18 opportunities for all, and enhance the County's long-term fiscal health and quality of life.
19

20 **Section 1. Now, Therefore, Be It Enacted** by the County Council of Howard County, Maryland, that the
21 *Howard County Code is amended as follows:*
22

23 *By Amending:*

24 *Title -.13 Housing and Community Development*

25 *Subtitle – 4. Moderate Income Housing Units*

26 *Section 13.401.- Definitions*
27
28

29 *By amending:*

30 *Title -.13 Housing and Community Development*

31 *Subtitle – 4. Moderate Income Housing Units*

1 *Section. 13.402 Development Procedures; moderate income housing unit*
2 *agreement; alternative.*

3 *By amending:*

4 *Title – 16 Planning, Zoning and Subdivisions and Land Development Regulations*

5 *Subtitle 11.- Adequate Public Facilities*

6 *Section. 16.1107. Exceptions*

7 *By amending:*

8 *Title – 20 Taxes, Charges, and Fees*

9 *Subtitle 1.- Real Property Tax; Administration, Credits, and Enforcement*

10 *Part VI. – Public School Facilities Surcharge*

11 *Section. 20.143. – Surcharge Imposed*

12
13 **Title 13 - Housing and Community Development**

14 **SUBTITLE 4. – Moderate Income Housing Units**

15
16 **Sec. 13.401. Definitions.**

17 (a) *In General.* In this subtitle, the following words have the meanings indicated:

18 (g) Disability income housing unit (DIHU) means a dwelling unit offered for rent to a household
19 with an adult person receiving disability income.

20 (m) Low income housing unit means a dwelling unit offered for sale or rent to households with
21 low incomes.

22 (p) *Moderate income housing unit (MIHU)* means a dwelling unit offered for sale or rent to
23 households with moderate incomes. MODERATE INCOME HOUSING UNITS AND LOW INCOME
24 HOUSING UNITS SHALL INCLUDE DISABILITY INCOME HOUSING UNITS AS DEFINED UNDER THIS
25 SECTION.

26 (q) *Moderate income housing unit offered for sale* means a unit that is built on a subdivided lot
27 or subject to a condominium regime, as provided in a moderate income housing unit
28 agreement under subsection 13.402(b) of this subtitle. ~~MODERATE INCOME HOUSING UNITS~~
29 ~~OFFERED FOR SALE SHALL INCLUDE DISABILITY INCOME HOUSING UNITS AS DEFINED UNDER~~
30 ~~THIS SECTION.~~

1 **Sec. 13.402. Development procedures; moderate income housing unit agreement;**
2 **alternative.**

3 (n) *TOD (Transit Oriented Development) and PGCC (Planned Golf Course Community) —*
4 *Moderate Income Housing Unit Requirements.*

5 ~~(1) Notwithstanding any other provision of this subtitle, a developer of a TOD (Transit~~
6 ~~Oriented Development) or a PGCC (Planned Golf Course Community) district site~~
7 ~~shall provide the moderate income housing units required under the zoning regulations,~~
8 ~~or disability income housing units or low income housing units as part of an optional~~
9 ~~method of compliance, as part of the development on the site of the development~~
10 ~~project.~~

11 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A TOD
12 (TRANSIT ORIENTED DEVELOPMENT) DISTRICT SITE SHALL, AT A MINIMUM,
13 INCORPORATE THE REQUIRED UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF
14 PLANNING AND ZONING GUIDELINES FOR ALL UNITS DESCRIBED IN THIS SECTION, WITH
15 25% OF THE DISABILITY INCOME HOUSING UNITS ADHERING TO EITHER THE UNIFORM
16 FEDERAL ACCESSIBILITY STANDARDS (UFAS) OR INTERNATIONAL CODE COUNCIL
17 (ICC) 117.1-2009-TYPE A GUIDELINES, AND SHALL PROVIDE EITHER:

18 (i) MODERATE INCOME HOUSING UNITS REQUIRED UNDER THE ZONING
19 REGULATIONS, OR DISABILITY INCOME HOUSING UNITS OR LOW INCOME HOUSING
20 UNITS AS PART OF AN OPTIONAL METHOD OF COMPLIANCE, AS PART OF THE
21 DEVELOPMENT ON THE SITE OF THE DEVELOPMENT PROJECT; OR

22 (ii) 5% OF THE TOTAL UNITS BUILT SHALL BE DISABILITY INCOME HOUSING UNITS
23 AND AN ADDITIONAL 15% OF THE TOTAL UNITS BUILT SHALL BE A MIX OF
24 MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING UNITS, OR
25 DISABILITY INCOME HOUSING UNITS PER SECTION 13.402(E)(4)(I), (II), AND (III)
26 AND 13.402B.

27
28 (2) The developer shall not:

29 (i) Provide the moderate housing income units at a different location;

- (ii) Pay a fee-in-lieu of to the Department of Housing and Community Development;
- (iii) Use an optional method as provided under subsection (e)(1)(i) of this section; or
- (iv) Use alternative compliance to optional methods as provided under subsection (f) of this section.

(3) ~~DISABILITY INCOME HOUSING UNITS; PAYMENT IN LIEU OF TAXES (PILOT).~~

IN A TOD (TRANSIT ORIENTED DEVELOPMENT) RESIDENTIAL DEVELOPMENT A DEVELOPER IS ELIGIBLE TO ENTER INTO A PILOT WITH THE COUNTY PURSUANT TO SECTION 7-521 OF THE MARYLAND TAX-PROPERTY ARTICLE ~~IF 15% OF DWELLING UNITS ARE DISABILITY INCOME HOUSING UNITS. A PROJECT THAT HAS BEEN APPROVED FOR A PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT WITH THE COUNTY SHALL PROVIDE 5% OF THE TOTAL UNITS BUILT TO BE DISABILITY INCOME HOUSING UNITS AND SHALL PROVIDE 15% OF THE TOTAL UNITS BUILT TO BE A MIX OF MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING UNITS, OR DISABILITY INCOME HOUSING UNITS PER SECTION 13.402(E)(4), (I), (II) AND (III) AND 13.402B.~~

(4) REPORTING REQUIREMENT – THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL BY JANUARY 1, 2029 AND JANUARY 1, 2032 PREPARE AND SUBMIT A REPORT TO THE COUNTY COUNCIL PROVIDING FOR THE NUMBER OF MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING UNITS, AND DISABILITY INCOME HOUSING UNITS CREATED UNDER THIS SECTION INCLUDING THE BEDROOM RATIO OF THE UNITS CREATED AND THE STUDENT GENERATION YIELDS OF EACH BUILDING CONSTRUCTED AND FULLY LEASED AT THE TIME OF THE REPORT.

(O) PGCC (PLANNED GOLF COURSE COMMUNITY) — MODERATE INCOME HOUSING UNIT REQUIREMENTS.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A PGCC (PLANNED GOLF COURSE COMMUNITY) DISTRICT SITE SHALL PROVIDE THE MODERATE INCOME HOUSING UNITS REQUIRED UNDER THE ZONING REGULATIONS, OR DISABILITY INCOME HOUSING UNITS OR LOW INCOME HOUSING UNITS AS PART OF AN OPTIONAL

1 METHOD OF COMPLIANCE, AS PART OF THE DEVELOPMENT ON THE SITE OF THE
2 DEVELOPMENT PROJECT.

3 (2) THE DEVELOPER SHALL NOT:

4 (i) PROVIDE THE MODERATE HOUSING INCOME UNITS AT A DIFFERENT LOCATION;

5 (ii) PAY A FEE-IN-LIEU OF TO THE DEPARTMENT OF HOUSING AND COMMUNITY
6 DEVELOPMENT;

7 (iii) USE AN OPTIONAL METHOD AS PROVIDED UNDER SUBSECTION (E)(1)(I) OF THIS
8 SECTION; OR

9 (iv) USE ALTERNATIVE COMPLIANCE TO OPTIONAL METHODS AS PROVIDED UNDER
10 SUBSECTION (F) OF THIS SECTION.

11 **Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations**

12 **SUBTITLE 11. – Adequate Public Facilities**

13 **Sec. 16.1107. Exemptions.**

14 (b) *Residential Projects:*

15 (1) *Exempt residential plans.* The following residential subdivisions and site development
16 plans are exempt from the requirement to pass the test for adequate road facilities and
17 the requirement to pass the tests for allocations and adequate public school facilities as
18 a condition of approval:

19 (i) Parcel divisions (see: Subdivision regulations).

20 (ii) Subdivisions in agricultural preservation easements for dwellings of the owner or
21 the owner's children or other dwelling lots permitted on agricultural preservation
22 easements.

23 (iii) Residential resubdivisions (see: Subdivision regulations) which do not increase
24 the number of housing units allowed.

25 (iv) Residential final subdivision plans pending on the effective date of this subtitle,
26 provided that the plan proceeds to recordation in accordance with the subdivision
27 regulations.

1 (v) Minor subdivision plans and resubdivisions, located in RC and RR zoning
2 districts outside of the planned service area boundary for water and sewer, which
3 create the potential for only one additional dwelling unit from a lot existing on
4 April 10, 1992.

5 (vi) Minor subdivision plans and resubdivisions which create the potential of only one
6 additional dwelling unit to be conveyed to an immediate family member or
7 members from a lot existing on April 10, 1992 provided that the following
8 conditions are met:

- 9 a. The property owner must have owned the property for a minimum of three years
10 before requesting subdivision; and
11 b. The family member must be either a parent, child, or sibling. The term immediate
12 family member does not include stepparents, step-children, or step-siblings; and
13 c. The property owner shall not seek further subdivision of the property or another
14 family member exemption for a period of three years; and
15 d. The granting of this family member exemption shall prohibit the property owner
16 from seeking a hardship exemption.

17 A maximum of three family member exemptions per year per planning area may
18 be granted by the Department of Planning and Zoning. Subject to section 22.1000
19 of the County Code, the Department of Planning and Zoning shall annually
20 prepare a home ownership report on this exemption for the Council.

21 (vii) Minor subdivision plans and resubdivisions which create the potential of only one
22 additional dwelling unit from an adjoining lot existing before April 10, 1992, for
23 property owners with economic hardships. Upon the property owner's written
24 request to the Department of Planning and Zoning, the County Council may
25 approve by resolution a hardship exemption. The property owner shall state in the
26 request to the Department of Planning and Zoning the severe economic hardship
27 that the property owner is sustaining and provide the following evidence, which
28 shall be forwarded by the Department to the County Council with a
29 recommendation concerning the exemption:

- a. Verification of ownership of the property to be subdivided for at least three years before the submittal of the economic hardship exemption request; and
- b. A recent financial statement that shows the property owner's complete assets and liabilities supported by an affidavit of the property owner; and
- c. Other information regarding the severe economic hardship that the property owner is sustaining, including but not limited to information from lenders, lien holders, creditors, attorneys, tax collectors or other third parties who have knowledge as to the economic condition of the property owner; and
- d. Any notice of foreclosure on the property; and
- e. Any medical bills that are not covered by health insurance for a medical condition/treatment of the property owner or immediate family member of the property owner. For purposes of this section, the immediate family member shall be either a spouse, parent, child, or sibling but shall not include step-parents, step-children or step-siblings; and
- f. Any other evidence that the property owner has no other reasonable means of relieving that economic hardship.

The granting of this hardship exemption shall prohibit the property owner from seeking a family member exemption.

- (2) *Partially exempt residential subdivision plans.* Minor subdivision plans are exempt from the requirement to pass the test for adequate road facilities as a condition of plan approval. However, minor subdivision plans are required to pass the tests for allocations and adequate public school facilities as a condition of subdivision approval.
- (3) *Exempt residential site development plans.* Residential site development plans for single-family attached and detached housing on recorded lots that existed on April 10, 1992 are exempt from the requirement to pass the test for adequate road facilities and the tests for allocations and adequate public school facilities as a condition of site development plan approval.
- (4) *Partially exempt mobile home park site development plans:*
 - (i) Residential site development plans for mobile home parks are exempt from the requirement to pass the test for allocations to the extent that the mobile home park

1 site development plan is replacing units from a mobile home park abandoned or
2 permanently closed after January 1, 2000. If the number of units in a mobile home
3 park site development plan exceeds the number of replacement units available, the
4 number of units exceeding the available replacement units shall be tested for
5 allocations in accordance with section 16.1104 of this subtitle. The Department of
6 Planning and Zoning shall keep a record of the number of mobile home park units
7 abandoned and replaced and shall reassign the replacement units to projects, at the
8 time of site development plan approval, in the order of site plan approval dates.

- 9 (ii) Residential site development plans for mobile home parks to which replacement
10 units have been reassigned in accordance with subsection (i) above are exempt
11 from the adequate public school facilities test for the number of replacement units
12 reassigned if the site development plan for the mobile home park is located in the
13 same elementary and middle school districts as the abandoned or permanently
14 closed mobile home park from which the units were reassigned. If the number of
15 units proposed on the site development plan exceeds the number of reassigned
16 units available, or if the site development plan includes reassigned units from a
17 different elementary and/or middle school district, the excess units receiving
18 allocations as required in subsection (i) above, and the reassigned units from a
19 different elementary and/or middle school district, as the case may be, shall be
20 subject to the adequate public school facilities tests. If the proposed mobile home
21 park is located in a different elementary and/or middle school district, the site
22 development plan must pass the appropriate adequate public school facility test(s)
23 for all units approved on the site development plan.

24 (5) *Partially exempt multifamily residential site development plans:*

- 25 (i) *Exemption from tests for adequate public schools.* Residential site development
26 plans for multifamily projects which cannot generate children, such as age-
27 restricted adult housing, are exempt from the requirement to pass the tests for
28 adequate school facilities as a condition of site development plan approval. Except
29 as provided in subparagraph (iii) of this paragraph, these plans are required to pass

1 the test for allocations and for adequate road facilities as a condition of site
2 development plan approval.

3 (ii) *Exemption from tests for allocations and adequate public schools.* Nursing and
4 residential care facilities are exempt from the requirement to pass tests for
5 allocations and for adequate public schools as a condition of site development
6 plan approval. These plans are required to pass the adequate road facilities test as
7 a condition of site development plan approval.

8 (6) *Conditionally exempt residential subdivision plans.* Residential subdivision plans are
9 conditionally exempt from the requirement to pass the test for adequate road facilities
10 and the tests for allocations and for adequate school facilities as a condition of plan
11 approval, provided that the sketch plan was approved before the effective date of this
12 subtitle, this exemption is conditional upon the project continuing to meet required
13 milestones (see: Section 16.1106, "Milestones").

14 (7) *Partially exempt residential redevelopment plans.* Residential redevelopment involving
15 a subdivision plan or site development plan is exempt from the allocations. Adequate
16 public schools, and roads tests to the extent that the redevelopment will not increase:

- 17 (i) The number of existing housing units on the site;
18 (ii) The number of housing units allowed under paragraph (3) of this subsection; or
19 (iii) If the redevelopment is of a mobile home park licensed under subtitle 5 of this
20 title, the number of mobile home sites permitted under the license.

21 Existing units being replaced must have been occupied on a full-time basis for at least
22 30 days in the year prior to submission of the subdivision or site development plan for
23 redevelopment of the site. If the number of units on the redevelopment plan exceeds
24 the number of existing units, the additional units shall pass the allocations, adequate
25 public schools and roads tests as a condition of plan approval.

26 (8) *Partially exempt residential subdivision plans.* Except in Downtown Columbia,
27 moderate income housing units do not require housing unit allocations. However, plans
28 with moderate income housing units are required to pass the test for adequate road
29 facilities and adequate public schools as a condition of approval. The number of

1 moderate income housing units in each plan that do not require housing unit allocations
2 subject to this exemption shall not exceed the number of moderate income housing
3 units as required in the Howard County Zoning Regulations.

4 (9) *Partially exempt urban renewal residential subdivision or site development plans; Test*
5 *for adequate school facilities.* Residential units that are part of an Urban Renewal
6 project, as designated by title 13, subtitle 11 of this Code, are exempt from the
7 requirement to pass the test for adequate school facilities as a condition of subdivision
8 or site development plan approval.

9 (10) *EXEMPT TOD (TRANSIT ORIENTED DEVELOPMENT) RESIDENTIAL SUBDIVISION OR SITE*
10 *DEVELOPMENT PLANS; TEST FOR ADEQUATE SCHOOL FACILITIES.* A RESIDENTIAL
11 DEVELOPMENT WITHIN A TOD (TRANSIT ORIENTED DEVELOPMENT) DISTRICT IS EXEMPT
12 FROM THE REQUIREMENT TO PASS THE TEST FOR ADEQUATE SCHOOL FACILITIES AS A
13 CONDITION OF SUBDIVISION OR SITE PLAN DEVELOPMENT APPROVAL IF APPROVED UNDER
14 SECTION 13.402(N)(1)(II). THESE PLANS ARE REQUIRED TO PASS THE ALLOCATIONS AND
15 ROADS TESTS AS A CONDITION OF PLAN APPROVAL.

16 17 **Title 20 – Taxes, Charges, and Fees**

18 **SUBTITLE 1. – Real Property Tax; Administration, Credits, and Enforcement**

19 **Part VI. Public School Facilities Surcharge**

20 21 **Sec. 20.143. Surcharge imposed.**

22 (a) Chapter 744 of the Acts of the General Assembly of 2019, set forth in section 20.142 of the
23 Howard County Code, requires that the County Council impose a school facilities surcharge
24 on residential new construction for which a building permit is issued on or after July 1,
25 2004, with the revenue from the surcharge to be used to pay for additional or expanded
26 public school facilities such as renovations to existing school buildings or other systemic
27 changes, debt service on bonds issued for additional or expanded public school facilities, or
28 new school construction.

1 (b) (1) In accordance with Chapter 744 of the Acts of the General Assembly of 2019, there is a
2 public school facilities surcharge imposed on residential new construction for which a
3 building permit is issued on or after July 1, 2004, other than residential new construction
4 that is both:

5 (i) Classified as senior housing; and

6 (ii) An affordable housing unit, as defined in section 28.116 of the County Code.

7 (2) Except as provided in paragraphs (3) and (4) of this subsection, the surcharge is:

8 (i) \$4.75 per square foot of occupiable area in residential new construction through
9 December 31, 2020;

10 (ii) \$6.25 per square foot of occupiable area in residential new construction through
11 December 31, 2021; and

12 (iii) \$7.50 per square foot of occupiable area in residential new construction thereafter.

13 (3) (i) The surcharge is \$1.32 per square foot of occupiable area in residential new
14 construction that is:

15 1. Classified as senior housing under 42 U.S.C. § 3607(b); or

16 2. Addition construction, meaning construction of an addition to a building where
17 the work requires a Howard County building permit and where the addition either:

18 A. Increases the number of gross square feet of occupiable nonresidential
19 structure on the property; or

20 B. Increases the number of gross square feet of occupiable residential structure
21 on the property by 2,000 square feet or less and addition construction of more
22 than 2,000 square feet shall be assessed a rate under subsection (b)(2) of this
23 section for the square feet of the addition that is more than 2,000 square feet.

24 (ii) 1. In this paragraph, "Downtown Columbia Development District" has the meaning
25 provided for the term "Development District" in Council Resolution 105-2016.

26 2. Outside the Downtown Columbia Development District, surcharge is the greater
27 of \$1.32 or one-third the rate set under paragraph (2) of this subsection for a
28 moderate income housing unit that is built onsite beyond the number of moderate

1 income housing units required for the development by title 13, subtitle 4 of this
2 Code.

3 3. In the Downtown Columbia Development District, the surcharge on residential
4 new construction that is an affordable unit is a rate of:

5 A. \$1.32 per square foot of occupiable area; plus

6 B. One-half of the difference between \$1.32 and the rate that would be applicable
7 to the residential new construction if it was located outside the Downtown
8 Columbia Development District.

9 (iii) The surcharge is one-third of the rate set under paragraph (2) of this subsection for
10 non-senior residential new construction projects that have received funding from
11 the State of Maryland or from the County as an affordable housing project after
12 December 31, 2020.

13 (4) The rate established in paragraph (2) of this subsection shall be adjusted for inflation in
14 accordance with the Consumer Price Index for All Urban Consumers published by the
15 United States Department of Labor, for the fiscal year preceding the year for which the
16 amount is being calculated. The adjustment may not reduce the rate below \$1.32. FOR
17 RESIDENTIAL NEW CONSTRUCTION WITHIN A TOD (TRANSIT ORIENTED DEVELOPMENT)
18 DISTRICT THE SCHOOL FACILITIES SURCHARGE SHALL BE FIXED AT THE RATE IN EFFECT
19 WHEN THE SKETCH PLAN OR A PRELIMINARY EQUIVALENT SKETCH PLAN OR SITE
20 DEVELOPMENT PLAN WAS SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING
21 WHICHEVER COMES FIRST, IF APPROVED UNDER SECTION 13.402(N)(1)(II).

22 (c) The amount and terms of the surcharge, and the use of the revenue collected under the
23 surcharge, shall be as required by section 20.142 of the Howard County Code, as enacted by
24 Chapter 744 of the Acts of the General Assembly of 2019.

25
26 **Section 2. And Be it Further Enacted by the County Council of Howard County, Maryland that**
27 **this Act shall remain effective for the period of eight years and, with no further action by the**
28 **County Council, this Act shall be abrogated and of no further force and effect.**
29

1 ***Section 2 3. And Be It Further Enacted by the County Council of Howard County, Maryland***
2 ***that this Act shall become effective 61 days after its enactment.***

3

4

Amendment 1 to Council Bill No. 18 -2025

BY: Deb Jung

Legislative Day 5

Date: April 7, 2025

Amendment No. 1

(This amendment removes the proposed Adequate Schools Test exemption from this legislation.)

- 1 On the Title page, strike beginning with “and” after the semi-colon on line 4 of the Title through
- 2 “Test” on line 6 of the Title.
- 3
- 4 On page 9, strike lines 18 through 24, in their entirety.

I certify that this a true copy of

Am 1 to CB18-2025

~~passed on~~ April 7, 2025

Michelle Hazzard
Council Administrator

Failed

Amendment 2 to Council Bill No. 18-2025

BY: Christiana Rigby

**Legislative Day 5
Date: April 7, 2025**

Amendment No. 2

(This amendment makes technical changes and clarifies definitions and the applicable TOD District Designation)

1 On the title page, in the short title, strike “Orient” and substitute “Oriented”. In the same line,
2 after “Development”, insert “Districts”.

3
4 On the title page, in lines 4 and 5 of the title, after the closed parenthesis, insert “district”. On the
5 same page, in the last line of the title, strike “Developments”, and substitute “Development
6 districts”.

7
8 On page 1, in line 6, strike “2025” and substitute “2024”.

9
10 On page 1, in line 21, strike “qualified”. In the same line, after “Development”, insert “district”.

11
12 On page 2, in line 2, strike “areas” and substitute “districts”.

13
14 On page 2, in line 16, strike “Developments (TODs)”, and substitute “Development (TOD)
15 districts”.

16
17 On page 3, after line 17 insert:

18 “(g) Disability income housing unit (DIHU) means a dwelling unit offered for rent to a
19 household with an adult person receiving disability income.”

20 (m) Low income housing unit means a dwelling unit offered for sale or rent to households with
21 low incomes.”

- 1 On page 3, in line 20 after “UNITS” insert the following “AND LOW INCOME HOUSING UNITS”.
- 2
- 3 On page 3, strike beginning with “MODERATE” in line 23 through the period in line 25.
- 4
- 5 On page 9, in line 20, after the closed parenthesis, insert “DISTRICT”.
- 6
- 7 On page 11, in line 26, after the closed parenthesis, insert “DISTRICT”.
- 8
- 9 On page 11, in line 28, strike “OR” and substitute “1”. In the same line after the second “PLAN”
- 10 insert “OR SITE DEVELOPMENT PLAN”.

I certify that this a true copy of

Am 2 to CB 18-2025
passed on April 7, 2025
Michelle Harrison
Council Administrator

Amendment 3 to Council Bill No. 18-2025

BY: Christiana Rigby

Legislative Day: 5

Date: April 7, 2025

Amendment No. 3

(This amendment does the following:

- 1. adds a requirement 20% of all dwelling units constructed under the bill be built according to HoCo universal design guidelines;*
- 2. requires 5% of dwelling units to be Disability income housing units, and mix of up to 15% of housing units as moderate income housing units, low income housing units, or disability income housing units;*
- 3. establishes a sunset provision of 2037;*
- 4. and adds reporting requirements)*

On page 3, line 28 strike “and PGCC (Planned Golf Course Community)”.

On page 4, strike lines 1-6 and substitute the following:

“(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A TOD (TRANSIT ORIENTED DEVELOPMENT) DISTRICT SITE SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES FOR 20% OF ALL UNITS DESCRIBED IN THIS SECTION AND SHALL PROVIDE EITHER:

(i) MODERATE INCOME HOUSING UNITS REQUIRED UNDER THE ZONING REGULATIONS, OR DISABILITY INCOME HOUSING UNITS OR LOW INCOME HOUSING UNITS AS PART OF AN OPTIONAL METHOD OF COMPLIANCE, AS PART OF THE DEVELOPMENT ON THE SITE OF THE DEVELOPMENT PROJECT; OR

(ii) 5% OF THE TOTAL UNITS BUILT SHALL BE DISABILITY INCOME HOUSING UNITS AND UP TO AN ADDITIONAL 15% OF THE TOTAL UNITS BUILT SHALL BE A MIX OF

MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING UNITS, OR
DISABILITY INCOME HOUSING UNITS PER SECTION 13.402(E)(I), (II), AND (III).

On page 4 in line 13, strike “DISABILITY INCOME HOUSING UNITS;”.

On page 4, in line 16 after “ARTICLE” strike “IF 15% OF THE DWELLING UNITS ARE DISABILITY
INCOME HOUSING UNITS” and substitute “. A PROJECT THAT HAS BEEN APPROVED FOR A PAYMENT
IN LIEU OF TAXES (PILOT) AGREEMENT WITH THE COUNTY SHALL PROVIDE 5% OF THE TOTAL
UNITS BUILT TO BE DISABILITY INCOME HOUSING UNITS AND SHALL PROVIDE UP TO 15% OF THE
TOTAL UNITS BUILT TO BE A MIX OF MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING
UNITS, OR DISABILITY INCOME HOUSING UNITS PER SECTION 13.402(E)(I), (II), AND (III).”.

“(4) REPORTING REQUIREMENT – THE DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT SHALL, BY JANUARY 1, 2030 AND JANUARY 1, 2035, PREPARE AND SUBMIT A
REPORT TO THE COUNTY COUNCIL PROVIDING FOR THE NUMBER OF MODERATE INCOME HOUSING
UNITS, LOW INCOME HOUSING UNITS, AND DISABILITY INCOME HOUSING UNITS CREATED UNDER
THIS SECTION INCLUDING THE BEDROOM RATIO OF THE UNITS CREATED AND THE STUDENT
GENERATION YIELDS OF EACH BUILDING CONSTRUCTED AND FULLY LEASED AT THE TIME OF THE
REPORT.”.

On page 4, in line 19 insert the following:

“(O) PGCC (PLANNED GOLF COURSE COMMUNITY) — MODERATE INCOME HOUSING UNIT
REQUIREMENTS.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A PGCC
(PLANNED GOLF COURSE COMMUNITY) DISTRICT SITE SHALL PROVIDE THE MODERATE
INCOME HOUSING UNITS REQUIRED UNDER THE ZONING REGULATIONS, OR DISABILITY
INCOME HOUSING UNITS OR LOW INCOME HOUSING UNITS AS PART OF AN OPTIONAL
METHOD OF COMPLIANCE, AS PART OF THE DEVELOPMENT ON THE SITE OF THE
DEVELOPMENT PROJECT.

(2) THE DEVELOPER SHALL NOT:

- 1 (I) PROVIDE THE MODERATE HOUSING INCOME UNITS AT A DIFFERENT LOCATION;
2 (II) PAY A FEE-IN-LIEU OF TO THE DEPARTMENT OF HOUSING AND COMMUNITY
3 DEVELOPMENT;
4 (III) USE AN OPTIONAL METHOD AS PROVIDED UNDER SUBSECTION (E)(1)(I) OF THIS
5 SECTION; OR
6 (IV) USE ALTERNATIVE COMPLIANCE TO OPTIONAL METHODS AS PROVIDED UNDER
7 SUBSECTION (F) OF THIS SECTION.”.

8
9 On page 9, in line 22 after “APPROVAL” insert “IF APPROVED UNDER SECTION 13.402(N)(1)(II)”.

10
11 On page 11, in line 29, after “ZONING”, insert “IF APPROVED UNDER SECTION 13.402(N)(1)(II)”.

12
13 On page 12, immediately after line 4, insert the following:

14 “Section 2. And Be it Further Enacted by the County Council of Howard County, Maryland that
15 this Act shall remain effective for the period of twelve years and at the end of June 30, 2037, this
16 Act with no further action by the County Council, shall be abrogated and of no further force and
17 effect.”.

18
19 On page 12, in line 5, strike “2” and insert “3”.

20

I certify that this a true copy of

Am 3 to CB18-2025

~~passed~~ on May 5, 2025

FAILED

Michelle Harrison
Council Administrator

**Amendment 1 to Amendment 3
to Council Bill No. 18-2025**

BY: Liz Walsh

**Legislative Day: 5
Date: April 7, 2025**

Amendment No. 1 to Amendment No. 3

(This Amendment changes the year the Department of Housing and Community Development shall prepare and submit a report to the County Council from 2035 to 2030.)

1 On page 2, in line 14, strike "2035" and substitute "2030".
2
3
4

I certify that this a true copy of
Am 1 to Am 3 CB 18-2025
passed on April 7, 2025
Michelle Heister
Council Administrator

**Amendment 2 to Amendment 3
to Council Bill No. 18-2025**

BY: Liz Walsh

Legislative Day: 5

Date:

Amendment No. 2 to Amendment No. 3

(This Amendment changes the year the Department of Housing and Community Development shall prepare and submit a report to the County Council in 2030 and 2035.)

1

2 On page 2, in line 14, after "BY" insert "JANUARY 1, 2030 AND".

3

4

5

I certify that this a true copy of
Am 2 to Am 3 CB 18-2025
passed on April 7, 2025
Michelle Harris
Council Administrator

Amendment 4 to Council Bill No. 18 -2025

BY: Deb Jung

Legislative Day: 5

Date: April 7, 2025

Amendment No. 4

(This amendment requires a fixed amount of Disability Income Housing Units (DIHUs) and Moderate Income Housing Units (MIHUs), and amends the proposed Payment in Lieu of Taxes (PILOT) exemption.)

1 On page 4, line 14, insert the following after “DEVELOPMENT”: “WITH MORE THAN 250
2 RESIDENTIAL UNITS,”.

3
4 On page 4, strike beginning with “IS” on line 15 through the remainder of the sentence on line 17
5 and insert the following “SHALL SET ASIDE 15% OF ALL DWELLING UNITS AS DISABILITY INCOME
6 HOUSING UNITS AND WILL BE ELIGIBLE TO ENTER INTO A PILOT WITH THE COUNTY PURSUANT TO
7 SECTION 7-521 OF THE MARYLAND TAX-PROPERTY ARTICLE. THE DEVELOPER SHALL ALSO SET
8 ASIDE AN ADDITIONAL 20% OF ALL UNITS AS MODERATE INCOME HOUSING UNITS REGARDLESS OF
9 THE NUMBER OF UNITS IN THE DEVELOPMENT.”.

I certify that this a true copy of

Am 4 to CB18-2025

passed on May 5, 2025

Failed

Michelle Harrison

Council Administrator

Amendment 5 to Council Bill No. 18 -2025

BY: Deb Jung

**Legislative Day 5
Date: April 7, 2025**

Amendment No. 5

(This Amendment clarifies that the exemption from the adequate school facilities test as a condition for approval would only apply to subdivisions and site plans submitted after the effective date of this legislation.)

- 1 On page 9, in line 22, after the period, strike "THESE" and insert the following: "THIS EXEMPTION
- 2 APPLIES TO ALL PROJECTS THAT HAVE BEEN SUBMITTED TO THE DEPARTMENT OF PLANNING AND
- 3 ZONING FOR INITIAL REVIEW AFTER THE EFFECTIVE DATE OF THIS LEGISLATION. ALL"
- 4
- 5
- 6

I certify that this a true copy of
Am 5 to CB 18-2025
Failed passed on May 5, 2025
Michelle H. Reed
Council Administrator

Amendment 6 to Council Bill No. 18-2025

BY: Liz Walsh

Legislative Day: 5

Date: April 7, 2025

Amendment No. 6

(This amendment requires a building permit for new residential construction to be issued within four years of the effective date of this Act)

On page 12 immediately after line 4 insert the following:

“Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland if a building permit for residential new construction is not issued within four years of the effective date of Council Bill No. 18-2025, then the adequate school facilities exemption provisions of this Act for such residential new construction shall be deemed null and void.”.

On page 12, in line 5 strike “2” and substitute “3”.

I certify that this a true copy of

Amendment to CB 18-2025

passed on May 5, 2025

Michelle Herring

Council Administrator

Failed

Did not Receive 2nd

**Amendment 1 to Amendment 6
to Council Bill No. 18-2025**

BY: Liz Walsh

**Legislative Day: 5
Date: April 7, 2025**

Amendment No. 1 to Amendment No. 6

(This Amendment changes the length of time by which a building permit for residential new construction must be issued from four to five years.)

1 On page 1, in line 13, strike "four" and substitute "five".
2
3
4
5
6

I certify that this a true copy of

Am 1 to Am 6 CB 18-2025
~~passed on~~ May 5, 2025
Michelle Haggan
Council Administrator

Not Moved

Amendment 7 to Council Bill No. 18-2025

BY: Christiana Rigby

Legislative Day: 6

Date: May 5, 2025

Amendment No. 7

(This amendment does the following:

- 1. adds a requirement 25% of all dwelling units constructed under the bill be built according to either the Uniform Federal Accessibility Standards or International Code Council Guidelines;*
- 2. requires 5% of dwelling units to be Disability income housing units, and 15% of housing units as moderate income housing units, low income housing units, or disability income housing units;*
- 3. establishes a sunset provision of 2033;*
- 4. and adds reporting requirements)*

1
2 On page 3, line 28 strike “and PGCC (Planned Golf Course Community)”.

3
4 On page 4, strike lines 1-6 and substitute the following:

5 “(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A TOD
6 (TRANSIT ORIENTED DEVELOPMENT) DISTRICT SITE SHALL, AT A MINIMUM,
7 INCORPORATE THE REQUIRED UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF
8 PLANNING AND ZONING GUIDELINES FOR ALL UNITS DESCRIBED IN THIS SECTION, WITH
9 25% OF THE DISABILITY INCOME HOUSING UNITS ADHERING TO EITHER THE UNIFORM
10 FEDERAL ACCESSIBILITY STANDARDS (UFAS) OR INTERNATIONAL CODE COUNCIL
11 (ICC) 117.1-2009-TYPE A GUIDELINES, AND SHALL PROVIDE EITHER:

- 12 (i) MODERATE INCOME HOUSING UNITS REQUIRED UNDER THE ZONING
13 REGULATIONS, OR DISABILITY INCOME HOUSING UNITS OR LOW INCOME HOUSING
14 UNITS AS PART OF AN OPTIONAL METHOD OF COMPLIANCE, AS PART OF THE
15 DEVELOPMENT ON THE SITE OF THE DEVELOPMENT PROJECT; OR

(ii) 5% OF THE TOTAL UNITS BUILT SHALL BE DISABILITY INCOME HOUSING UNITS AND AN ADDITIONAL 15% OF THE TOTAL UNITS BUILT SHALL BE A MIX OF MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING UNITS, OR DISABILITY INCOME HOUSING UNITS PER SECTION 13.402(E)(4)(I), (II), AND (III) AND 13.402(B).

On page 4 in line 13, strike “DISABILITY INCOME HOUSING UNITS;”.

On page 4, in line 16 after “ARTICLE” strike “IF 15% OF THE DWELLING UNITS ARE DISABILITY INCOME HOUSING UNITS” and substitute “. A PROJECT THAT HAS BEEN APPROVED FOR A PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT WITH THE COUNTY SHALL PROVIDE 5% OF THE TOTAL UNITS BUILT TO BE DISABILITY INCOME HOUSING UNITS AND SHALL PROVIDE 15% OF THE TOTAL UNITS BUILT TO BE A MIX OF MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING UNITS, OR DISABILITY INCOME HOUSING UNITS PER SECTION 13.402(E)(4), (I), (II) AND (III) AND 13.402B.”

(4) REPORTING REQUIREMENT – THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL BY JANUARY 1, 2029 AND JANUARY 1, 2032 PREPARE AND SUBMIT A REPORT TO THE COUNTY COUNCIL PROVIDING FOR THE NUMBER OF MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING UNITS, AND DISABILITY INCOME HOUSING UNITS CREATED UNDER THIS SECTION INCLUDING THE BEDROOM RATIO OF THE UNITS CREATED AND THE STUDENT GENERATION YIELDS OF EACH BUILDING CONSTRUCTED AND FULLY LEASED AT THE TIME OF THE REPORT.”.

On page 4, in line 19 insert the following:

“(o) PGCC (PLANNED GOLF COURSE COMMUNITY) — MODERATE INCOME HOUSING UNIT REQUIREMENTS.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A PGCC (PLANNED GOLF COURSE COMMUNITY) DISTRICT SITE SHALL PROVIDE THE MODERATE INCOME HOUSING UNITS REQUIRED UNDER THE ZONING REGULATIONS, OR DISABILITY INCOME HOUSING UNITS OR LOW INCOME HOUSING UNITS AS PART OF AN OPTIONAL

METHOD OF COMPLIANCE, AS PART OF THE DEVELOPMENT ON THE SITE OF THE
DEVELOPMENT PROJECT.

(2) THE DEVELOPER SHALL NOT:

(i) PROVIDE THE MODERATE HOUSING INCOME UNITS AT A DIFFERENT LOCATION;

(ii) PAY A FEE-IN-LIEU OF TO THE DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT;

(iii) USE AN OPTIONAL METHOD AS PROVIDED UNDER SUBSECTION (E)(1)(i) OF THIS
SECTION; OR

(iv) USE ALTERNATIVE COMPLIANCE TO OPTIONAL METHODS AS PROVIDED UNDER
SUBSECTION (F) OF THIS SECTION.”.

On page 9, in line 22 after “APPROVAL” insert “IF APPROVED UNDER SECTION 13.402(N)(1)(II)”.

On page 11, in line 29, after “ZONING”, insert “WHICHEVER COMES FIRST, IF APPROVED UNDER
SECTION 13.402(N)(1)(II)”.

On page 12, immediately after line 4, insert the following:

**“Section 2. And Be it Further Enacted by the County Council of Howard County, Maryland that
this Act shall remain effective for the period of eight years and, with no further action by the
County Council, this Act shall be abrogated and of no further force and effect.”**

On page 12, in line 5, strike “2” and insert “3”.

I certify that this a true copy of

Am3 CB18-2025
passed on May 5, 2025
Michelle Harrison
Council Administrator

Amendment 1 to Amendment 7 to Council Bill No. 18 -2025

BY: Christiana Rigby

Legislative Day 6

Date: May 5, 2025

Amendment No. 1 to Amendment No. 7

(This amendment provides clarity to proposed amended language.)

- 1 On page 1, in line 6, immediately after “SHALL”, insert “, AT A MINIMUM,”. In the same line,
- 2 immediately after “INCORPORATE” insert “THE REQUIRED”.
- 3 On page 1 in line 10, immediately after “117.1” strike “-2009-”.
- 4
- 5 On page 3, in line 14, immediately following the second open quotation mark, insert
- 6 “WHICHEVER COMES FIRST,”.

I certify that this a true copy of

Am 1 to Am 7 CB 18-2025

passed on May 5, 2025

Michelle Harwood

Council Administrator

Amendment 8 to Council Bill No. 18-2025

BY: Liz Walsh

Legislative Day 6

Date: May 5, 2025

Amendment No. 8

(This amendment attaches exhibits to this Act for the purpose of deliberation regarding the applicability of this Act.)

- 1 On page 2, in line 15, insert the following:
- 2 “WHEREAS, The County Council of Howard County Maryland attaches Exhibits A-D, as
- 3 provided by the Department of Planning and Zoning, to this Act for the purpose of deliberating
- 4 the current Transit Oriented Development (TOD) zoning districts under this Act.”
- 5
- 6 Attach the four maps attached to this amendment as Exhibits A-D

I certify that this a true copy of

Am 8 to CB18-2025
~~passed on~~ May 5, 2025
Michelle Howard
Council Administrator

Withdrew Motion

Exhibit A

TOD Zoned Parcels by Land Ownership



TOD Zoned

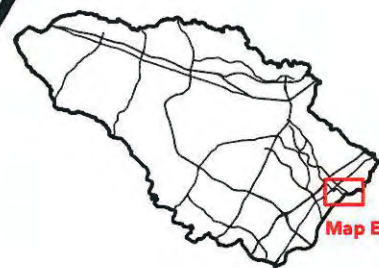
Non-TOD Zoned



County Boundary



Parcel Boundary



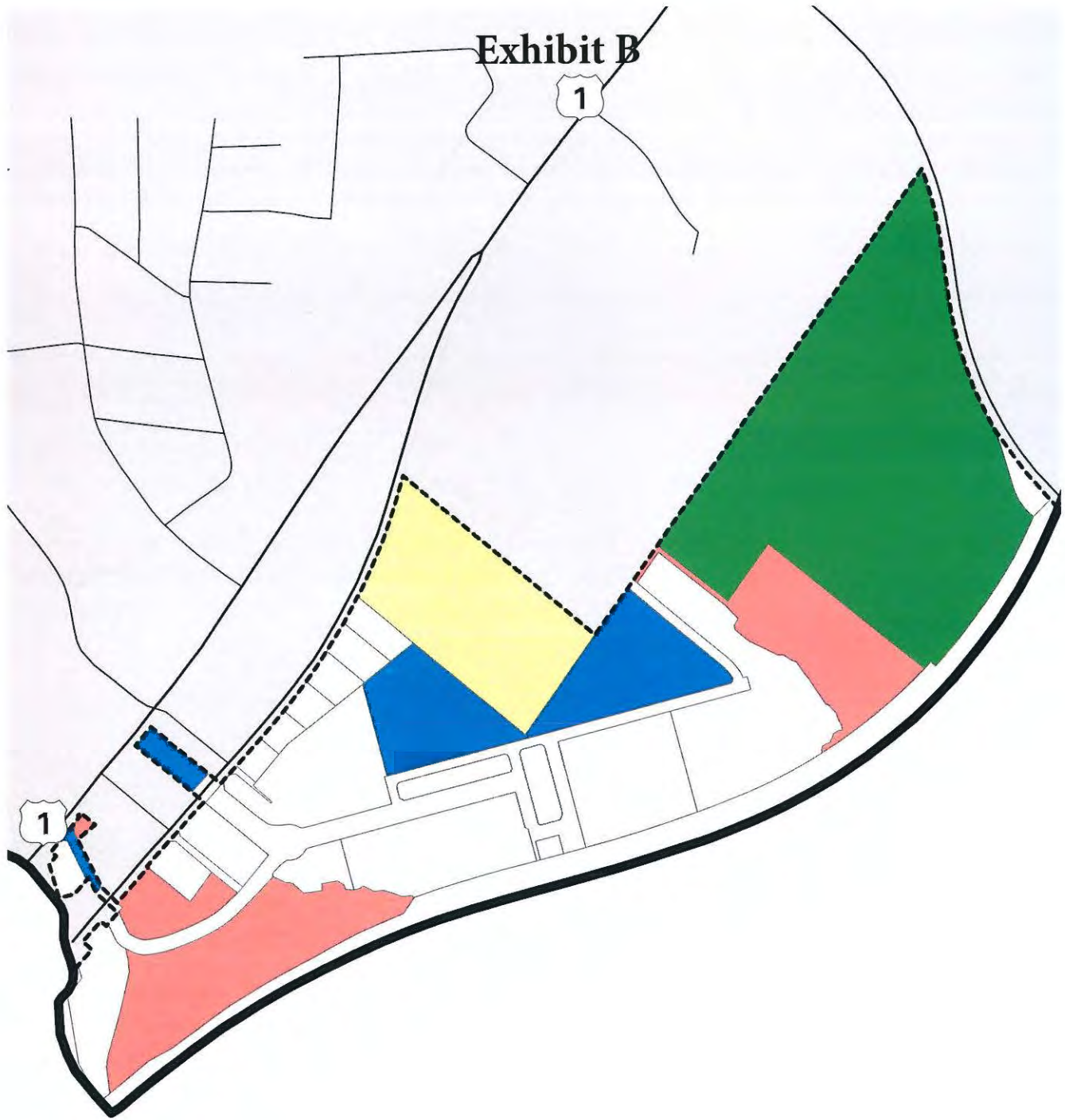
Map Extent

0 0.13 0.25 0.5 Miles



Top 15 Owners By Parcel

- 3. BOARD OF EDUCATION OF, 28.23 Acres
- 4. STATE OF MARYLAND COMMISSION OF MD, 24.53 Acres
- 5. OXFORD SQUARE MASTER, 18.78 Acres
- 7. KELLOGG CCP LLC, 11.01 Acres
- 9. SPRING DALE AND FOLLY BRIDGE AT, 9.90 Acres
- 11. HOWARD COUNTY HOUSING, 8.11 Acres
- 13. MARYLAND HOSPITAL ASSOCIATION LLC, 7.35 Acres
- 14. BRIT 6835 DEERPATH LLC, 7.11 Acres
- Not Owned by One of 15 Largest Owners



TOD Zoned Parcels by Land Ownership

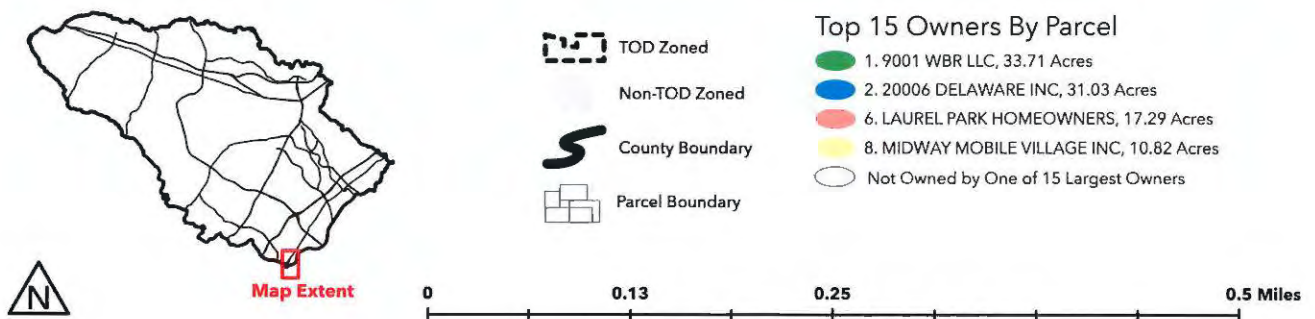
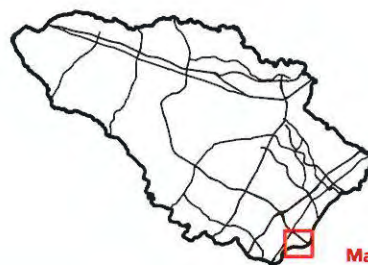


Exhibit C

32

TOD Zoned Parcels by Land Ownership



Map Extent

- TOD Zoned
- Non-TOD Zoned
- County Boundary
- Parcel Boundary

- Top 15 Owners By Parcel
- 10. MERRITT HK LLC, 8.99 Acres
 - 12. ANNAPOLIS GALAXY DE LLC, 7.43 Acres
 - 15. GCP JUNCTION DRIVE 1 LLC, 7.08 Acres
 - Not Owned by One of 15 Largest Owners

0 0.05 0.1 0.2 Miles



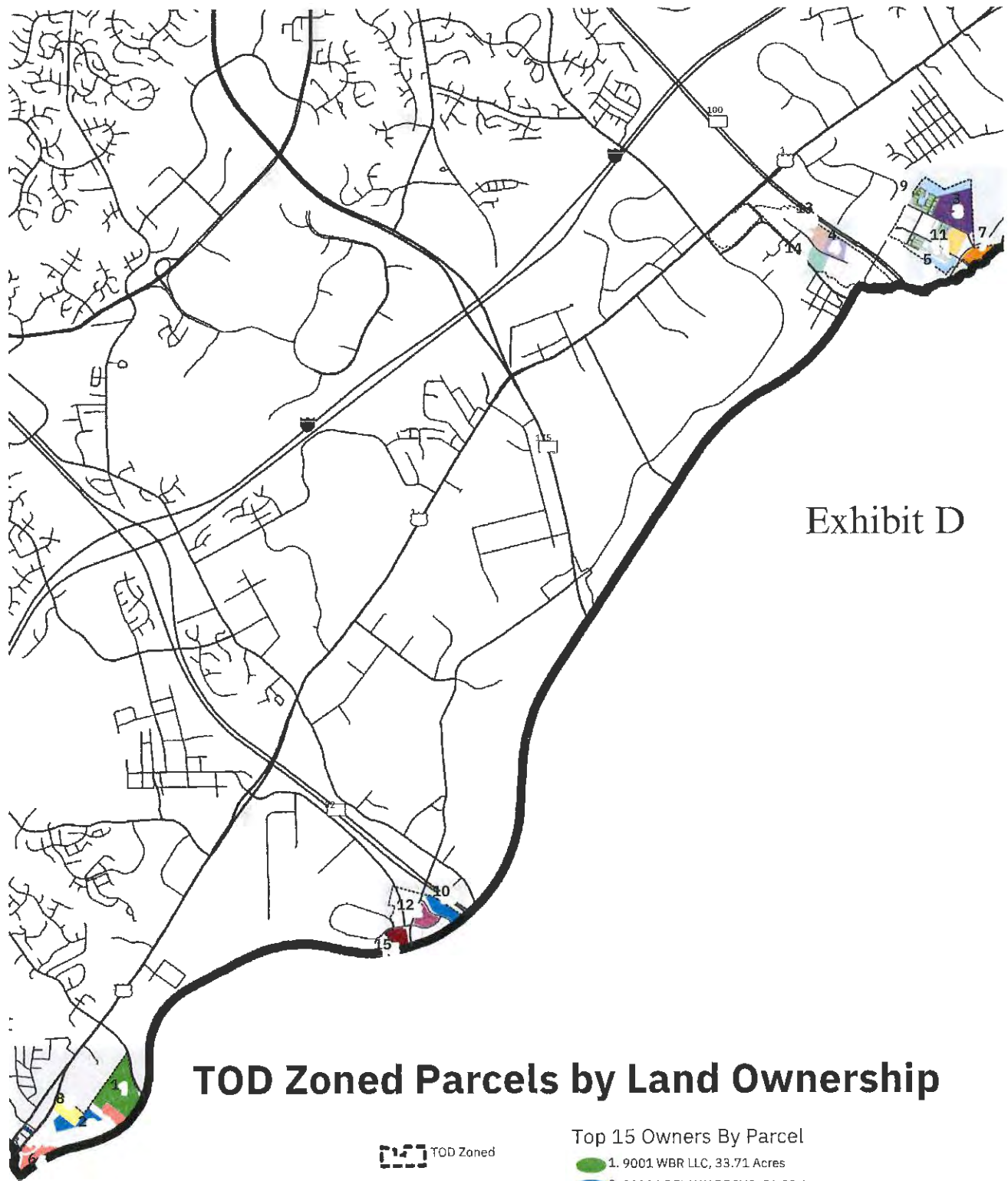
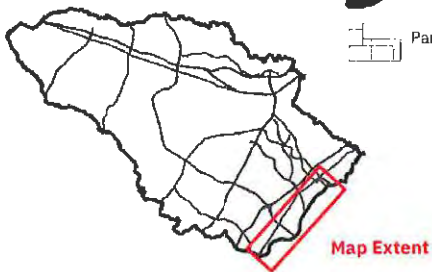


Exhibit D

TOD Zoned Parcels by Land Ownership

-  TOD Zoned
-  Non-TOD Zoned
-  County Boundary
-  Parcel Boundary



Map Extent

Top 15 Owners By Parcel

- 1. 9001 WBR LLC, 33.71 Acres
- 2. 20006 DELAWARE INC, 31.03 Acres
- 3. BOARD OF EDUCATION OF, 28.23 Acres
- 4. STATE OF MARYLAND COMMISSION OF MD, 24.53 Acres
- 5. OXFORD SQUARE MASTER, 18.78 Acres
- 6. LAUREL PARK HOMEOWNERS, 17.29 Acres
- 7. KELLOGG CCP LLC, 11.01 Acres
- 8. MIDWAY MOBILE VILLAGE INC, 10.82 Acres
- 9. SPRING DALE AND FOLLY BRIDGE AT, 9.90 Acres
- 10. MERRITT HK LLC, 8.99 Acres
- 11. HOWARD COUNTY HOUSING, 8.11 Acres
- 12. ANNAPOLIS GALAXY DE LLC, 7.43 Acres
- 13. MARYLAND HOSPITAL ASSOCIATION LLC, 7.35 Acres
- 14. BRIT 6835 DEERPATH LLC, 7.11 Acres
- 15. GCP JUNCTION DRIVE 1 LLC, 7.08 Acres



0 0.75 1.5 3 Miles

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on May 8, 2025.

Michelle R. Harrod
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

Introduced 03.03.2025
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No.

Bill No. 18 -2025

Introduced by: Christian Rigby

SHORT TITLE: Transit Orient Development (TOD) – Residential Units Exemptions

AN ACT Amending the definition of “Moderate income housing units”, establishing and retaining the School Surcharge rate at time of submittal of sketch plan; providing for a Payment in Lieu of Taxes (PILOT) for Disability Income Housing Units within a Transit Oriented Development (TOD); and exempting Transit Oriented Development (TOD) residential units from the Adequate Public Facilities Ordinance School Capacity Test and generally relating to Transit Oriented Developments.

Introduced and read first time March 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 _____, 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
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.

1 **WHEREAS**, The County recognizes the urgent need for accessible and affordable housing, as
2 the current supply shortage, estimated by Maryland’s Department of Housing and Community
3 Development in June 2024 to be at 96,000 housing units in the state, has contributed to a housing
4 affordability crisis that disproportionately impacts low- and moderate-income residents; and
5

6 **WHEREAS**, The State of Maryland has enacted legislation, including HB538-2025, to promote
7 transit-oriented development and require local jurisdictions to align zoning and land-use policies
8 with state-level priorities for smart growth and increased housing supply; and
9

10 **WHEREAS**, RCLCO Real Estate Advisors conducted a Market Research and Demand Forecast
11 to inform *HoCo By Design* and identified projected demands of 31,000 new homes as well as a
12 current “pent up” demand of about 20,000 housing units for a total of over 50,000 new housing
13 units over the next 20 years in Howard County; and
14

15 **WHEREAS**, Howard County’s General Plan, *HoCo By Design*, approved in 2024, highlights
16 “Transit Activity Centers” as an “Area to Transform” and includes policy statements that
17 encourage development in activity centers, including policy statements DN-1, DN-4, and DN-8,
18 and several policy statements within the Route 1 Corridor Plan; and
19

20 **WHEREAS**, This legislation provides clarity and certainty for builders and community
21 stakeholders by streamlining approval processes for qualified Transit-Oriented Development
22 projects, ensuring that new housing can be delivered efficiently and in accordance with state and
23 county legislative mandates; and
24

25 **WHEREAS**, This measure will contribute to the County’s Moderate-Income Housing Unit
26 (MIHU) and Disability Income Housing Unit (DIHU) inventory, expanding critical housing
27 opportunities for residents across various income levels and ensuring a more inclusive and
28 diverse community, as encouraged in Policy Statements DN-4, DN-6, DN-7, DN-8, DN-12, and
29 DN-13 of *HoCo By Design*; and
30

1 **WHEREAS**, Encouraging smart growth and responsible development in designated Transit-
2 Oriented Development (TOD) areas is a key strategy for addressing the housing shortage and
3 supports broader economic and environmental goals in promoting sustainable, walkable
4 communities with access to public transit; and

5
6 **WHEREAS**, In September 2024, Howard County's Department of Planning and Zoning
7 analyzed data for the Howard County Public School System on student yield and concluded that
8 in their Pupil Yield Report, of all styles of housing, multifamily housing, which is generally
9 favored in Transit Oriented Developments, produced between 0.16 and 0.38 pupils per unit,
10 significantly less than other housing types; and

11
12 **WHEREAS**, Denser residential housing expands the assessable base for Howard County,
13 providing higher sales and property tax revenues that can support priorities such as education,
14 health and safety, and the connectivity of people and places; and

15
16 **WHEREAS**, Incentives that encourage development in Transit-Oriented Developments (TODs)
17 align with local and state smart growth priorities, expand housing opportunities for all, and
18 enhance the County's long-term fiscal health and quality of life.

19
20 **Section 1. Now, Therefore, Be It Enacted** by the County Council of Howard County, Maryland, that the
21 *Howard County Code is amended as follows:*

22
23 *By Amending:*

24 *Title -.13 Housing and Community Development*

25 *Subtitle – 4. Moderate Income Housing Units*

26 *Section 13.101.- Definitions*

27
28
29 *By amending:*

30 *Title -.13 Housing and Community Development*

31 *Subtitle – 4. Moderate Income Housing Units*

Section. 13.402 Development Procedures; moderate income housing unit agreement; alternative.

By amending:

Title – 16 Planning, Zoning and Subdivisions and Land Development Regulations

Subtitle 11.- Adequate Public Facilities

Section. 16.1107. Excavations

By amending:

Title – 20 Taxes, Charges, and Fees

Subtitle 1.- Real Property Tax; Administration, Credits, and Enforcement

Part VI. – Public School Facilities Surcharge

Section. 20.143. – Surcharge Imposed

Title 13 - Housing and Community Development

SUBTITLE 4. – Moderate Income Housing Units

Sec. 13.401. Definitions.

(a) *In General.* In this subtitle, the following words have the meanings indicated:

(p) *Moderate income housing unit (MIHU)* means a dwelling unit offered for sale or rent to households with moderate incomes. MODERATE INCOME HOUSING UNITS SHALL INCLUDE DISABILITY INCOME HOUSING UNITS AS DEFINED UNDER THIS SECTION.

(q) *Moderate income housing unit offered for sale* means a unit that is built on a subdivided lot or subject to a condominium regime, as provided in a moderate income housing unit agreement under subsection 13.402(b) of this subtitle. MODERATE INCOME HOUSING UNITS OFFERED FOR SALE SHALL INCLUDE DISABILITY INCOME HOUSING UNITS AS DEFINED UNDER THIS SECTION.

Sec. 13.402. Development procedures; moderate income housing unit agreement; alternative.

(n) *TOD (Transit Oriented Development) and PGCC (Planned Golf Course Community)—Moderate Income Housing Unit Requirements.*

1 (1) Notwithstanding any other provision of this subtitle, a developer of a TOD (Transit
2 Oriented Development) or a PGCC (Planned Golf Course Community) district site
3 shall provide the moderate income housing units required under the zoning regulations,
4 or disability income housing units or low income housing units as part of an optional
5 method of compliance, as part of the development on the site of the development
6 project.

7 (2) The developer shall not:

- 8 (i) Provide the moderate housing income units at a different location;
9 (ii) Pay a fee-in-lieu of to the Department of Housing and Community Development;
10 (iii) Use an optional method as provided under subsection (e)(1)(i) of this section; or
11 (iv) Use alternative compliance to optional methods as provided under subsection (f)
12 of this section.

13 (3) DISABILITY INCOME HOUSING UNITS; PAYMENT IN LIEU OF TAXES (PILOT).

14 IN A TOD (TRANSIT ORIENTED DEVELOPMENT) RESIDENTIAL DEVELOPMENT A DEVELOPER
15 IS ELIGIBLE TO ENTER INTO A PILOT WITH THE COUNTY PURSUANT TO SECTION 7-521 OF
16 THE MARYLAND TAX-PROPERTY ARTICLE IF 15% OF DWELLING UNITS ARE DISABILITY
17 INCOME HOUSING UNITS.

18
19
20 **Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations**

21 **SUBTITLE 11. – Adequate Public Facilities**

22 **Sec. 16.1107. Exemptions**

23 (b) *Residential Projects:*

- 24 (1) *Exempt residential plans.* The following residential subdivisions and site development
25 plans are exempt from the requirement to pass the test for adequate road facilities and
26 the requirement to pass the tests for allocations and adequate public school facilities as
27 a condition of approval:

- 1 (i) Parcel divisions (see: Subdivision regulations).
- 2 (ii) Subdivisions in agricultural preservation easements for dwellings of the owner or
3 the owner's children or other dwelling lots permitted on agricultural preservation
4 easements.
- 5 (iii) Residential resubdivisions (see: Subdivision regulations) which do not increase
6 the number of housing units allowed.
- 7 (iv) Residential final subdivision plans pending on the effective date of this subtitle,
8 provided that the plan proceeds to recordation in accordance with the subdivision
9 regulations.
- 10 (v) Minor subdivision plans and resubdivisions, located in RC and RR zoning
11 districts outside of the planned service area boundary for water and sewer, which
12 create the potential for only one additional dwelling unit from a lot existing on
13 April 10, 1992.
- 14 (vi) Minor subdivision plans and resubdivisions which create the potential of only one
15 additional dwelling unit to be conveyed to an immediate family member or
16 members from a lot existing on April 10, 1992 provided that the following
17 conditions are met:
- 18 a. The property owner must have owned the property for a minimum of three years
19 before requesting subdivision; and
- 20 b. The family member must be either a parent, child, or sibling. The term immediate
21 family member does not include stepparents, step-children, or step-siblings; and
- 22 c. The property owner shall not seek further subdivision of the property or another
23 family member exemption for a period of three years; and
- 24 d. The granting of this family member exemption shall prohibit the property owner
25 from seeking a hardship exemption.

26 A maximum of three family member exemptions per year per planning area may
27 be granted by the Department of Planning and Zoning. Subject to section 22.1000
28 of the County Code, the Department of Planning and Zoning shall annually
29 prepare a home ownership report on this exemption for the Council.

1 (vii) Minor subdivision plans and resubdivisions which create the potential of only one
2 additional dwelling unit from an adjoining lot existing before April 10, 1992, for
3 property owners with economic hardships. Upon the property owner's written
4 request to the Department of Planning and Zoning the County Council may
5 approve by resolution a hardship exemption. The property owner shall state in the
6 request to the Department of Planning and Zoning the severe economic hardship
7 that the property owner is sustaining and provide the following evidence, which
8 shall be forwarded by the Department to the County Council with a
9 recommendation concerning the exemption.

- 10 a. Verification of ownership of the property to be subdivided for at least three years
11 before the submittal of the economic hardship exemption request; and
12 b. A recent financial statement that shows the property owner's complete assets and
13 liabilities supported by an affidavit of the property owner; and
14 c. Other information regarding the severe economic hardship that the property
15 owner is sustaining, including but not limited to information from lenders, lien
16 holders, creditors, attorneys, tax collectors or other third parties who have
17 knowledge as to the economic condition of the property owner; and
18 d. Any notice of foreclosure on the property; and
19 e. Any medical bills that are not covered by health insurance for a medical
20 condition/treatment of the property owner or immediate family member of the
21 property owner. For purposes of this section, the immediate family member shall
22 be either a spouse, parent, child, or sibling but shall not include step-parents, step-
23 children or step-siblings; and
24 f. Any other evidence that the property owner has no other reasonable means of
25 relieving that economic hardship.

26 The granting of this hardship exemption shall prohibit the property owner from
27 seeking a family member exemption.

- 28 (2) *Partially exempt residential subdivision plans.* Minor subdivision plans are exempt
29 from the requirement to pass the test for adequate road facilities as a condition of plan

1 approval. However, minor subdivision plans are required to pass the tests for
2 allocations and adequate public school facilities as a condition of subdivision approval.

- 3 (3) *Exempt residential site development plans.* Residential site development plans for
4 single-family attached and detached housing on recorded lots that existed on April 10,
5 1992 are exempt from the requirement to pass the test for adequate road facilities and
6 the tests for allocations and adequate public school facilities as a condition of site
7 development plan approval.

- 8 (4) *Partially exempt mobile home park site development plans:*

- 9 (i) Residential site development plans for mobile home parks are exempt from the
10 requirement to pass the test for allocations to the extent that the mobile home park
11 site development plan is replacing units from a mobile home park abandoned or
12 permanently closed after January 1, 2000. If the number of units in a mobile home
13 park site development plan exceeds the number of replacement units available, the
14 number of units exceeding the available replacement units shall be tested for
15 allocations in accordance with section 16.1104 of this subtitle. The Department of
16 Planning and Zoning shall keep a record of the number of mobile home park units
17 abandoned and replaced and shall reassign the replacement units to projects, at the
18 time of site development plan approval, in the order of site plan approval dates.

- 19 (ii) Residential site development plans for mobile home parks to which replacement
20 units have been reassigned in accordance with subsection (i) above are exempt
21 from the adequate public school facilities test for the number of replacement units
22 reassigned if the site development plan for the mobile home park is located in the
23 same elementary and middle school districts as the abandoned or permanently
24 closed mobile home park from which the units were reassigned. If the number of
25 units proposed on the site development plan exceeds the number of reassigned
26 units available, or if the site development plan includes reassigned units from a
27 different elementary and/or middle school district, the excess units receiving
28 allocations as required in subsection (i) above, and the reassigned units from a
29 different elementary and/or middle school district, as the case may be, shall be
30 subject to the adequate public school facilities tests. If the proposed mobile home

1 park is located in a different elementary and/or middle school district, the site
2 development plan must pass the appropriate adequate public school facility test(s)
3 for all units approved on the site development plan.

4 (5) *Partially exempt multifamily residential site development plans:*

5 (i) *Exemption from tests for adequate public schools.* Residential site development
6 plans for multifamily projects which cannot generate children, such as age-
7 restricted adult housing, are exempt from the requirement to pass the tests for
8 adequate school facilities as a condition of site development plan approval. Except
9 as provided in subparagraph (iii) of this paragraph, these plans are required to pass
10 the test for allocations and for adequate road facilities as a condition of site
11 development plan approval.

12 (ii) *Exemption from tests for allocation and adequate public schools.* Nursing and
13 residential care facilities are exempt from the requirement to pass tests for
14 allocations and for adequate public schools as a condition of site development
15 plan approval. These plans are required to pass the adequate road facilities test as
16 a condition of site development plan approval.

17 (6) *Conditionally exempt residential subdivision plans.* Residential subdivision plans are
18 conditionally exempt from the requirement to pass the test for adequate road facilities
19 and the tests for allocations and for adequate school facilities as a condition of plan
20 approval, provided that the sketch plan was approved before the effective date of this
21 subtitle, this exemption is conditional upon the project continuing to meet required
22 milestones (see: Section 16.1106, "Milestones").

23 (7) *Partially exempt residential redevelopment plans.* Residential redevelopment involving
24 a subdivision plan or site development plan is exempt from the allocations. Adequate
25 public schools, and roads tests to the extent that the redevelopment will not increase:

26 (i) The number of existing housing units on the site;

27 (ii) The number of housing units allowed under paragraph (3) of this subsection; or

28 (iii) If the redevelopment is of a mobile home park licensed under subtitle 5 of this
29 title, the number of mobile home sites permitted under the license.

Existing units being replaced must have been occupied on a full-time basis for at least 30 days in the year prior to submission of the subdivision or site development plan for redevelopment of the site. If the number of units on the redevelopment plan exceeds the number of existing units, the additional units shall pass the allocations, adequate public schools and roads tests as a condition of plan approval.

(8) *Partially exempt residential subdivision plans.* Except in Downtown Columbia, moderate income housing units do not require housing unit allocations. However, plans with moderate income housing units are required to pass the test for adequate road facilities and adequate public schools as a condition of approval. The number of moderate income housing units in each plan that do not require housing unit allocations subject to this exemption shall not exceed the number of moderate income housing units as required in the Howard County Zoning Regulations.

(9) *Partially exempt urban renewal residential subdivision or site development plans; Test for adequate school facilities.* Residential units that are part of an Urban Renewal project, as designated by title 13, subtitle 11 of this Code, are exempt from the requirement to pass the test for adequate school facilities as a condition of subdivision or site development plan approval.

(10) *EXEMPT TOD (TRANSIT ORIENTED DEVELOPMENT) RESIDENTIAL SUBDIVISION OR SITE DEVELOPMENT PLANS; TEST FOR ADEQUATE SCHOOL FACILITIES.* A RESIDENTIAL DEVELOPMENT WITHIN A TOD (TRANSIT ORIENTED DEVELOPMENT) IS EXEMPT FROM THE REQUIREMENT TO PASS THE TEST FOR ADEQUATE SCHOOL FACILITIES AS A CONDITION OF SUBDIVISION OR SITE PLAN DEVELOPMENT APPROVAL. THESE PLANS ARE REQUIRED TO PASS THE ALLOCATIONS AND ROADS TESTS AS A CONDITION OF PLAN APPROVAL.

Title 20 – Taxes, Charges, and Fees

SUBTITLE 1. – Real Property Tax; Administration, Credits, and Enforcement

Part VI. Public School Facilities Surcharge

1 **Sec. 20.143. Surcharge imposed.**

2 (a) Chapter 744 of the Acts of the General Assembly of 2019, set forth in section 20.142 of the
3 Howard County Code, requires that the County Council impose a school facilities surcharge
4 on residential new construction for which a building permit is issued on or after July 1,
5 2004, with the revenue from the surcharge to be used to pay for additional or expanded
6 public school facilities such as renovations to existing school buildings or other systemic
7 changes, debt service on bonds issued for additional or expanded public school facilities, or
8 new school construction.

9 (b) (1) In accordance with Chapter 744 of the Acts of the General Assembly of 2019, there is a
10 public school facilities surcharge imposed on residential new construction for which a
11 building permit is issued on or after July 1, 2004, other than residential new construction
12 that is both:

13 (i) Classified as senior housing, and

14 (ii) An affordable housing unit, as defined in section 28.116 of the County Code.

15 (2) Except as provided in paragraphs (3) and (4) of this subsection, the surcharge is:

16 (i) \$4.75 per square foot of occupiable area in residential new construction through
17 December 31, 2020;

18 (ii) \$6.25 per square foot of occupiable area in residential new construction through
19 December 31, 2021; and

20 (iii) \$7.50 per square foot of occupiable area in residential new construction thereafter.

21 (3) (i) The surcharge is \$1.32 per square foot of occupiable area in residential new
22 construction that is:

23 1. Classified as senior housing under 42 U.S.C. § 3607(b); or

24 2. Addition construction, meaning construction of an addition to a building where
25 the work requires a Howard County building permit and where the addition either:

26 A. Increases the number of gross square feet of occupiable nonresidential
27 structure on the property; or

- 1 B. Increases the number of gross square feet of occupiable residential structure
2 on the property by 2,000 square feet or less and additional construction of more
3 than 2,000 square feet shall be assessed a rate under subsection (b)(2) of this
4 section for the square feet of the addition that is more than 2,000 square feet.
- 5 (ii) 1. In this paragraph, "Downtown Columbia Development District" has the meaning
6 provided for the term "Development District" in Council Resolution 105-2016.
- 7 2. Outside the Downtown Columbia Development District, surcharge is the greater
8 of \$1.32 or one-third the rate set under paragraph (2) of this subsection for a
9 moderate income housing unit that is built onsite beyond the number of moderate
10 income housing units required for the development by title 13, subtitle 4 of this
11 Code.
- 12 3. In the Downtown Columbia Development District, the surcharge on residential
13 new construction that is an affordable unit is a rate of:
- 14 A. \$1.32 per square foot of occupiable area; plus
15 B. One-half of the difference between \$1.32 and the rate that would be applicable
16 to the residential new construction if it was located outside the Downtown
17 Columbia Development District.
- 18 (iii) The surcharge is one-third of the rate set under paragraph (2) of this subsection for
19 non-senior residential new construction projects that have received funding from
20 the State of Maryland or from the County as an affordable housing project after
21 December 31, 2020.
- 22 (4) The rate established in paragraph (2) of this subsection shall be adjusted for inflation in
23 accordance with the Consumer Price Index for All Urban Consumers published by the
24 United States Department of Labor, for the fiscal year preceding the year for which the
25 amount is being calculated. The adjustment may not reduce the rate below \$1.32. FOR
26 RESIDENTIAL NEW CONSTRUCTION WITHIN A TOD (TRANSIT ORIENTED DEVELOPMENT)
27 THE SCHOOL FACILITIES SURCHARGE SHALL BE FIXED AT THE RATE IN EFFECT WHEN THE
28 SKETCH PLAN OR PRELIMINARY EQUIVALENT SKETCH PLAN WAS SUBMITTED TO THE
29 DEPARTMENT OF PLANNING AND ZONING.

1 (c) The amount and terms of the surcharge, and the use of the revenue collected under the
2 surcharge, shall be as required by section 20.142 of the Howard County Code, as enacted by
3 Chapter 744 of the Acts of the General Assembly of 2019.

4
5 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that***
6 ***this Act shall become effective 61 days after its enactment.***
7

Amendment 3 to Council Bill No. 18-2025

BY: Christiana Rigby

Legislative Day: 5

Date: April 7, 2025

Amendment No. 3

(This amendment does the following:

- 1. adds a requirement 20% of all dwelling units constructed under the bill be built according to HoCo universal design guidelines;*
- 2. requires 5% of dwelling units to be Disability income housing units, and mix of up to 15% of housing units as moderate income housing units, low income housing units, or disability income housing units;*
- 3. establishes a sunset provision of 2037;*
- 4. and adds reporting requirements)*

1
2 On page 3, line 28 strike “and PGCC (Planned Golf Course Community)”.

3
4 On page 4, strike lines 1-6 and substitute the following:

5 “(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A TOD
6 (TRANSIT ORIENTED DEVELOPMENT) DISTRICT SITE SHALL INCORPORATE UNIVERSAL
7 DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES FOR
8 20% OF ALL UNITS DESCRIBED IN THIS SECTION AND SHALL PROVIDE EITHER:

9 (i) MODERATE INCOME HOUSING UNITS REQUIRED UNDER THE ZONING
10 REGULATIONS, OR DISABILITY INCOME HOUSING UNITS OR LOW INCOME HOUSING
11 UNITS AS PART OF AN OPTIONAL METHOD OF COMPLIANCE, AS PART OF THE
12 DEVELOPMENT ON THE SITE OF THE DEVELOPMENT PROJECT; OR

13 (ii) 5% OF THE TOTAL UNITS BUILT SHALL BE DISABILITY INCOME HOUSING UNITS
14 AND UP TO AN ADDITIONAL 15% OF THE TOTAL UNITS BUILT SHALL BE A MIX OF

1 MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING UNITS, OR
2 DISABILITY INCOME HOUSING UNITS PER SECTION 13.402(E)(I), (II), AND (III).

3
4 On page 4 in line 13, strike "DISABILITY INCOME HOUSING UNITS;"

5
6 On page 4, in line 16 after "ARTICLE" strike "IF 15% OF THE DWELLING UNITS ARE DISABILITY
7 INCOME HOUSING UNITS" and substitute ". A PROJECT THAT HAS BEEN APPROVED FOR A PAYMENT
8 IN LIEU OF TAXES (PILOT) AGREEMENT WITH THE COUNTY SHALL PROVIDE 5% OF THE TOTAL
9 UNITS BUILT TO BE DISABILITY INCOME HOUSING UNITS AND SHALL PROVIDE UP TO 15% OF THE
10 TOTAL UNITS BUILT TO BE A MIX OF MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING
11 UNITS, OR DISABILITY INCOME HOUSING UNITS PER SECTION 13.402(E)(I), (II), AND (III).".

12
13 "(4) REPORTING REQUIREMENT – THE DEPARTMENT OF HOUSING AND COMMUNITY
14 DEVELOPMENT SHALL, BY JANUARY 1, 2035, PREPARE AND SUBMIT A REPORT TO THE COUNTY
15 COUNCIL PROVIDING FOR THE NUMBER OF MODERATE INCOME HOUSING UNITS, LOW INCOME
16 HOUSING UNITS, AND DISABILITY INCOME HOUSING UNITS CREATED UNDER THIS SECTION
17 INCLUDING THE BEDROOM RATIO OF THE UNITS CREATED AND THE STUDENT GENERATION YIELDS
18 OF EACH BUILDING CONSTRUCTED AND FULLY LEASED AT THE TIME OF THE REPORT."

19
20 On page 4, in line 19 insert the following:

21 "(o) PGCC (PLANNED GOLF COURSE COMMUNITY) — MODERATE INCOME HOUSING UNIT
22 REQUIREMENTS.

23 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A PGCC
24 (PLANNED GOLF COURSE COMMUNITY) DISTRICT SITE SHALL PROVIDE THE MODERATE
25 INCOME HOUSING UNITS REQUIRED UNDER THE ZONING REGULATIONS, OR DISABILITY
26 INCOME HOUSING UNITS OR LOW INCOME HOUSING UNITS AS PART OF AN OPTIONAL
27 METHOD OF COMPLIANCE, AS PART OF THE DEVELOPMENT ON THE SITE OF THE
28 DEVELOPMENT PROJECT.

29 (2) THE DEVELOPER SHALL NOT:

30 (I) PROVIDE THE MODERATE HOUSING INCOME UNITS AT A DIFFERENT LOCATION;

1 (II) PAY A FEE-IN-LIEU OF TO THE DEPARTMENT OF HOUSING AND COMMUNITY
2 DEVELOPMENT;

3 (III) USE AN OPTIONAL METHOD AS PROVIDED UNDER SUBSECTION (E)(1)(I) OF THIS
4 SECTION; OR

5 (IV) USE ALTERNATIVE COMPLIANCE TO OPTIONAL METHODS AS PROVIDED UNDER
6 SUBSECTION (F) OF THIS SECTION.”.

7
8 On page 9, in line 22 after “APPROVAL” insert “IF APPROVED UNDER SECTION 13.402(N)(1)(II)”.

9
10 On page 11, in line 29, after “ZONING”, insert “IF APPROVED UNDER SECTION 13.402(N)(1)(II)”.

11
12 On page 12, immediately after line 4, insert the following:

13 “Section 2. And Be it Further Enacted by the County Council of Howard County, Maryland that
14 this Act shall remain effective for the period of twelve years and at the end of June 30, 2037, this
15 Act with no further action by the County Council, shall be abrogated and of no further force and
16 effect.”.

17
18 On page 12, in line 5, strike “2” and insert “3”.

Amendment 7 to Council Bill No. 18-2025

BY: Christiana Rigby

Legislative Day: 6

Date: May 5, 2025

Amendment No. 7

(This amendment does the following:

- 1. adds a requirement 25% of all dwelling units constructed under the bill be built according to either the Uniform Federal Accessibility Standards or International Code Council Guidelines;*
- 2. requires 5% of dwelling units to be Disability income housing units, and 15% of housing units as moderate income housing units, low income housing units, or disability income housing units;*
- 3. establishes a sunset provision of 2033;*
- 4. and adds reporting requirements)*

On page 3, line 28 strike “and PGCC (Planned Golf Course Community)”.

On page 4, strike lines 1-6 and substitute the following:

“(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A TOD (TRANSIT ORIENTED DEVELOPMENT) DISTRICT SITE SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES FOR ALL UNITS DESCRIBED IN THIS SECTION, WITH 25% OF THE DISABILITY INCOME HOUSING UNITS ADHERING TO EITHER THE UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS) OR INTERNATIONAL CODE COUNCIL (ICC) 117.1-2009-TYPE A GUIDELINES, AND SHALL PROVIDE EITHER:

- (i) MODERATE INCOME HOUSING UNITS REQUIRED UNDER THE ZONING REGULATIONS, OR DISABILITY INCOME HOUSING UNITS OR LOW INCOME HOUSING UNITS AS PART OF AN OPTIONAL METHOD OF COMPLIANCE, AS PART OF THE DEVELOPMENT ON THE SITE OF THE DEVELOPMENT PROJECT; OR

- 1 (ii) 5% OF THE TOTAL UNITS BUILT SHALL BE DISABILITY INCOME HOUSING UNITS
2 AND AN ADDITIONAL 15% OF THE TOTAL UNITS BUILT SHALL BE A MIX OF
3 MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING UNITS, OR
4 DISABILITY INCOME HOUSING UNITS PER SECTION 13.402(E)(4)(I), (II), AND (III)
5 AND 13.402B.

6
7 On page 4 in line 13, strike "DISABILITY INCOME HOUSING UNITS;".

8
9 On page 4, in line 16 after "ARTICLE" strike "IF 15% OF THE DWELLING UNITS ARE DISABILITY
10 INCOME HOUSING UNITS" and substitute "A PROJECT THAT HAS BEEN APPROVED FOR A PAYMENT
11 IN LIEU OF TAXES (PILOT) AGREEMENT WITH THE COUNTY SHALL PROVIDE 5% OF THE TOTAL
12 UNITS BUILT TO BE DISABILITY INCOME HOUSING UNITS AND SHALL PROVIDE 15% OF THE TOTAL
13 UNITS BUILT TO BE A MIX OF MODERATE INCOME HOUSING UNITS, LOW INCOME HOUSING UNITS, OR
14 DISABILITY INCOME HOUSING UNITS PER SECTION 13.402(E)(4), (I), (II) AND (III) AND 13.402B."

15
16 (4) REPORTING REQUIREMENT – THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
17 SHALL BY JANUARY 1, 2029 AND JANUARY 1, 2032 PREPARE AND SUBMIT A REPORT TO THE
18 COUNTY COUNCIL PROVIDING FOR THE NUMBER OF MODERATE INCOME HOUSING UNITS, LOW
19 INCOME HOUSING UNITS, AND DISABILITY INCOME HOUSING UNITS CREATED UNDER THIS SECTION
20 INCLUDING THE BEDROOM RATIO OF THE UNITS CREATED AND THE STUDENT GENERATION YIELDS
21 OF EACH BUILDING CONSTRUCTED AND FULLY LEASED AT THE TIME OF THE REPORT."

22
23 On page 4, in line 19 insert the following:

24 "(o) PGCC (PLANNED GOLF COURSE COMMUNITY) — MODERATE INCOME HOUSING UNIT
25 REQUIREMENTS.

- 26 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A DEVELOPER OF A PGCC
27 (PLANNED GOLF COURSE COMMUNITY) DISTRICT SITE SHALL PROVIDE THE MODERATE
28 INCOME HOUSING UNITS REQUIRED UNDER THE ZONING REGULATIONS, OR DISABILITY
29 INCOME HOUSING UNITS OR LOW INCOME HOUSING UNITS AS PART OF AN OPTIONAL

1 METHOD OF COMPLIANCE, AS PART OF THE DEVELOPMENT ON THE SITE OF THE
2 DEVELOPMENT PROJECT.

3 (2) THE DEVELOPER SHALL NOT:

4 (I) PROVIDE THE MODERATE HOUSING INCOME UNITS AT A DIFFERENT LOCATION;

5 (II) PAY A FEE-IN-LIEU OF TO THE DEPARTMENT OF HOUSING AND COMMUNITY
6 DEVELOPMENT;

7 (III) USE AN OPTIONAL METHOD AS PROVIDED UNDER SUBSECTION (E)(1)(I) OF THIS
8 SECTION; OR

9 (IV) USE ALTERNATIVE COMPLIANCE TO OPTIONAL METHODS AS PROVIDED UNDER
10 SUBSECTION (F) OF THIS SECTION.”.

11
12 On page 9, in line 22 after “APPROVAL” insert “IF APPROVED UNDER SECTION 13.402(N)(1)(II)”.

13
14 On page 11, in line 29, after “ZONING”, insert “IF APPROVED UNDER SECTION 13.402(N)(1)(II)”.

15
16 On page 12, immediately after line 4, insert the following:

17 “Section 2. And Be it Further Enacted by the County Council of Howard County, Maryland that
18 this Act shall remain effective for the period of eight years and, with no further action by the
19 County Council, this Act shall be abrogated and of no further force and effect.”.

20
21 On page 12, in line 5, strike “2” and insert “3”.