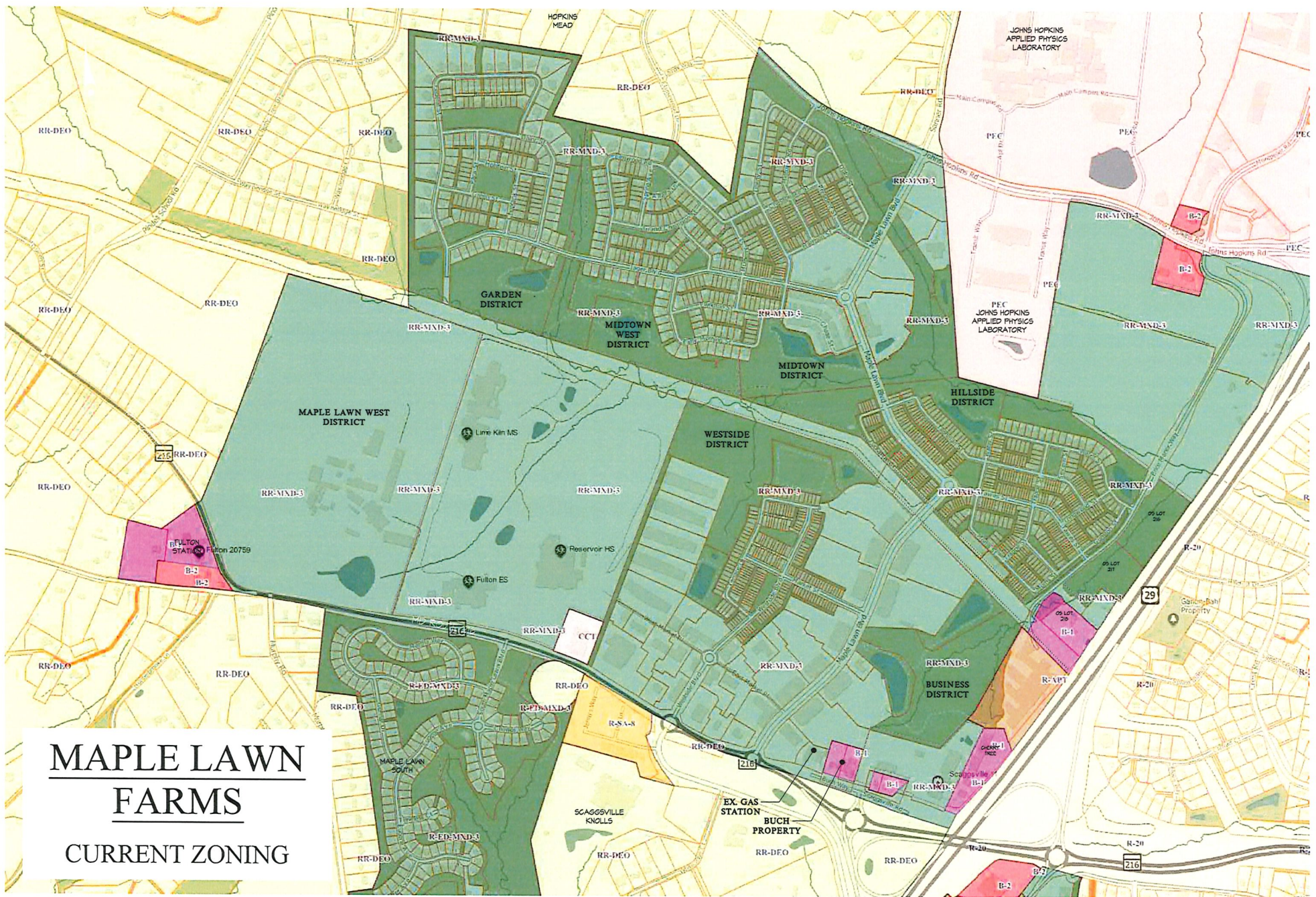




MAPLE LAWN
FARMS
NEIGHBORHOOD
OVERVIEW

JULY, 2026

100



MAPLE LAWN
FARMS
CURRENT ZONING



May 19, 2016

TECHNICAL STAFF REPORT

Planning Board Meeting of June 2, 2016

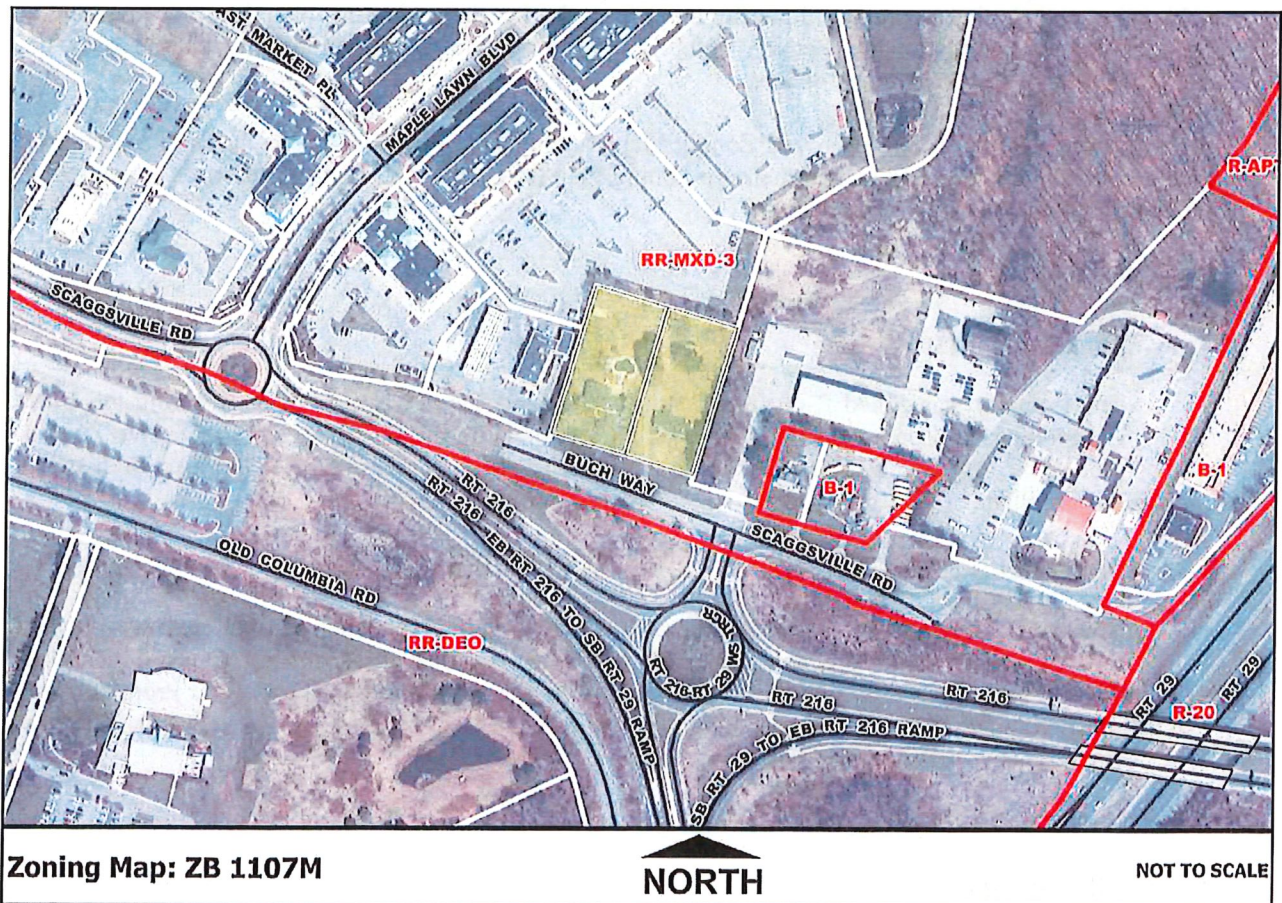
Case No./Petitioner: ZB-1107M – Olde Scaggsville, LLC

Location: Fifth Election District
North side of Scaggsville Road approximately 225 feet north of the first MD 216 traffic circle west of US 29
Tax Map 46, Grid 3, Parcels 200 and 226; 11292 and 11296 Scaggsville Road, also known as 11292 and 11296 Buch Way.
(the "Property")

Area of Site: 1.99 acres

Current Zoning: RR-MXD-3

Proposed Zoning: B-1



I. DESCRIPTION OF PROPOSAL

The Petitioner proposes to rezone two adjacent one acre lots from the RR-MXD-3 (Rural Residential-Mixed Use Overlay) District to the B-1 (Business: Local) District. Although the Property is within the MXD-3 Overlay District, it is not within the boundaries of the adjoining Maple Lawn Mixed Use Development (the "Maple Lawn Development") and it is below the 25 acre minimum lot size requirement, therefore it can only be developed under the RR District regulations.

The Rural Residential District is established to allow low density residential development within a rural environment. The Rural Residential District is intended for an area of the County which is already largely committed to low density residential subdivisions. Within the RR District, agriculture is permitted as well as residential development in both cluster and non-cluster forms. Cluster development is permitted in order to protect environmental and landscape resources and to preserve agricultural land.

The B-1 District is established to provide areas of local business that can directly serve the general public with retail sales and services.

A plan entitled "Exhibit to Accompany Zoning Petition – 11296 and 11292 Scaggsville Road" (the "Exhibit Plan") submitted with the petition depicts a conceptual development of an office building. This Exhibit Plan does not include the land area of the public street right-of-way in front of the Property in the depicted development, as is mentioned by the Petitioner as a future possibility. However, the Department of Planning and Zoning has received confirmation from the Petitioner that this plan does not represent a site plan zoning petition under Section 100.0.G.2. of the Zoning Regulations and should only be considered as a hypothetical development.

The Petitioner asserts that the proposed Zoning Map Amendment is justified on the basis of Mistake in zoning made during the 2013 Comprehensive Zoning Plan (the "2013 CZP"). This assertion is evaluated in the Evaluation and Conclusion section.

II. ZONING HISTORY

A. Subject Property

The Property was zoned R-40 (Residential – One and Two Family Detached) during the 1961 Comprehensive Zoning Plan and rezoned to R (Rural) during the 1977 Comprehensive Zoning Plan. The Property was rezoned to the current RR-MXD-3 during the 1993 Comprehensive Zoning Plan.

B. Adjacent Properties

The surrounding properties were also zoned R-40 in 1961 and remained so until 1992 when the R (Rural) properties to the south of MD 216 were rezoned to RR-DEO. During the 1993 Comprehensive Zoning Plan, the R (Rural) areas to the west, north and east of the Property were rezoned to RR-MXD-3. Subsequently, the properties to the north and west were designated as an Employment Area of the Maple Lawn Mixed Use Development in 2000.

III. BACKGROUND INFORMATION

A. Site Description

The Property consists of two rectangular shaped parcels with a combined area of 1.99 acres. It is

the only property that fronts the portion of the former MD 216 roadway west of the traffic circle. The property is currently developed with modular office buildings approved by Temporary Use 15-005.

A crushed stone temporary parking area is located southwest of the modular office buildings. The rear of the Property is an open lawn with large deciduous trees. The Property slopes approximately 14 feet from the southwest corner towards the northeast corner.

B. Vicinal Properties

East of the Property is Parcel 288, also zoned RR-MXD-3 and used for the Howard County Public Safety Complex, which consists of the Southern District Police Headquarters, Fire Station 11, and a maintenance facility. Also to the east are Parcels 176 and 177, which are within the B-1 Zoning District and improved with single family residences. They were rezoned from RR-MXD-3 to B-1 during the 2004 Comprehensive Zoning Plan. Parcel 176 appears to be used for a school bus business and may operate from both parcels. According to the State Department of Assessments and Taxation ("SDAT") information for both parcels, the Tax Use designation is "Commercial/Residential".

South of the Property is the former MD 216 roadway, currently known as both Scaggsville Road and Buch Way, that ends approximately 80 feet past the west side of the Property. An open space area exists between this road and the current MD 216.

West of the Property is Lot C-11 of Parcel 124, also zoned RR-MXD-3, however the RR designation is superseded by the MXD-3 designation, since it is within the approved Maple Lawn Development. It is located within an Employment area of the Maple Lawn Development and is developed with a gasoline station and convenience store.

North/northwest of the Property is Lot C-3 of Parcel 124, which is also within an Employment area of the Maple Lawn Development. It is developed with an office building and parking lot.

C. Roads

The portion of Scaggsville Road/Buch Way that adjoins the Property has approximately 45 feet of paving and is located within the very wide, variable MD 216 right-of-way.

The road in front of the Property is not a through-road, therefore sight distance is not considered to be an issue. However, the estimated sight distance from the center of the Property frontage is approximately 690 feet to a cul-de-sac in the southeast direction and 230 feet to the terminus of the road to the northwest.

There is no traffic volume data for Scaggsville Road/Buch Way in front of the Property.

D. Water and Sewer Service

The Petitioner states that both parcels are within the Metropolitan District, however, according to the Geographic Information System, Parcel 226 is within the Metropolitan District but Parcel 200 is not. Both parcels are within the Planned Service Area.

Parcel 226 appears to have public water service for the modular office buildings. Both parcels have existing septic areas and wells. If the Property is redeveloped for a commercial use the

Property would be required to connect to public water/sewer and the wells/septic areas would have to be abandoned.

E. General Plan

The Property is designated as a Targeted Growth and Revitalization place type on the *PlanHoward 2030* maps.

Scaggsville Road/Buch Way is not depicted on the Transportation Map of the *PlanHoward 2030* General Plan. MD 216 is a Minor Arterial highway.

F. Agency Comments

See attached comments on the proposal from the following agencies:

1. State Highway Administration
2. Bureau of Environmental Health

The following agencies had no objections to the proposal:

1. Department of Recreation & Parks
2. Department of Fire and Rescue Services
3. Department of Inspections, Licenses and Permits

G. Adequate Public Facilities Ordinance

A Site Development Plan for any nonresidential redevelopment of the Property would be subject to the requirement to pass the test for adequate road facilities.

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan and the Zoning Regulations

The Petitioner asserts that the request to rezone the Property to B-1 is in harmony with the *PlanHoward 2030* General Plan because it would be more consistent with the adjoining Maple Lawn Development as a transitional zone and that a B-1 zoning is more consistent with properties located within the PSA.

The Property is within a Targeted Growth and Revitalization Area as designated in the *PlanHoward 2030* General Plan. As described on Page 74 of that plan, such areas are “...*areas where current policies, zoning and other regulations, as well as policies suggested in PlanHoward 2030, seek to focus most future County growth.*”

The following policies in *Chapter 6 Growth* are related to the request:

Policy 6.4 “*Ensure that the County continues to capture future job and business growth opportunities*”, and the “*Commercially and Industrially Zoned Properties*” Implementation Action to “*Establish policies to protect and promote commercially zoned land for future job and business growth opportunities.*”

Opportunities Implementation Action of Policy 6.5 *"Designate appropriate additional areas within the County's Priority Funding Area for well-designed, compact development in order to accommodate future job and housing growth".*

Furthermore, the Designated Place Types Map shows that the Property as located within the Priority Funding Area and PSA for water and sewer.

The current RR (Rural Residential) Zoning does not support the Targeted Growth and Revitalization Area policies and is more consistent with the Rural West designation, which is described as "...area [that] is outside of the Priority Funding Area, [and] is not served by public water and sewer." The Purpose statement for the RR (Rural Residential) District states "The Rural Residential District is established to allow low density residential development within a rural environment. The Rural Residential District is intended for an area of the County which is already largely committed to low density residential subdivisions." The Property is not within a rural environment with low density residential subdivisions.

The proposed B-1 District is more consistent with the aforementioned General Plan policies and the commercial development pattern of the area. On the Land Use Map, the areas to the west and north of the Property are developed and undeveloped commercial land in the Maple Lawn Development. The areas to the east are mostly institutional and commercial. Furthermore, the proposed B-1 supports nonresidential growth that could lead to the creation of new jobs within the Targeted Growth and Revitalization Area.

B. Appropriateness of Zoning District

As noted above, the RR District is no longer an appropriate zoning district because it is a Rural West District and the property is located within a Targeted Growth and Revitalization Area with public water and sewer service. The following is an analysis of alternative zoning districts that may be suitable for the property:

Residential

Considering the commercial land use context of the area and General Plan policies, the single family residential districts do not seem to be appropriate. The Property is not eligible for the R-APT District because it does not directly adjoin MD 216.

Non-residential

The Property is not eligible for the POR, PEC, or OT districts. The Property does not meet the CCT District's purpose to serve as a transition between residential neighborhoods and nonresidential development. Therefore, the B-1 District is the least-intense nonresidential district that might be appropriate for the Property.

Another alternative would be to incorporate the Property into the adjacent Maple Lawn Development to the west and north. The adjacent properties are designated as Employment area of this Mixed Use Development. The uses permitted as a matter of right in the Employment areas of the Maple Lawn Development are those allowed in POR, B-1, and M-1 Districts. Therefore, the B-1 District will result in less intense land uses.

C. Evaluation of the Petition Concerning the Change Rule

To substantiate a change in character of the neighborhood, the petitioner must establish the “neighborhood” boundary and specify the changes that occurred after the comprehensive zoning that altered the character of the “neighborhood”.

No statement was provided in the petition as to whether or not there is an allegation of substantial change in the character of the neighborhood since the 2013 CZP. Furthermore, the Petitioner did not provide any neighborhood boundaries, so DPZ did not evaluate the petition in regards to the Change Rule.

D. Evaluation of the Petition Concerning the Mistake Rule

To substantiate a mistake in zoning, evidence must show that the Zoning Authority erred when it adopted the comprehensive zoning map.

The Petitioner asserts that the proposed Zoning Map Amendment is justified on the basis of Mistake in zoning made during the 2013 Comprehensive Zoning Plan (the “2013 CZP”). The basis for this assertion is that the Property is within the Planned Service Area (“PSA”) and is zoned RR (Rural Residential), which is a Rural West zoning district that is intended for properties outside of the Priority Funding Area and PSA.

The Petitioner maintains that the Property is “...undevelopable under existing zoning” due to its inclusion in the PSA. Furthermore, the Petitioner notes that at the time of the 2013 CZP, the Property consisted of two residential parcels with separate owners and that both of these parcels had separate driveway access to a dead-end public street. Since the 2013 CZP, the two parcels were purchased by one owner, the process to purchase the portion of road in front of the parcels as excess public street right-of-way has started, and the owner intends to redevelop the two parcels for commercial purposes.

DPZ concurs with the Petitioner that the RR-MXD-3 zoning of the Property is a mistake made in the 2013 CZP, for the reasons conveyed by the Petitioner and for other additional reasons as expressed below:

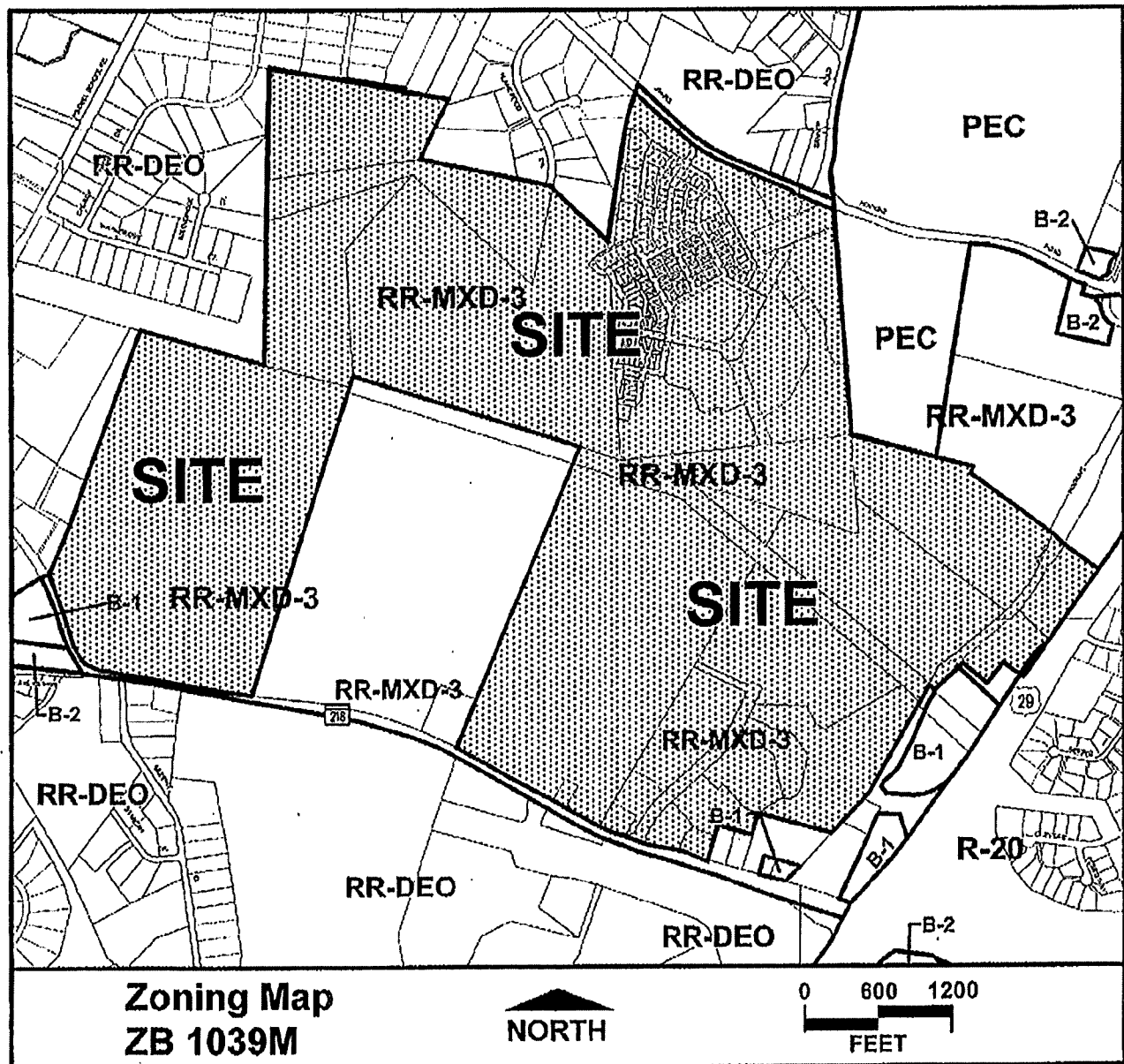
On September 13, 2010, the Zoning Board rezoned 221.1 acres of the Doughoregan Manor property from RC-DEO to R-ED (ZB 1087M). The Decision and Order for this case established that the location of a property in a Rural West zoning district and in the PSA may be considered a factor in determining mistake in zoning:

“Petitioners’ principal contention as to mistake in comprehensive zoning was based on the County Council’s inclusion of the subject property in the PSA by CB 9-2010. The Board concluded that there was substantial evidence from this change in policy by the County Council to remove the subject property from the non-PSA Rural West and put it in the area of the County in which properties must be served with public water and sewer facilities is indisputably an event or fact occurring subsequent to the 2004 Comprehensive Zoning. The Board concludes that this shows that the Council’s premise in zoning the property RC-DEO in 2004 has proven to be incorrect over time.”

The following historical information supports the petitioner’s contention that the Zoning Authority was aware of the Property’s location in the RR District and PSA in 2013.

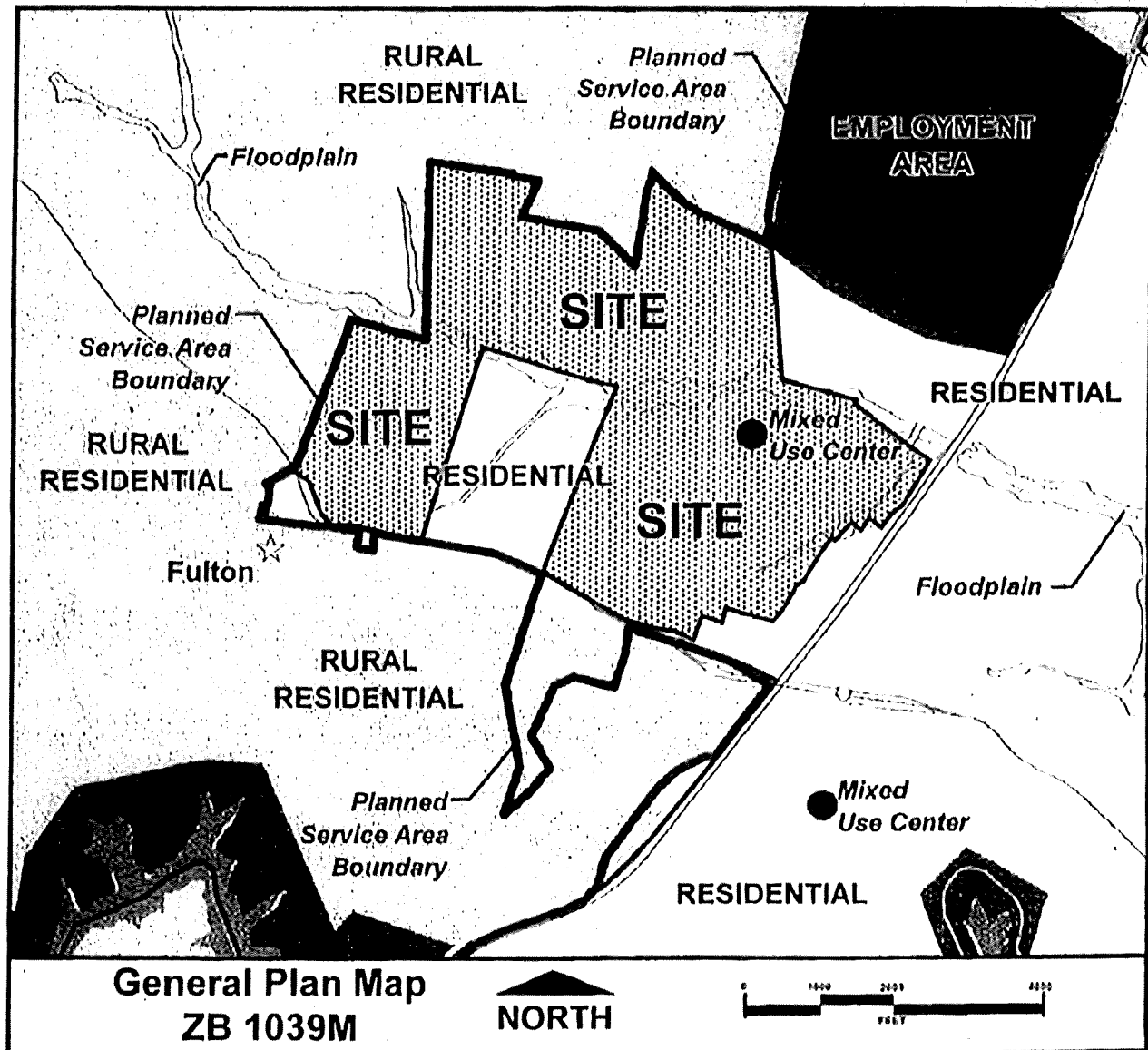
In 2005, Zoning Board Case ZB 1039M case amended the Maple Lawn Development Preliminary Development Plan to add new properties and to amend various criteria. The Zoning Map for the ZB 1039M Technical Staff Report (shown below) clearly showed that the Property was between the Maple Lawn Development and the B-1-zoned Parcels 176 and 177.

ZB 1039M – Zoning Map from Technical Staff Report



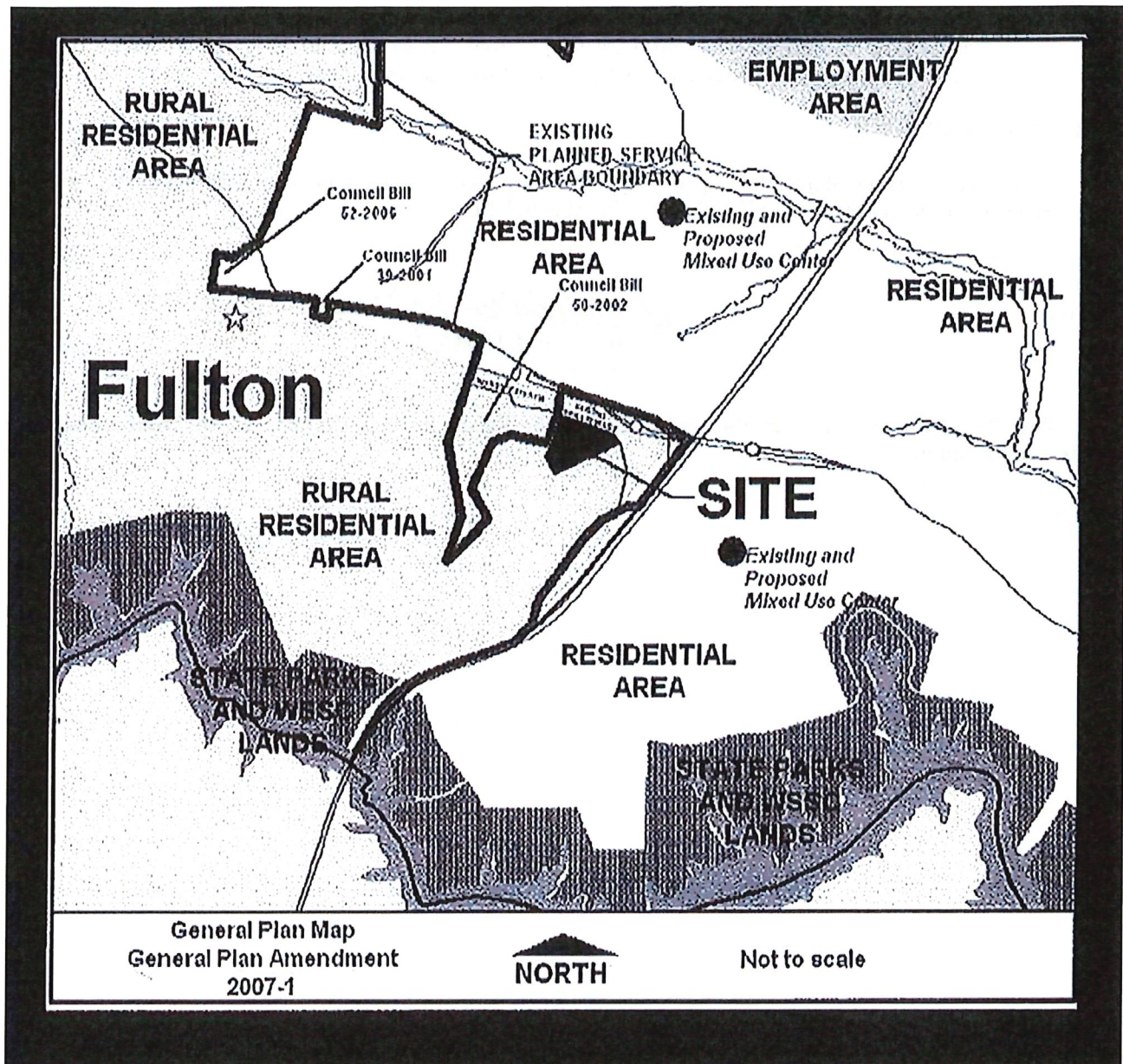
Furthermore, the General Plan Map associated with ZB 1039M Technical Staff Report (shown below) depicted the general area of the Property within the PSA.

ZB 1039M – General Plan Map from Technical Staff Report



In 2007, General Plan Amendment 2007-1 incorporated the St Francis of Assisi religious facility property, located south of MD 216, into the PSA. The exhibit map (shown below) depicts the PSA boundary as still following the old alignment of MD 216. This General Plan Amendment was approved and the PSA boundary consequently went to the south side of the MD 216 right-of-way and connected with the prior PSA boundary change for Grace Community Church approved in Council Bill 56-2002.

General Plan Amendment 2007-1 Map



Therefore, at the time of the 2013 CZP, the Zoning Authority should have been aware that the Property was not part of the Maple Lawn Development and that the MXD-3 Overlay was not applicable. Additionally, the Zoning Authority should have been aware that the Property was zoned RR and located within the PSA.

Thus, the inclusion of the property in the RR-MXD-3 District during the 2013 CZP can be viewed as a "Mistake" in zoning.

E. Other Issues

In the records for the 2004 Comprehensive Zoning Plan Amendment No. 46.99, which changed the zoning of Parcels 176 and Parcel 177 from RR-MXD-3 to B-1, the Planning Board commented that this amendment was "Consistent with adjoining uses."

V. RECOMMENDATION

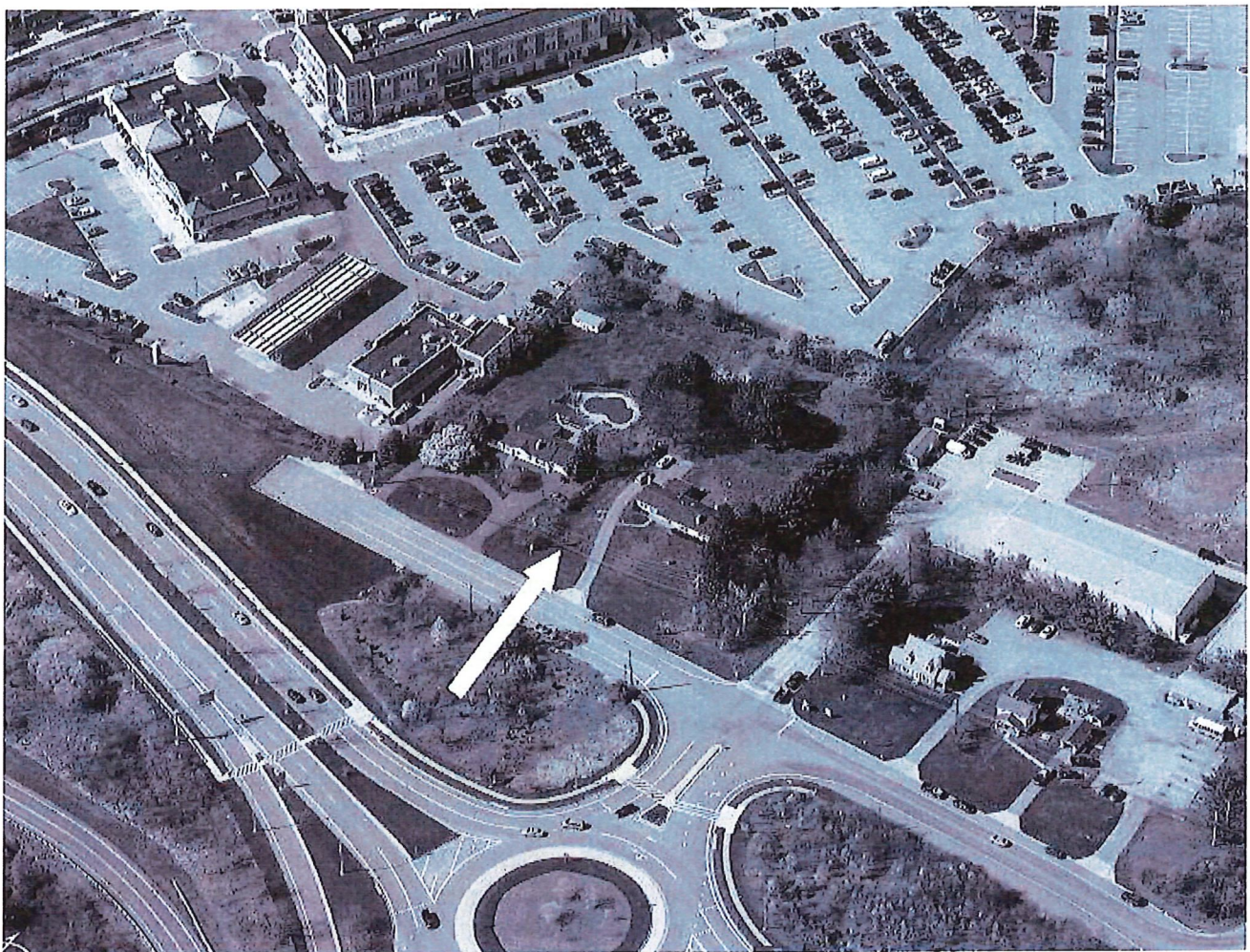
For the reasons noted above, the Department of Planning and Zoning recommends that that the request to rezone the Property from RR-MXD-3 to B-1 be APPROVED.

Approved by:

 5-18-16
Valdis Lazdins, Director Date

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

Aerial Photograph of the Property and Vicinity



ARK

Department of Planning and Zoning
Howard County, Maryland
Recommendations/Comments

Date: March 15, 2016

Hearing Examiner _____
Planning Board TBD Board of Appeals _____ Zoning Board _____

Petition No. ZB-1107M Map No. _____ Block _____ Parcel _____ Lot _____

Petitioner: _____ Old Scaggsville, LLC

Petitioner's Address: _____

Address of Property: _____

Return Comments by April 11, 2016 to Public Service and Zoning Administration

Owner: (if other than applicant) _____

Owner's Address: _____

Petition: SEE APPLICATION

To: _____ MD Department of Education – Office of Child Care
3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)
_____ Bureau of Environmental Health
_____ Development Engineering Division
_____ Department of Inspections, Licenses and Permits
_____ Department of Recreation and Parks
_____ Department of Fire and Rescue Services
✓ _____ **State Highway Administration**
_____ Sgt. Karen Shinham, Howard County Police Dept.
_____ James Irvin, Department of Public Works
_____ Office on Aging, Terri Hansen (senior assisted living)
_____ Police Dept., Animal Control, Deborah Baracco, (kennels)
_____ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)
_____ Land Development - (Religious Facility & Age-Restricted
Adult Housing)
_____ Housing and Community Development
_____ Resource Conservation Division – Beth Burgess
_____ Route 1 Cases – DCCP – Dace Blaumanis
_____ Telecommunication Towers – Josh Levy (Comm. Dept.)

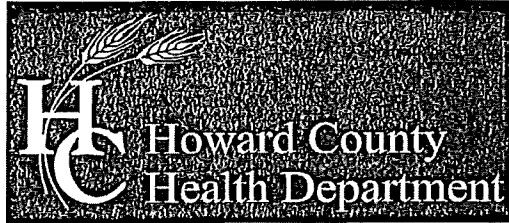


COMMENTS:

SHA HAS NO OBJECTION TO REZONING PROPOSAL.
SHA REQUESTS REVIEW OF ANY FUTURE DEVELOPMENT PROPOSAL.

D. SCOTT NEWILL
SHA-DIST. 7 - AM

SIGNATURE



Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

Main: 410-313-2640 | Fax: 410-313-2648

TDD 410-313-2323 | Toll Free 1-866-313-6300

www.hchealth.org

Facebook: www.facebook.com/hocohealth

Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Bob LaLush
Division of Zoning Administration and Public Service

FROM: Jeff Williams *JW*
Program Supervisor, Well & Septic Program
Bureau of Environmental Health

RE: **ZB-1107M**

DATE: March 29, 2016

The Health Department has reviewed the above referenced petition and has the following comments.

- There is no objection to the zoning change. Any development on the properties must utilize public water and sewer and any existing wells or sewage disposal system components must be properly abandoned prior to Health approval of the development.

Olde Scaggsville, LLC,

Petitioner

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Before the Zoning Board of

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Howard County

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Zoning Board Case No. ZB-1107M

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DECISION AND ORDER

On October 24, 2016, the Zoning Board of Howard County, Maryland considered the petition of Olde Scaggsville, LLC for an amendment to the Zoning Map of Howard County so as reclassify 1.99 acres of land located on the northwest corner of the intersection of Scaggsville Road and Old Columbia Road from the RR-MXD-3 Zoning District to the B-1 Zoning District. The proposed reclassification was submitted with a Documented Site Plan. The subject property is identified as Tax Map 46, Block 03, Parcel 200 & 226, in the Fifth Election District of Howard County (the "Property").

The notice of hearing was advertised, the subject property was posted with notice of the hearing, and the adjoining property owners were mailed notice of the hearing as evidenced by the certificates of posting, advertising and mailing to adjoining property owners which were entered into the record. Pursuant to the Zoning Board's Rules of Procedures, all of the reports and official documents pertaining to the petition, including the petition, the Technical Staff Report of the Department of Planning and Zoning, and the Planning Board's recommendation, were entered or incorporated into the record of the hearing. Both the Department of Planning and Zoning and the Planning Board recommended approval of the petition.

The Petitioner was represented by Sang W. Oh, Esq. Eileen Powers, Esq., the Zoning Counsel, appeared pursuant to Section 16.1000 of the Howard County Code, to support the comprehensive zoning of the subject property. There was no opposition to the petition.

After careful evaluation of all the information presented, the Zoning Board of Howard County makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Petitioner requests rezoning of the Property from the RR-MXD-3 District to the B-1 Zoning District. The petition was filed with a documented site plan. All of the testimony in support of the petition was presented by Robert H. Vogel, a professional engineer.

2. The Petitioner's request for rezoning is based on a mistake in the last comprehensive zoning of the subject property. The testimony and documentary evidence produced the following undisputed facts.

3. The Property consists of two rectangular shaped parcels with a combined area of 1.99 acres. It is the only property that fronts the portion of the former MD 216 roadway west of the traffic circle.

4. The Property was zoned R-40 (Residential – One and Two family Detached) during the 1961 Comprehensive Zoning Plan, and rezoned to R (Rural) during the 1977 Comprehensive Zoning Plan. The Property was rezoned to the current RR-MXD-3 during the 1993 Comprehensive Zoning Plan.

5. The surrounding properties were also zoned R-40 in 1961, and remained so until 1992, when the R properties to the south of MD 216 were rezoned to RR-DEO. During the 1993 Comprehensive Zoning Plan, the R areas to the west, north, and east of the Property were rezoned to RR-MXD-3. Subsequently, the properties to the north and west of the Property were designated as an Employment Area of the Maple Lawn Mixed Use Development in 2000.

6. At the time of the 2013 Comprehensive Zoning Plan, the parcels were separately owned and had separate driveway access to the dead-end public street. Since the 2013 Comprehensive Zoning Plan, the two parcels were purchased by one owner. The process to purchase the portion of road in front of the parcels as excess public street right-of-way has started. The Property is currently developed with modular office buildings approved by Temporary Use 15-005.

7. Although the Property is within the MXD-3 Overlay District, it is not within the boundaries of the adjoining Maple Lawn Mixed Use Development, and it is below the 25 acre minimum lot size requirement. Therefore, it can only be developed under the RR District Regulations.

8. However, RR zones have been specifically designed for agricultural preservation and low density development in the western part of the County. The PlanHoward 2030 General Plan defines the Rural West as being “outside of the Priority Funding Area” and “not served by public water and sewer.”

9. Notwithstanding its zoning classification, the Property is within the Planned Service Area (“PSA”). The Howard County Code requires that all residential properties where public sewer is available be connected to public sewer. *See* HCC § 16.131(c)(2). However, under RR zoning, a property owner must use shared septic or individual septic. *See* Howard County Zoning Regulations, § 105.E.

10. The Petitioner proposes redeveloping the Property for a commercial development; specifically, the development of a three-story office building.

11. The Department of Planning and Zoning in its Technical Staff Report found that the RR-District is no longer an appropriate zoning district for the Property because (1) the Property is within the PSA; and, (2) RR-Zoning is intended for an area of the County which is already largely committed to low density residential subdivisions, and the Property is not within a rural environment low density residential subdivisions. The Department of Planning and Zoning further found that B-1 District is an appropriate zoning district because the areas to the west and north of the Property are developed and undeveloped commercial land in the Maple Lawn Development; and, the areas to the east of the Property are mostly institutional and commercial. It also noted that the B-1 district supports nonresidential growth that could lead to the creation of new jobs within the Targeted Growth and Revitalization Area.

12. The Zoning Counsel acknowledged in her presentation that there were facts in the record which would support the finding of mistake.

13. The Board, based on the undisputed facts above, finds that the Petitioner presented substantial evidence that the Zoning Authority erred when it adopted the comprehensive zoning map. The basis for this conclusion is that the Property is within the PSA but is zoned RR, which is a Rural West zoning district that is intended for properties outside of the PSA. Further, at the time of the 2013 Comprehensive Zoning Plan, it was clear that the Property was not part of the Maple Lawn Development and, therefore, that the MXD-3 Overlay was not applicable.

14. The Petitioner presented testimony and documentary evidence to support its contention that B-1 zoning was appropriate for the subject property. Areas to the west and north of the Property are developed and undeveloped land in the Maple Lawn Development. The areas to the east are largely institutional and commercial. Thus, the proposed development for the

Property is consistent with the General Plan policies and the commercial development pattern of the area.

CONCLUSIONS OF LAW

1. The Petitioner, as one seeking a piecemeal zoning reclassification, has the burden of demonstrating mistake in the last comprehensive zoning of the subject property and/or change in the character of the neighborhood of the subject property since the last comprehensive zoning. If this burden is met, the Board is permitted, but not compelled to grant the rezoning request.

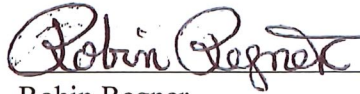
2. There is sufficient evidence in the record that supports finding a mistake in the 2013 Comprehensive Zoning of the subject property in the RR-MXD-3, as identified in the Department of Planning and Zoning's Technical Staff Report and the Board's findings of fact set forth above, sufficient to overcome the strong presumption of correctness attached to that comprehensive zoning.

3. The Petitioner has also presented sufficient evidence for the Board to conclude that the appropriate zoning category for the subject property is the B-1 District based on the Board's findings of fact No. 12 above, and the Board concludes that B-1 is the appropriate zoning for the subject property.

WHEREFORE, for the foregoing reasons, the Zoning Board of Howard County, on this 26th day of January 2017, hereby **GRANTS** the Petitioner's request for rezoning of the 1.99 acre subject property from the RR-MXD-3 to the B-1 Zoning District, as requested by the Petitioner.

ATTEST:

ZONING BOARD OF HOWARD COUNTY



Robin Regner
Administrative Assistant

PREPARED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR



Melissa E. Goldmeier
Assistant County Solicitor



Jen Terrasa, Chairperson



Mary Kay Sigaty, Vice Chairperson

Absent

Greg Fox



Calvin Ball

Absent

Jon Weinstein

5:49 PM Mon Jul 13

22%



data.howardcountymd.gov



Info

Legend

About

11292 BUCH WAY



Detailed Search



Add Layer

2013 Aerial Photo



GENERAL LAYERS



COMMUNITY RESOURCES & SERVICES



PARKS, OPEN SPACE, & EASEMENTS



FOREST COVER - 2009



FOREST CONSERV EASEMENT



HOCO OPEN SPACE



HOCO PARKS



NON HOCO PARKS & OS



PRESERVATION EASEMENTS



Length

Area



Select

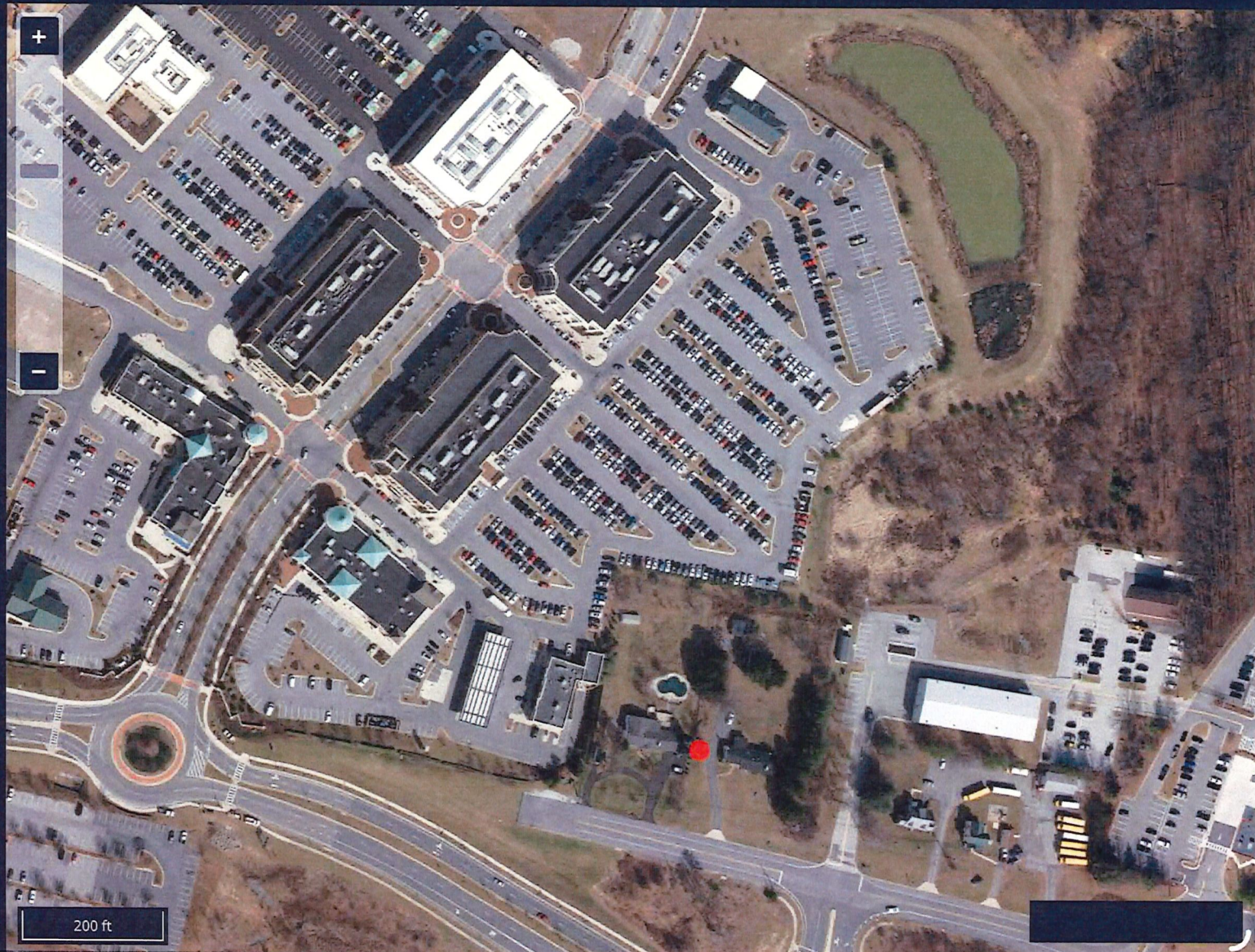


Point

Line

Polygon

Clear



2MA-Ex. 5



MAPLE LAWN
FARMS
PARKING

100-411

MEMORANDUM OF UNDERSTANDING

Regarding the Second Amended Preliminary Development Plan

Maple Lawn

This Memorandum of Understanding (this “MOU”) is entered into by and among G & R Maple Lawn, Inc. and Olde Scaggsville LLC (collectively, the “Developer”), and Maple Lawn Homeowners Association, Inc. (the “HOA”). The Developer and the HOA are sometimes collectively referred to herein as the “Parties.”

I. Shared Purpose and Intent

Maple Lawn was envisioned and developed as an integrated, walkable, mixed-use community designed to bring together residential neighborhoods, businesses, and open space within a cohesive framework. Both the Developer and the HOA share a commitment to preserving and strengthening that vision as Maple Lawn continues to evolve.

This MOU reflects the Parties’ mutual commitment to thoughtful collaboration regarding the Second Amended Preliminary Development Plan submitted by the Developer to Howard County, Maryland (the “County”) on February 19, 2026 and known as ZB1134P and ZB1134M (collectively, the “Second Amended PDP”), which is intended to complete and refine portions of the Maple Lawn Mixed Use Development for the property located at 11788 Scaggsville Road, Fulton, Maryland 20759 (the “Project”) in a manner consistent with its established character, planning framework, and community context.

The Parties recognize that responsible growth within an established community requires transparency, open communication, and good faith engagement. This MOU memorializes that shared approach. Capitalized terms used but not defined in this MOU shall have the meanings ascribed to such terms in the Second Amended PDP.

II. Understanding Regarding the Proposed Development Concept

The HOA and the Developer acknowledge that they have engaged in extensive discussions regarding the proposed amendments to the Project contained in the Second Amended PDP, including:

1. Development of an apartment building in the Business District;
2. Proposed single-family homes in Maple Lawn West;
3. Sequencing of development and construction process; and
4. Long-term community considerations associated with continued buildout.

The Parties further acknowledge that the Second Amended PDP incorporates feedback received from community members through public meetings and individual outreach efforts.

The HOA acknowledges that it has been meaningfully engaged in discussions with the Developer regarding the advancement of the proposed concept and that the Parties are working collaboratively and in good faith as the Developer pursues review and consideration of the Second Amended PDP by the County. The HOA's participation in this MOU reflects its intent to continue working constructively and in good faith with the Developer as the proposal advances.

Nothing contained in this MOU limits or replaces the authority of the County, the Zoning Board, or the Planning Board.

III. Matters for Continued Good Faith Coordination

The Parties acknowledge that certain topics remain subject to continued dialogue and refinement as the Project proceeds through zoning, planning, and implementation stages. These include:

1. Community amenities and potential enhancements;
2. HOA structure(s), governance, and long-term organizational considerations;
3. Timing and process associated with community turnover;
4. Sequencing of development and construction process; and
5. Integration of new residential areas with existing neighborhoods and the Business District to maintain cohesion and compatibility.

The Parties agree to continue addressing these topics collaboratively and in good faith, recognizing that additional detail and refinement will occur through future design, regulatory review, and implementation processes.

IV. Ongoing Community Engagement

The Developer and the HOA will continue to coordinate community engagement opportunities as the Project progresses, including informational meetings or forums designed to ensure that residents remain informed and have meaningful opportunities for input.

Both Parties are committed to fostering a constructive and collaborative environment that encourages respectful dialogue and reduces unnecessary conflict as the Project proceeds through public review.

V. Nature of Understanding

This MOU reflects the Parties' shared understanding and commitment to continued cooperation. It is not intended to create binding development conditions, amend zoning approvals, establish enforceable construction obligations, or predetermine future regulatory or land governance decisions.

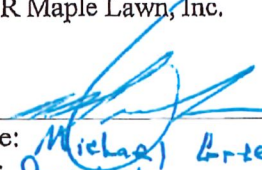
VI. Term

This MOU shall remain in effect through the review, approval, and construction of the Project, unless earlier modified or terminated by written agreement of either the HOA or the Developer.

[signature page to follow]

Developer:

G & R Maple Lawn, Inc.

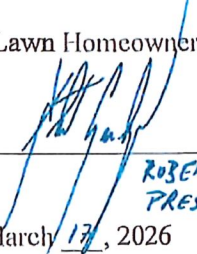
By: 
Name: Michael Artenebaum
Title: President
Date: March 17, 2026

Olde Scaggsville LLC

By: 
Name: MICHAEL L. BUCH
Title: CO-MANAGER
Date: March 18, 2026

HOA:

Maple Lawn Homeowners Association, Inc.

By: 
Name: ROBERT GREENBERGER
Title: PRESIDENT
Date: March 17, 2026



Calvin Ball
Howard County Executive



THE HOUSING OPPORTUNITIES MASTER PLAN

A Strategy for Improving the Availability, Affordability, and Accessibility of Housing in Howard County



APRIL 2021

ZMA-Ex.8

PREFACE

A MESSAGE FROM THE HOWARD COUNTY EXECUTIVE



Howard County is a thriving and diverse community recognized nationally for its affluence, quality of life, and excellent schools. Based on 2019 US Census data, Howard County is home to 325,690 residents and 119,772 households. Howard County has an area median household income of \$121,618, which is about 40 percent higher than Maryland's and nearly double that of the United States. Our school system is rated one of the best in the nation. Howard County is also home to more than 175,000 jobs and that number grows about 15 percent per year.

Housing inventory is scarce at every income level, significantly impacting housing prices. The median sales price of housing units in Howard County in 2019 was \$482,100. This value is roughly 50 percent higher than the Maryland median sales price of \$332,500. The problem is more severe for low- and moderate-income households. Low- and moderate-income households have a lower homeownership rate, less access to quality, affordable units and are concentrated in certain areas in the county. Due to the many factors that make Howard County a desirable place to live, work and play, our current housing supply is expensive when compared to our peers and not able to meet the demand from individuals and families who wish to live here.

To address these issues, in October 2019 I appointed 23 community stakeholders from across the County with diverse backgrounds and experience to form the Housing Opportunities Master Plan Task Force. I also appointed nine ex-officio members from different departments within county government to act in an advisory capacity. A housing plan has not been done for more than a decade, and an overarching strategy was urgently needed to improve access to housing and guide housing-related decisions for the next five to 10 years. The Task Force, along with the plan consultant, RCLCO, was asked to assess housing programs and policies in all County government departments and agencies to improve efficiency and effectiveness; identify ways to create and preserve housing opportunities for residents of all income levels; and provide metrics and timelines to measure progress towards achieving goals in the plan.

I want to thank the Task Force, RCLCO consultant team, county government staff and community members that participated in the development of the Housing Opportunities Master Plan to help residents of all income levels have equitable access to quality housing units throughout the county. I invite residents and community members to join the County's housing department and task force advisory group as they begin work to implement the recommendations in the master plan.

Jim Rouse envisioned Columbia to be a model community across the nation as the best place to live, work, play and grow, and I am committed to creating this same vision for all of Howard County.



Calvin Ball
Howard County Executive

PREFACE

A MESSAGE FROM THE HOUSING OPPORTUNITIES MASTER PLAN TASK FORCE CO-CHAIRS

Established in Fall 2019 under Executive Order 2019-12, the Housing Opportunities Master Plan Task Force was created to work with residents, community advocates, business leaders, and RCLCO Real Estate Advisors to develop a comprehensive report that examines existing housing challenges and provides meaningful solutions to address those challenges for years to come. The final report highlights data-driven strategies that encourage diversity and equitable housing opportunities throughout the County that are consistent with best practices adopted in similar communities across the country.

Throughout the process of developing the report, it was evident that the County Executive's decision to create a task force that included residents representing a diversity in age, income, education, ethnicity, religion, and race was critical to truly reflect perspectives across all the vibrant populations that call Howard County home.

For over a year, the 23-member task force of volunteer community members with an interest in housing issues and nine ex-officio county staff members worked diligently with the plan consultant to produce the final plan. Early in the process, the COVID-19 pandemic prompted a dramatic shift in the task force's process; however, they along with the consultant seamlessly transitioned to a virtual process and the work continued. Outreach to the community also transitioned to a virtual platform to ensure that the process was open and transparent, and a variety of voices were heard. RCLCO and the task force worked together to ensure that the final report incorporates insights gained through an analysis of over 2,600 community survey responses, county maps, regional data, national best practices, and meeting discussions.

As co-chairs of the task force, it has been an honor to respond to County Executive Ball's call to action by facilitating a process that will ultimately guide decisions to create viable housing solutions in the future. We also extend our sincere gratitude to each member of the task force for sharing their experiences and their tireless efforts to represent stakeholders across the County. Our efforts would not be possible without the dedication and commitment of the Director of Housing and Community Development, Kelly Cimino, and her staff.

We look forward to serving with other task force members on a task force advisory group to guide the implementation of the Housing Opportunities Master Plan. We will continue to work to create and preserve housing opportunities for residents of all income levels in Howard County.

Respectfully submitted,

Bill McCormack Jr.

Bill McCormack Jr.

Dr. Caroline Harper

Dr. Caroline Harper

ACKNOWLEDGEMENTS

GROUPS BEHIND THE PLANNING PROCESS

The Housing Opportunities Master Plan is the first strategic, comprehensive plan to address housing needs in Howard County in more than 10 years. Work on this plan commenced in January 2020, when the County selected our team—consisting of RCLCO, Neighborhood Fundamentals, JMT, and PRR—to conduct the research, perform the outreach, formulate the strategy, and compile the report associated with these efforts. However, the Housing Opportunities Master Plan would not have been possible without the efforts of countless other individuals, who we would like to thank for their contributions.

First and foremost, we would like to thank the members of the Housing Opportunities Master Plan Task Force, which provided invaluable insight into the experiences and needs of their constituents, neighbors, friends, and family members. We would also like to extend this appreciation to all of the County staff members who served as advisors to the Task Force. In particular, we would like to thank Dr. Caroline Harper and Bill McCormack Jr., who served as co-chairs of the Housing Opportunities Master Plan Task Force. Our gratitude also goes out to Peter Engel, Brent Loveless, and Pat Sylvester, each of whom served as leaders of smaller workgroups within the broader Task Force.

In addition, we would also like to thank all stakeholders and County residents who took the time to share their experiences and opinions during the planning process. Of course, we would be remiss if we did not recognize your flexibility and willingness to adapt to a virtual environment, with the COVID-19 pandemic beginning after the start of this process. The completion of this plan, even in the face of the associated societal, economic, technological, and public health challenges, is truly a testament to your engagement in this effort and dedication to the goals behind it. Together, you brought a number of important perspectives to this process, and we sincerely appreciate your participation.

Finally, we would like to thank County Executive Calvin Ball and the Department of Housing and Community Development for their commitment to this plan, and for their work to address housing needs. And of course, a very special thank you goes out to Kelly Cimino for her vision and guidance throughout this process.

Thank you,



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INTRODUCTION

IMPORTANCE OF THE HOUSING OPPORTUNITIES MASTER PLAN

A house is more than just a place for someone to wake up in the morning and go to sleep at night. A house provides a feeling of personal stability, and it can offer a sense of financial security. It can serve as a space for a family to grow, as well as one in which to spend time with friends and neighbors. And, as many of us have experienced during the COVID-19 pandemic, a house provides shelter, not only from the chaos of day-to-day life, but also from the all-too-real threats of the outside world.

Given this importance, housing affordability and instability are critical challenges for American communities to address. According to Harvard University, 37.1 million households—equivalent to 30% of all households in the United States—spent more than 30% of their incomes on housing in 2019, up 5.6 million from 2001.¹ Of these households, 17.6 million spent more than half of their incomes on housing, leaving minimal room to pay for food, transportation, medical care, and other necessities. Far from limited to the city centers of high-cost metropolitan areas, these figures highlight the growing housing affordability crisis facing communities across the entire country.

Howard County residents need a greater number and diversity of housing options that are affordable to them. According to our first public survey, affordability is the number one item that households in the community must consider when making housing decisions. Furthermore, a majority of respondents stated they do not believe there are enough reasonably priced housing options available in the County. The lack of affordable, attainable, or appropriate housing options impacts everyone in Howard County, ranging from decades-long residents who may need to leave their friends and family in order to find a home into which they can downsize, to the daycare center, grocery store, and nursing home workers who must endure lengthy commutes from outside jurisdictions just to find housing that they can afford.

It is critical that Howard County act now in order to prevent these challenges from becoming more severe. The rapid growth of the Washington-Baltimore region, generally, and Howard County, specifically, is placing significant pressure on the housing market. If left unchecked, these forces are likely to continue to drive up housing prices, resulting in even fewer housing options for an even greater number of people. This trajectory is at odds with longstanding principles of the community, which has historically been a national paradigm for inclusivity. More than fifty years ago, James Rouse established Columbia as “The Next America,” one in which all individuals—regardless of race or socioeconomic background—could live together. Without intervention, this vision will be at risk.

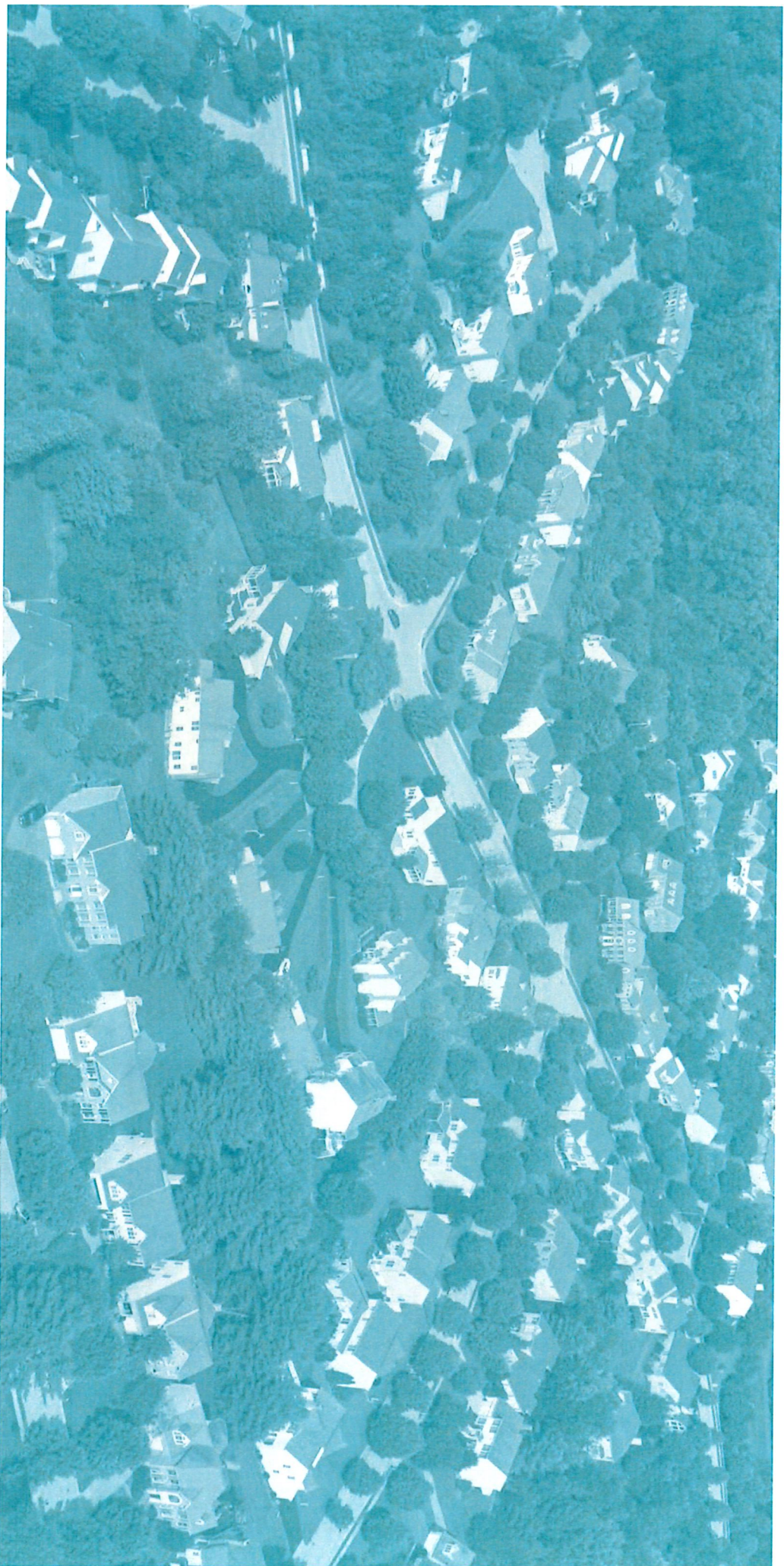
No single action can entirely erase housing affordability as a challenge in Howard County. The purpose of the Housing Opportunities Master Plan is therefore to provide a comprehensive framework through which the County can continue to support its residents. This plan is distinct from HoCo By Design, the General Plan update that will outline a 20-year vision for growth in Howard County. While HoCo By Design will balance an array of needs, the Housing Opportunities Master Plan focuses on strategies to improve housing opportunities, specifically.

Critically, this plan is necessary:

- ▶ **To address needs** of existing and future residents, ranging from older adults who wish to age in place to children who wish to move back to the neighborhoods in which they were raised;
- ▶ **To strengthen the community** by fostering its racial and socioeconomic diversity, which has historically distinguished Howard County from other jurisdictions in the region and across the country;
- ▶ **To coordinate policy** across the County, and to guide these efforts with extensive research of local market dynamics and policy best practices;
- ▶ **To support the local economy** of Howard County by ensuring it continues to be a desirable location for people to live, work, and play;
- ▶ **To increase transparency** for residents, employees, real estate agents, property developers, and other groups that operate in the community; and
- ▶ **To mobilize resources** that are necessary to accomplish each of the above.

Progress may take time but must start today. The Housing Opportunities Master Plan outlines a number of recommendations, each of which varies in terms of scale and impact. While some of the recommendations could provide immediate assistance to your existing friends, family members, and neighbors, others would create opportunities for new ones in the future. Despite these differences, the collective purpose of the recommendations, however, is the same: To increase housing opportunities for people of all ages, income levels, races, and backgrounds. These opportunities, in turn, will help create a more equitable Howard County—one in which anyone can continue to call home.

¹Joint Center for Housing Studies of Harvard University, *The State of the Nation's Housing 2020*



EXECUTIVE SUMMARY



OVERVIEW OF RECOMMENDATIONS

STRATEGIES TO IMPROVE HOUSING OPPORTUNITIES

The Housing Opportunities Master Plan identifies three strategies Howard County can employ to improve housing opportunities for its existing and future residents. These strategies include:

- ▶ Revising [land use, planning, and zoning](#) regulations to improve the availability, accessibility, affordability, and diversity of housing;
- ▶ Supporting housing stability through the improvement of existing [policies and programs](#) and the creation of new ones; and
- ▶ Addressing both [housing and infrastructure](#) needs in Howard County to ensure that neither form of demand eclipses the other.

There are many different ways for Howard County to accomplish these strategies. The Housing Opportunities Master Plan therefore categorizes its recommendations into 14 different groups across the three strategies, as shown below. For example, one way that Howard County can revise its land use, planning, and zoning regulations to improve the availability, accessibility, and affordability of housing is to promote efficient processes for approving development, which it can do by taking such actions as providing expedited or by-right approval for home modifications that facilitate independent living. This action—providing expedited or by-right approval for such modifications—is just one of 80 recommendations in the Housing Opportunities Master Plan, the purpose of which is to develop a comprehensive framework for improving housing opportunities in all parts and for all residents of Howard County.

Land Use, Planning, and Zoning

Revise land use, planning, and zoning regulations to improve the availability, accessibility, affordability, and diversity of housing

- Use land use policy and provide incentives to produce income-restricted housing units
- Enable more equitable growth throughout the County through changes to zoning regulations and land use plans
- Facilitate the development of lower-cost housing typologies
- Remove zoning barriers to mixed-use neighborhoods and developments
- Promote efficient processes for approving development

Programs and Policies

Support housing stability through the improvement of existing policies and programs and the creation of new ones

- Improve housing sector coordination and boost capacity
- Raise and deploy capital for affordable housing production and preservation
- Create a robust multifamily preservation strategy
- Improve housing conditions and promote and expand programs that support households with home repair and modification needs
- Expand opportunities for homeownership
- Support low-income households, vulnerable populations, and households with specialized needs

Housing and Infrastructure

Address both housing and infrastructure needs in Howard County to ensure that neither form of demand eclipses the other

- Identify creative mechanisms to fund both housing and school facility investment and to attain full development of annual allotted new housing units
- Evaluate targeted changes to the APFO to support the growth required to improve housing affordability and opportunities when the APFO Review Committee convenes following the General Plan
- Creatively utilize land assets in the County

KEY IMPLEMENTATION ITEMS

FOR HOWARD COUNTY OVER THE COMING YEARS

Each of the 80 recommendations in the Housing Opportunities Master Plan varies in terms of its scale and impact. Many of these recommendations aim to assist specific groups, or to resolve unique challenges. However, five of the recommendations are especially central to the overall success of the plan, and to its ability to improve housing opportunities more broadly in Howard County. In order to meet these recommendations, key implementation items for Howard County include the following:

Create an Inter-Agency Housing Opportunities Task Force *(Page 31)*

A range of County departments, nonprofit organizations, and private companies are already committed to addressing housing needs in Howard County. However, a cohesive strategy is necessary to coordinate these efforts. As such, the Housing Opportunities Master Plan recommends the creation of an Inter-Agency Housing Opportunities Task Force, which should be responsible for setting this strategy and overseeing its implementation. Members should include representatives from various County departments, with a formal role for affiliated entities involved in implementing housing and community development activities.

Establish an Affordable Housing Trust Fund *(Page 32)*

At this time, existing resources are insufficient to meet the need for income-restricted housing in Howard County, and available funding is unpredictable from year to year. For this reason, the Housing Opportunities Master Plan recommends the creation of an Affordable Housing Trust Fund, which should consist of both existing and new revenue sources that can collectively serve as a formal, coordinated, and predictable structure for allocating housing funding. The primary purpose of the Affordable Housing Trust Fund should be to expand the number of income-restricted rental and homeownership units, which are in short supply in the County today.

Update MIHU rules and fee structures, and include incentives to encourage additional, more affordable, or more accessible production *(Page 26)*

Today, most income-restricted housing production in Howard County is accomplished by its Moderate Income Housing Unit ("MIHU") policy, which requires developers of new market-rate housing to reserve a portion of units for moderate-income households at reduced rents or purchase prices. The Housing Opportunities Master Plan recommends a number of improvements to this program, such as additional flexibility to accommodate on-site provision and incentives to encourage the production of more than the required number of units, greater shares of accessible and visitable units, and/or deeper levels of income targeting.

Allow a broader range of housing types to proceed "by-right," or without the need for additional approvals *(Page 28)*

New development today is less diverse than the housing inventory overall, in part because restrictions on housing typologies have resulted in a bifurcation of the housing market, wherein smaller rental apartments and larger for-sale homes now account for the bulk of new product. Land use policy can limit the ability of additional supply to improve housing opportunities and affordability, but it can also be used to encourage the opposite. With this idea in mind, the Housing Opportunities Master Plan recommends Howard County allow a broader range of housing types, such as cottage clusters, townhomes, and other "missing middle" typologies, to proceed by-right, in order to facilitate their production.

Create a homeowner resource navigator and website with resources for existing and future residents of the County *(Page 34)*

Howard County offers a range of programs, subsidies, tax abatements and deferrals, and home retrofit supports that improve the quality and stability of housing for homeowners. However, the identification of available resources and the management of the process can be difficult for persons in need of support. Improvements to such resources can help ensure ongoing housing stability for lower-income homeowners, improve independent living opportunities for older adults and persons with disabilities, and strengthen the quality of housing in Howard County more broadly.

TOPICS OF INTEREST

FOR RESIDENTS OF HOWARD COUNTY

In addition to the key implementation items for Howard County to pursue, the Housing Opportunities Master Plan also includes a number of recommendations that will assist existing members of the community. Examples of recommendations that will provide direct benefits to existing residents of the County include the following:

NEW & EXISTING HOMEOWNERS

- ▶ Increase homeownership opportunities through the promotion of such programs as the Settlement Down Payment Loan Program
- ▶ Create a homeowner resource navigator and website to consolidate important information on housing improvements and financing options, as well as County codes, regulations, and inspections
- ▶ Provide technical assistance to help homeowners identify needs and access resources before more significant and costly repairs are necessary
- ▶ Create a vetted contractor and vendor list for community usage
- ▶ Assist households in navigating the rehab and retrofit processes
- ▶ Increase the ability of homeowners to add accessory dwelling units to their properties
- ▶ Create more homeownership opportunities through enhancements to the MIHU program

OLDER ADULTS

- ▶ Provide technical assistance and financial support for home modifications and reasonable accommodations that promote accessibility, visitability, universal design, and/or one-floor living
- ▶ Offer expedited or by-right approval for modifications that enable independent living
- ▶ Increase opportunities for homeowners to add accessory dwelling units, such as in-law suites, to their properties if they desire
- ▶ Identify areas where tactical investments can create “15 minute neighborhoods,” in which many everyday needs can be reached within a short walk or bike ride
- ▶ Identify changes that can be made to zoning, land use, and building regulations to advance independent living opportunities
- ▶ Allow certain forms of “missing middle” housing to proceed by-right, to increase housing opportunities for older adults who wish to downsize from their current homes

LOW-INCOME RENTERS

- ▶ Negotiate and encourage rental assistance contracts with private landlords
- ▶ Expand resources for legal assistance and conduct proactive outreach to tenants
- ▶ Provide support to renters who live in properties in need of capital investment or at risk of disinvestment, including relocation assistance if needed
- ▶ Create a local rental assistance pilot program for the highest need households as they wait to receive other, more permanent forms of household-based subsidies
- ▶ When the redevelopment of existing affordable properties is necessary, provide incentives to developers and property owners to create replacement units, so that households can return to the neighborhoods in which they previously lived
- ▶ Provide tenant relocation support, mobility assistance and counseling, and rental assistance to expand housing options throughout the County, especially to tenants disrupted by redevelopment processes

PERSONS WITH DISABILITIES

- ▶ Offer expedited or by-right approval for modifications that enable independent living, such as improvements to accessibility or visitability
- ▶ Support enhanced participation in and utilization of MDHousingSearch.com, with the goal of matching households with accessible units that meet their needs
- ▶ Evaluate requirements related to universal design, accessibility, and visitability to ensure that they conform with best practices, and that the percentage of units that are required in new developments is appropriate
- ▶ Incentivize developers to provide a higher proportion of accessible and visitable income-restricted housing units at their projects
- ▶ Negotiate with landlords to reduce penalties for tenants who terminate leases in order to gain access to newly available accessible units
- ▶ Conduct a neighborhood accessibility and mobility assessment

IMPACT ON EQUITY

AND IMPORTANCE OF ADDRESSING HOUSING-RELATED CHALLENGES

Last year, a series of events propelled the topic of racial equity to the forefront of the national conversation. Soon after the COVID-19 pandemic began, scientists noticed the deadly disease—despite its moniker of “the great equalizer”—disproportionately impacted African Americans. Weeks later, police in Minneapolis killed George Floyd, an unarmed Black man, during an arrest that sparked protests against police brutality and structural racism across the country. Together, these events brought awareness to racial disparities that permeate many aspects of American society, including housing policy.

Across the country, housing policy has produced segregated communities. While sometimes incidental, this outcome was often deliberate. When new housing and land use policies swept across the United States at the turn of the 20th century, they opened up opportunities for Americans to leave cities and purchase homes; however, many of the new communities to which these individuals moved explicitly prohibited African Americans and other minority populations from purchasing and living in them. In addition to creating segregated neighborhoods, such laws also prevented African Americans from building equity. Decades later, this setback has resulted in more implicit forms of segregation, in which many African Americans still cannot afford to live in neighborhoods where high-end single-family homes are the predominant—if not the only—type of housing.

Howard County has historically prided itself on its integration. When James Rouse established Columbia in 1967, he envisioned it as “The Next America,” one in which all individuals—regardless of their race or socioeconomic background—could live together. Central to this vision was a diverse housing inventory, with upscale single-family homes sitting alongside reasonably priced apartments. This vision was unequivocally forward-looking, and it provided a model for communities across the country. Today, Columbia is one of the most diverse cities in America, a fact in which members of the community take pride. Racial and ethnic diversity remains important to residents of Howard County, as shown in the first public survey for the Housing Opportunities Master Plan, in which nearly 30% of respondents cited it as one of their most important considerations when searching for a home to rent or own.

While residents have long valued the diversity of Howard County, it is not immune to the threats that face other communities across the country. De facto segregation remains a challenge for Howard County, even after an early emphasis on racial and socioeconomic integration in Columbia. Today, nearly one in five residents of Howard County is Black, but there are several neighborhoods where they represent fewer than one in twenty people. In fact, a majority of African Americans in Howard County live in

areas that collectively represent just 12% of its land. These statistics highlight the prevalence and persistence of racial segregation, both of which are compounded by other challenges identified in the Housing Opportunities Master Plan. Ranging from the deterioration of affordable housing to the impact of the COVID-19 pandemic, many of these challenges have disproportionate impacts on African Americans.

Just as the impacts of racial inequality are wide-ranging, so too are the approaches that communities can use to address them. Critically, there is no single action that can entirely erase racial inequality from any community. It is therefore crucial for jurisdictions such as Howard County to consider the challenges faced by African Americans and other historically disadvantaged populations in all policymaking areas.

The Housing Opportunities Master Plan commits to applying a racial equity lens to the improvement of housing opportunities. In the planning process, this commitment started with an approach to outreach that considered environmental, racial, and social justice, aiming to engage all individuals who live in Howard County or hope to do so in the future. Building on these efforts, the development of recommendations considered the unique needs of all such individuals. Moving forward, it will be critical for Howard County to continue to apply this lens, in order to ensure that it lives up to its longstanding ideals, and that it remedies areas in which it has fallen short.



Image Source: Fizkes / Adobe Stock

DEFINITION OF AFFORDABLE HOUSING

AND OTHER KEY CONCEPTS IN THE HOUSING OPPORTUNITIES MASTER PLAN

The meaning of the phrase “affordable housing” varies from person to person, as the price that is affordable to one household is not always affordable to the next. Although certainly important, the provision of traditional, income-restricted housing is not the only strategy that jurisdictions such as Howard County can use to improve the ability of current and future residents to find and pay for housing. For this reason, the Housing Opportunities Master Plan intentionally uses the phrase “housing affordability” when discussing the needs of households and the policies that can support them. Other key definitions for the Housing Opportunities Master Plan are shown below.

Affordable Housing

The term “affordable housing” is often used in different contexts and to convey different concepts. Broadly speaking, affordable housing is housing in which its occupants can live and still have enough money left over for other necessities such as food, health care, and transportation. This relationship is often expressed in terms of the percentage of income that a household spends on its housing payments. For the purpose of the Housing Opportunities Master Plan, affordable housing can include both income-restricted housing, as well as attainably priced market-rate housing.



Income-Restricted Housing

Rental or homeownership units that are restricted to households at a certain income level, often calculated as a percentage of AMI. These units tend to receive some form of public, philanthropic, or policy support. Examples include, but are not limited to, the following:

- **Moderate Income Housing Units (“MIHUs”)**, which are units that developers of new market-rate housing in Howard County must reserve for moderate-income households at reduced rents or purchase prices.
- **Subsidized Housing Units**, which are owned and operated by private companies that receive subsidies to rent them to low- and moderate-income households for a lower cost than what the local market would otherwise charge.
- **Low-Income Housing Tax Credit (“LIHTC”) Housing Units** that are produced under the LIHTC program, a federal program that provides tax credits to state and local agencies to encourage developers to create income-restricted housing.



Area Median Income (“AMI”)

The midpoint of the income distribution for a region, with half of the households in that region earning more than this amount and half of the households in that region earning less than this amount. To understand the ability of different households to find and afford housing, the Housing Opportunities Master Plan examines housing needs at varying AMI levels, including but not limited to:

- **Extremely Low-Income:** Under 30% of AMI
- **Low-Income:** 30% to 60% of AMI
- **Moderate-Income:** 60% to 80% of AMI

Rental Assistance

Subsidy provided either directly to a household or to a property owner that covers a portion of a tenant's rental payment. For example, the Section 8 program of the U.S. Department of Housing and Urban Development (“HUD”) provides rental assistance that covers the difference between the tenant's monthly rent and 30% of the household's income.

Image Source: Howard County Government



HOUSING-RELATED CHALLENGES & GUIDING PRINCIPLES OF THIS PLAN

PLANNING FRAMEWORK

GOAL OF SOLVING NINE PRIMARY CHALLENGES THAT IMPACT HOUSING IN HOWARD COUNTY TODAY

The Housing Opportunities Master Plan involved extensive research into the local housing market and existing policy landscape in Howard County. This analysis points to nine primary challenges that are impacting housing opportunities in Howard County at this time. These challenges relate to a variety of topics, ranging from local zoning regulations that are limiting affordable housing development in certain neighborhoods, to a global pandemic that is exacerbating housing insecurity in communities across the world. Together, these challenges serve as the foundation for the recommendations in the Housing Opportunities Master Plan, which aims to put forth strategies to address and resolve each of them.

LAND USE, PLANNING, AND ZONING

- 1 Housing supply has not kept up with housing demand, particularly over the last decade and given recent employment growth. This imbalance between supply and demand is leading to rising affordability issues.
- 2 A lack of housing diversity throughout the County inhibits racial and socioeconomic integration. Historically disadvantaged populations, lower-income households, and households experiencing poverty find that most of the housing options affordable to them are concentrated in only a few locations. This challenge is especially problematic considering that most remaining land and school capacity is in the Rural West, where current zoning regulations largely prohibit affordable housing development of any kind.
- 3 New development today is less diverse than the housing inventory overall. In recent years, new development has shifted in favor of rental apartments, and—at the same time—the for-sale market has largely stopped building smaller, attainably priced for-sale housing.

POLICIES AND PROGRAMS

- 4 Howard County lacks a cohesive strategy for prioritization, policy/program design, and resource allocation.
- 5 Existing resources are not sufficient to meet current and future capacity and demands (e.g., schools, transportation, etc.) while also dedicating funds to housing goals.
- 6 It continues to be difficult to supply housing for diverse populations, with significant needs going forward.
- 7 The COVID-19 pandemic and associated economic disruption is exposing and exacerbating housing insecurity.
- 8 A large portion of housing that is affordable to low- and moderate-income households in Howard County is older and at risk of deterioration and/or redevelopment.

HOUSING AND INFRASTRUCTURE

- 9 The Adequate Public Facilities Ordinance ("APFO") is placing significant limitations on the amount of housing that can be built, and it is potentially accelerating those capacity issues by limiting the ability to increase the tax base.

CHALLENGE #1: LAND USE, PLANNING, AND ZONING

Housing supply has not kept up with housing demand, particularly over the last decade and given recent employment growth. This imbalance between supply and demand is leading to rising affordability issues.

MARKET AND POLICY SUPPORT

- ▶ Howard County is experiencing rapid employment growth, much of which requires a skilled or well-educated workforce. This growth is placing pressure on the local housing market, resulting in rising affordability challenges.
- ▶ Howard County has fewer housing units for every job than nearly every other jurisdiction in the region, with an estimated undersupply of more than 20,000 units.
- ▶ There is not enough supply for renters at less than 60% of AMI, in particular.
- ▶ When coupled with entitlement constraints and regulatory processes that increase development costs, unmet demand for high-end homes crowds out opportunities to serve the middle of the market.
- ▶ A lack of new, market-rate rental housing is creating additional competition for workforce and moderate-income housing, since many upper-income households are having or choosing to rent units that other households may need.

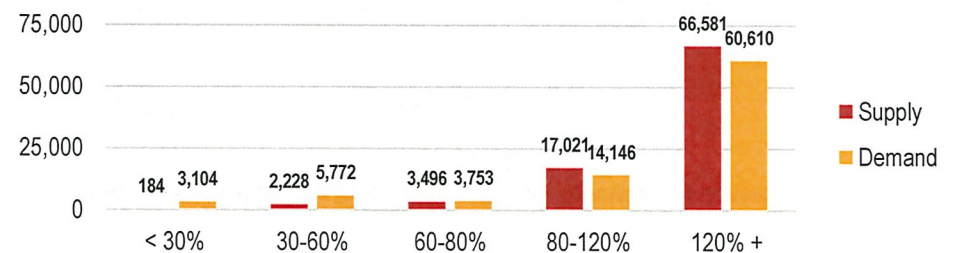
COMMUNITY AND PRACTITIONER FEEDBACK

- ▶ 61.3% of respondents to the first public survey believe residents cannot find housing that aligns with their earnings.
- ▶ Community members believe housing should be more affordable to allow for public servants, essential workers, and other employees in the County to also live in it.
- ▶ While new development is often associated with market-rate and/or higher-end housing, there was considerable agreement among practitioners and stakeholders that the development of more housing, generally, is critical to addressing the needs of individuals with more significant housing challenges.
- ▶ Local practitioners recognize the necessity of new housing development, though there is debate about where and how that development should occur.
- ▶ According to local practitioners, the largest barriers to new development tend to include infrastructure and school capacity, the APFO, and community opposition.

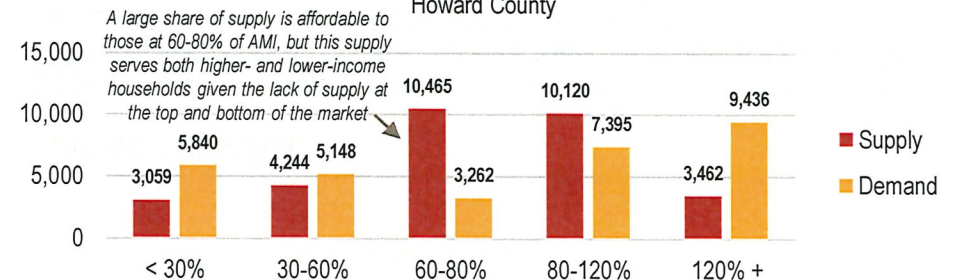
GUIDING PRINCIPLE

Increase the amount of housing that is available at all price and rent points, especially housing that serves low- and moderate-income households. In the near term, Howard County should prioritize housing development to serve owner households making less than 120% of AMI and renter households making less than 60% of AMI, as well as remove barriers to market-rate rental housing development. In the mid to long term, Howard County should address existing policies that are impacting the types and amounts of housing that can be built—across product types and price ranges—to broadly increase available housing supply.

For-Sale Housing Supply and Demand by AMI Level, 2019;
Howard County



Rental Housing Supply and Demand by AMI Level, 2019;
Howard County



Source: Howard County Department of Planning and Zoning; Maryland Department of Planning; 2018 Howard County Rental Survey; Howard County Office on Aging and Independence; Axiometrics; CoStar; RCLCO

CHALLENGE #2: LAND USE, PLANNING, AND ZONING

A lack of housing diversity throughout Howard County inhibits racial and socioeconomic integration. Historically disadvantaged populations, lower-income households and households experiencing poverty find that most of the housing options affordable to them are concentrated in only a few locations. This challenge is especially problematic considering that most remaining land and school capacity is in the Rural West, where current zoning regulations largely prohibit affordable housing development of any kind.

MARKET AND POLICY SUPPORT

- ▶ As a whole, Howard County is demographically diverse, and it is becoming more and more so over time. However, that diversity is not uniform across the County.
- ▶ High home prices throughout Howard County limit housing and neighborhood choices for lower-income households and households experiencing poverty. The lack of housing type diversity in many neighborhoods exacerbates this problem.
- ▶ The Rural West lacks housing options for low- and moderate-income households. Just 1% of its homes are affordable to households making less than 60% of AMI, largely due to the lack of rental housing and attainable for-sale housing.
- ▶ So far, Howard County has taken action to address housing choice through tenant-focused efforts, the impacts of which will be limited until housing availability and diversity are addressed throughout the County.

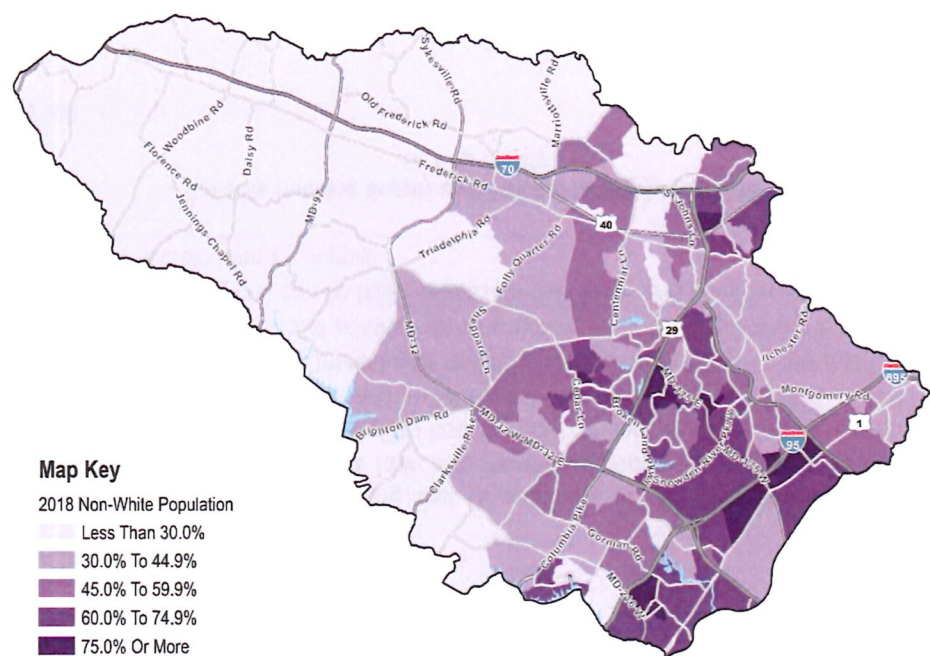
COMMUNITY AND PRACTITIONER FEEDBACK

- ▶ Right now, high-end and lower-income housing options are concentrated in specific parts of Howard County. Members of the Task Force express desire for a better balance, with housing available at the full range of income levels across the County.
- ▶ Zoning and community opposition are the main barriers to housing diversification.
- ▶ A lack of integration at the neighborhood level can make it difficult to achieve racial and socioeconomic diversity in other spheres of life, including education in particular.
- ▶ The initial commitment to integration that shaped the development of Columbia is apparent to this day, and its diversity suggests that intentionality in policy and development decisions can lead to successful outcomes. However, as the County has evolved and changed, it is unclear the extent to which stated commitments to diversity and inclusion are backed up by practice. There is concern that status quo policies and practices will erode the socioeconomic diversity of the community. Many community members echoed similar concerns in the first public survey, expressing a desire for Howard County to recommit to the vision of James Rouse.

GUIDING PRINCIPLE

Encourage greater racial and socioeconomic integration by increasing affordable housing opportunities throughout Howard County, especially in locations that do not have them at this time. Identify specific locations in the county where additional mixed-income housing can be built in a fiscally and environmentally responsible way, even if it requires zoning, land use, and infrastructure changes to accommodate.

Non-White Population as a Percentage of Overall Population by Census Tract, 2018;
Howard County



Source: Esri; RCLCO

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CHALLENGE #3: LAND USE, PLANNING, AND ZONING

New development today is less diverse than the housing inventory overall. In recent years, new development has shifted in favor of rental apartments, and—at the same time—the for-sale market has largely stopped building smaller, attainably priced for-sale housing.

MARKET AND POLICY SUPPORT

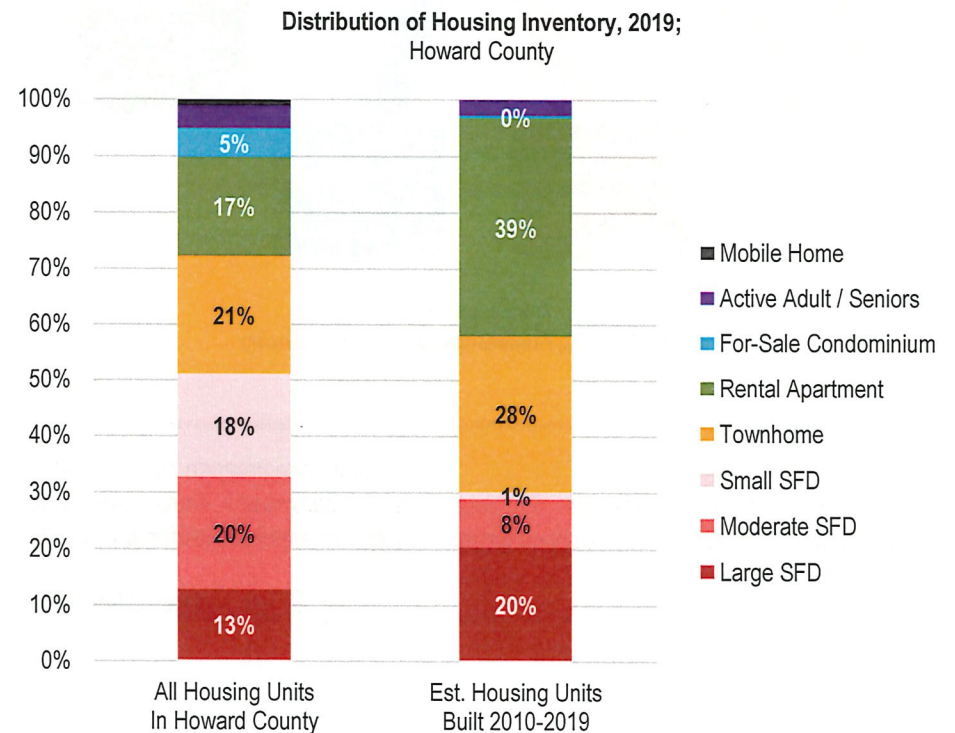
- ▶ The lack of diversity in new housing is a result of current zoning policies, as well as the locations in which developable land and school capacity still exist.
- ▶ More diverse housing types are necessary in a wider range of areas to promote neighborhood integration and housing attainability throughout the County.
- ▶ Ancillary requirements, such as those related to parking and setbacks, can create de facto bans of certain housing types, even in areas where they are otherwise allowed.
- ▶ Coupled with limitations on the number, location, and type of housing units that can be built, unmet demand at higher price points crowds out the ability of the market to respond to demand from lower- and middle-income households. In most cases, developers will choose to pursue higher-end development when there is clear demand, particularly when lower-cost housing proposals cannot proceed “by-right.”

COMMUNITY AND PRACTITIONER FEEDBACK

- ▶ Community members cite that most of the housing options that are available to them are limited to large single-family homes or small multifamily homes, with few options that are appropriate and affordable for the middle class.
- ▶ 68.6% of survey respondents believe there is a need for different housing types, and 54.2% of survey respondents believe there is also a need for more integration of different housing types within the same communities.
- ▶ Practitioners believe the market can support more diverse housing typologies, but zoning is a barrier. Current policies preclude the incorporation of new and different housing types in many locations.
- ▶ Many homeowners wish to add Accessory Dwelling Units (“ADUs”) to their properties, which could improve housing diversity in the County.
- ▶ Many believe alternative forms of rental housing, such as basement apartments, are important to any housing market, and that they should be encouraged and allowed.

GUIDING PRINCIPLE

Promote a greater diversity of housing options in Howard County by expanding by-right zoning for small lot single-family, townhome and other attached, and moderate-density multifamily development. Facilitate and encourage the expansion of existing properties to include additional units, such as basement apartments and ADUs. Diversifying the housing stock can create more affordable housing options throughout the County, which can advance racial and income integration and economic mobility.



Source: Howard County Department of Planning and Zoning; Maryland Department of Planning; 2018 Howard County Rental Survey; Howard County Office on Aging and Independence; Axiometrics; CoStar; RCLCO

CHALLENGE #4: PROGRAMS AND POLICIES

Howard County lacks a cohesive strategy for prioritization, policy/program design, and resource allocation.

MARKET AND POLICY SUPPORT

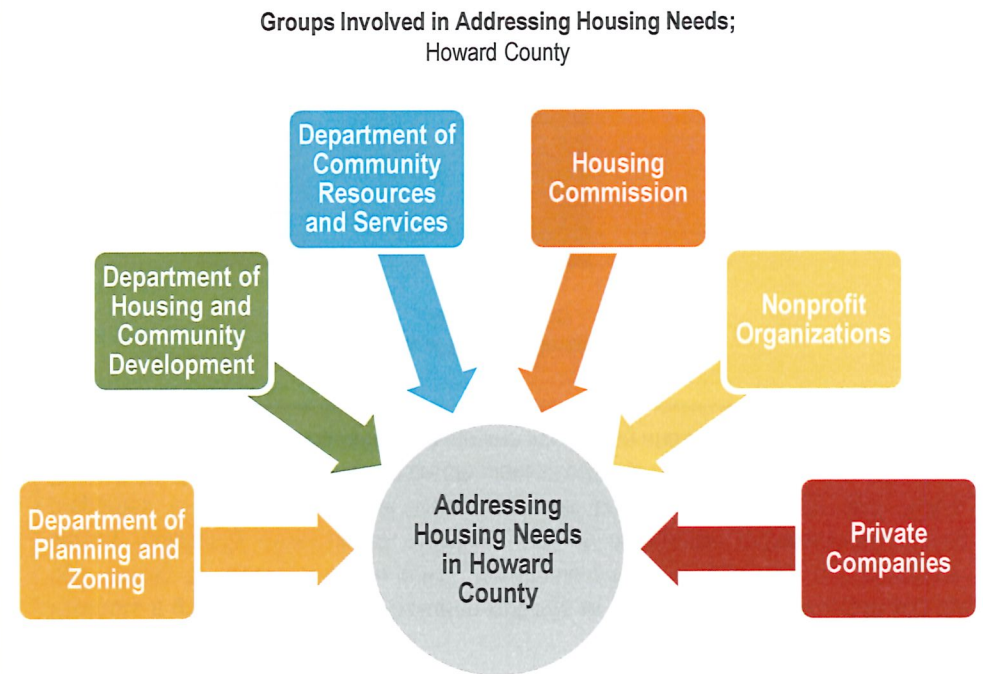
- ▶ There is some precedent for County action in most housing policy and programmatic areas, as well as precedent for innovative thinking and practice for addressing unmet needs.
- ▶ However, these practices are often episodic in nature or are not implemented at a scale sufficient to adequately address needs.
- ▶ Given the scale of need, coordination in policymaking as well as resource prioritization and allocation decisions must be improved, particularly as it pertains to housing, planning and zoning, and community resources and services.

COMMUNITY AND PRACTITIONER FEEDBACK

- ▶ County staff is knowledgeable and existing programs are administered effectively.
- ▶ There is a strong “ecosystem” of County partners, including but not limited to nonprofits, mission-driven developers, and service providers.
- ▶ Certain County policies often work at cross-purposes and can impact housing affordability. Restrictive planning and zoning work against affordability by limiting multifamily housing and overall supply. Higher taxes, especially when combined with homeowner's association (“HOA”) fees, can make homeownership less attainable.
- ▶ The County should adopt specific and measurable goals and implementation timelines in order to track progress and encourage accountability across County departments and private/non-profit practitioners.
- ▶ There are opportunities to better coordinate with private sector, philanthropic, and anchor institutions to better address housing needs.

GUIDING PRINCIPLE

Develop a comprehensive and collaborative strategy for addressing housing needs and prioritizing resources. Ensure that the strategy is implemented, regularly evaluated, and updated over time.



CHALLENGE #5: PROGRAMS AND POLICIES

Existing resources are not sufficient to meet current and future capacity and demands (e.g., schools, transportation, etc.) while also dedicating funds to housing goals.

MARKET AND POLICY SUPPORT

- ▶ Resources are needed for both capital (e.g., subsidies to create income-restricted housing units) and household-based supports.
- ▶ The resources currently used by the County are generally episodic (e.g., MIHU Fee-in-Lieu revenue), insufficient to address critical needs (e.g., federal pass-through funds, Section 8 Housing Choice Vouchers), or both.
- ▶ Sustainable and predictable funding sources can create greater impact and are subject to less political risk.
- ▶ Beyond direct financial support, other critical resources to support housing include land assets and in-kind support to nonprofit partners.

COMMUNITY AND PRACTITIONER FEEDBACK

- ▶ In the first public survey, many community members indicated that more housing assistance is needed for low- to moderate-income households.
- ▶ Community members believe the County needs to invest in a range of different areas, ranging from public transportation and pedestrian infrastructure, which could help improve the mobility of residents, to public schools, some of which are already overcrowded. As a result, there are many competing needs in the County today.
- ▶ Many practitioners believe the County should create a housing trust fund with a dedicated funding source and annual contribution from the General Fund.
- ▶ Aside from direct subsidies, enhanced incentives (density, waived parking, etc.) could enable the creation of additional housing units that are attainable to low- and moderate-income households earning up to 80% of AMI.

GUIDING PRINCIPLE

Develop funding sources dedicated specifically to addressing affordable housing needs, through such actions as development, rehabilitation, rental assistance, and any other strategies outlined in this plan. These funding sources should include existing ones that could be dedicated for this purpose, as well as new ones that could be created for this purpose.



Image Source: Howard County Government

CHALLENGE #6: PROGRAMS AND POLICIES

It continues to be difficult to supply housing for diverse populations, with significant needs going forward.

MARKET AND POLICY SUPPORT

- ▶ Diverse populations are more likely to experience cost burdens, which occur when someone spends more than 30% of their income on housing. In Howard County, 33.5% of households in which one or more members has a disability, 29.7% of nonwhite households, and 27.4% of households over the age of 65 are cost-burdened, compared to 24.1% for the County overall.
- ▶ The average percent of income spent on housing is especially high (32.2%) for 65+ renter households, one quarter of which pay 50% or more of their incomes.
- ▶ Without rental assistance, households with extremely-low and/or fixed incomes may face severe cost burdens, even in income-restricted housing units.
- ▶ Accessibility-related modifications to existing homes, more accessible features in new construction, and more diverse housing types are necessary to increase opportunities for integrated living for older adults and persons with disabilities.
- ▶ Mobility is a barrier for many households. Physical infrastructure and transportation changes, such as sidewalks, are necessary to help people who wish to age in place.

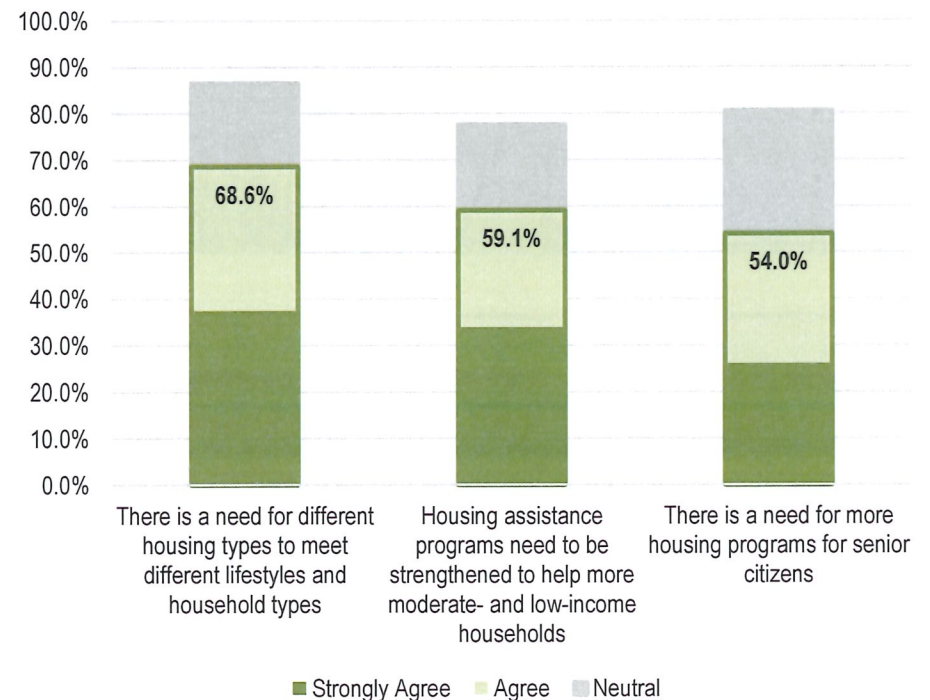
COMMUNITY AND PRACTITIONER FEEDBACK

- ▶ 59.1% of survey respondents say that housing assistance programs need to be strengthened to help more moderate- and low-income households. In addition, 54.0% believe there is a need for more housing programs for older adults.
- ▶ Information gaps, cumbersome processes, and/or building code/zoning restrictions often make it difficult for older adults and persons with disabilities to make necessary modifications to their homes.
- ▶ Coordination among nonprofit partners is strong in terms of providing services, but a more proactive County role in providing resources and facilitating collaboration in back-office functions and resource development could increase impact.

GUIDING PRINCIPLE

Ensure that Howard County meets the unique housing needs of older adults, persons with disabilities, and other diverse populations. Evaluate whether guidelines for special needs housing are actually appropriate for those communities' needs, and revise where necessary.

When Thinking about Current Housing Conditions in Howard County,
Please Rate How Much You Agree or Disagree with the Following?
Howard County



Source: Housing Opportunities Master Plan Public Survey #1; RCLCO

CHALLENGE #7: PROGRAMS AND POLICIES

The COVID-19 pandemic and associated economic disruption is exposing and exacerbating housing insecurity.

MARKET AND POLICY SUPPORT

- ▶ The COVID-19 pandemic has broadened severe housing challenges and increased demand for services.
- ▶ Pandemic-related disruptions have brought to light the pre-existing vulnerability of many households. Nationally, the pandemic has had disparate impacts on lower-income, minority, and traditionally disadvantaged populations, and these disparities are tied to pre-existing patterns of segregation, discrimination, and income inequality that have yet to be addressed. The current crisis may further entrench these disparities.
- ▶ Households with significant income disruption may face critical challenges once eviction moratoria expire, particularly if federal, state, and local relief packages fail to address the backlog in unpaid rent and mortgage payments.
- ▶ Property owners that are not receiving rent payments may be unable to invest in the upkeep of a property and have a heightened risk of foreclosure. Nationally, data suggests this risk is most acute in properties both owned by and serving lower-income and minority households.

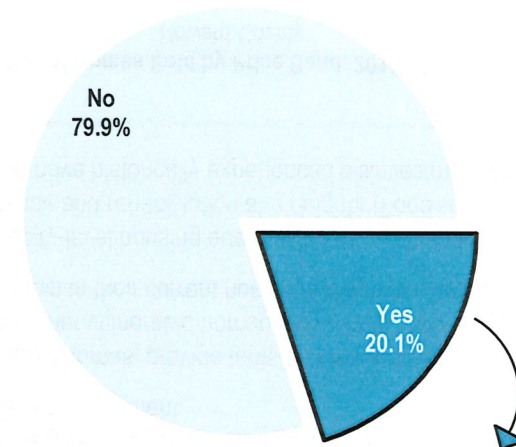
COMMUNITY AND PRACTITIONER FEEDBACK

- ▶ 20.1% of respondents to the first public survey stated that the COVID-19 pandemic impacted their housing situation. Many of these individuals are missing rent and bill payments or facing eviction, and others are having to move in with family members.
- ▶ It is important to have a safety net for vulnerable households, including eviction prevention efforts, emergency rental assistance, tenant protections, right-to-counsel laws, and access to information resources on the use of payment plans, job opportunities, and available services.
- ▶ There is concern that there are insufficient resources to address COVID-related needs in Howard County.

GUIDING PRINCIPLE

Ensure Howard County is well equipped to deal with housing challenges that arise during economic downturns.

Has the Current COVID-19 Pandemic Impacted Your Housing Situation, or Do You Anticipate That It Will in the Future?
Howard County



Job loss **Moving in with family**
Lack of childcare **Facing eviction**
Isolation **Reduced Income**
Missed rent/bill payments
Loss of benefits **Working from home**
Increasing home prices **Moving out of area**
Delayed home buying/selling

CHALLENGE #8: PROGRAMS AND POLICIES

A large portion of housing that is affordable to low- and moderate-income households in Howard County is older and at risk of deterioration and/or redevelopment going forward.

MARKET AND POLICY SUPPORT

- ▶ Given the history and evolution of Howard County, much of its older housing stock exists in clusters. In many cases, this housing stock is nearing the end of its useful life, and must be recapitalized. This dynamic is both a threat and an opportunity.
 - » If left unaddressed, this dynamic could result in fewer attainably priced housing units, with redevelopment leading to rent and price increases.
 - » However, this dynamic also presents an opportunity to create a cohesive strategy for equitable and/or mixed-income redevelopment moving forward.
- ▶ The vast majority of homes selling for less than \$350,000 were built before 1990. Many of these homes require repairs or updates, which result in additional and sometimes unanticipated costs for the households that occupy them.
- ▶ In addition to market-rate properties that could be redeveloped, 10 properties with over 500 rental units will see subsidy restrictions expire in the next decade, putting affordability at risk if these properties cannot be recapitalized and/or preserved.
- ▶ Without proactive intervention, the strength of the market limits the affordability of properties once redeveloped.
- ▶ The physical deterioration of a property affects nearby properties, and neighborhood-focused approaches to revitalization can be more effective than countywide ones.

COMMUNITY AND PRACTITIONER FEEDBACK

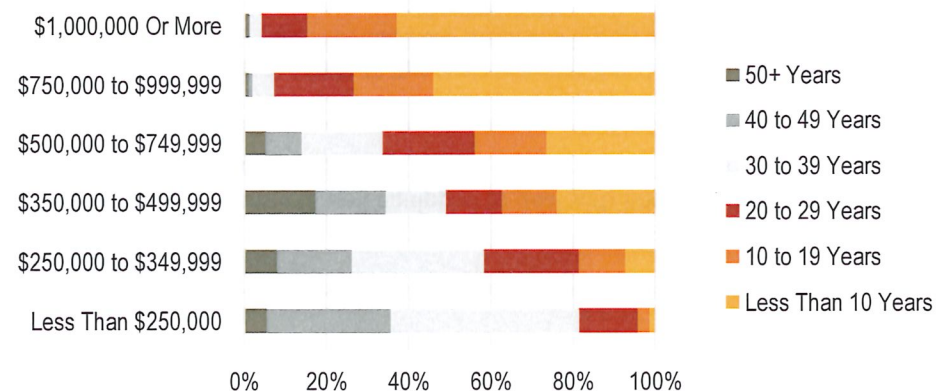
- ▶ Practitioners indicate that Howard County lacks a defined strategy for preserving the quality and/or affordability of its older rental housing.
- ▶ However, practitioners also point to existing tools to help homeowners keep up with the quality of their homes, and while the communication around or usage of these tools could be improved, the County does not need to start from scratch.
- ▶ 59.4% of survey respondents believe the older housing stock needs to be upgraded and modernized to meet new standards and lifestyles.

GUIDING PRINCIPLE

Maintain and increase the existing housing stock while improving housing quality and household stability.

- ▶ For rental housing, identify at-risk properties and prioritize tools/resources most appropriate for the given property, including acquisition, repair/rehabilitation, and/or equitable redevelopment.
- ▶ For owner-occupied homes, provide tools and resources to ensure that elderly, low-income, and other vulnerable homeowners have greater opportunities to maintain and remain in their current homes and sustain their quality of life.
- ▶ Address community-level housing quality issues by promoting and facilitating investment in repair and rehabilitation at a neighborhood scale, particularly in communities that have historically experienced disinvestment or discrimination.

Age of Homes Sold by Price Band, 2015-2018;
Howard County



Source: Maryland Department of Planning; RCLCO

CHALLENGE #9: HOUSING AND INFRASTRUCTURE

The Adequate Public Facilities Ordinance (“APFO”) is placing significant limitations on the amount of housing that can be built, and it is potentially accelerating those capacity issues by limiting the ability to increase the tax base.

MARKET AND POLICY SUPPORT

- ▶ The amount of housing that Howard County has built has decreased in recent years. As a result, housing supply has not kept up with housing demand, particularly in the most recent years and at attainable price points.
- ▶ School capacity is the driving force behind APFO-related moratoria, and restricting development can deprive Howard County of critical resources to address this and other infrastructure needs.
- ▶ The APFO provides a framework that, if adjusted for market conditions and accompanied by strong infrastructure planning, could allow Howard County to balance planning and development with service and infrastructure needs. However, the APFO has the potential to disrupt the balance between housing supply and demand even further if the County is unable to keep up with the capacity requirements for new development to take place.
- ▶ There are opportunities to address housing needs in a manner that helps address infrastructure/school capacity imbalances, independent of APFO provisions.

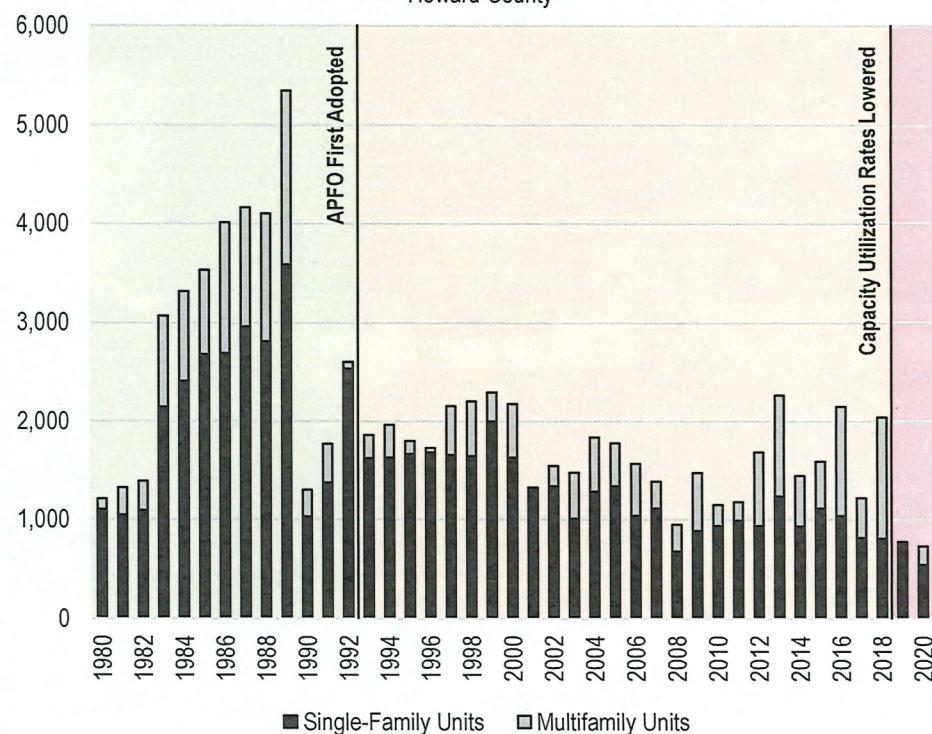
COMMUNITY AND PRACTITIONER FEEDBACK

- ▶ Many community members remain concerned about the ability of the County to provide more housing without putting pressure on existing infrastructure, such as roads and schools. Of community members who express opposition to new development, school capacity is often the largest concern.
- ▶ That said, the APFO remains a controversial topic within the community; while many community members believe it is necessary to prevent Howard County from building more housing than it can accommodate, others express support for the idea that housing policy should operate independently from the school system.
- ▶ Many Task Force members and policy practitioners believe that new development is not the driving force behind school capacity problems. There is evidence to suggest that the turnover of existing units is a major contributor to these problems.

GUIDING PRINCIPLE

Find creative ways to meet demands for both housing and infrastructure, and consider targeted amendments to the APFO to improve planning and predictability and to better balance housing and school interests.

Historical Permitting Activity (in Number of Units), 1980-2020;
Howard County



Source: State of the Cities Data Systems (“SOCDS”) Building Permits Database; RCLCO

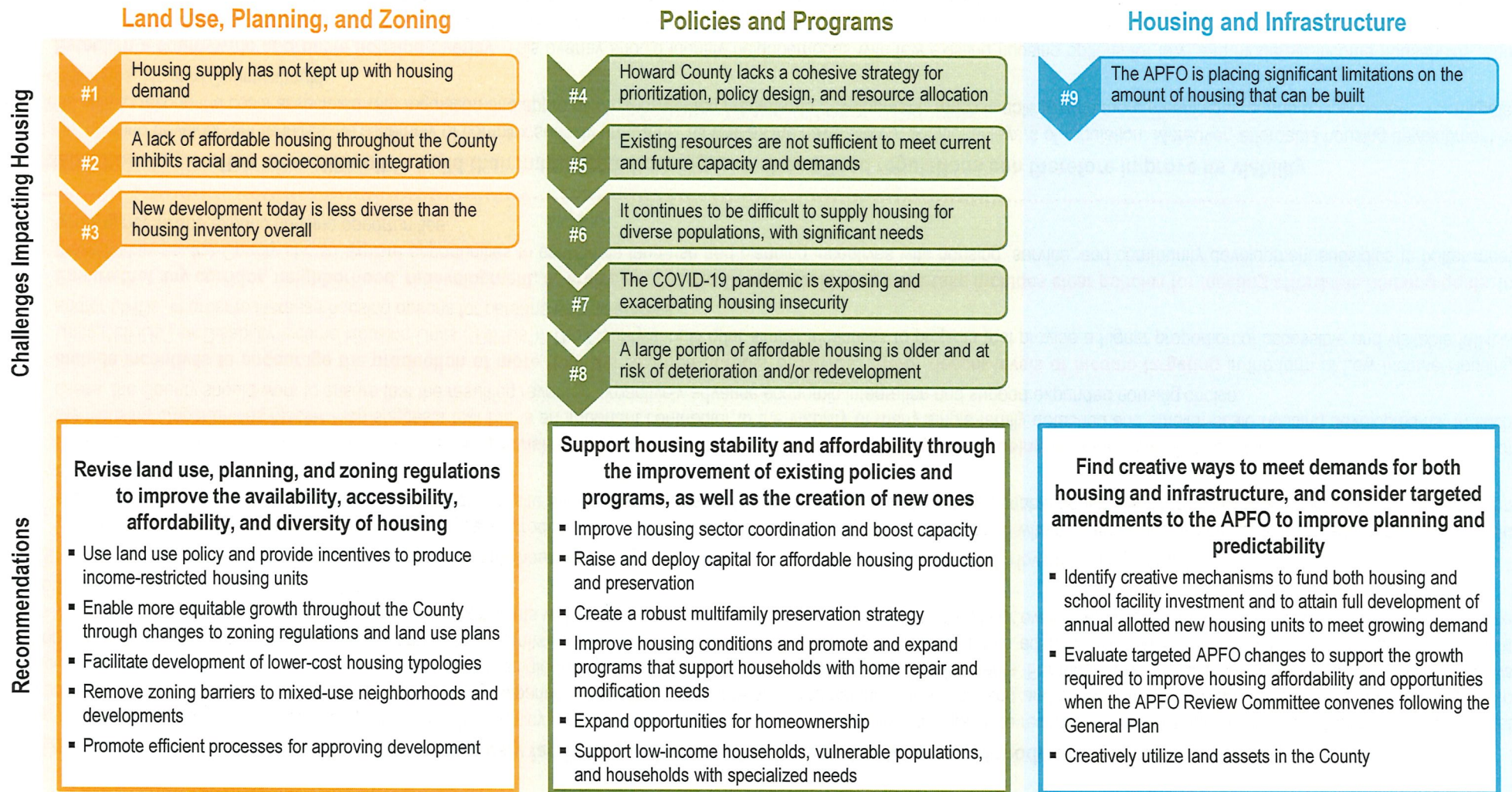


RECOMMENDATIONS

INTRODUCTION TO RECOMMENDATIONS

IN THE HOUSING OPPORTUNITIES MASTER PLAN

In order to address the challenges that are impacting housing opportunities in Howard County, the Housing Opportunities Master Plan proposes three broad strategies along with a variety of more detailed recommendations. These recommendations are summarized and grouped below, into one of 14 categories. The following pages provide more information on each of these categories, as well as the more detailed recommendations that relate to them.



LAND USE, PLANNING, AND ZONING

Use land use policy and provide incentives to produce income-restricted housing units

Land use, zoning, and planning policies can proactively facilitate production of units targeted to low- and moderate-income households.

Today, this production is primarily accomplished by the MIHU policy, which requires developers of new market-rate housing to reserve a portion of units for moderate-income households at reduced rents or purchase prices. While the County recently expanded this policy, there are still circumstances in which land and construction costs make it challenging for developers to produce income-restricted units on-site, primarily in the case of single-family detached and age-restricted housing developments. For these two product types, Howard County therefore allows developers to pay a fee in lieu ("FIL") instead of providing the units on-site, which is a practice that other jurisdictions use to advance affordable housing goals. FIL provides revenue that allows the County to provide gap funding for housing developments with even greater percentages of income-restricted units or even deeper levels of income targeting than what market-rate developments can achieve.

The MIHU and FIL policies are central elements of the affordable housing strategy in Howard County. Against this background, Howard County should:

- ▶ **Update MIHU rules and fee structures**, with the goal of producing more units throughout the County that are integrated within communities. As part of this process, the County should provide modest increases in density to accommodate on-site MIHU provision, as well as apply zoning categories that enable housing types more conducive to on-site MIHU provision across a broader area.
- ▶ **Continue to allow FIL in cases when on-site MIHU provision would jeopardize the economic feasibility of a housing development**. A land value analysis conducted as part of the Housing Opportunities Master Plan suggests that FIL is an important contributor to the viability of many single-family detached and smaller-scale housing developments. In such cases, the County should work to ensure that the resulting revenues proactively advance economic integration and support expanded housing choice.
- ▶ **Include incentives to encourage the production of more than the required number of MIHUs, and/or deeper levels of income targeting** in the form of Low Income Housing Units ("LIHUs") or Disability Income Housing Units ("DIHUs"). The County should offer similar incentives to projects that provide a higher proportion of accessible and visitable MIHUs and/or LIHUs, in order to increase housing options for persons with disabilities.
- ▶ **Ensure that any corridor, neighborhood, redevelopment, or area plan that the County decides to undertake includes clear policies for meeting affordable housing goals**. In these instances, the County should explore opportunities to coordinate land use and planning incentives with housing, service, and community development subsidies to better meet housing needs and expand housing opportunities.

Affordable housing is often more difficult to build than market-rate housing, and streamlined regulations can therefore improve its viability.

Affordable housing development requires the assembly of complex subsidy programs, as well as the navigation of additional layers of regulation. Moreover, affordable housing development is often less able to recoup the costs associated with regulation and approval processes than market-rate development, which is able to earn more meaningful returns on investment. To mitigate these challenges, Howard County should:

- ▶ **Establish a countywide affordable housing overlay**. This overlay should identify neighborhoods with few existing housing options for low- and moderate-income households, and allow certain affordable housing development proposals in such areas to proceed "by-right," or without the need for additional reviews and approvals. Qualifying development proposals should reserve at least 40% of units for households with incomes that are 60% of AMI or below, though the County could potentially allow a portion of these units to reach up to 80% of AMI if this difference is offset by deeper affordability in other units. In addition, the overlay should also loosen parking, height, setback, and other zoning requirements unrelated to health and safety for affordable and other prioritized types of housing.
- ▶ **Complement with a process to help support neighborhoods with much of the existing affordable housing stock in Howard County**. This process should ensure that, in such areas, any affordable housing development that receives County financial support and/or is done by the Housing Commission contributes to the revitalization or strengthening of the neighborhood in which the development is located.

LAND USE, PLANNING, AND ZONING

Enable more equitable growth throughout the County through changes to zoning regulations and land use plans

In certain parts of the County, changes in zoning regulations and land use patterns may be necessary in order to address affordability and equity challenges.

Addressing housing needs in areas currently zoned for denser housing is unlikely to be successful on its own, because land supply is limited and much of it is already developed or preserved for other uses. Meanwhile, the bulk of remaining land is located in areas currently zoned for lower density housing, which is generally less likely to produce units that are affordable to low- and moderate-income households. In particular, the Rural West and many other lower-density neighborhoods that are exclusively zoned for single-family residential development lack both existing affordable housing, as well as land planned for development that could potentially be affordable. Substantially limited growth in these lower-density contexts reinforces existing patterns of segregation and limits the ability of the County to add housing supply.

The County must identify locations where regulatory barriers inhibit the production of both income-restricted and market-rate housing, even though they have the characteristics to support additional development. For this reason, the County should:

- **Determine if there are strategic locations in the Rural West and in lower-density portions of the planned service area where it is feasible to accommodate increased development**, while still balancing other priorities such as water and sewer capacity, historical context, and agricultural preservation goals.

Achieving equitable growth requires every neighborhood to evolve, making countywide growth parameters important.

Growth is unlikely to look the same across all of Howard County. Unlike many other jurisdictions across the country, Howard County is home to a diverse mix of urban, suburban, and rural neighborhoods, each of which is likely to evolve in different ways. A combination of neighborhood planning efforts and countywide growth parameters can therefore help guide context-sensitive growth, while still meeting a set of overarching goals for the community. With this objective in mind, the County should:

- **Provide guidance on minimum growth and affordability goals countywide**, and ensure that future neighborhood planning efforts work towards these goals.

There is a need for housing types that enable independent living.

Critically, demand for such housing cannot be met through affordable housing production alone, as there are needs for accessible and visitable units at all income levels. As such, market-rate production can and should expand the supply of homes that enable people with different housing needs to live and thrive in Howard County. To facilitate this expansion, the County should:

- **Evaluate zoning, land use, and building regulations to identify changes necessary to advance independent living opportunities.** Specifically, the County should determine whether the requirements related to universal design, accessibility, and visitability conform with best practices, and whether the percentage of units necessary to meet the standards is appropriate.

Growth Target:

At least 70 new housing units for every 100 new jobs in any given year

This target translates to roughly 2,000 housing units per year over the next decade, based on the current job growth forecast and adjusting for the job losses associated with the COVID-19 pandemic.

Affordability Target:

The greater of at least 15% of all net new housing units or 300 units overall should be available to households making less than 60% of AMI each year

If realized, this target would translate to at least 3,000 units over the next decade, reducing the current imbalance by 30% or more.

Accessibility Target:

At least 10% of new housing units affordable to households making less than 60% of AMI should be physically accessible for persons with disabilities

This target should be supplemented with concerted efforts to facilitate accessibility improvements to the existing ownership and rental stock to better enable integrated living and aging in place.

LAND USE, PLANNING, AND ZONING

Facilitate the development of lower-cost housing typologies

There is demand and support for more diverse housing options than what exist today, and changes in zoning regulations can help increase these opportunities.

At this time, the older housing stock in Howard County encompasses a variety of home and lot sizes, including many townhomes and low-density condominiums. However, large single-family homes and townhomes account for the bulk of recent for-sale housing development, leaving large gaps in the types and sizes of units that are available.

Barring other differences, smaller homes are generally more attainably priced, and smaller unit sizes can facilitate development on a wider range of lot types, shapes, and sizes. The production of smaller units may also allow those individuals who prefer to downsize to do so, opening up larger homes for families and other households that require additional space.

Limits or restrictions on housing typologies limit the ability of additional supply to increase housing opportunities and affordability. Improvements in building type diversity are therefore necessary to provide housing choice, and the first community outreach survey pointed to broad support for these improvements. With this idea in mind, Howard County should:

- ▶ **Allow a broader range of housing types to proceed by-right**, in order to facilitate their production. Examples of such housing types could include efficiency rental units, attached single-family homes, cottage clusters, townhomes, and other “missing middle” forms of housing.
- ▶ **Provide the regulatory flexibility to increase opportunities for ADUs**. While current regulations permit certain types of ADUs in Howard County, there are restrictions on the location, structure, and usage of these units, which often prevent them from improving housing opportunities. With increased regulatory flexibility, ADUs have the potential to serve as an important housing option for households that require more age-, budget-, and/or lifestyle-appropriate alternatives.
- ▶ **Minimize “de facto” barriers to housing stock diversification**. In some cases, zoning regulations may allow certain types of housing, but other restrictions limit the ability to provide them. For example, a zone may allow duplexes on a by-right basis, but rules related to lot-coverage, height, and off-street parking could make such development impossible in practice. In these cases, the County should revise its zoning regulations to ensure that such restrictions do not preclude the development of otherwise permitted housing typologies.



Image Source: Howard County Government

LAND USE, PLANNING, AND ZONING

Remove zoning barriers to mixed-use neighborhoods and developments

In addition to becoming increasingly popular with residents, mixed-use neighborhoods can produce important social, environmental, and fiscal benefits to the communities in which they are located.

In particular, mixed-use neighborhoods can reduce demand for transportation infrastructure, and they can enable individuals without automobile access to meet their needs independently. Moreover, the incorporation of residential development near existing retail can support the retail sector and local tax base, improving tax values per acre for the County compared to single-use properties. For all of these reasons, Howard County should:

- ▶ **Make tactical investments and/or regulatory changes to create “15-minute neighborhoods”** in which a significant portion of everyday needs can be accomplished within a short walk or bike ride. For example, Howard County could add sidewalks or other pedestrian improvements to a residential neighborhood without them in order to connect it to a retail service area. These improvements should support the needs of persons with mobility impairments and could include paratransit options for persons with disabilities.
- ▶ **Allow certain types of neighborhood-serving retail, such as small corner markets and coffee shops, in all residential zones.** Importantly, some restrictions on the scale of such establishments may be necessary in order to preserve neighborhood context.
- ▶ **Provide zoning flexibility to enable mixes of uses.** Depending on the exact location in the County, this flexibility could allow for vertical mixed-use environments, such as housing above ground-floor retail, or horizontal mixed-use environments, such as housing next to or alongside retail. For locations or sites where mixed-use redevelopment is desired, Howard County should consider proactive zoning changes to encourage it.



Image Source: Howard County Government

LAND USE, PLANNING, AND ZONING

Promote efficient processes for approving development

Streamlined approval processes can increase the diversity of housing options, as well as the ability for homeowners to make improvements to their residences.

When approval processes—which include site development reviews, design reviews, rezoning, and building permitting—are lengthy and/or complex, they can add costs to a development, often without corresponding benefits to the community. This challenge is common throughout the region and across the country.

Increasing the efficiency of the approval process enables more forms of development to be financially and technically feasible, particularly in the case of small-scale, affordable, and/or redevelopment projects, as well as improvements undertaken by individual homeowners. This dynamic stems from the fact that these projects may require sophisticated understanding of land use, zoning, and building codes, but they have smaller margins and fewer units through which the fixed costs can be spread. In addition to increasing the likelihood that more diverse housing improvements and developments can occur, streamlined approval processes could give more scope for provision of community benefits on larger projects. With such goals in mind, the County should:

- ▶ **Grant the aforementioned approvals and incentives administratively**, to the greatest extent possible. This approach could be particularly beneficial for recommendations regarding MIHU requirements and incentives (Page 26), income-restricted affordable housing production (Page 26), and accessory dwelling units (Page 28).
- ▶ **Provide expedited or by-right approval for home modifications that facilitate independent living**, such as accessibility, visitability, one-floor living, and fall prevention.
- ▶ **Create an expedited review and approval process for proposals that fall within a specific “safe harbor”** when Planning Board approval is necessary. Today, all development proposals that require Planning Board approval follow the same review and approval process, regardless of the extent to which they diverge from their current approvals or zoning. An expedited process for development proposals with minor differences could help improve their viability.
- ▶ **Expand upon the County’s existing tracking efforts** and proactively analyze data regarding the length of the approval process on an ongoing basis to identify trends, potential inefficiencies, and potential product types or development characteristics that contribute to lengthier development timelines. This information can be used to improve administrative processes and zoning regulations.



Image Source: Howard County Government

PROGRAMS AND POLICIES

Improve housing sector coordination and boost capacity

While Howard County already has a range of departments, nonprofit organizations, and private companies committed to addressing housing needs, a cohesive strategy is necessary to prioritize and deploy resources.

Internally, the County lacks a sufficiently coordinated, cross-departmental strategy for prioritizing housing needs, designing and administering programs, and allocating resources. Increasing coordination and leveraging partnerships will be critical to improving efficiency and scaling up housing programs to address unmet needs. With this goal in mind, Howard County should:

- **Create an Inter-Agency Housing Opportunities Task Force**, within one year of the implementation of this plan. This group should be responsible for a number of housing-related decisions, including setting strategic direction, prioritizing resources, and ensuring housing affordability is considered in all County policies not explicitly about housing. Members should include representatives from the Department of Planning and Zoning ("DPZ"), Housing and Community Development ("HCD"), and Community Resources and Services ("CRS"), with a formal role for affiliated entities involved in implementing housing and community development activities, as well as an advisory group comprised of select individuals from the Housing Opportunities Master Plan Task Force.

There are a number of ways to enhance the contributions of nonprofit, institutional, and private organizations.

The County's current model of supporting nonprofits and other mission-driven organizations to provide housing and services is well-regarded, but resources are spread relatively thin across a large number of entities. Enhanced partnerships, coordination, and support can help address fragmentation, increase efficiency and reach, and support economies of scale in service provision. For this reason, the County should:

- **Enhance current relationships with nonprofits to ensure that there is a programmatic approach to meeting housing needs countywide.** This effort would work to ensure that current and future programs are coordinated and avoid duplication.
- **Ensure resources for operations and general support are proportionate to the role that nonprofit organizations play,** and explore opportunities for other administrative partnerships that help smaller nonprofits improve scale.
- **Create a joint strategy for fundraising** from major funders and institutions to build organizational capacity in the nonprofit service provider network, and to increase resources for programmatic activities.

Targets that can be accomplished through the program and policy strategies outlined on the following pages, and that should be considered by the Inter-Agency Housing Opportunities Task Force:

Preservation Target:

Zero net loss of existing affordability for households with incomes below 60% of AMI

In other words, Howard County should pledge to maintain the existing number of housing units in which these households can live without cost burdens, while still adding net new affordable housing units that are consistent with the Affordability Target outlined on Page 27.

Redevelopment Target:

One-for-one replacement of affordable housing units, on a countywide basis, when redevelopment is necessary

For example, the removal of a property with 100 affordable housing units should coincide with the addition of 100 new affordable housing units, whether in the form of newly constructed units, negotiated rental contracts, or another program, policy, or strategy outlined in this plan. When accomplishing this goal, Howard County should strive to ensure that all displaced residents who wish to return to their existing neighborhoods have a path to do so.

PROGRAMS AND POLICIES

Raise and deploy capital for affordable housing production and preservation

Changes to the existing funding paradigm are necessary to improve the ability of the County to respond to housing affordability challenges.

At this time, existing resources are insufficient to meet the need for income-restricted housing in Howard County, and available funding is unpredictable from year to year. A diverse revenue base can provide more consistent and adequate funding for affordable housing and protect against market shifts and political changes. This revenue base allows producers of affordable housing to better plan ahead. It also creates a framework in which the County can prioritize resources and advance its policy priorities.

- **Identify new, ongoing funding resources for affordable housing investment** that can generate a large upfront allocation of capital. The resulting revenues should be split between housing and school facilities to facilitate equitable housing and educational access throughout the County.
- **Establish an Affordable Housing Trust Fund**, which is a formal, coordinated, and predictable structure for allocating housing funding. The primary purpose of the Affordable Housing Trust Fund should be to expand the number of income-restricted rental and homeownership units in the County.
- **Assemble capital for the Affordable Housing Trust Fund from both new and existing sources.** The Trust Fund should have multiple sources, as a diverse revenue base can provide resiliency in the face of economic shifts. In addition to any new funding resources discussed above, potential sources for consideration include Trust Fund loan repayments, MIHU FIL payments, proceeds from the sale or lease of publicly-owned properties that are not utilized for community facilities and/or affordable or mixed-income housing, HUD formula resources, a portion of existing transfer tax receipts, potential new issue-specific sources, and/or annual general fund contributions.

Trust Fund Target:

\$5 million in new revenues in the first year, with a goal of \$10 million (including existing revenue sources) once the fiscal uncertainty surrounding the COVID-19 pandemic has lessened

The initial target of \$5 million should be in addition to existing revenue sources that the County already dedicates to capital investment in affordable housing, such as FIL revenues and federal block grants. Once the fiscal uncertainty associated with the COVID-19 pandemic have lessened, the County should then increase its target to \$10 million annually (including these existing revenue sources), with the goal of eventually expanding to \$20 million over time.

Trust Fund Spending:

1. **100% of units produced with Trust Fund spending should serve households at or below 80% of AMI.** Mixed-income developments should still be eligible to receive funding, assuming such funding only goes towards units at or below 80% of AMI, or that it is necessary to make more deeply-income targeted units financially feasible.
2. **20% of Trust Fund-supported units should be restricted to households at or below 30% of AMI,** at the aggregate portfolio level.
3. **The Trust Fund should also establish a per-project minimum threshold of 10% of units targeted at 30% AMI.** However, the County should have the flexibility to make limited exceptions.

Potential uses include:

- *"Gap financing" for affordable rental or homeownership projects that leverage other sources of capital, such as the Low Income Housing Tax Credit*
- *Short-to-mid-term acquisition funding for strategically important sites/properties*
- *Resources for the rehabilitation of existing affordable properties, or for market-rate properties in exchange for reserving a portion of units for income-eligible households*
- *Grants or low-cost loans to developers to increase the number of affordable and/or accessible units in a MIHU, LIHU, or DIHU development*
- *Resources for the rehabilitation or retrofitting of existing multifamily rental properties to create additional affordable units that are accessible or visitable*
- *Support for mixed-income/affordable and integrated housing for persons with disabilities*
- *Rental contracts with private market-rate owners to reserve a portion of units for income-eligible households*
- *Housing developments that specifically advance the strategies and action steps identified in "The Path Home," the County's five-year plan to end homelessness.*

PROGRAMS AND POLICIES

Create a robust multifamily preservation strategy

Effective preservation strategies require knowledge of the existing affordable housing stock.

The preservation of affordable housing—both income-restricted and market-rate—is a critical part of a comprehensive housing affordability strategy. Preservation is important from an equity standpoint, given the disruption and hardship faced by cost-burdened and displaced households. Research suggests that preservation can be more cost-effective than new development, and that the challenges and timelines associated with new development make it critical to prevent the loss of affordability while waiting for new units to be placed into service. To establish a strong foundation for a comprehensive preservation strategy, Howard County should:

- ▶ **Create and regularly update a database of affordable housing units**, including income-restricted and market-rate properties. Within this database, the County should identify “high-impact” properties to target for preservation, including larger properties with many affordable housing units and smaller ones in areas without other affordable housing options nearby.
 - ▶ **Tailor capital/revenue generation and planning strategies to the individual properties**, based on their level of impact to affordability in the County.
-

The recently passed “right of first refusal” policy creates an opportunity for Howard County to support the preservation of existing affordability.

This policy creates a legal “window of opportunity” when a market-rate rental property is put up for sale, during which the County can support its acquisition. Since this time window is limited and the property must be purchased at fair market value, this new tool requires proactive planning as well as resource development and prioritization. For this reason, the County should:

- ▶ **Create a framework** for evaluating which opportunities to pursue and the appropriate tools to do so.
 - ▶ **Identify organizations, developers, and partners**, including the Howard County Housing Commission, with capacity to work with the County to acquire properties, when available.
 - ▶ **Develop other tools, such as property tax incentives and rental assistance contracts**, when negotiating right-of-first-refusal opportunities.
-

In cases when redevelopment is necessary, strategies can be used to support the preservation of affordability.

The preservation of affordability does not always necessitate the preservation of existing structures. In many cases, market and physical property conditions make redevelopment more effective than rehabilitation. When a property is redeveloped, a right to return to the neighborhood is necessary to avoid a reduction in the County’s overall affordable housing inventory and to prevent the direct harm to tenants caused by involuntary displacement. Replacement units can be provided elsewhere in the neighborhood to facilitate mixed-income housing through redevelopment, and they do not need to be provided in the single, redeveloped property. To establish a comprehensive framework for equitable redevelopment, the County should:

- ▶ **Allow density transfers and form/height flexibility** to create opportunities for mixed-income redevelopment, when the redevelopment of existing affordable properties is necessary.
 - ▶ **Allow additional density, subsidies, PILOTs and/or other incentives** to facilitate the creation of replacement units.
 - ▶ **Negotiate rental contracts and/or provide tax incentives** to facilitate additional affordable units and/or deeper income targeting in the redeveloped property or others nearby.
 - ▶ **Provide tenant relocation support, mobility assistance and counseling, and rental assistance to existing tenants** to find affordable replacement housing and provide additional choice for those that prefer to explore housing options in other neighborhoods.
-

Owners of market-rate housing may consider maintaining affordability or reducing rents, if given adequate incentives.

Rental agreements provide a flexible tool to replace units lost from the affordable stock and/or add housing options in areas with few affordable units. For this reason, Howard County should:

- ▶ **Negotiate rental assistance contracts** with private landlords.
- ▶ **Provide tenant matching and income qualification/certification assistance** for landlords participating in rental contracts and offering units at below-market rates.
- ▶ **Provide property tax incentives** to encourage landlord participation.

PROGRAMS AND POLICIES

Improve housing conditions and promote and expand programs that support households with home repair and modification needs

At the property level, supports and resources help improve housing and neighborhood quality and stability.

Robust code enforcement is critical to maintaining and improving health, safety, and quality of life at both the household and neighborhood levels. While some housing quality challenges are the result of bad actors, others stem from a lack of knowledge, capacity, and resources to effectively maintain properties, and the County should therefore:

- ▶ **Expand code enforcement** in coordination with landlord and homeowner outreach, technical assistance, and subsidy provision.
- ▶ **Provide support to renters in affected properties to improve housing stability**, including relocation and/or legal assistance.
- ▶ **Provide resources for property upgrades and/or maintenance** in exchange for ensuring ongoing affordability.
- ▶ **Identify opportunities to strategically acquire properties** from willing sellers to preserve those properties and units.

At the neighborhood level, there is a need for strategic investment to improve housing conditions in areas that are experiencing, or at risk of, disinvestment.

This need is in addition to those related to the provision of rehabilitation support to individual homeowners and property owners in the County. At the neighborhood level, the County should:

- ▶ **Work with community groups, nonprofit service providers, or other entities** to identify neighborhoods with significant capital needs and/or that are at-risk of disinvestment.
- ▶ **Conduct proactive outreach in such neighborhoods** to identify opportunities for targeted investments, and coordinate subsidy provision and rehabilitation activities.

Even when interventions are not necessary to improve the quality of housing, they may be necessary to preserve its affordability.

Market-driven redevelopment and rehabilitation can lead to rent increases that can preclude former residents from remaining in their neighborhoods, even when the units themselves are preserved. In such cases, improvements in the quality of affordable housing units can lead to increased cost burdens for the lower-income tenants who live in them.

- ▶ **Provide capital subsidies for multifamily rental rehabilitation** in exchange for ongoing affordability.

Howard County offers several programs, subsidies, tax abatements and deferrals, and home retrofit supports, many of which could be improved or expanded.

These tools can help ensure ongoing stability for lower-income homeowners, and facilitate retrofits of existing homes to incorporate accessibility/visitability improvements, universal design, and/or one-floor living. However, the identification of available resources and management of the process can be difficult for those in need. As such, the County should:

- ▶ **Create a homeowner resource navigator website and hotline**, which should consolidate and promote all housing-related resources available to residents of Howard County.
- ▶ **Expand independent living opportunities** by providing technical and financial support, such as “permit-ready” home modifications, to older adults and persons with disabilities.
- ▶ **Provide technical assistance to homeowners** to identify needs and access resources, more generally.
- ▶ **Create a vetted contractor/vendor list** and assist households in navigating the rehab/retrofit process.
- ▶ **Use information gained to inform adjustments** to existing programs and development of new options.

It can be difficult for owners to make improvements to properties that were built prior to, and no longer conform with, current zoning and regulatory provisions.

In some cases, property owners may need to bring properties up to the most current code and address “non-conformance,” even when making modest improvements. This process can be difficult to navigate from a technical perspective, create a financial barrier for lower-income property owners, and lead to disinvestment. To prevent such challenges, the County should:

- ▶ **Address non-conforming elements of existing properties** by loosening rules and/or “grandfathering in” conditions unrelated to health and safety, like off-street parking or setbacks.

PROGRAMS AND POLICIES

Expand opportunities for homeownership

Improving access to homeownership is an important step in bridging the wealth gap that exists in communities today.

Although homeownership should not be viewed as a necessity to create wealth, it has historically served this purpose for certain segments of the population, while others—especially African-Americans—have been proactively excluded because of discriminatory policies and practices. Improving sustainable access to homeownership can be an important affirmative step to addressing the wealth gap and limited economic mobility, and can help integrate communities with high levels of homeownership-oriented housing stock and high home values.

“Shared equity” homeownership programs create permanent, entry-level homeownership opportunities for moderate-income households. These programs can take many forms. For example, a prospective homeowner could receive a subsidy to purchase a home on the open market. Alternatively, a developer could be required or incentivized to produce units that are offered to income-qualified purchasers. Homeownership units produced through the County’s MIHU program are based on the shared equity model, and future policies should continue to encourage similar strategies that create a permanently affordable “first rung on the ladder” to wealth creation through homeownership. To do so, Howard County should:

- ▶ **Use down payment assistance and/or second mortgages** to help acquire/preserve existing lower-cost units.
- ▶ **Utilize shared equity/permanent affordability provisions**, similar to those of MIHU, when incorporating affordability provisions into redevelopment plans or other new policies.
- ▶ **Work with banks that offer first mortgages for shared equity purchasers in other local jurisdictions** to expand into Howard County and increase mortgage access for these programs.
- ▶ **Regularly evaluate and adjust MIHU resale formulas as necessary to reduce the number of resales that are released to the general public** when income-qualified purchasers are not found. The County should also expand existing and explore new approaches to preserving MIHU homeowner units.



Image Source: Howard County Government

PROGRAMS AND POLICIES

Support low-income households, vulnerable populations, and households with specialized needs

Extremely low-income households may require financial assistance to pay for housing, particularly in times of natural disaster or economic instability.

This challenge is exacerbated by lengthy waiting lists for existing rental assistance programs. In addition to advocating for state and federal resources to clear these lists, the County should:

- ▶ **Create a local rental assistance pilot program** to enhance housing stability for the highest need households, and to support County residents in times of natural disaster or economic instability. Importantly, this program should be used to fill gaps and serve as a "bridge" for households waiting to receive aid from existing federal or state rental assistance programs.

Even when financial assistance is provided, extremely low-income households may still struggle to find housing, given the limited number of affordable units.

Landlord incentives and rental agreements are generally lower-cost strategies for expanding housing choices for vulnerable households. To support these efforts, the County should:

- ▶ **Expand the County's current landlord outreach programs** by increasing marketing to landlords and expanding resources available for landlord incentives.
- ▶ **Look for opportunities for deeper engagement with property owners of naturally occurring affordable housing units** that might be targets for acquisition or preservation.

There is an opportunity to use the efforts from the COVID-19 pandemic to inform more proactive disaster responses moving forward.

The severity of the COVID-19 pandemic required the creation of new housing support programs and the adoption of new protocols. To prepare for future crises, the County should:

- ▶ **Create a formal evaluation structure for COVID-19 relief efforts** and incorporate lessons learned into standing programs.
- ▶ **Formalize protocols for responding to future natural and economic disasters**, based on what worked well in recent disaster response efforts.

There is generally a strong preference for integrated and independent living for persons with disabilities or limited mobility, as well as older adults.

Some neighborhoods have the characteristics to support these households, but lack the types of housing that each of these unique groups requires. For this reason, the County should:

- ▶ **Conduct a neighborhood accessibility/mobility assessment** to identify areas that are supportive of independent living opportunities, and prioritize housing investments accordingly.
- ▶ **Identify neighborhoods that lack mobility infrastructure but already offer senior communities or supportive housing stock**, and make tactical infrastructure investments in such areas to improve the quality of life and ability for households to live independently.
- ▶ **Prioritize integrated living to the greatest extent possible**, for individual developments.

There is significant demand for accessible units, and these units can be difficult to find even when they become available.

Although required in new properties, accessible units sometimes go vacant due to timing, information, and affordability challenges. To increase access to these units, the County should:

- ▶ **Support enhanced participation in and utilization of MDHousingSearch.com**, with the goal of matching households with accessible units when they become available.
- ▶ **Negotiate with landlords to reduce penalties** for tenants who terminate leases in order to gain access to newly available accessible units.

Tenants face information and resource barriers in disputes with landlords and may not be fully aware of their legal rights

Access to counsel is important for tenants seeking recourse when a landlord is in violation of lease, safety, housing quality, or accommodations requirements, and the County should:

- ▶ **Expand resources for tenant legal assistance** and conduct proactive outreach efforts to both tenants and landlords.
- ▶ **Create a one-stop-shop and information clearing house to support landlords and tenants** with training on rental regulations, codes, legal matters, and other relevant matters.

HOUSING AND INFRASTRUCTURE

Identify creative mechanisms to fund both housing and school facility investment to attain full development of annual allotted new housing units and to meet growing demand

Howard County requires a sustainable strategy to ensure that neither its infrastructure capacity nor its housing inventory falls behind as it continues to grow

Nationwide, approaches for balancing new growth with supportive infrastructure vary from one jurisdiction to the next. APFOs are not universal, and high-demand jurisdictions in the region and across the United States—both with and without APFOs—are struggling with the same challenges in striking this balance as Howard County. Such ordinances can serve an important role when counties are in predominantly “greenfield” growth modes and need to build substantial new infrastructure as they expand into new and undeveloped locations. However, APFOs are less effective when most new construction occurs through redevelopment and/or infill development in locations where existing public infrastructure is already present.

Given that new development is not the only driver of school facility needs, a more sustainable solution is necessary so housing development can proceed along with equitable access to high-quality schools. To address both school and housing the needs, the County should:

- **Identify new, ongoing funding resources for capital investment.** As discussed on Page 32, the source should generate a large upfront allocation of capital, with a defined split of the resulting revenues shared between housing and school facility investment.
- **Allow developers to proffer land or a portion of a site for school or facility construction** in exchange for zoning flexibility and/or density on the remaining portion of the site.



HOUSING AND INFRASTRUCTURE

Evaluate targeted APFO changes to support the growth required to improve housing affordability and opportunities when the APFO Review Committee convenes following the General Plan

Targeted changes to the APFO are necessary in order for the County to address its housing and affordability challenges.

The APFO limits the ability of Howard County to provide affordable housing and meet housing demand, despite its intended purpose of metering growth and creating a mechanism for planning and phasing infrastructure. The APFO has become the single-greatest influence on shaping growth and development in the County, and it risks creating longer-term liabilities for the County if school-related moratoria push development outside of areas with the most supportive infrastructure.

Current regulations require the formation of an APFO Review Committee within one year of the adoption of a new General Plan. The purpose of that committee is to review how APFO is working and develop recommendations for changes and improvements. Against this background, the APFO Review Committee should:

- ▶ **Consider amending APFO restrictions, moratoria, and fee structures for all housing in areas with existing transportation infrastructure and strong mobility/independent living characteristics.** Examples of these areas could include Columbia and parts of Ellicott City, which are generally established and have minimal room for large-scale, greenfield residential development. In these locations, continued school capacity challenges are more likely to stem from the turnover of existing units rather than the creation of new ones, and the APFO alone is therefore unlikely to solve these challenges.
- ▶ **Consider automatic exemptions from school-related moratoria for affordable housing in low-poverty school districts, as well as market-rate housing in high-poverty school districts.** Such exemptions could help improve equitable access to both housing and education across Howard County.
- ▶ **Consider whether specific types of housing should receive automatic or limited exemptions from moratoria as well.** For example, some housing types—such as those with age restrictions—do not attract schoolchildren, and therefore will not contribute to school capacity challenges going forward. Likewise, other “priority” housing types—such as small-lot single-family and other forms of “missing middle” development—may be necessary to serve the existing household base, and such exemptions can help incentivize their development.
- ▶ **Consider identifying areas where existing infrastructure is underutilized** and could support additional residential density with limited new public investment.



Image Source: Howard County Government

HOUSING AND INFRASTRUCTURE

Creatively utilize land assets in the County

Intentional, proactive development policies can support both housing and facility needs.

Approaches that generate revenue can be complemented with policies that open sites for community and public facilities. Importantly, co-location of housing and facilities can be a critical tool for more efficiently utilizing existing land. Underutilized public land is an important asset for meeting community goals, but activating public sites requires an intentional approach and creative partnerships. For this reason, the County should:

- ▶ **Create an inventory of publicly-owned land assets** and benchmark inventory against facility needs.
 - ▶ **Establish affordable and mixed-income housing as a priority** for the use of publicly-owned land assets.
 - ▶ **Identify opportunities for co-location of public facilities and housing** and prioritize such complementary developments, to make the most efficient use of limited land.
 - ▶ **Allocate proceeds from the sale of publicly owned properties to the Affordable Housing Trust Fund**, when affordable/mixed-income housing and/or community facilities are not major components of the development plans for those sites.
 - ▶ **Establish protocols** for conveying site control, requiring public benefits or revenue contributions, and accepting unsolicited bids.
-

Communication and coordination with institutional organizations can support similar opportunities.

Community-serving entities such as faith-based institutions, community groups, hospitals, and universities often hold significant land assets. Such entities may find it within their mission or institutional needs to engage in partnerships for affordable housing and public facility development. To encourage such partnerships, the County should:

- ▶ **Proactively address zoning challenges**, such as barriers to mixed-use or housing development, on institutionally zoned sites.
- ▶ **Facilitate information sharing, outreach, and technical assistance** in planning and development for community organizations.



CONCLUSIONS

CONCLUDING REMARKS

ROLE OF THE HOUSING OPPORTUNITIES MASTER PLAN

The purpose of the Housing Opportunities Master Plan is to provide a comprehensive framework through which Howard County can continue to advance housing opportunities in the community.

Just as the threats to these opportunities are manifold, so too are the strategies that Howard County can use to improve them. For this reason, the Housing Opportunities Master Plan includes 80 recommendations, each of which varies in terms of its scale, impact, and target audience, among many other characteristics. In spite of these differences, each recommendation in the Housing Opportunities Master Plan is important in its own right.

Howard County is an economically and demographically diverse community, in which different residents have different needs. Moreover, the meaning of housing affordability varies from one person to the next, and there is no one-size-fits-all approach to make certain that everyone—regardless of age, income, educational attainment, gender, race, or any other background—is able to take part in this community. A wide-ranging strategy is therefore necessary to ensure housing attainability, accessibility, and affordability for all such individuals.

From the grocery store clerk in Columbia to the recent empty nesters in the Rural West, the Housing Opportunities Master Plan is intended to provide a framework through which Howard County can promote housing opportunities for all of its residents.



ABOUT THE AUTHORS AND OTHER ACKNOWLEDGEMENTS



Since 1967, RCLCO has been the “first call” for real estate developers, investors, the public sector, and non-real estate companies and organizations seeking strategic and tactical advice regarding property investment, planning, and development. RCLCO leverages quantitative analytics and a strategic planning framework to provide end-to-end business planning and implementation solutions at an entity, portfolio, or project level. With the insights and experience gained over a half-century and thousands of projects—touching over \$5 billion of real estate activity each year—RCLCO brings success to all product types across the United States and around the world.



Neighborhood Fundamentals, LLC provides research and technical assistance to public, private and nonprofit institutions on issues related to housing affordability and community and economic development. Neighborhood Fundamentals was founded in 2017 by Michael A. Spotts, who has nearly 15 years of experience providing research and technical assistance to on-the-ground practitioners in both the public and private sectors, at every level of government, and in urban, suburban and rural areas. Neighborhood Fundamentals works with a range of organizations and institutions dedicated to improving housing affordability and community development.



Founded in 1971, Johnson, Mirmiran & Thompson, Inc. (JMT) is a leading expert in community planning. We identify housing affordability issues to address individual needs while also integrating needs of the community, transportation connectivity, economic development, visual quality, cultural resources, and natural environment. We coordinate with our clients and all project stakeholders to examine the relationship between transportation alternatives, economic development potential, urban design, and environmental sustainability. JMT's expansive service area expertise allows for a comprehensive approach and turn-key solutions for any project need.



PRR provides integrated communications solutions that help people make informed decisions and build stronger, more inclusive communities. We are experts in the transportation, health, and environment sectors where we offer research, community engagement, social marketing, and human-centered design services anchored in our philosophy to Make It Meaningful. That means we prioritize diversity, equity, and inclusion in everything we do. Established in 1981, our team includes national experts located in bi-coastal offices in Seattle, Washington D.C., Norfolk, and Baltimore.

OTHER ACKNOWLEDGEMENTS

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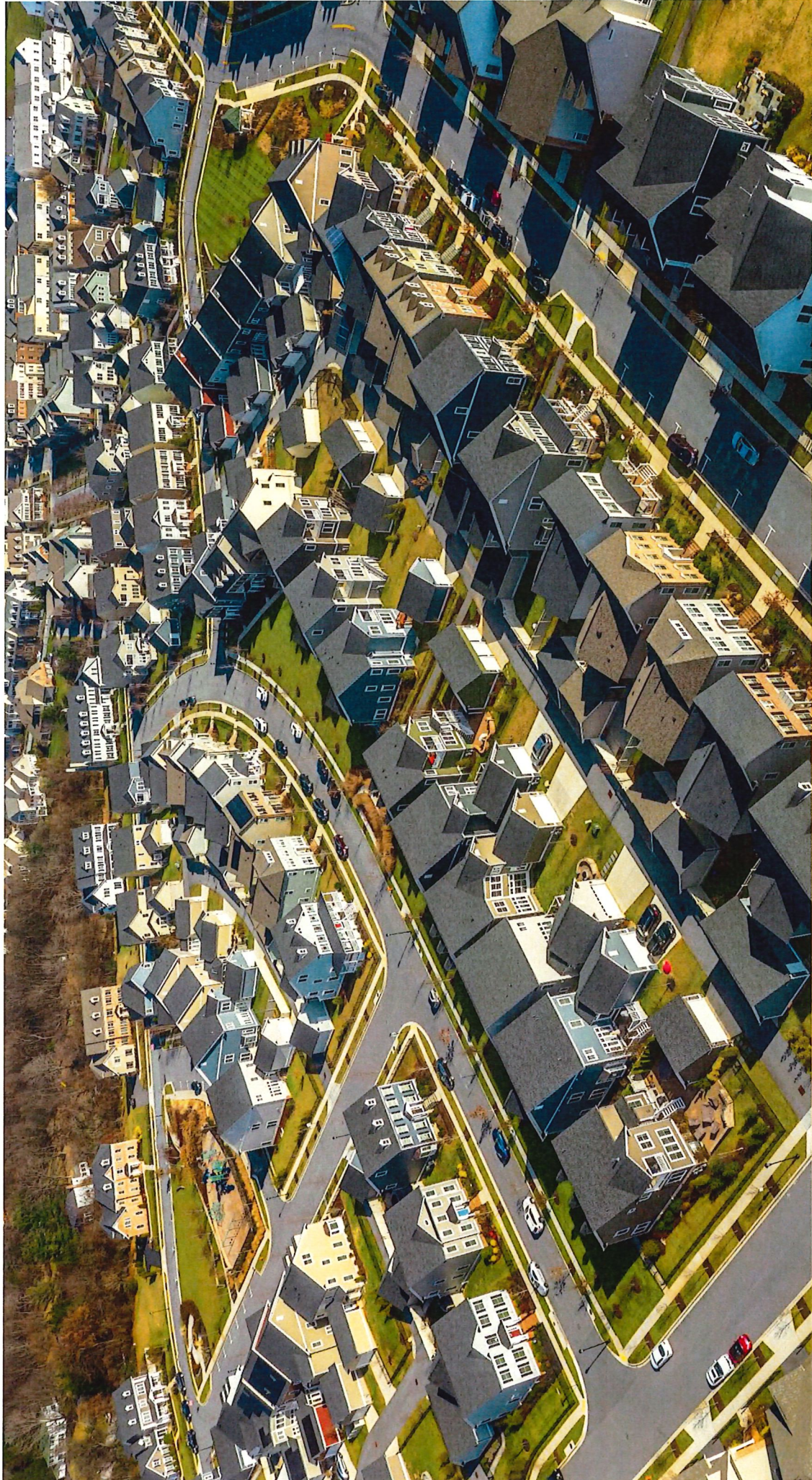
County Departments & Affiliated Entities

Columbia Downtown Housing Corporation
Community Resources & Services
Housing and Community Development
Housing Commission
Planning and Zoning

Broader Stakeholders

Accessible Resources for Independence
African American Roundtable
Age-Friendly Stakeholder Group and Age-Friendly Initiative Housing Workgroup
Arc of Howard County
Baltimore Regional Council
Bridges to Housing Stability
Brightview Senior Living
Chinese American Parent Association of Howard County
Columbia Community Care
Columbia Housing Center
Community Action Council of Howard County
Community Foundation of Howard County
Elm Street Development
Enterprise Community Development
Erickson Living
Foreign-Born Information and Referral Network
Grassroots Crisis Intervention
Heritage Housing Partners Corporation
Horizon Foundation
Housing Affordability Coalition

Howard County Autism Society
Howard County Food Bank
Howard Hughes
Humanim
Maryland Building Industry Association
Oakland Mills Interfaith Center
Orchard Development Corporation
Owen Brown Interfaith Center
NVR Homes
People Acting Together in Howard
Rebuilding Together
SDC Group
Trinity Homes
Wilde Lake Interfaith Center
Williamsburg Homes
Wood Partners



RCLCO
REAL ESTATE ADVISORS



Neighborhood Fundamentals, LLC



