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## **BALTIMORE CITY COUNCIL FINANCE AND PERFORMANCE COMMITTEE**

### *Mission Statement*

*The Committee on Finance and Performance (FP)* is responsible for matters concerning fiscal oversight throughout the year. FP will improve the Council's understanding of the City's budget and to understand how agencies are performing and delivering city services, in addition to reviewing their spending throughout the year. FP will hold regular hearings on financial information, including, revenue, budgets, and audits. The committee's areas of jurisdiction include:

- Fiscal Oversight
- Budget Process
- Agency Performance
- Quarterly Budget Hearings
- Agency Performance Hearings
- Audit Oversight
- Revenue Certification

**The Honorable John T. Bullock  
Chairman**

**PUBLIC HEARING**

**THURSDAY, OCTOBER 17, 2023  
3:00 PM**

**COUNCIL CHAMBERS**

**Council Resolution #24-0230R**

**Informational Hearing – Inclusionary Housing – Implementation  
and Oversight**

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Robert Stokes  
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**BILL SYNOPSIS**

**Committee:** Finance and Performance

**Resolution:** 24-0230R

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**Informational Hearing – Inclusionary Housing – Implementation and Oversight**

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**Sponsor:** Councilmember Ramos, et al

**Introduced:** August 26, 2024 and reassigned to F&P Committee on September 16, 2024

**Purpose:**

**For the purpose of** requiring the Department of Housing and Community Development, Department of Finance, Department of Planning, and City Administrator to attend a hearing to outline the implementation of the Inclusionary Housing Program in Baltimore City, specifically to provide: (1) an explanation of the delays; (2) a new timeline for the appointment of the Inclusionary Housing Board; (3) a new timeline for promulgation of the Inclusionary Housing Program regulations and implementation of its guidelines; (4) the number of permits already given for projects that would be eligible for the program ; and (5) a timeline for the promulgation of the High Performance Inclusionary Tax Credit regulations and its application.

**Effective:** Upon enactment.

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**Agency Reports**

Law Department	Favorable
Department of Finance	None as of this writing
Department of Planning	None as of this writing
Department of Housing and Community Development	None as of this writing
Housing Authority of Baltimore City	None as of this writing
Office of the City Administrator	None as of this writing

## Analysis

### Current Law

#### I. Baltimore City Code - Article 13– Housing & Urban Renewal – Subtitle 2B – Inclusionary Housing Requirements

Outlines the rules, regulations, and/or mandates for [Inclusionary Housing](#) and the [Inclusionary Housing Board](#).

#### II. Baltimore City Code - Article 28 – Taxes and the Annotated Code of Maryland - Property Article 13

Outlines the rules, regulations, and/or mandates for [High-Performance Inclusionary Tax Credits](#).

### Background

Ordinance 24-308, [Inclusionary Housing for Baltimore City](#) became operational on [July 21, 2024](#). Any residential housing projects and/or developers who are required to make inclusionary units available that apply for a building permit on or after July 21, 2024, must submit [an inclusionary housing plan](#) in accordance with Section 2B-22(A) of the law. [See attached template last updated in September 2024](#).

Inclusionary housing requirements apply to projects that:

- Include 20 or more units
- Receive a major public subsidy OR Benefit from Significant land use authorization
- Are newly constructed, substantial rehab or converted from a non-residential housing use, and
- The cost of construction or conversion exceeds \$60,000 per unit

A [working draft](#) of the Inclusionary Housing Program as of [August 15, 2024](#) is attached.

The [High-Performance Inclusionary Housing Tax Credit](#) was signed into law by the Mayor on [January 22, 2024](#) becoming effective on the 180<sup>th</sup> day after the date it was enacted, [July 20, 2024](#).

[On Thursday, October 17, 2024](#), several city agency representatives will come before the Committee/Councilmembers to give an update on the status of these programs, credits, regulations, applications and etc.

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### Additional Information

**Fiscal Note:** None

**Information Source(s):** City Code, Annotated Code of Maryland, Resolution 24-0230R and all agency reports, and all correspondence received as of this writing.

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Analysis by:   
Analysis Date: October 14, 2024

Direct Inquiries to: (443) 984-3485

# Resolution 23-0230R

## Template – Inclusionary Housing Plan

See attached



## Inclusionary Housing Plan Template

Section 2B-22 of Ordinance 24-308, Inclusionary Housing for Baltimore City requires that developers who are required to make inclusionary units available **submit this Inclusionary Housing Plan** at the time an application for a building permit is submitted.

Building permit applications that fail to include this form will not be reviewed. No building permit application will be released without an approved Inclusionary Housing Plan. Inclusionary Housing Plans can only be submitted prior to receiving a building permit.

Additional information about the City's Inclusionary Housing requirements can be found : [22-0195 Completed Ordinance 24-308 \(6\).pdf](#)

### General Project Information

Section	Question
NAME OF PROJECT	Development Name
	Marketing Name (if different)
	Apartment or House Name (if applicable)
PROPERTY OWNER	Name of Company
	Contact Name
	Contact Title/Role
	Contact Email
	Contact Phone
	Mailing Address



<b>PROJECT INFORMATION</b>	<b>Legal Address</b>
	<b>Street Known-As Address (if applicable)</b>
	<b>Zoning District</b>
	<b>Description (must include list of amenities and services that will be available, description of neighborhood)</b>
<b>SUBSIDY INFORMATION</b>  Includes all subsidies applied for (including those not yet awarded) and intended to be applied for	<b>I am currently or contemplating requesting the following for this project (Select all that apply):</b>  <input type="checkbox"/> Grants or loans that equal or exceed 15% of total projected project costs <input type="checkbox"/> Payment in Lieu of Taxes (PILOT) (not affordable housing) <input type="checkbox"/> Tax Increment Financing (TIF)

Section	Question
<b>SUBSIDY INFORMATION (cont.)</b>	<p><input type="checkbox"/> Sale or transfer of City-owned land substantially below its appraised value. Please include a copy of a Land Disposition Agreement, appraisal or other document establishing the below value purchase price</p> <p><input type="checkbox"/> <b>Tax Credit(s) please identify</b> (please attach a separate sheet if there are more than 3):</p> <hr/> <hr/> <hr/> <p><input type="checkbox"/> <b>Affordable Housing Projects</b></p> <p><input type="checkbox"/> Please attach the total number of units, breakdown by AMI, and a list of all sources.</p> <p><input type="checkbox"/> Please indicate if you are planning to request or have a received an Affordable Housing PILOT and provide a copy of the application, underwriting memo and/or approval.</p> <p><input type="checkbox"/> I am not applying for any of the following (please note that if you check this box you cannot apply for any additional tax credits or subsidies related to this project in the future)</p>
<b>UNIT INFORMATION</b> <p><input type="checkbox"/> <b>ONLY FOR AFFORDABLE HOUSING PROJECTS:</b> Please check if you attached table with information. If checked, you do not have to fill out this information.</p>	<p><b>Total Number of Units in the Project:</b></p> <hr/> <p><b>Total Number of Penthouse Units in the Project:</b></p> <hr/> <p><b>Total Number of Eligible Units</b> (<i>Total Units – Total Penthouse Units</i>):</p> <hr/> <p><b>Required Number of Inclusionary Units</b> (10% of Total Number of Eligible Units):</p> <hr/>



	<b>Required Number of Units Available to Very Low Income Households (50% of Area Median Income):</b>
	<b>Required Number of Units Available to Low Income Households (60% of Area Median Income):</b>
	<b>Cost Per Unit:</b>
<b>UNIT AVAILABILITY</b>	Please complete Exhibit C. Unit Information
<b>CONTRACTED COMPANIES: PROPERTY MANAGEMENT</b>  Not required for Tax Credit/Affordable Housing Properties	<b>Name of Company</b>
	<b>Contact Name</b>
	<b>Contact Title/Role</b>
	<b>Contact Email</b>
	<b>Contact Phone</b>
	<b>Leasing Agent Name</b>
	<b>Leasing Agent Email</b>
	<b>Leasing Agent Phone</b>
<b>CONTRACTED COMPANIES: TENANT SELECTION (optional)</b>	<b>Name of Company</b>

Not required for Tax Credit/Affordable Housing Properties	Contact Name
	Contact Title/Role
	Contact Email
	Contact Phone
<b>BUILDING PERMIT APPLICATION INFORMATION</b> (to be completed by DHCD)	Permit Application Number
	Date Submitted
	Date Building Permit Approved for Issuance
	Building Permit Number

### Proposed Project Schedule

Status	Start Date	Completion Date
Pre-Development		
Financing		
Permitting		
Construction		
Use and Occupancy Permit		
Marketing		
Leasing		
Occupancy		

## Required Exhibits

ALL EXHIBITS MUST BE COMPLETE PRIOR TO SUBMITTING THIS INCLUSIONARY HOUSING PLAN. INCOMPLETE PLANS WILL BE NOT REVIEWED AND COULD DELAY THE ISSUANCE OF A BUILDING PERMIT.

Check if attached	Exhibits	Type	DHCD Staff Only
<input type="checkbox"/>	A	Acknowledgement and Certification	<input type="checkbox"/>
<input type="checkbox"/>	B	Declaration of Covenants	<input type="checkbox"/>
<input type="checkbox"/>	C	Unit Information	<input type="checkbox"/>
<input type="checkbox"/>	D	Site Plan	<input type="checkbox"/>
<input type="checkbox"/>	E	Front Elevation or Block Face	<input type="checkbox"/>
<input type="checkbox"/>	F	Residential Floor Plans	<input type="checkbox"/>
<input type="checkbox"/>	G	Affirmative Marketing Plan	<input type="checkbox"/>



**EXHIBIT A:**

**Inclusionary Housing Plan Acknowledgement and Certification**

The undersigned hereby certifies that they understand the information being requested by this form and the importance of such to the validity of any building permit and that post-permit issuance revisions to the construction plans that change the number of dwelling units to be constructed on the Project property, the net residential area, or that materially affects the design/unit comparability standards in the City's Inclusionary Housing Law will require the submission of an updated Inclusionary Housing Plan.

The undersigned understands that failure to indicate the subsidy(ies) that the undersigned is receiving or contemplating receiving for the project may lead to ineligibility to apply for a tax credit or subsidy following the approval of a building permit for the project.

The information provided to the City of Baltimore in this Inclusionary Housing Plan is true and accurate and the undersigned has the authority to bind any corporate entity identified as Property Owner herein and understands that this form will be considered binding on all successors and assigns of Property Owner with respect to the Project property. The undersigned further understands and agrees that the provision of any false or inaccurate information shall render the building permit and all other City approvals null and void.

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Project Name



**EXHIBIT B:**

***TO BE RECORDED IN THE LAND RECORDS  
OF BALTIMORE CITY UPON ISSUANCE OF A  
CERTIFICATE OF USE AND OCCUPANCY***

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[FORM OF]

**DECLARATION OF APPLICABILITY  
OF  
INCLUSIONARY HOUSING REQUIREMENTS**

THIS DECLARATION OF APPLICABILITY OF INCLUSIONARY HOUSING REQUIREMENTS ("Declaration"), is made this \_\_\_ day of \_\_\_\_\_, 202\_, by and between [NAME] ("Declarant"), in favor of the MAYOR AND CITY COUNCIL OF BALTIMORE, a municipal corporation in the State of Maryland ("City"), acting by and through its DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ("HCD").

**EXPLANATORY STATEMENT**

A. The Baltimore City Inclusionary Housing Requirements, set forth in Article 13, Subtitle 2B of the Baltimore City Code, require developers of multifamily, market-rate residential projects which certain criteria to make affordable housing units within their projects available to households with limited incomes at reduced rates for a period of 30 years commencing on the date the City issues a Certificate of Occupancy for the residential project.

B. Declarant has received a major public subsidy or a significant land use authorization from the City to benefit the multifamily, market-rate residential project which it owns in Baltimore City, Maryland located at \_\_\_\_\_ which is more fully described in Appendix 1 attached to and made a part hereof (the "Project").

C. Declarant acknowledges and agrees that the Inclusionary Housing Requirements are applicable to the Property because Developer has received a major public subsidy or a significant land use authorization from the City.

NOW, THEREFORE, in consideration of the premises set forth in the Explanatory Statement and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the Declarant agree as follows:

1. Declarant acknowledges and agrees that the Inclusionary Housing Requirements are applicable to the Project.



**BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

2. Declarant acknowledges and agrees that the Inclusionary Housing Requirements are applicable to the Project commencing \_\_\_\_\_, the date that the Certificate of Use and Occupancy is issued, for a period of 30 years from such date.

[signatures appear on the next page]



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DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT**

IN WITNESS WHEREOF, Declarant has executed this Declaration the day and year above written.

**DECLARANT**

\_\_\_\_\_

Attest: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

Name:

Title:

**STATE OF MARYLAND:  
CITY OF BALTIMORE:**

I HEREBY CERTIFY that on this \_\_\_ day of \_\_\_\_\_, 202\_, before me, the Subscriber, a Notary Public of the State of Maryland in and for the City of Baltimore, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the duly serving authorized \_\_\_\_\_ of \_\_\_\_\_, who acknowledged the foregoing Declaration of Covenant to be the corporate act of \_\_\_\_\_, and being duly authorized to do so, in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_

Acknowledged:

\_\_\_\_\_  
Inclusionary Housing Program Manager  
Department of Housing and Community Development  
Mayor and City Council of Baltimore

Approved for form and legal sufficiency on \_\_\_\_\_:

\_\_\_\_\_, [Deputy/Chief Solicitor]



Appendix 1

PROPERTY DESCRIPTION





**EXHIBIT C.**

**Inclusionary Unit (IH) Information**

Unit Type	Total Square Footage	Number of IH Units - 50% AMI	Number of IH Units - 60% AMI	Number of Market Rate Units	Monthly Rent: IH - 50%	Monthly Rent: IH - 60%	Monthly Rent: Market Rate

**EXHIBIT D.**

**Site Plan**

Upload/Attach

**EXHIBIT E.**

**Floor Plans**

Upload/Attach

**EXHIBIT F.**

**Front Elevation or Block Face**

Upload/Attach



**Exhibit G.**

**Affirmative Marketing Plan**

To the extent possible, Inclusionary Units should be marketed to prospective tenants who would not otherwise be aware that they could lease units in your project. Affirmative Marketing Plans identify how you will market Inclusionary Units to these prospective tenants.

You will be required to provide a documentation of your affirmative marketing efforts as part of the required Annual Report that must be submitted annually for each year of your required 30-year affordability period. Failure to comply may affect the ability to qualify for the High-Performance Inclusionary Housing Tax Credit.

This Plan may be updated and/or modified at the Housing Commissioner’s discretion. DHCD will provide notification of any updates on its Inclusionary Housing webpage.

**ALL 9 SECTIONS MUST BE COMPLETED.**

**Section 1. Project Information**

<b>Project/Property Name</b>	
<b>Property Address (please list all that are applicable and include zip code)</b>	
<b>Neighborhood</b>	

**Section 2. Leasing Information**

<b>Anticipated Opening Date</b>	
<b>Contact Information: Leasing representative</b>	
<b>Company:</b>	
<b>Name:</b>	
<b>Email:</b>	
<b>Phone:</b>	



**Section 3. Advertising Start Date**

Advertising must begin at least 90 days prior to initial occupancy.

Date advertising will begin: \_\_\_\_\_

**Section 4. Unit Information**

Unit Type (please list each unit individually) *	Square Feet	Number available to 50% of AMI	Number available to 60% of AMI	Date Available

\*Attach if more rows are needed.

**Section 5: Advertising and Marketing Inclusionary Units**

Please indicate what types of media will be used to market Inclusionary Units. Please check all that apply. You will be required to provide documentation of each type of advertising as part of your Annual Report. This should also include marketing information specific to your project and how you will include information to help reach potential tenants who would be least likely to know about or rent inclusionary units. Please provide copies of any available information, even if in draft form. You will be required to provide final copies as part of your Annual Report.

Name of Newspaper/, Radio TV Station/Other	Potential Market/Audience	Size/Duration of Advertising



Name of Newspaper/, Radio TV Station/Other	Potential Market/Audience	Size/Duration of Advertising

**Section 6. Tenant Selection Criteria (attach additional sheets as needed)**

What criteria will be used to screen prospective tenants and what are the minimum standards that will need to be met to be eligible to rent an Inclusionary Unit

What information or documentation will be required to determine eligibility

What alternatives are available for prospective applicants who may be unable to complete an online application



### Section 7. Community Contacts

To help further reach and inform prospective tenants who would be least likely to apply for Inclusionary Units, please indicate any organizations you might reach out to help lease units. A list of potential community contacts are provided in the Inclusionary Housing Program Guide. Alternatively, you can identify and work with organizations not included on the list.

Target Population(s)	Community Contact(include organization name, website, contact, date contacted and result. You will be provided to require documentation of both outreach and results as part your required Annual Report.

### Section 8. Future Marketing Activities

Please describe how units will be marketed as they become vacant following initial occupancy. You will be required to provide documentation as part of your Annual Report.

Method	Target Population(s)



**Section 9. Signage**

Brochures, Signs and the HUD Fair Housing Poster are considered to be integral parts of affirmative marketing. Your Affirmative Marketing Plan should HUD-provided logos and signage.

Please check all boxes that apply

Type	Description	Location(s)
Fair Housing Poster	The Fair Housing Poster must be prominently displayed in all offices in which rental activity takes place. Select the locations where the Poster will be displayed.	Checkbox/Check all that apply: <input type="checkbox"/> Rental Office <input type="checkbox"/> Real Estate Office <input type="checkbox"/> Model Unit <input type="checkbox"/> Other (specify)
Affirmative Marketing Plan	The Affirmative Marketing Plan must be available for public inspection at the rental office. Select the locations where the AMP will be made available. If your project does not include a dedicated rental office, please describe how copies will be made available.	Checkbox/Check all that apply: <input type="checkbox"/> Rental Office <input type="checkbox"/> Real Estate Office <input type="checkbox"/> Model Unit <input type="checkbox"/> Other (specify)
Project Site Sign	Project Site Signs, if any, must display in a conspicuous position the HUD approved Equal Housing opportunity logo, slogan or statement. Select the locations where the Project Site Sign(s) will be displayed.	Checkbox/Check all that apply: <input type="checkbox"/> Rental Office <input type="checkbox"/> Real Estate Office <input type="checkbox"/> Model Unit <input type="checkbox"/> Website <input type="checkbox"/> Other (specify)



## DHCD Compliance and Checklist

FOR USE BY DHCD STAFF ONLY

ITEM	DHCD APPROVAL		COMMENTS
	Date	Program Manager Initials	
Date Plan Received			
<b>INITIAL THRESHOLD REVIEW</b>			
<b>Project Information</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Subsidy Information</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Unit Information</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Unit Availability</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Contracted Companies</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Proposed Project Schedule</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit A. Acknowledgement and Certification</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit B. Declaration of Covenants</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			



**BALTIMORE CITY  
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COMMUNITY DEVELOPMENT**

ITEM	Date	Program Manager Initials	COMMENTS
<b>Exhibit C. Unit Information</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit D. Site Plan</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit E. Front Elevation or Block Face</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit F. Residential Floor Plans</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit G. Affirmative Marketing Plan</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>INCLUSIONARY HOUSING BOARD</b>			
<b>Project Summary Completed</b>			
<b>Date Presented to the Board</b>			
<b>APPROVALS</b>			
<b>Date of Approval</b>			
<b>Date of Approval Provided to Property Owner</b>			
<b>Date of Approved Plan Provided to Department of Finance</b>			
<b>Date of Approved Plan Provided to Permits Division</b>			





# Resolution 23-0230R

## Inclusionary Housing Program Guidelines Working Draft

See attached



BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

**ORDINANCE 24-308:**

**INCLUSIONARY HOUSING FOR  
BALTIMORE CITY**

**PROGRAM GUIDELINES**

**WORKING DRAFT**

as of August 15, 2024

The guidelines will remain in draft form pending the issuance of final rules and regulations at which time the guidelines will become the Inclusionary Housing Manual.

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# Introduction

## Purpose of the Program Manual

The purpose of the Program Manual is to provide the details and forms necessary for property owners who are required to make Inclusionary Housing Units available under Ordinance 24-308. This Program Manual is a companion to the Inclusionary Housing Rules and Regulations which provides the legal interpretation of Ordinance 24-308.

Rental housing property owners who meet the conditions outlined in the Ordinance must comply with the terms of the Law before a Building Permit will be issued and are encouraged to contact the Department of Housing and Community Development during their project's planning stages.

## Tools & Assistance

Information about Inclusionary Housing in the City of Baltimore including this Program Manual, the Rules and Regulations, and the law will be available online at <https://dhcd.baltimorecity.gov/nd/inclusionary-housing-overview> and will be updated as needed. Additional tools and support are available on the DHCD website.

## Effective Date

Ordinance 24-308 goes into effect on July 21, 2024.

## Inclusionary Housing Overview and Key Points

Ordinance 24-208, Inclusionary Housing Program for Baltimore City is intended to provide rental units that are affordable to households earning 50 to 60 percent of the Area Median Income as determined by the United States Department of Housing and Urban Development (HUD) in neighborhoods that would otherwise be unaffordable. Inclusionary Units are provided as a percentage of a project's overall units and are required to be comparable in design and amenities to market rate units. Inclusionary Units are required to be available and affordable for a 30-year period.

Inclusionary Housing units are required in all rental projects that:

- Include 20 or more dwelling units AND
- Receive a major public Subsidy OR a significant land use authorization AND
- Are newly constructed, wholly renovated, or converted from a non-residential building AND
- Have construction costs exceeding \$60,000 per unit for the project

All eligible projects are required to make a total of 10 percent of their residential units excluding penthouse units available as Inclusionary Units.

- 5 percent of the Inclusionary Units shall be made available to households that meet the definition of Very Low Income Households, or households that earn 50 percent of the Area Median Income.
- 5 percent of the Inclusionary Units shall be made available to households that meet the definition of Low Income Households or households that earn 60 percent of the Area Median Income.

Maximum rent for the Inclusionary Units shall be determined using the affordable housing cost definitions in Baltimore City Code Article 13 Section 2B-2:

- **Extremely low** housing cost equals an amount not more than 1/12 of 30% of 30% of the AMI, adjusted for household size
- **Very low** housing cost equals an amount greater than 1/12 of 30% of 30% not more than 1/12 of 30% of 50% of the AMI, adjusted for household size
- **Low** housing cost equals an amount greater than 1/12 of 30% of 50% not more than 1/12 of 30% of 60% of the AMI, adjusted for household size

Property owners that accept an additional subsidy shall make up to an additional 5 percent of inclusionary units available to extremely and very low-income households extremely low-income means households that earn 40 percent of the Area Median Income or less.

Property owners will be required to make Inclusionary Units available for a 30-year period through a Covenant/Deed Restriction that is recorded in the Baltimore City Land Records.

Property owners shall receive written information regarding their Inclusionary Housing requirements at their required pre-development meeting with the City's Planning Department.

## Pre-Development

### Pre-Development Meeting

Information on Inclusionary Housing requirements shall be provided at the property owner's Pre-Development meeting with the Planning Department. Note that this Pre-Development meeting is the same meeting that is part of the City's development process.

**Scheduling the Meeting:** Pre-Development meetings can be scheduled through the Department of Planning using the instructions available at <https://planning.baltimorecity.gov/urban-design-architecture-advisory-panel-udaap/development-projects>.

**During the Meeting:** Planning staff will provide a Fact sheet with an overview of the Inclusionary Housing law and a Pre-Development Project Information Form that should be completed at [insert Neighborly link when ready].

The Pre-Development Project Information Form shall be used to determine if a project is required to meet Inclusionary Housing requirements and will include the following information:

- Project name

- Legal/Parcel address
- Total number of units bedroom type
- Intent to apply or confirmation of City Subsidy
- Estimated schedule with key milestones at least through when units come online

Within 10 days of receiving the Pre-Development Project Information Form, DHCD staff may request additional information required to confirm if the project is subject to Inclusionary Housing obligations.

In the event it is determined that a project does not meet the legal requirements to make Inclusionary Units available, they will have no further obligations under the law. DHCD reserves the right to retract a determination in the event that a project changes.

## **Inclusionary Units Requirements**

### **Design Standards**

Inclusionary Units shall be consistent with market rate units in the same project with respect to exterior appearance, number of bedrooms, and overall quality of construction. The Units shall be designed and planned at the same time as a project’s market rate units and designated prior to leasing.

Inclusionary Unit tenants shall have the same access to common areas, facilities, and services as tenants living in market rate units in the project including but not limited to outdoor spaces, amenity spaces, storage, parking, bicycle parking facilities, and resident services.

### **Unit Mix and Floor Plans**

All required Inclusionary Units must be provided on-site as part of the rental project.

Inclusionary Units shall be dispersed throughout the project and not concentrated on a particular floor, within sections of a building, or within a particular building in a project with multiple buildings.

Inclusionary Units must be constructed and completed in the same time frame as the non-Inclusionary Units.

Inclusionary Units shall be provided at the same ratio as a market rate unit throughout the building based on the percentage of the total number of unit types offered in a project. For example, if a 100 unit project includes a total of 70 studios (70 percent), 20 one bedroom (20 percent), and 10 two bedroom (10 percent) units, the property owner would be required to make a total of 10 units available as Inclusionary Units, and the mix of units would be as follows:

Studios	7 units
1 bedrooms	2 units
2 bedrooms	1 unit

\*No penthouse units may be included in the count of inclusionary units.

All eligible projects are required to make a total of 10 percent of their residential units available as Inclusionary Housing Units.



- 5 percent of the Inclusionary Units shall be made available to households that meet the definition of Very Low Income Households, or households that earn 50 percent of the Area Median Income.
- 5 percent of the Inclusionary Units shall be made available to households that meet the definition of Low Income Households or households that earn 60 percent of the Area Median Income.

When there is an odd number of total required units the additional unit shall be allocated to the count of units available at 60 percent AMI. For example, if a project requires 25 inclusionary units, 12 shall be available to households at 50 percent AMI and 13 shall be made available to units at 60 percent AMI.

**Scenario A. 15 Required Inclusionary Units without Rounding**

	Total Units in Project	Percent of Applicable Units	Required Inclusionary Units	Required Inclusionary Units at 50% AMI	Required Inclusionary Units at 60% AMI
<b>Total</b>	152 total units; 150 applicable units	100%	15	7	8
Studio	6	4%	1	0	1
1 BR	84	56%	8	4	4
2 BR	43	29%	4	2	2
3 BR	17	11%	2	1	1
PH	2	0%	0	0	0

	Total Units	Percent of Applicable Units	Required Inclusionary Units	Required Inclusionary Units at 50% AMI	Required Inclusionary Units at 60% AMI
<b>Total</b>	155 total units; 150 applicable units	100%	15	7	8
Studio	0	0%	0	0	0
1 BR	85	57%	8.5 → 9	4	5
2 BR	45	30%	4.5 → 5	2	3
3 BR	20	13%	2 → 1	1	1

	Total Units	Percent of Applicable Units	Required Inclusionary Units	Required Inclusionary Units at 50% AMI	Required Inclusionary Units at 60% AMI
PH	5	0%	0	0	0

If a building offers different price points for units with identical bedrooms and bathrooms, the inclusionary unit shall be for the floor plan with the lowest rent.

### Use and Occupancy Permits

Developers shall request building, rental licensing and apply for Use and Occupancy Permits for Inclusionary Units at the same time as comparable market rate units. To apply for Use and Occupancy permits via ePermits visit <https://dhcd.baltimorecity.gov/pi/e-permits>.

For additional questions about permits email questions to [DHCD.Permits@baltimorecity.gov](mailto:DHCD.Permits@baltimorecity.gov) or call 443-984-1809.

## Inclusionary Housing Plan

When applying for a Building Permit, Property Owners shall submit the Inclusionary Housing Plan using the form found in Appendix A to the Department of Housing and Community Development for approval by the Department and review and comment by the Inclusionary Housing Board.

### Plan Components

The Housing Plan shall include:

- The name of the rental project, its marketing name if different, and the apartment house or name, if applicable;
- The legal address, street known-as address if applicable
- A description of the project including amenities that will be available and a description of the neighborhood and services that will be available
- Zoning District
- A table showing the total unit type, total square footage, number of bedrooms, number of Inclusionary Units and number of market rate units, and monthly rent for both the Inclusionary and market-rate units
- A copy of the site plan, front elevation or block face, and all residential floor plans for the rental project. The floor plans shall show the location of each Inclusionary Unit and each Market Rate Unit and shall identify each by unit number;
- Estimated Schedule including such key milestones as
  - Pre-Development
  - Financing

- Permitting
- Construction
- Use and Occupancy Permit
- Marketing
- Leasing
- Occupancy
- Name of planned property management company
- Name of planned third-party company contracted for tenant selection (optional)
- Acknowledgement and Certification of the information provided in the plan
- Declaration of Covenants committing to the 30-year affordability period as described in the *Inclusionary Housing Covenant* section below
- Affirmative Marketing Plan reflecting a proposed strategy for affirmatively marketing Inclusionary Units to individuals least likely to become ten

### **Inclusionary Housing Covenant**

Developers will be required to make Inclusionary Units available for a 30-year period and to enter into record a Covenant/Deed Restriction. Key features of the Covenant include:

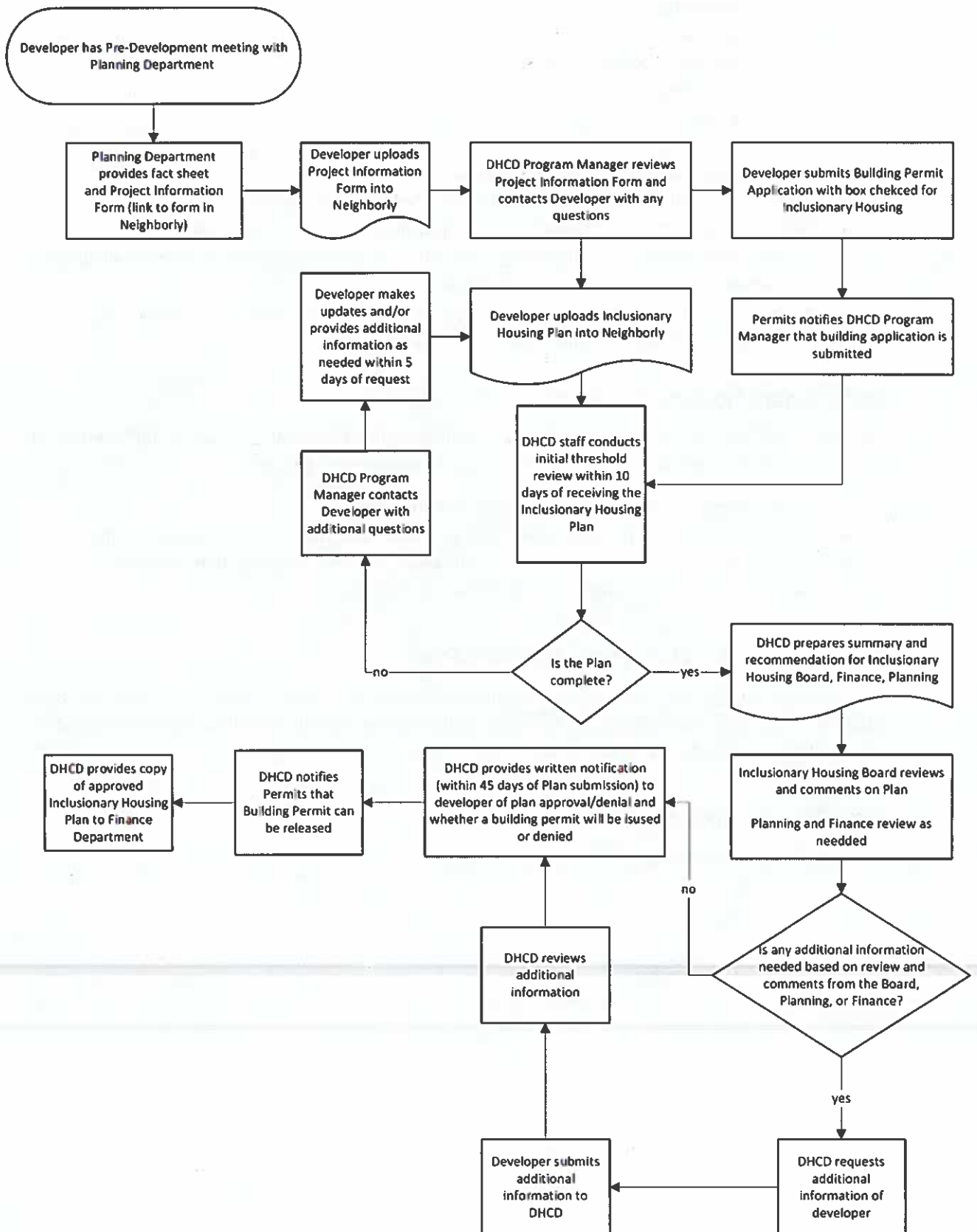
- Binds projects to all inclusionary housing requirements
- Enforces 30-year affordability requirement – clouds title in event of transfer, sale, etc.
- Property owner pays costs associated with covenant and recordation and provides documentation of recordation to city within certain days

### **Submission of Inclusionary Housing Plan**

Inclusionary Housing Plans shall only be submitted electronically to the address/portal included in the Plan which will also share the Plan with Permits and Licensing. The Plan will be considered submitted when it has a time and date stamp of submission.

### **Review and Approval Process**

**Image 1. Inclusionary Housing Plan Review Process**



## **Initial Threshold Review**

DHCD staff shall provide an initial threshold review no later than ten (10) calendar days of receiving an Inclusionary Housing Plan and shall notify the property owner in writing of requests for additional information or changes needed regarding the Plan. Upon receipt of the threshold review, a property owner shall have five (5) calendar days to provide additional information or an updated Inclusionary Housing Plan.

DHCD staff shall be responsible for reviewing and providing notification to property owners that their Inclusionary Housing Plans are complete.

Review and approval shall consist of the following:

- Confirmation of property owner
- Confirmation of legal address
- Confirmation that project can be built within the proposed zoning district

- Confirmation that Inclusionary Units are provided in proportion to Market Rate Units, and meet design and placement standards
- Review of the information submitted in the Plan in accordance with *DHCD Compliance Checklist* included in the appendix of the Inclusionary Housing Plan for property owners' reference

## **Staff Recommendation and Presentation to the Inclusionary Housing Board**

Following receipt and final review of the Inclusionary Housing Plan, the Department of Housing and Community Development (DHCD) staff shall recommend whether the Plan should be approved and prepare a project summary that will be distributed to the Department of Finance, the Department of Planning, and the Inclusionary Housing Board.

Once an Inclusionary Housing Board is in place, it will review and provide comments on the submitted Inclusionary Housing Plan. In the event the Inclusionary Housing Board is unable to meet and personally consider DHCD's recommendation, members may provide written comments within 5 days of receiving the Inclusionary Housing Plan.

## **Notification**

DHCD will provide formal written approval or request additional information within two business days of receiving comments from the Inclusionary Housing Board. A copy of the approved Plan will also be provided to the Division of Code Enforcement Legal Department.

Within 45 calendar days of submission of the Inclusionary Housing Plan, DHCD shall provide a written response noting whether the Inclusionary Housing Plan has been approved or denied and whether a building permit will be issued or denied for the project. DHCD may not issue a building permit more than 45 days after the submission of an Inclusionary Housing Plan.

## **Public Availability of Approved Plan**

DHCD Communications Department will publish all approved Inclusionary Housing Plans on its website following formal notification to the property owner of the Plan's approval.

Questions about plans listed on the DHCD website should be directed to the DHCD Development Division.

## **Building Permit Approval and Release**

DHCD may not issue a building permit until DHCD's Code Enforcement Legal Division has written verification of an approved Inclusionary Housing Plan. Designated DHCD staff will provide the Permits Division a copy of the approved Inclusionary Housing Plan and letter to the property owner indicating approval to release the building permit.

## Modifying an Inclusionary Housing Plan

Any changes to an approved Inclusionary Housing plan must be consistent with the Law and these Rules and Regulations. Requests for changes that result in fewer than the required number or type of Inclusionary Housing unit may not be considered.

To substantially modify an Inclusionary Housing Plan property owners must submit a written request submitted electronically to the DHCD Housing Commissioner. Requests must include:

- written request including a rationale why an approved inclusionary plan needs to be modified
- updated inclusionary housing plan
- other information as determined by the Department

Examples of substantive modifications include but are not limited to changes in the number of total units and Inclusionary Units, proposed project schedule, or floor plans. Approval of substantive modifications to an Inclusionary Housing Plan will follow the same review and approval process including review and comment by the Inclusionary Housing Board.

For technical modifications (e.g., change in planned property management company or planned tenant selection company), property owners will not be required to submit a new Plan. However, updated information must be provided in the Annual Report.

## Marketing

Property owners will be responsible for administering the tenant selection process for Inclusionary Units, including the marketing, screening, and recertification of tenants. If desired, property owners may choose to contract marketing, tenant screening, and tenant approval of Inclusionary Units to a third-party company. All fees incurred from third-party support will be the responsibility of the property owner. Regardless of status, owners remain liable for non-compliance and subject to remedial actions. For all Inclusionary Units, property owners may identify any planned third-party support within their Affirmative Marketing Plan submitted as part of the Inclusionary Housing Plan.

Property owners must demonstrate that the project is being marketed to prospective tenants least likely to know about the availability of the inclusionary units in accordance with the Affirmative Marketing Plan submitted with their Inclusionary Housing Plan. Property owners shall adhere to Equal Opportunity, affirmative marketing, and fair housing practices.

Property owners are encouraged but not required to include in their marketing efforts:

- Listing available Inclusionary Units to affordable housing databases for at least 10 days
- Equal Housing Opportunity logo or statement (*We do business in accordance with the Fair Housing Law. It is illegal to discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin.*) on listing for vacant units
- Information on the property owner's or property's web platforms about the inclusion and availability of inclusionary units
- Communication to local housing agencies and organizations that work with low and/or extremely low-income households seeking rental housing
- Information available in multiple languages such as those identified in the City's [Language Access Toolkit](#)

## Tenant Eligibility and Selection

### Confidentiality of Information

Property owners and their agents shall agree that income eligibility and verification, and other sensitive financial information shall be kept confidential and subject to the same security measures as market rate tenants.

### Tenant Income Eligibility

#### Maximum Income Requirements

Tenants for Inclusionary Housing Units must meet maximum income requirements as established by the Department of Housing and Urban Development and tiered by household size. Income limits are updated annually for the Baltimore

## Informational Resource: Marketing and Reporting Supports

The Affirmative Marketing Plan requires property owners to include planned community contacts that will support outreach to potential tenants who are least likely to lease. The Annual Report requires that property owners indicate which units were occupied by tenants who are least likely to lease and who came to the property through affirmative marketing efforts. Here are a couple of tips to support property owners' planning for their outreach and reporting.

### Community Contacts

The list below provides a sample of organizations that might provide resources or assistance with outreach to populations least likely to lease. This is not an exhaustive list and is current as of the date of this Program Manual:

- [\[include list\]](#)

### Reporting

To gather information needed to report the *number of tenants least likely to lease*, consider including the following as a yes/no/prefer not respond question: "Do you belong to any of the following groups" and include demographic groups that are underrepresented in the Demographics section of the Affirmative Marketing Plan.

To gather information needed to report the *number of tenants leasing as a result of the Affirmative Marketing Plan*, consider including a version of the following question on the leasing application: "How did you hear about us?" Maintain a list of which options are a parts of your Affirmative Marketing Plan.



Metropolitan region can be found on [HUD's website](#). Property owners should use the most recent household income limits as published annually by HUD.

To be qualified to participate in the Inclusionary Housing program, a household must be able to demonstrate that its total household income will allow it to pay the rent on the unit either by demonstrating that income is at least 50 or 60 percent of AMI, depending upon the units or that they have sufficient assets to make the unit affordable to that household.

Households entering into a lease must be certified as income-eligible to occupy an Inclusionary Unit no later than when a lease is signed. Any household or individual whose most recent annual income meets the minimum income limits and is no more than the maximum income limits as adjusted for household size, is considered to rent an Inclusionary Unit.

### **Maximum Gross Rent**

Maximum rent for the Inclusionary Units shall be determined using the affordable housing cost definitions in Baltimore City Code Article 13 Section 2B-2:

- **Extremely low** housing cost equals an amount not more than 1/12 of 30% of 30% of the AMI, adjusted for household size
- **Very low** housing cost equals an amount greater than 1/12 of 30% of 30% not more than 1/12 of 30% of 50% of the AMI, adjusted for household size
- **Low** housing cost equals an amount greater than 1/12 of 30% of 50% not more than 1/12 of 30% of 60% of the AMI, adjusted for household size

The tables on the following page include income limits and maximum gross rent for affordability at low (60% AMI), very low (50% AMI), and extremely low (30% AMI) affordability costs.

**FY24 Income and Rent Limits Summary**

For the most current information, please see <https://dhcd.maryland.gov/HousingDevelopment/Pages/MFLibrary.aspx>.

	1 Person Household		2 Person Household		3 Person Household		4 Person Household	
	Household Income Limit	Max Gross Rent	Household Income Limit	Max Gross Rent	Household Income Limit	Max Gross Rent	Household Income Limit	Max Gross Rent
Low Income (60%)	\$48,762	\$1,219	\$55,728	\$1,393	\$62,694	\$1,567	\$69,660	\$1,742
Very Low Income (50%)	\$40,650	\$1,016	\$46,450	\$1,161	\$52,250	\$1,306	\$58,050	\$1,451
Extremely Low Income (30%)	\$24,400	\$610	\$27,900	\$698	\$31,400	\$785	\$34,850	\$871

	5 Person Household		6 Person Household		7 Person Household		8 Person Household	
	Household Income Limit	Max Gross Rent	Household Income Limit	Max Gross Rent	Household Income Limit	Max Gross Rent	Household Income Limit	Max Gross Rent
Low Income (60%)	\$75,233	\$1,881	\$80,806	\$2,020	\$86,378	\$2,159	\$91,951	\$2,299
Very Low Income (50%)	\$62,700	\$1,568	\$67,350	\$1,684	\$72,000	\$1,800	\$76,650	\$1,916
Extremely Low Income (30%)	\$37,650	\$941	\$40,450	\$1,011	\$43,250	\$1,081	\$46,630	\$1,166

## Determining Household Income Eligibility

A household shall provide to the property owner proof of household income that demonstrates sufficient means to pay rent on an Inclusionary Unit. Property owners shall confirm household income eligibility for tenants. Property owners shall follow all applicable city, state, and federal [fair housing rules](#) including rules prohibiting source of income discrimination when determining eligibility. Income includes but is not limited to the following sources:

- Gross compensation for service, including all wages and salaries, overtime pay, commissions, fees, tips, bonuses, and similar terms
- The full, gross amount of periodic payments received from social security, annuities, insurance policies, IRA distributions, retirement funds, pensions, disability or death benefits, TANF, unemployment and other similar types of period receipt including a lump sum payment for the start of a periodic payment; include amounts received by adults on behalf of minors, or by minors intended for their own support
- Payments received from the care of foster children or adults, or adoption assistance;
- Payments in lieu of earnings, such as unemployment and disability compensation, and worker's compensation;
- Welfare/public assistance income (excluding food stamps);
- Alimony/maintenance and child support payments, special pay, and allowances of a member of the Armed Forces;
- Income from salaries, and other amounts derived from operation of a business or profession;
- Income from the use, lease or sale of assets;
- Income from an interest in an estate or trust;
- Interest, dividends, capital gains, rents and royalties;
- Lottery/gambling winnings paid in periodic payments

### Tenant-Based Vouchers

Tenants with Housing Choice Vouchers (HCV) will have their income verified by the Housing Authority of Baltimore City (HABC) every two to three years separate from the property owner's income verification process. Households with HCVP tenant-based vouchers will be required to submit the appropriate [income/benefit/expense verification documentation](#) to HABC and [report changes](#) to their income and household composition according to the HCVP guidelines. For more information, visit [HABC's HCVP Landlords website](#).

### Certification of Eligibility

A tenant's household income and household size shall be certified by the property owner or their agent prior to lease execution and annually when a tenant's lease is renewed.

### Changes in Eligibility

In the event of a major change in life including but not limited to job loss, death of a household member/wage earner, divorce, or disability, tenants may request the ability to be recertified based on their adjusted income.

If a recertification results in a lower rent or changes the Inclusionary Unit's status from a Low Income to a Very Low Income, the property owner shall not be required to make an additional Low Income unit available to maintain the 5% requirement until the household's Unit becomes available to new tenants at which point the property owner must meet the requirements for the number of Low Income and Very Low Income Inclusionary Units.

In the event a tenant's income exceeds the maximum allowable household income, the tenant may remain in their current unit and shall be subject to a rent increase at the same ratio as when the unit was leased.

Tenants whose income is less than 100% of the AMI shall pay the maximum rent for that AMI where maximum may be determined using [HUD guidelines](#). For example, a tenant that was income certified as 60% of AMI when they leased the unit, but subsequently has a household income at 80% of AMI as adjusted for household size would pay the maximum rent for 80% of AMI.

In the event a tenant's household income increases to 100% of AMI, they can be required to pay full market rent and the property owner will be required to provide another Inclusionary Unit in compliance with the requirements of the Rules and Regulations and the City Code.

## Lease Requirements

### Leasing Application and Fees

Interested Inclusionary Unit tenants shall be:

- provided the same leasing application as market rate tenants,
- bound by the same lease terms as market rate tenants,
- charged the same leasing application fee as market rate tenants, and
- entitled to the same incentives offered to market rate tenants at the time a lease is executed (i.e., approved and signed), if any.

A copy of the certified income eligibility is required to be included with the lease application.

If a leasing application is approved, tenants can be required to pay the same security deposit and/or other fees as market rate tenants and will be responsible for establishing utility, cable, internet and other services as needed.

Applicants may request a copy of their application upon completion, electronically or as a hard copy. One hard copy shall be provided at no cost to the applicant.

### Time and Date Stamp

All leasing applications shall be time and date stamped when they are received.

## **Lease Term Requirements**

The property owner shall ensure that a lease executed for an Inclusionary Unit provides access to the same amenities as market rate tenants, includes the required exhibits listed below, and is provided as a facsimile to each member of the household who will occupy the Inclusionary Unit as their primary residence.

### **Required Exhibits**

All leases shall include the following exhibits:

- Rider that includes income eligibility requirements
- A copy of the tenant's income eligibility
- Affidavit to report changes to income or household size and certify eligibility

Samples of these exhibits are available in Appendix C.

### **Minimum and Maximum Lease Terms**

Lease terms are recommended to be at least one year unless otherwise agreed upon between the property owner and the tenant.

Inclusionary Housing tenants may continue to rent their unit for an unspecified time, assuming they meet annual income certifications and remain in good standing with all other aspects of their lease.

### **Lease Execution**

The lease shall include the names of all individuals living in the unit and signatures over all individuals over 18 who will live in the unit.

### **Subletting**

Property owners may include a provision to sublet an Inclusionary Unit in the lease agreement.

Inclusionary Units may only be sublet subject to approval in a lease. In the event an Inclusionary Unit can be sublet, the sublessee must be approved by the property owner as an eligible tenant per income eligibility and leasing requirements.

In the event an Inclusionary Unit is sublet, the property owner shall notify DHCD in writing within ten (10) days of the sublease occurring. The notification shall include the name of the tenant on the lease, the amount of monthly rent, and proof of the sublessee's income verification using the Sublease Notification Form found in Appendix D.

## Tenant Selection

### Tenant Approval and Wait List

Applications to lease an Inclusionary Unit shall be reviewed and approved in the order of time and date stamp. The property owner shall compile all names and contact information of applications into a wait list that shall be available to DHCD or other City agencies upon written request. Wait lists shall be distinguished by income eligibility and bedroom size (e.g., 50% and 60% are kept separately). The property owner or their agent shall be responsible for keeping the wait list up to date.

The property owner shall offer the available unit to the first qualified applicant on the waitlist. If a qualified applicant turns down a unit that is offered, then the property owner must offer the Inclusionary Unit to the next qualified applicant on the waitlist until a qualified applicant accepts the unit.

### Notification to Ineligible Applicants

Applicants who are income certified but do not meet leasing criteria shall receive written notification that they do not qualify for an Inclusionary Unit at that project and a reason why.

Ineligible applicants may choose to reapply for a unit after 12 months and not be penalized for being previously declined.

### Inability to Find Qualified Applicants

In the event that no qualified applicants are identified, the Inclusionary Units must remain available until such time that a qualified inclusionary tenant has been identified. Property owners are encouraged to further market the units to potential tenants who are least likely to be aware of the unit availability according to the

## HOPE Rent Support Program

*This information is provided as an example of one of the supports the City might use to support tenants upon notification of late payment by the property owner.*

**Program Overview:** HOPE Rent Support Program can assist renters below 50% AMI, with delinquent, current and future rental assistance. In partnership with the Mayor's Office of Homeless Services (MOHS), Mayor's Office of Neighborhood Safety and Engagement (MONSE), and Mayor's Office of Employment Development (MOED), DHCD will assist Baltimore City Residents with financial housing assistance to stop evictions, assist with delinquent payments, or to create a housing opportunity of a vulnerable person and/or family. The HOPE Rent Support Program will accept applications directly from the partner agencies, and DHCD's Ombudsman Office, to provide immediate assistance to stabilize housing. Assistance of up to \$1,500 per month will be provided, not to exceed 12 months.

**Eligibility Criteria:** To qualify for the HOPE Rent Support Program, applicants must meet the following guidelines:

- Gross annual household income must be at or below 50% AMI (priority will be given to applicants below 30% AMI)
- The applicant must occupy the property as his/her primary residence
- The applicant must be homeless or at-risk of homelessness

The applicant must be engaged with a program or supportive services provided by MOHS, MONSE, MOED or DHCD.

**Application and Case Management Process:** The HOPE Rent Support Program application will be entirely online on our application portal hosted by Neighborly Software. Case Managers from a partner agency, will be able to enter information and upload supporting documents. Designated DHCD staff with Neighborly administrator licenses will access the software to view applications and verify eligibility. Staff will process rental payments via the City's Workday system to issue payments to landlords and management companies in a timely manner.

### Documentation Needed

- Client Application
- ID or Picture of client
- Declaration of Income - Paystubs, Bank statement, Benefit Letter, Client/Case
- Manager Attestation
- Lease Agreement
- Invoice & W-9 from Landlord

guidelines stated in the [Marketing](#) section of this Program Manual.

## Late Rent Payments

The property owner shall notify DHCD's Housing and Homeownership Preservation team in the event that an Inclusionary Tenant is late or unable to pay their monthly rent. Referrals should be able to [dhcd.crisisservices@baltimorecity.gov](mailto:dhcd.crisisservices@baltimorecity.gov).

The property owner is encouraged to provide written notice to the tenant of late payment no more than five (5) days after the rent payment is missed. This notification should be issued prior to or concurrent with the notice to DHCD's Housing and Homeownership Preservation team.

DHCD reserves the right to contact the tenant and offer rental assistance and counseling that may be available (e.g., HOPE Rent Support Program).

### Late Fees

If the property owner charges late fees for market rate tenants, the property owner is encouraged but not required to provide a grace period of longer than ten days of inclusionary units before imposing late fees.

## Eviction

Inclusionary Tenants shall be subject to the same standards for eviction as market rate tenants including the State of Maryland's requirement of a minimum of 30 days' written notice of the planned eviction.

The property owner shall provide written notification to DHCD at [dhcd.crisisservices@baltimorecity.gov](mailto:dhcd.crisisservices@baltimorecity.gov) within 24 hours of an Eviction Notice being served to an Inclusionary Tenant and if the tenant is formally evicted and removed from their unit. DHCD reserves the right to refer and assist the Inclusionary Tenant with Eviction Prevention Services and to request that the property owner or their agent work with DHCD on a workout plan that would enable the tenant to remain in their unit.

Within 30 days of an eviction, the property owner or their agent shall either offer the Inclusionary Unit to the next qualified inclusionary unit applicant on the wait list or market the unit.

## Lease Renewal

Tenants shall recertify their income and household size annually as part of their lease renewal. At minimum property owners or their agents shall send the lease renewal letter 90 days before the expiration of the current lease. Property owners or their agents shall provide Inclusionary Unit tenants a renewal deadline of 30 days prior to expiration or the same timeline as market rate tenants, whichever is longer.

Should a tenant decide not to renew their lease the property owner or their agent shall identify a new tenant using the selection, approval, and waitlist processes identified in [Tenant Selection](#).

## Comparable Treatment

Developers are required to provide Inclusionary Housing tenants the same access to parking and all amenities as market rate tenants. Inclusionary Unit tenants shall receive comparable levels of service provided to market rate tenants in accordance with all applicable city, state, and federal laws.

## Management of Rental Units

The property management company shall ensure an inclusionary unit is managed to the same standard as a market rate unit.

## City Monitoring and Compliance

### Property Owner Annual Report

Property owners shall submit an annual report to the Department of Housing and Community Development and the Inclusionary Housing Board no later than January 31 for the preceding calendar year. The Property Owner Annual Report shall be submitted to DHCD and Board via DHCD through [\[include portal link or contact information\]](#). Upon submission and approval of the Annual Report, DHCD shall post the report to the City's website.

The content of the Annual Report for residential projects subject to affordability requirements must include:

- The total number of inclusionary units in the residential project for each income level applicable: low, very low, and extremely low income (applicable only for properties that accepted additional subsidy and have extremely low income units included in their required count of Inclusionary Units)
- The square footage of each bedroom in the inclusionary unit
- A listing of each inclusionary unit with a notation of whether the unit is leased and the income level of the tenant at the time the report is submitted
- The total number of tenants renting an inclusionary housing unit, disaggregated by:
  - Tenants identified as belonging to a group least likely to lease
  - Tenants leasing an inclusionary unit as a result of the affirmative marketing plan required in the inclusionary housing plan
- Proof of certification that the project is in compliance with its Inclusionary Housing Plan
- The following items prepared by an independent accountant (i.e., an accountant neither internal to the company nor affiliated with the company's current recordkeeping)
  - An accounting of the monthly rent collected for each inclusionary unit for the reporting period
  - A comparison between the inclusionary unit rent collected and the market rate for that unit, provided both as (a) a whole number and (b) a percentage



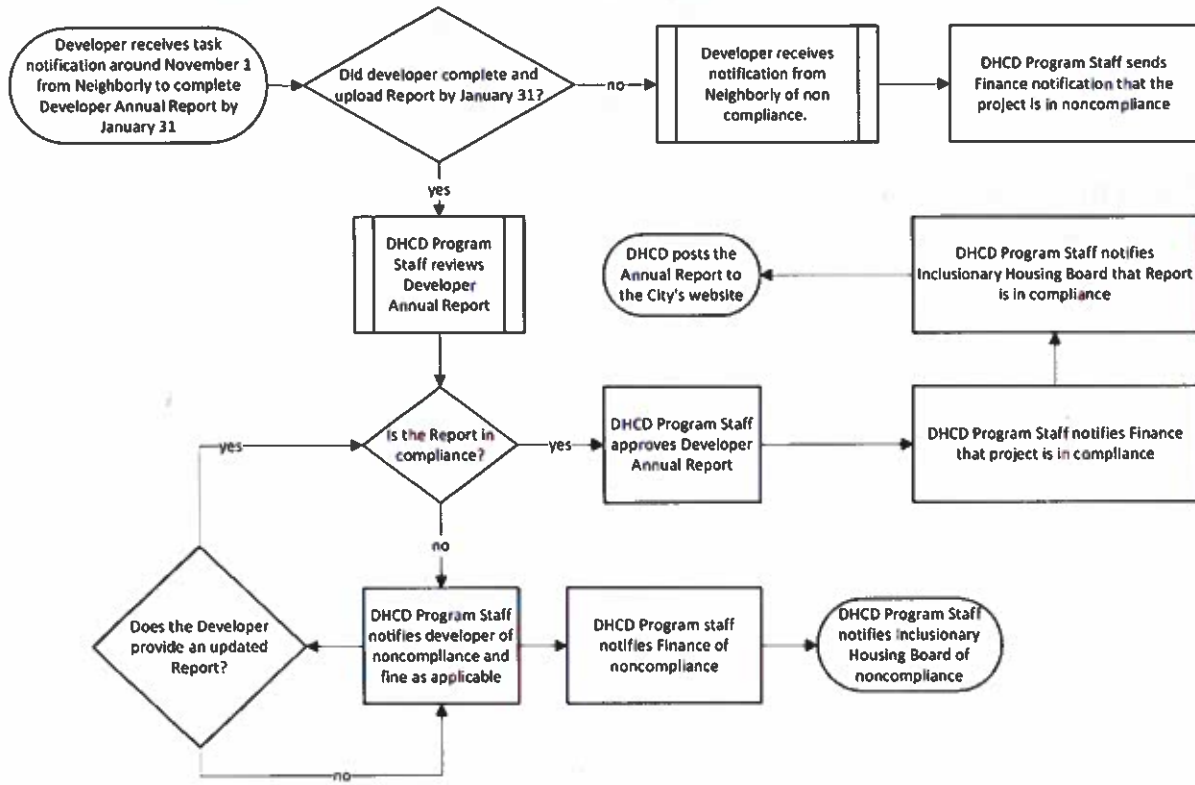
- An accounting of the efficacy of the High-Performance Inclusionary Housing Tax Credit defined as the proportion of low- and very low-income units to all units in the building
- The type of major public subsidy that made the project subject to the inclusionary housing requirements
- Any additional information related to compliance as determined by the Housing Commissioner

## **Fines and Violations**

DHCD shall issue a fine of no more than \$1,000 per violation.

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**Image 2. Developer Annual Report Submission and Approval Process**



# Appendices

## Appendix A. Inclusionary Housing Plan Template

### Introduction

Section 2B-22 of Ordinance 24-308, Inclusionary Housing for Baltimore City requires that developers who are required to make inclusionary units available submit this Inclusionary Housing Plan at the time an application for a building permit is submitted.

Building permit applications that fail to include this form will not be reviewed. No building permit application will be released without an approved Inclusionary Housing Plan. Inclusionary Housing Plans can only be submitted prior to receiving a building permit.

Additional information about the City’s Inclusionary Housing requirements can be found :

**[22-0195 Completed Ordinance 24-308 \(6\).pdf](#)**

### General Project Information

Section	Question
NAME OF PROJECT	Development Name
	Marketing Name (if different)
	Apartment or House Name (if applicable)
PROPERTY OWNER	Name of Company
	Contact Name
	Contact Title/Role
	Contact Email
	Contact Phone
	Mailing Address
PROJECT INFORMATION	Legal Address
	Street Known-As Address (if applicable)
	Zoning District
	Description (must include list of amenities and services that will be available, description of neighborhood)
SUBSIDY INFORMATION	<p>I am currently or contemplating requesting the following for this project (Select all that apply):</p> <ul style="list-style-type: none"> <li>● Grants or loans that equal or exceed 15% of total projected project costs</li> <li>● Payment in Lieu of Taxes (PILOT)</li> <li>● Tax Increment Financing (TIF)</li> </ul>

Section	Question
	<ul style="list-style-type: none"> <li>● Sale or transfer of City-owned land substantially below its appraised value</li> <li>● Tax Credit(s)</li> <li>● I am not applying for any of the following</li> </ul>
UNIT INFORMATION	Total Number of Units in the Project
	Total Number of Penthouse Units in the Project
	Total Number of Eligible Units ( <i>Total Units – Total Penthouse Units</i> )
	Required Number of Inclusionary Units (10% of Total Number of Eligible Units)
	Required Number of Units Available to Very Low Income Households (50% of Area Median Income)
	Required Number of Units Available to Low Income Households (60% of Area Median Income)
UNIT AVAILABILITY	Please complete Exhibit C. Unit Information
CONTRACTED COMPANIES: PROPERTY MANAGEMENT	Name of Company
	Contact Name
	Contact Title/Role
	Contact Email
	Contact Phone
	Leasing Agent Name
	Leasing Agent Email
Leasing Agent Phone	
CONTRACTED COMPANIES: TENANT SELECTION ( <i>optional</i> )	Name of Company
	Contact Name
	Contact Title/Role
	Contact Email
	Contact Phone
BUILDING PERMIT APPLICATION INFORMATION (to be completed by DHCD)	Permit Application Number
	Date Submitted
	Date Building Permit Approved for Issuance
	Building Permit Number

## Proposed Project Schedule

Status	Start Date	Completion Date
Pre-Development		
Financing		
Permitting		
Construction		
Use and Occupancy Permit		
Marketing		
Leasing		
Occupancy		

## Required Exhibits

ALL EXHIBITS MUST BE COMPLETE PRIOR TO SUBMITTING THIS INCLUSIONARY HOUSING PLAN. INCOMPLETE PLANS WILL BE NOT REVIEWED AND COULD DELAY THE ISSUANCE OF A BUILDING PERMIT.

- Exhibit A Acknowledgement and Certification
- Exhibit B Declaration of Covenants
- Exhibit C Unit Information
- Exhibit D Site Plan
- Exhibit E Front Elevation or Block Face
- Exhibit F Residential Floor Plans (must include the location of each Inclusionary Unit and Market Rate Unit, and identify each unit by number)
- Exhibit G Affirmative Marketing Plan

## EXHIBIT A

### Inclusionary Housing Plan Acknowledgement and Certification

The undersigned hereby certifies that they understand the information being requested by this form and the importance of such to the validity of any building permit and that post- permit issuance revisions to the construction plans that change the number of dwelling units to be constructed on the Project property, the net residential area, or that materially affects the design/unit comparability standards in the City's Inclusionary Housing Law will require the submission of an updated Inclusionary Housing Plan.

The undersigned understands that failure to indicate the subsidy(ies) that the undersigned is receiving or contemplating receiving for the project may lead to ineligibility to apply for a tax credit or subsidy following the approval of a building permit for the project.

The information provided to the City of Baltimore in this Inclusionary Housing Plan is true and accurate and the undersigned has the authority to bind any corporate entity identified as Property Owner herein and understands that this form will be considered binding on all successors and assigns of Property Owner with respect to the Project property. The undersigned further understands and agrees that the provision of any false or inaccurate information shall render the building permit and all other City approvals null and void.

---

Property Owner Signature

---

Date

---

Printed Name and Title

**EXHIBIT B.**

**Declaration of Covenants**

*[TO BE RECORDED IN THE LAND RECORDS OF BALTIMORE CITY  
UPON ISSUANCE OF A CERTIFICATE OF USE AND OCCUPANCY]*

*[FORM OF]*

**DECLARATION OF APPLICABILITY  
OF  
INCLUSIONARY HOUSING REQUIREMENTS**

THIS DECLARATION OF APPLICABILITY OF INCLUSIONARY HOUSING REQUIREMENTS (“Declaration”), is made this \_\_\_ day of \_\_\_\_\_, 202\_, by and between [NAME] (“Declarant”), in favor of the MAYOR AND CITY COUNCIL OF BALTIMORE, a municipal corporation in the State of Maryland (“City”), acting by and through its DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (“HCD”).

**EXPLANATORY STATEMENT**

A. The Baltimore City Inclusionary Housing Requirements, set forth in Article 13, Subtitle 2B of the Baltimore City Code, require developers of multifamily, market-rate residential projects which certain criteria to make affordable housing units within their projects available to households with limited incomes at reduced rates for a period of 30 years commencing on the date the City issues a Certificate of Occupancy for the residential project.

B. Declarant has received a major public subsidy or a significant land use authorization from the City to benefit the multifamily, market-rate residential project which it owns in Baltimore City, Maryland located at [ADDRESS] which is more fully described in Appendix 1 attached to and made a part hereof (the “Project”).

C. Declarant acknowledges and agrees that the Inclusionary Housing Requirements are applicable to the Property because Developer has received a major public subsidy or a significant land use authorization from the City.

NOW, THEREFORE, in consideration of the premises set forth in the Explanatory Statement and for other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the Declarant agree as follows:

1. Declarant acknowledges and agrees that the Inclusionary Housing Requirements are applicable to the Project.

2. Declarant acknowledges and agrees that the Inclusionary Housing Requirements are applicable to the Project commencing *[INSERT DATE]*, the date that the Certificate of Use and Occupancy is issued, for a period of 30 years from such date.

[signatures appear on the next page]

DRAFT



IN WITNESS WHEREOF, Declarant has executed this Declaration the day and year above written.

**DECLARANT**

\_\_\_\_\_

Attest: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

Name:

Title:

STATE OF MARYLAND:  
CITY OF BALTIMORE:

I HEREBY CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 202\_, before me, the Subscriber, a Notary Public of the State of Maryland in and for the City of Baltimore, personally appeared \_\_\_\_\_, who acknowledged himself/herself to be the duly serving authorized \_\_\_\_\_ of \_\_\_\_\_, who acknowledged the foregoing Declaration of Covenant to be the corporate act of \_\_\_\_\_, and being duly authorized to do so, in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Acknowledged:

\_\_\_\_\_  
Inclusionary Housing Program Manager  
Department of Housing and Community Development  
Mayor and City Council of Baltimore

Approved for form and legal sufficiency on \_\_\_\_\_:

\_\_\_\_\_, [Deputy/Chief Solicitor]

Appendix 1

PROPERTY DESCRIPTION

DRAFT

**EXHIBIT C.**

**Inclusionary Unit Information**

<b>Unit Type</b>	<b>Total Square Footage</b>	<b>Number of Inclusionary Units - 50% AMI</b>	<b>Number of Inclusionary Units - 60% AMI</b>	<b>Number of Market Rate Units</b>	<b>Monthly Rent: Inclusionary - 50%</b>	<b>Monthly Rent: Inclusionary - 60%</b>	<b>Monthly Rent: Market Rate</b>

**EXHIBIT C.**

**Site Plan**

Upload

**EXHIBIT D.**

**Floor Plans**

Upload

**EXHIBIT E.**

**Front Elevation or Block Face**

Upload

**EXHIBIT F.**

**Affirmative Marketing Plan**

Complete the information below with the plan affirmatively further fair marketing of the inclusionary units. Note that property owners will be required to provide an evaluative update of the marketing plan as part of the Property Owner Annual Report.

**Section I. Advertising Start Date**

*Advertising must begin at least 90 days prior to initial occupancy.*

Date advertising will begin: \_\_\_\_\_

**Section II. Demographics**

In the respective columns below, indicate the percentage of demographic groups among the project's census tract, housing market area, and expanded housing market area. If you are a new construction or substantial rehabilitation project and do not have residents or project applicant data, only report information for census tract, housing market area, and expanded market area. The purpose of this information is to identify any under-representation of certain demographic groups in terms of race, color, national origin, religion, sex, familial status, or disability. If there is significant under-representation of any demographic group among project residents or current applicants in relation to the housing/expanded housing market area, then targeted outreach and marketing should be directed towards these individuals least likely to apply. Please indicate under-represented groups in the table below.

Demographic Characteristics	Census Tract	Housing Market Area	Expanded Housing Market Area
% White			
% Black or African American			
% Hispanic or Latino			
% Asian			
% American Indian or Alaskan Native			
% Native Hawaiian or Pacific Islander			
% Persons with Disabilities			
% Families with Children Under 18			
Other			

**Section III. Community Contacts**

For each targeted marketing population designated as least likely to apply in Section II, identify at least one community contact organization you will use to facilitate outreach to the particular population group. This could be a social service agency, religious body, advocacy group, community center, etc. State the names of contact persons, their addresses, their telephone numbers, their previous experience working with the target population, the approximate date contact was/will be initiated, and the specific role they will play in assisting with the affirmative fair housing marketing. Please attach additional pages if necessary.

Target Population(s)	Community Contact(s), including required information noted above

**Section IV. Methods of Advertising**

Additional methods: Complete the following table by identifying your targeted marketing population(s), as indicated in Section II, as well as the methods of advertising that will be used to market to that population. For each targeted population, state the means of advertising that you will use as applicable to that group and the reason for choosing this media. In each block, in addition to specifying the media that will be used (e.g., name of newspaper, television station, website, location of bulletin board, etc.) state any language(s) in which the material will be provided, identify any alternative format(s) to be used (e.g., Braille, large print, etc.), and specify the logo(s) (as well as size) that will appear on the various materials. Attach additional pages, if necessary, for further explanation. Please attach a copy of the advertising or marketing material.

Method	Target Population(s)

**Section V. Signage**

Type	Description	Location(s)
Fair Housing Poster	The Fair Housing Poster must be prominently displayed in all offices in which rental activity takes place. Select the locations where the Poster will be displayed.	Checkbox/Check all that apply: <input type="checkbox"/> Rental Office <input type="checkbox"/> Real Estate Office <input type="checkbox"/> Model Unit <input type="checkbox"/> Other (specify)
Affirmative Marketing Plan	The AMP must be available for public inspection at the rental office. Select the locations where the AMP will be made available.	Checkbox/Check all that apply: <input type="checkbox"/> Rental Office <input type="checkbox"/> Real Estate Office <input type="checkbox"/> Model Unit <input type="checkbox"/> Other (specify)

Type	Description	Location(s)
Project Site Sign	Project Site Signs, if any, must display in a conspicuous position the HUD approved Equal Housing opportunity logo, slogan or statement. Select the locations where the Project Site Sign will be displayed.	Checkbox/Check all that apply: <input type="checkbox"/> Rental Office <input type="checkbox"/> Real Estate Office <input type="checkbox"/> Model Unit <input type="checkbox"/> Other (specify)

## DHCD Compliance and Checklist

For use by DHCD staff

ITEM	DHCD APPROVAL		COMMENTS
	Date	Program Manager Initials	
Date Plan Received			
<b>INITIAL THRESHOLD REVIEW</b>			
<b>Project Information</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Subsidy Information</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Unit Information</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Unit Availability</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Contracted Companies</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Proposed Project Schedule</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit A. Acknowledgement and Certification</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit B. Declaration of Covenants</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit C. Unit Information</b>			

<input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit D. Site Plan</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit E. Front Elevation or Block Face</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit F. Residential Floor Plans</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>Exhibit G. Affirmative Marketing Plan</b> <input type="checkbox"/> Complete <input type="checkbox"/> Incomplete			
<b>INCLUSIONARY HOUSING BOARD</b>			
<b>Project Summary Completed</b>			
<b>Date Presented to the Board</b>			
<b>APPROVALS</b>			
<b>Date of Approval</b>			
<b>Date of Approval Provided to Property Owner</b>			
<b>Date of Approved Plan Provided to Department of Finance</b>			
<b>Date of Approved Plan Provided to Permits Division</b>			

## Appendix B. Pre-Development Project Information Form

Complete the Pre-Development Project Information Form after the Pre-Development Meeting with the Department of Planning.

<b>Project Name</b>	
<b>Project Address</b>	
<b>Neighborhood</b>	
<b>Developer</b>	
<b>Contact Name</b>	
<b>Organization</b>	
<b>Mailing Address Line 1</b>	



<b>Mailing Address Line 2</b>	
<b>City, State, Zip</b>	
<b>Email</b>	
<b>Phone</b>	

Please complete the information below that applies to your project.

**Section A. Rental Unit Information**

<b>Unit Type</b>	<b>Total Square Footage</b>	<b>Number of Inclusionary Units - 50% AMI</b>	<b>Number of Inclusionary Units - 60% AMI</b>	<b>Number of Market Rate Units</b>	<b>Monthly Rent: Inclusionary - 50%</b>	<b>Monthly Rent: Inclusionary - 60%</b>	<b>Monthly Rent: Market Rate</b>

**Section B. Proposed Project Schedule**

<b>Status</b>	<b>Start Date</b>	<b>Completion Date</b>
Pre-Development		
Financing		
Permitting		
Construction		
Use and Occupancy Permit		
Marketing		
Leasing		
Occupancy		

**Section C. Project Subsidy**

Is the Project receiving a Major Public Subsidy? Please check all that apply:

- Grants or loans that equal or exceed 15% of total projected project costs
- Payment in Lieu of Taxes (PILOT)
- Tax Increment Financing (TIF)

- Sale or transfer of City-owned land substantially below its appraised value
- Tax Credit(s)

**Section D. Land Use**

Are you requesting any of the following? (Check all that apply)

- Significant land use authorization: “Significant land use authorization” means the adoption of a Planned Unit Development or a legislatively approved amendment to a Planned Unit Development, either of which increases the permissible number of residential units by 30 or more units above the number permitted before adoption of the Planned Unit Development or amendment.
- Significant rezoning: “Significant rezoning” means any rezoning that permits residential units where none were permitted previously.

I certify that the information provided herein is correct and accurate. I understand that I may be subject to the Inclusionary Housing Law’s provisions and requirements.

Signature	
Printed Name	
Title	
Company	

**Appendix C. Required Exhibits to Lease**

**Lease Rider**

**INCLUSIONARY UNIT LEASE RIDER**

Tenant is leasing the residential unit referenced in the attached lease agreement, which is located within a building that is subject to the Ordinance 24-308 (codified in Baltimore City Code [insert Code Authority] City Code Article 13, § 2B-3), the regulations promulgated in 14 D.C. Municipal Regulations § 2200 et seq. (2017), and that certain Inclusionary Housing Covenant recorded against the building (collectively the Inclusionary Housing Program).

The lease agreement is hereby supplemented and amended by the provisions contained in this Lease Rider, which supersede any contrary provisions of the main text of the lease agreement.

**1. Inclusionary Unit**

Tenant acknowledges that they will be occupying a residential unit (the Unit) that is subject to provisions and conditions set forth in the Inclusionary Housing Program.

**2. Eligibility**

Eligibility for the Inclusionary Unit is based upon information supplied by Tenant in connection with their household income and size, as required by the Inclusionary Housing Program per requirements determined by the City of Baltimore Department of Housing and Community Development (DHCD).

Tenant shall not make intentional misrepresentations to DHCD or the Certifying Entity that provides the certification of income and household size.

By execution of this Lease Rider, Tenant certifies that they provided to Property Owner true and correct information required to certify their income and household size.

The Unit shall be the principal residence of Tenant and all members of their household, including members under the age of eighteen (18) years old.

### 3. Renewal and Recertification

Tenant shall, no later than the maximum of thirty (30) days or the renewal period afforded to market rate tenants before the anniversary of the first day of the lease term, submit to the Property Owner: (a) a statement as to whether the Tenant intends to renew the lease agreement, and (b) if Tenant intends to renew the lease agreement, (i) the names and ages of each person residing in the Inclusionary Unit, and (ii) information required to certify income and household size.

Property owner may, in Property owner's discretion, extend the thirty (30) day deadline for Tenant's submissions, provided that the deadline shall not be extended beyond the last day of the lease term. Tenant shall not have their lease renewed unless they provided the Landlord with these documents prior to the end of the lease term.

The Tenant's maximum household income upon renewal may be up to sixty percent (60%) of the Area Median Income and must meet the maximum income limits established by HUD for the Baltimore Metropolitan Region. If, upon renewal, the Tenant's income is less than the current minimum household income or the minimum household income at the time of initial lease execution, the Tenant shall be allowed to renew the lease.

### 4. Violations of Lease Agreement or Lease Rider

If a Tenant is in violation of the lease agreement or this Lease Rider, the property owner may provide to the Tenant a notice to vacate in accordance with D.C. Official Code § 42-3505.01. If a notice to vacate is provided, the Landlord may permit the Tenant to continue to occupy the Unit at the current rent for no more than six (6) months after the Landlord provides to the Tenant a notice to vacate. Acceptance of rent during this period will not constitute a waiver of the violation of the lease or any other obligation of tenancy or void the notice to vacate.

Any intentional misrepresentation, falsification, or failure to report any facts which are necessary to determine initial or continued eligibility and/or sustainability of the Inclusionary Unit by the Tenant shall result in an automatic termination of the lease agreement.

### 5. Lease Term

The initial lease term shall be no less than one (1) year unless terminated earlier in accordance with the terms of the lease agreement or this Lease Rider. Subsequent lease terms may be less than one (1) year,

but rent shall be no greater than the maximum rent in effect based on the current Inclusionary Housing Rent Schedule, at the time of execution of the lease renewal or new lease agreement.

DHCD encourages the Tenant and Landlord to sign a new lease and lease rider at the beginning of each new lease term.

**6. Affordable Monthly Rent**

Tenant shall pay the monthly rent as calculated by Landlord in accordance with the Inclusionary Housing Program. Tenant's monthly rent shall be no greater than the maximum rent in effect based on the current Inclusionary Housing Rent Schedule, at the time of execution of the lease renewal or new lease agreement. Based on the current Inclusionary Housing rent schedule in effect, rent may increase or decrease at the time of lease renewal.

**7. Assignment/Sub-Lease**

Tenant shall may only be sublet subject to approval in the lease and in accordance with §07.06.01.15 of the Inclusionary Housing Rules and Regulations.

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

**Affidavit to Report Changes to Income or Household Size and Recertify Eligibility**

I, \_\_\_\_\_, affirm that I will notify the Property Owner or their designee of changes to my household income or household size that result in exceeding the maximum income limits for my Inclusionary Unit.

I understand that I will be subject to a rent increase should my household income exceed the maximum income allowable for the Inclusionary Unit and shall pay the maximum rent for my Area Median Income if my income is less than 100% of the Area Median Income.

I understand that I may request a recertification based on my adjusted income in the event of a major change in life including but not limited to job loss, death of a household member/wage earner, divorce, or disability. I understand that I must still be able to demonstrate that my income is at least 50 or 60 percent Area Median Income, depending on my Inclusionary Unit, and that I have sufficient assets to rent the Unit.

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Date

## Appendix D. Sublease Notification

Property managers are encouraged to gather the following information when a tenant subleases their inclusionary unit. Property owners or their agents will provide the information to the DHCD Program Manager.

### General Information

- Developer Name
- Developer Point of Contact Name if different from above
- Developer Email
- Developer Phone

### Sublease Information

- Tenant/Lessee Name
- Sub-Lessee Name
- Sub-Lessee Annual Income
- Sublease Term
- Sub-Lessee Monthly Rent
  - Check this box to confirm the Sub-Lessee listed above is not required to pay less rent than an Inclusionary Unit.

## Appendix D. Developer Annual Report

The Developer Annual Report must be submitted every year by January 31 for the required 30 year affordability period.

### Changes to Inclusionary Housing Plan

Are any technical or substantive changes to your Inclusionary Housing Plan reflected in the Annual Report?

- Yes, technical
- Yes, substantive
- Yes, technical and substantive
- No changes

### Total Number of Units by Income Level

Income Level	Total Number of Inclusionary Units
Low (60% AMI)	
Very Low (50% AMI)	
Extremely Low (40% AMI or below) <i>(applicable only to projects that accepted additional subsidy and have extremely low income units in their mix of required Inclusionary Units)</i>	

### Efficacy of the High Performance Inclusionary Housing Tax Credit

Total Number of Low and Very Low Income Units	Total Number of Units in the Building	Efficacy (total number of low and very low income units ÷ total number of units in the building)

**Inventory of Inclusionary Units**

Unit Number	Unit Type	BR 1 Sq Ft	BR 2 Sq Ft	BR 3 Sq Ft	BR 4 Sq Ft	Lease Status	Tenant Income Level	Total Number of Tenants	Number of Tenants Least Likely to Rent	Number of Tenants Leasing as a Result of Affirmative Marketing Plan

**Items Prepared by an Independent Accountant**

Include the following as attachments:

- An accounting of the monthly rent collected for each inclusionary unit for the reporting period
- A comparison between the inclusionary unit rent collected and the market rate for that unit, provided both as (a) a whole number and (b) a percentage

**Types of Major Public Subsidy**

Select the type(s) of major public subsidy that made the project subject to the inclusionary housing requirements:

- Grants or loans that equal or exceed 15% of total projected project costs
- Payment in Lieu of Taxes (PILOT)
- Tax Increment Financing (TIF)
- Sale or transfer of City-owned land substantially below its appraised value

Tax Credit(s)

**Attestation of Compliance**

I certify that the information provided in Developer Annual Report is accurate and that the project is in compliance with the Inclusionary Housing Plan and the Inclusionary Housing law.

<b>Signature</b>	
<b>Printed Name</b>	
<b>Title</b>	
<b>Company</b>	



# Resolution 23-0230R

## AGENCY REPORT(S)

See attached



---

CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
EBONY M. THOMPSON, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

---

September 13, 2024

The Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 24-0230R – Informational Hearing – Inclusionary  
Housing – Implementation and Oversight

Dear President and City Council Members:

The Law Department reviewed City Council Bill 24-0230R for form and legal sufficiency. The bill would require representatives of the Department of Housing and Community Development, Department of Finance, Department of Planning, and the City Administrator to attend a hearing to outline the implementation of the Inclusionary Housing Program in Baltimore City.

In general, Art. III, §9 of the City Charter and City Code Art. 1, §1-4 give the City Council authority to study or investigate the operation of City agencies and to make recommendations for the more effective operation of the agencies. Article III, §9 of the Charter requires department heads, municipal officers not embraced in a department, and members of commissions and boards to appear before the City Council if so requested to participate in the discussion of matters relating to their respective departments, offices, commissions, or boards.

Council Bill 24-0230R is an appropriate resolution to initiate the informational hearing and request the specified officials to attend. The Law Department approves Council Bill 24-0230R for form and legal sufficiency.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michele Toth".

Michele Toth  
Assistant Solicitor

cc: Stephen Salsbury  
Nina Themelis

Tiffany Maclin  
Elena DiPietro  
Hilary Ruley  
Ashlea Brown  
Desiree Luckey  
Ahleah Knapp

**CITY OF BALTIMORE**  
**COUNCIL BILL 24-0230R**  
**(Resolution)**

---

Introduced by: Councilmember Ramos  
Introduced and read first time: August 26, 2024  
Assigned to: Ways and Means Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Planning, Department of Housing and Community Development, Housing Authority of Baltimore City, Office of the City Administrator

---

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Informational Hearing – Inclusionary Housing – Implementation and Oversight**

3 FOR the purpose of requiring the Department of Housing and Community Development,  
4 Department of Finance, Department of Planning, and City Administrator to attend a hearing  
5 to outline the implementation of the Inclusionary Housing Program in Baltimore City,  
6 specifically to provide: (1) an explanation of the delays; (2) a new timeline for the  
7 appointment of the Inclusionary Housing Board; (3) a new timeline for promulgation of the  
8 Inclusionary Housing Program regulations and implementation of its guidelines; (4) the  
9 number of permits already given for projects that would be eligible for the program; and (5) a  
10 timeline for the promulgation of the High Performance Inclusionary Tax Credit regulations  
11 and its application.

12 **Recitals**

13  
14 In January of 2024, Mayor Scott signed the 2 bills that constitute the Inclusionary Housing  
15 Program. Council Bill 22-0195, Inclusionary Housing for Baltimore City, was introduced in  
16 February of 2022 and passed the City Council in December of 2023. Council Bill 23-0369, High  
17 Performance Inclusionary Housing Tax Credit, was introduced in May of 2023 and passed the  
18 City Council in December of 2023.

19 According to the legislation, implementation of the Inclusionary Housing law should have  
20 occurred 180 days after enactment of the law, which would have been July 22<sup>nd</sup>. Developers now  
21 have to comply with the law but the regulations, inclusionary plan forms, inclusionary program  
22 guidance are not available. To date, the regulations and guidance have just been posted and  
23 public comment is due September 16<sup>th</sup>.

24 As of the date of this Resolution, the members of the Inclusionary Housing Board, who were  
25 supposed to have been appointed on April 22<sup>nd</sup>, 90 days after enactment of the law, have not been  
26 appointed. Only 1 nomination has been put forth and is pending approval by the Rules and  
27 Legislative Oversight Committee. The regulations governing the Inclusionary Housing Program  
28 cannot go into effect until the Inclusionary Housing Board has been appointed and sworn in.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 24-0230R**

1 City Council Bill 23-0369, which established the High Performance Inclusionary Tax Credit,  
2 should have been implemented by July 22nd. While there is no deadline outlined in the bill for  
3 when the application and regulations governing the Tax Credit must be completed, the Tax  
4 Credit should be available to developers as soon as possible. To date, the regulations and  
5 application for the High Performance Inclusionary Tax Credit are not complete.

6 The Inclusionary Housing legislation states clearly that permits for construction on eligible  
7 projects cannot be issued until the project’s inclusionary housing plan has been reviewed and  
8 approved during the site planning meetings. Without any of the regulations ready for the  
9 implementation of the process, there is a question about how many permits have already been  
10 approved for eligible projects that may not be compliant with the law.

11 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the City  
12 Council requires the Department of Housing and Community Development, Department of  
13 Finance, Department of Planning, and City Administrator to attend a hearing to outline the  
14 implementation of the Inclusionary Housing Program in Baltimore City, specifically to provide:  
15 (1) an explanation of the delays; (2) a new timeline for the appointment of the Inclusionary  
16 Housing Board; (3) a new timeline for promulgation of the Inclusionary Housing Program  
17 regulations and implementation of its guidelines; (4) the number of permits already given for  
18 projects that would be eligible for the program; and (5) a time line for the promulgation of the  
19 High Performance Inclusionary Tax Credit regulations and its application.  
20

21 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Director of the  
22 Department of Housing and Community Development, the Director of the Department of  
23 Finance, the Director of the Department of Planning, the City Administrator, and the Mayor’s  
24 legislative liaison to the City Council.