

TWENTY-SECOND DAY

THIRD COUNCILMANIC YEAR - SESSION OF 2020-2024

JOURNAL
CITY COUNCIL OF BALTIMORE

November 20, 2023

Pastor Mark James, Barnes Memorial Church led the Council in Prayer.

The President and members of the Council recited the Pledge of Allegiance to the Flag.

The City Council of Baltimore met pursuant to adjournment. Present: Nicholas J. Mosby, President, and Councilmembers Cohen, McCray, Dorsey, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos

JOURNAL APPROVED

The Journal of November 6, 2023 was read and approved.

INTRODUCTION AND READ FIRST TIME

The President laid before the City Council the following bills and Resolutions of the Mayor and City Council for first reading:

Bill No. 23-0451 – By City Council President (Administration – Department of Transportation)

An Ordinance granting a franchise to Concord Communities I, LLC, a Delaware limited liability company, its successors and assigns, hereinafter referred to as Grantee, to maintain and operate at its own cost and expense for a period not exceeding 25 years, a private 4-story superstructure or bridgeway spanning a 10 foot alley in the rear of 2434 to 2448 Greenmount Avenue and in the rear of 2439 to 2449 Brentwood Avenue, subject to certain terms, conditions, and more fully described herein in Section 1; and providing for a special effective date.

The bill was read the first time and referred to the Economic and Community Development Committee.

Bill No. 23-0452 – By City Council President (Administration – Department of Finance)

An Ordinance providing a Supplementary General Fund Operating Appropriation in the amount of \$581,334 to M-R: Arts and Culture - Service 824 (Events: Art: Culture: and Film), to provide funding for general operations; and providing for a special effective date.

The bill was read the first time and referred to the Ways and Means Committee.

Bill No. 23-0453 – By Councilmember Ramos

An Ordinance winding down the City of Baltimore's participation in the Brownfields Incentive Program; and providing for a special effective date.

The bill was read the first time and referred to the Ways and Means Committee.

Bill No. 23-0454 – By Councilmember Bullock

An Ordinance permitting, subject to certain conditions, the conversion of a single-family dwelling unit into 2 dwelling units in the R-8 Zoning District on the property known as 1022 West Lanvale Street (Block 0092, Lot 030), as outlined in red on the accompanying plat; and providing for a special effective date.

The bill was read the first time and referred to the Economic and Community Development Committee.

Bill No. 23-0455 – By Councilmember Stokes

An Ordinance permitting, subject to certain conditions, the conversion of a single-family dwelling unit into 4 dwelling units in the R-8 Zoning District on the property known as 1127 North Caroline Street (Block 1177, Lot 033), as outlined in red on the accompanying plat; and providing for a special effective date.

The bill was read the first time and referred to the Economic and Community Development Committee.

The President laid before the City Council the following Council Resolutions for first reading:

Bill No. 23-0198R - By Councilmembers Burnett and Ramos

Introduced
(Read and adopted)

Request for Federal Action – Support Medicare for All

FOR the purpose of urging President Joseph R. Biden and the United States Congress to expand Medicare into a federal single-payer system to provide health care to all Americans.

Recitals

High-quality health care is a human right. Almost 30 million Americans are uninsured, including approximately 356 thousand Marylanders. Among working adults in 2022, approximately 29% with employer coverage, and approximately 44% of those with coverage purchased through the individual market, were under insured – i.e. they had an insurance policy that did not provide adequate coverage or they had gaps in coverage during the year.

Millions of Americans with insurance have coverage so inadequate that a major illness can lead them to financial ruin– illness and medical bills contribute to two-thirds of all bankruptcies in the United States. Further, there are major racial inequities in this crisis, as three quarters of uninsured adults in Maryland are people of color.

“Medicare for All” refers to a collection of legislative proposals that aim to expand Medicare into a federal single-payer system that provides health care to all Americans. Ideally, Medicare for All would provide full coverage without premiums, co-pays, deductibles, or other out-of-pocket costs, and would slash bureaucracy, protect the doctor-patient relationship, and ensure patients a free choice of doctors.

Medicare for All is overwhelmingly popular with the public, as 69% of Americans support the proposal. Baltimore City joins these citizens and enthusiastically supports Medicare for All and calls on our federal legislators to work toward enactment of Medicare for All, as described in the United States Senate and House of Representatives Medicare for All Acts of 2023, ensuring comprehensive health care for all Americans.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That Baltimore City expresses its support for state-level single payer legislation and calls on Maryland’s State legislators to work toward legislation to guarantee the same comprehensive health care coverage to all Maryland residents, whether through federal or State legislative action.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the President of the United States, the Vice President of the United States, the Mayor, the Honorable members of the Maryland delegations to the United States Senate and the United States House of Representatives, and the Mayor's Legislative Liaison to the City Council.

Councilmember Burnett made a motion, which was duly seconded, that the Rules be suspended.

There being no objection, the President declared that the Rules were suspended.

Then Councilmember Burnett made a motion, which was duly seconded, that the Resolution be adopted.

The roll was called on the motion, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Dorsey, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos - Total 15.

Nays - 0.

The President declared the Resolution "Adopted".

Bill No. 23-0199R - By Councilmember Cohen

Introduced
(Read and adopted)

Request for Federal Action - Recall Kia and Hyundai Models Vulnerable to Theft

FOR the purpose of calling on the National Highway Traffic Safety Administration (NHTSA) to issue a recall of Kia and Hyundai models lacking immobilizer technology that are vulnerable to theft.

Recitals

WHEREAS, the car manufacturers Kia and Hyundai did not install industry-standard engine immobilizer technology on certain models between 2011 and 2022.

WHEREAS, vehicles with this vulnerability can be easily stolen using a universal serial bus (USB) cable and screwdriver in minutes, and instructional videos on how to do so have spread widely on TikTok and other social media platforms.

WHEREAS, this vulnerability has allowed youth under the age of 16 and unlicensed drivers to access Kia and Hyundai vehicles and drive recklessly.

WHEREAS, earlier this year, Kia and Hyundai offered free software updates to address this vulnerability; however, not all impacted vehicles are able to receive these software upgrades.

WHEREAS, unlike voluntary software upgrades, a recall includes mailed notification to all impacted vehicle owners and the opportunity for a dealer to buy back a vehicle that cannot be repaired.

WHEREAS, in Maryland, drivers are informed of open vehicle safety recalls through registration renewal notices.

WHEREAS, while only 15% of registered passenger vehicles in Baltimore City are manufactured by Kia or Hyundai, they account for 68% of stolen vehicles in the City this year alone.

WHEREAS, as of October 31, 2023, 2,645 Hyundai vehicles and 1,091 Kia vehicles have been stolen in Baltimore City this year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, that the City Council calls on National Highway Traffic Safety Administration (NHTSA) to issue a recall of Kia and Hyundai models lacking immobilizer technology that are vulnerable to theft.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Administrator of the National Highway Traffic Safety Administration, the United States Secretary of Transportation, the President of the United States, the United States Congressional Delegation for Maryland, the Maryland Attorney General, the Maryland Secretary of Transportation, the Administrator of the Maryland Department of Transportation Motor Vehicle Administration, the Governor, the Baltimore City Delegation to the Maryland General Assembly, the Superintendent of the Maryland State Police, the Police Commissioner, and the Mayor's Legislative Liaison to the City Council.

Councilmember Cohen made a motion, which was duly seconded, that the Rules be suspended.

There being no objection, the President declared that the Rules were suspended.

Then Councilmember Cohen made a motion, which was duly seconded, that the Resolution be adopted.

The roll was called on the motion, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Dorsey, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos - Total 15.

Nays - 0.

The President declared the Resolution “Adopted”.

Bill No. 23-0200R – By Councilmembers Porter and Bullock

A Resolution inviting representatives from the Baltimore City Public School System, the Baltimore Health Department, the Maryland Department of Health, the Mayor’s Office of Children and Family Success, and other relevant stakeholders to discuss the development, expansion, and preservation of school-based health clinics throughout the Baltimore City Public School System.

The bill was read the first time and referred to the Education, Workforce, and Youth Committee.

Bill No. 23-0201R – By Councilmembers Porter and Bullock

A Resolution inviting representatives from the Department of Public Works, the Baltimore Health Department, Baltimore City hospitals, institutions that make use of medical waste incinerators in Baltimore City, and any other relevant stakeholders to discuss: (1) which local hospitals send waste to medical incinerators in Baltimore City and which local hospitals do not; (2) what, if any, oversight mechanisms these hospitals have in place over their hazardous waste disposal service contracts; (3) the sustainability and environmental justice commitments local hospitals have made and how those commitments may conflict with service contracts the hospitals have with medical waste incineration companies that have long histories of environmental violations; and (4) what hospitals intend to do in the immediate future to mitigate the negative effects of their medical waste disposal on Baltimore’s communities.

The bill was read the first time and referred to the Health, Environment, and Technology Committee.

Bill No. 23-0202R – By Councilmembers Bullock, Porter, Ramos, Cohen, Torrence, Dorsey, Burnett, and Middleton

A Resolution inviting representatives from the Department of Housing and Community Development, the Department of Finance, the Department of Law, Baltimore Development Corporation, the Office of the Clerk of the Court for the Circuit Court for Baltimore City, and the Consumer Protection Division of the Office of the Attorney General to: (1) provide background information on the crime of obtaining a title to real property by fraud, also known as “deed fraud”, “title theft”, or “house stealing”; (2) discuss the prevalence of deed fraud within the City of Baltimore; (3) present on what, if any, systems exist that proactively combat the commission of deed fraud; and (4) present how, if necessary, the City may better protect real property owners from becoming victims of deed fraud.

The bill was read the first time and referred to the Public Safety and Government Operations Committee.

CONSENT CALENDAR

CEREMONIAL RESOLUTIONS NO. 1819, 1820, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, AND 1837 ADOPTED UNDER RULE 3-9.

The resolutions were read.

The roll was called on the adoption of the resolutions, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Dorsey, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos - Total 15.

Nays - 0.

The President declared the resolutions adopted under Rule 3-9.

Ceremonial Resolutions will be found at the end of the Journal.

COMMITTEE REPORTS

**BILL NO. 22-0195 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

President Mosby extended floor privileges to Councilmember Ramos, who served as floor leader for the bill.

Councilmember Ramos, for the Committee of the Whole, reported Bill No. 22-0195 favorably, with amendments.

An Ordinance defining certain terms; repealing certain findings and policy statements; repealing rules of statutory interpretation that have been superseded by the enactment of Code-wide revisions; requiring the Commissioner of the Department of Housing and Community Development to adopt an inclusionary housing manual; requiring annual reporting by the Commissioner of the Department of Housing and Community Development; amending the duties of the Inclusionary Housing Board; amending certain affordability requirements; clarifying a certain City policy regarding mixed income communities; repealing off-site substitutions; repealing the Inclusionary Housing Offset Fund; repealing density bonuses; requiring residential projects to submit inclusionary housing plans; amending requirements for continued affordability; clarifying the applicability of certain fair housing laws and regulations; establishing certain penalties; and generally relating to inclusionary housing.

Committee Amendments to City Council Bill No. 22-0195

Amendment No. 1

On page 1, strike beginning with line 3 down through and including line 12 on page 32 and substitute:

“FOR the purpose of defining certain terms; repealing certain findings and policy statements; repealing rules of statutory interpretation that have been superseded by the enactment of Code-wide revisions; requiring annual reporting by the Commissioner of the Department of Housing and Community Development; amending the composition and duties of the Inclusionary Housing Board; amending certain affordability requirements; clarifying a certain City policy regarding mixed income communities; repealing off-site substitutions; requiring residential projects to submit inclusionary housing plans; amending requirements for continued affordability; clarifying the applicability of certain fair housing laws and regulations; establishing certain penalties; and generally relating to inclusionary housing.

BY repealing and re-ordaining, with amendmentsArticle 13 - Housing and Urban RenewalSections 2B-1, 2B-3, 2B-7, 2B-12, 2B-16, 2B-17, 2B-21, 2B-25, 2B-31 to 2B-33, 2B-37, 2B-51, 2B-71, and 2B-72Baltimore City Code(Edition 2000)BY repealingArticle 13 - Housing and Urban RenewalSections 2B-2, 2B-4 to 2B-6, 2B-22 to 2B-24, 2B-34 to 2B-36, 2B-41 to 2B-45, 2B-52, and 2B-61 to 2B-67Baltimore City Code(Edition 2000)BY repealing and re-ordaining, without amendmentsArticle 13 - Housing and Urban RenewalSections 2B-11 and 2B-13 to 2B-15Baltimore City Code(Edition 2000)BY addingArticle 13 - Housing and Urban RenewalSections 2B-22, 2B-24, and 2B-53Baltimore City Code(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code**Article 13. Housing and Urban Renewal****Subtitle 2B. Inclusionary Housing Requirements****Part I. Definitions; General Provisions**

EXPLANATION: CAPITALS indicate matter added to existing law.
 [Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.

§ 2B-1. Definitions – General.

(a) In general.

In this Subtitle, the following terms have the meanings indicated.

(b) Board.

“Board” means the Inclusionary Housing Board established by this subtitle.

(C) COMMISSIONER.

“COMMISSIONER” MEANS THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OR THE COMMISSIONER’S DESIGNEE.

(D) [(c)] Developer.

“Developer” means any person, firm, partnership, association, joint venture, corporation, or other entity or combination of entities that undertakes a residential project.

[(d) Housing Commissioner.]

[“Housing Commissioner” means the Commissioner of Housing and Community Development or the Commissioner’s designee.]

(E) DEPARTMENT.

“DEPARTMENT” MEANS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(F) DWELLING UNIT.

“DWELLING UNIT” OR “UNIT” HAS THE MEANING STATED IN § 202.2 OF THE BALTIMORE CITY PROPERTY MAINTENANCE CODE.

(G) [(e)] Housing funds.

“Housing funds” means Federal, State, or City funds designated explicitly for the purpose of providing affordable housing.

[(f) Includes; including.]

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["Includes" or "including" means by way of illustration and not by way of limitation.]

(H) [(g)] Major public subsidy.

(1) In general.

"Major public subsidy" means the provision by the City or any of its agents or contractors of funds, resources, or financial assistance for a residential project [that needs these funds, resources, or assistance to proceed].

(2) Inclusions.

"Major public subsidy" includes:

(i) the sale or transfer of land substantially below its appraised value;

(ii) payment in lieu of taxes;

(iii) tax increment financing;

(iv) grants or loans that equal or exceed 15% of total projected project costs; [or]

[(v) except as specified in paragraph (3) of this subsection, installation or repair of physical infrastructure directly related to the residential project and with value equal to or exceeding 5% of total projected project costs.]

(V) TAX CREDITS; OR

(VI) ANY OTHER FUNDS, RESOURCES, OR FINANCIAL ASSISTANCE PROVIDED BY THE CITY AS DETERMINED BY ANY RULE OR REGULATION PROMULGATED UNDER THIS SUBTITLE.

[(3) Exclusions.]

["Major public subsidy" does not include:]

[(i) infrastructure repairs or improvements undertaken as part of a regularly planned program; or]

[(ii) housing funds.]

(I) [(h)] *Neighborhood.*

“Neighborhood” means an area delineated by commonly accepted boundary, as determined by the Planning Director.

(J) [(i)] *Planning Director.*

“Planning Director” means the Director of the Department of Planning or the Director’s designee.

(K) [(j)] *Residential project.*

“Residential project” means any new construction or any substantial renovation of an existing building that is designed, in whole or in part, to provide residential units.

[(k) *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.]

[(l) *Significant rezoning.*]

[“Significant rezoning” means any rezoning that permits residential units where none were permitted previously.]

(L) *SIGNIFICANT LAND USE AUTHORIZATION.*

“SIGNIFICANT LAND USE AUTHORIZATION” MEANS ANY ACTION OF THE MAYOR, CITY COUNCIL, BOARD OF MUNICIPAL AND ZONING APPEALS, OR ZONING ADMINISTRATOR THAT INCREASES THE PERMISSIBLE NUMBER OF DWELLING UNITS IN A LAND AREA BY 20 OR MORE DWELLING UNITS ABOVE THE NUMBER OF DWELLING UNITS PERMITTED BEFORE THE ACTION.

[(l-1) *Source of income.*]

[(1) *In general.*]

[“Source of income” means any lawful source of money paid directly or indirectly to, or on behalf of, a renter or buyer of housing.]

[(2) Inclusions.]

["Source of income" includes income from:]

[(i) a lawful profession, occupation, or job;]

[(ii) any government or private assistance, grant, loan, or rental assistance program, including low-income housing assistance certificates and vouchers issued under the United States Housing Act of 1937; or]

[(iii) a gift, an inheritance, a pension, an annuity, alimony, child support, or other consideration or benefit.]

[(n) Vacant dwelling.]

["Vacant dwelling" means residential real property that:]

[(1) has been vacant or abandoned for 1 year, as cited on a violation notice issued under the City Building, Fire, and Related Codes Article; or]

[(2) has been owned by the Mayor and City Council of Baltimore City for 1 year and is in need of substantial renovation.]

[\S 2B-2. Definitions – Mandatory, prohibitory, and permissive terms.]

[(a) Mandatory terms.]

["Must" and "shall" are each mandatory terms used to express a requirement or to impose a duty.]

[(b) Prohibitory terms.]

["Must not", "may not", and "no ... may" are each mandatory negative terms used to establish a prohibition.]

[(c) Permissive terms.]

["May" is permissive.]

§ 2B-2. [2B-3.] Definitions – Affordability standards.*(a) In general.*

In this Subtitle, the following terms relating to affordability standards have the meanings indicated.

(b) Affordable housing cost: Extremely low, very low, low, and moderate.

- (1) An “extremely low” housing cost equals an amount not more than 1/12 of 30% of 30% of the AMI, adjusted for household size.
- (2) A “very low” housing cost equals an amount greater than 1/12 of 30% of 30% of the AMI, but not more than 1/12 of 30% of [60%] 50% of the AMI, adjusted for household size.
- (3) A “low” housing cost equals an amount greater than 1/12 of 30% of 60% of the AMI, but not more than 1/12 of 30% of [80%] 60% of the AMI, adjusted for household size.
- (4) A “moderate” housing cost equals an amount greater than 1/12 of 30% of 80% of the AMI, but not more than 1/12 of 30% of [120%] 80% of the AMI, adjusted for household size.

(c) Affordable unit.

“Affordable unit” means a [residential] DWELLING unit that is required by this subtitle to be provided [at an extremely low, very low, low, or moderate affordable housing cost.] TO A FAMILY EARNING AN INCOME THAT IS EITHER:

- (1) LOW INCOME;
- (2) MODERATE INCOME;
- (3) VERY LOW INCOME; OR
- (4) EXTREMELY LOW INCOME.

(d) AMI.

“AMI” means the area median income for the metropolitan region that encompasses Baltimore City, as published and annually updated by the United States Department of Housing and Urban Development.

(e) Eligible household.

“Eligible household” means[:] A HOUSEHOLD WITH EXTREMELY LOW, VERY LOW, LOW, OR MODERATE INCOME.

- [(1) for a unit provided at an extremely low housing cost, a household having an income at or below 30% AMI;]
- [(2) for a unit provided at a very low housing cost, a household having an income greater than 30% but not more than 60% AMI;]
- [(3) for a unit provided at a low housing cost, a household having an income greater than 60% but not more than 80% AMI; and]
- [(4) for a unit provided at a moderate housing cost, a household having an income greater than 80% but not more than 120% AMI.]

(F) EXTREMELY LOW INCOME.

“EXTREMELY LOW INCOME” MEANS A HOUSEHOLD INCOME BELOW 30% AMI.

(G) [(f)] Housing cost.

“Housing cost” means[:]

- [(1) for ownership units, a sales price that requires a monthly payment, including mortgage principal and interest, taxes, insurance, homeowner association fees, and other assessments; and]
- [(2)] for rental units, a monthly payment for lease, sublet, let, or other rights to occupy a residential unit, EXCLUDING UTILITIES, PARKING, AND DISCRETIONARY FEES.

(H) LOW INCOME.

“LOW INCOME” MEANS A HOUSEHOLD INCOME AT OR BELOW 60% AMI.

(I) [(g)] Market rate.

“Market rate” means not restricted to an affordable rent or affordable ownership cost.

(J) MODERATE INCOME.

“MODERATE INCOME” MEANS A HOUSEHOLD INCOME AT OR BELOW 80% AMI.

(K) VERY LOW INCOME.

“VERY LOW INCOME” MEANS A HOUSEHOLD INCOME AT OR BELOW 50% AMI.

[§ 2B-4. Findings and policy.]

[(a) In general.]

[The Mayor and City Council of Baltimore finds as follows.]

[(b) Benefits of economic diversity.]

[Economic diversity in our neighborhoods, anchored by a strong and stable middle class and including homes for the full range of the City’s workforce, as well as for seniors and others on fixed incomes, will stimulate economic investment, promote neighborhood stability, and increase public safety for all.]

[(c) Limitations of private sector.]

[The private sector, as the primary source of housing and economic development activity in Baltimore City, is not solely, through its individual development actions, able to create economically diverse neighborhoods or developments or to develop housing for the broad range of incomes that will lead to economic diversity.]

[(d) Capabilities of City.]

[(1) Baltimore City can provide benefits to the private sector, to promote economic diversity and housing for a broad range of incomes in neighborhoods and residential developments, in a manner that recognizes the central role that private investment must play for the continued growth and well-being of the City, including the opportunity to earn reasonable and customary levels of profitability.]

[(2) These benefits include:]

[(i) the disposition of publicly owned land;]

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[(ii) the expenditure of public funds, including state and federal funds under the City's control;]

[(iii) tax relief; and]

[(iv) the adoption of land use standards that promote the inclusion of affordable homes.]

[(e) *City policy.*]

[It is the policy of Baltimore City to encourage economic diversity and balanced neighborhoods by promoting the inclusion of housing opportunities for residents with a broad range of incomes in all residential projects that contain [30] 20 or more residential units.]

[(f) *No additional financial burdens.*]

[This subtitle is not intended to impose additional financial burdens on a developer or a residential project. Rather, the intent of this subtitle is that the cost offsets and other incentives authorized under it will fully offset any financial impact resulting from the inclusionary requirements imposed.]

[\S 2B-5. Rules of construction.]

[(a) *In general.*]

[In this subtitle, the following rules of construction apply.]

[(b) *More stringent provisions apply.*]

[For residential projects subject to federal, state, or other local affordable housing requirements imposing an affordability restriction, if the terms of this subtitle regarding the length of a restriction or the level of affordability are more stringent than the applicable federal, state, or other local requirements, the terms of this subtitle apply.]

[(c) *Applying percentages.*]

[In applying percentages referred to in this subtitle:]

[(1) any portion of a percent less than one-half is disregarded; and]

[(2) any portion of a percent one-half or greater is rounded up to the next whole number.]

[\S 2B-6. Scope and applicability.]

[(a) *Incentives not made available.*]

[If cost offsets and other incentives are not made available to a residential project in accordance with this subtitle, the residential project is not subject to the requirements of this subtitle.]

[(b) *City's obligations.*]

[(1) Whenever a residential project is granted a waiver or is otherwise exempt from this subtitle, the City is not required to provide resources to the project or to the Inclusionary Housing Offset Fund.]

[(2) This subtitle does not obligate the City to expend or commit any funds beyond that which may be appropriated through the annual Ordinance of Estimates.]

[(c) *Incentives insufficient to offset financial impact.*]

[Notwithstanding any other provision of this subtitle, if the Housing Commissioner determines that the cost offsets or other incentives available to a residential project are insufficient to offset the financial impact on the developer of providing the affordable units required by this subtitle:]

[(1) the Housing Commissioner shall either:]

[(i) exempt the residential project from this subtitle; or]

[(ii) modify the number of affordable units required so that the cost offsets or other incentives available are sufficient to offset the financial impact; and]

[(2) neither the developer nor the Housing Commissioner need obtain the approval of the Board of Estimates for a modification or waiver under this subtitle.]

[(d) *Subsidized project.*]

[A residential project is exempt from this subtitle if:]

[(1) it is subsidized by a public program; and]

[(2) it satisfies the affordability requirements of § 2B-21(b) of this subtitle.]

§ 2B-3. [2B-7.] Rules and regulations.

(a) In general.

Subject to Title 4 {"Administrative Procedure Act – Regulations"} of the City General Provisions Article, the [Housing] Commissioner, in consultation with the [Inclusionary Housing Board and the] Planning Commission, must adopt rules and regulations to carry out the provisions of this subtitle.

(b) Scope – General.

These rules and regulations may include provisions for:

(1) defining, clarifying, or construing terms used in this subtitle;

[(2) setting or refining standards for modifications or waivers;]

(2) [(3)] determining eligibility to [purchase or] rent affordable units; and

(3) [(4)] setting standards for [sale or] rental prices for affordable units.

(c) Scope – Requiring timely response.

(1) The rules and regulations must[:]

[(i)] require the Inclusionary Housing Board, the Housing Commissioner, and the Planning Department to provide timely and definitive responses to all submissions required from a developer under this subtitle[; and].

[(ii) assure to the greatest extent practicable that the completion of residential projects is not delayed by implementation of this subtitle.]

[(2) Determinations by the Housing Commissioner regarding the sufficiency of potential cost offsets and other incentives must be made within 45 days from submission by a developer, in accordance with this subtitle, of a residential project to the Housing Commissioner, Planning Department, or other body, as required.]

(2) THE DEPARTMENT SHALL COMPILE THE RULES AND REGULATIONS ADOPTED UNDER THIS SECTION IN A MANUAL AND MAKE THAT MANUAL AVAILABLE TO THE PUBLIC.

[(d) *Scope – Written commitments.*]

[The rules and regulations must assure that the City evidences in writing its decisions to provide cost offsets or other incentives to a developer or residential project under this subtitle.]

[(e) *Advertising for comment.*]

[(1) A notice of the proposed adoption of all rules and regulations under this subtitle must be advertised in a newspaper of general circulation at least 45 days before their proposed adoption.]

[(2) The advertisement must include:]

[(i) a summary of the proposed rules and regulations; and]

[(ii) information on how a person can:]

[(A) obtain a copy of the proposed rules and regulations; and]

[(B) submit comments on them before their adoption.]

§§ 2B-4 [2B-5] to 2B-10. {Reserved}

Part II. Inclusionary Housing Board

§ 2B-11. Board Established.

There is an Inclusionary Housing Board.

§ 2B-12. Composition.

(a) *In general.*

The [board comprises] BOARD IS COMPRISED OF the following [15] 10 members:

(1) [9] 4 members appointed by the Mayor and confirmed by the City Council in accordance with City Charter article IV, § 6; AND

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- (2) [4] 3 members nominated by the Council President, appointed by the Mayor, and confirmed by the City Council in accordance with City Charter Article IV, § 6;]
- (3) the Housing Commissioner OR THE HOUSING COMMISSIONER'S DESIGNEE; [and]
- (4) the Planning [Director.] DIRECTOR OR THE PLANNING DIRECTOR'S DESIGNEE; AND
- (5) THE DIRECTOR OF THE OFFICE OF EQUITY AND CIVIL RIGHTS OR THE DIRECTOR'S DESIGNEE, WHO SHALL SERVE AS A NON-VOTING MEMBER OF THE BOARD.

(b) Qualifications – General.

- (1) Of the [13] 4 members appointed by the Mayor:

[(1) 1 must be a representative of a nonprofit entity that provides housing services in the City.]

[(2) 1 must be a neighborhood association leader.]

[(3) 1 must be a civil engineer practicing in the City.]

[(4) 1 must be an architect practicing in the City.]

[(5) 1 must be a lender experienced in lending practices for residential projects.]

[(6) 1 must be a builder or developer in the City of single-family detached or attached dwellings.]

[(7) 1 must be a builder or developer in the City of multiple-family dwellings.]

[(8) 1 must be a representative of a nonprofit entity that advocates for affordable housing in the City.]

[(9) 1 must be a representative of a labor union that represents municipal or other workers in the City.]

(I) 1 MUST BE A FOR-PROFIT DEVELOPER WITH EXPERIENCE IN PUBLIC FINANCING;

(II) 1 MUST BE A LENDER OR INVESTOR WITH EXPERIENCE IN MULTI-FAMILY PROJECTS AND PUBLIC FINANCING OR A MIXED INCOME OR MULTI-FAMILY DEVELOPER;

(III) 1 MUST HAVE EXPERIENCE IN HOUSING, COMMUNITY DEVELOPMENT, PLANNING, SOCIAL SERVICES, OR PUBLIC HEALTH; AND

(IV) 1 MUST BE A RENTER EARNING AN INCOME AT OR BELOW 60% OF THE AREA MEDIAN INCOME.

(2) OF THE 3 MEMBERS NOMINATED BY THE COUNCIL PRESIDENT:

(I) 1 MUST BE A FOR-PROFIT MULTI-FAMILY DEVELOPER THAT USES PUBLIC FINANCING, SUBSIDIES, OR TAX CREDITS;

(II) 1 MUST BE A NONPROFIT AFFORDABLE HOUSING DEVELOPER; AND

(III) 1 MUST BE A RENTER EARNING AN INCOME AT OR BELOW 60% OF THE AREA MEDIAN INCOME.

(c) Qualifications – Residency.

[(1)] All of the members must be residents of the City.

[(2) At least 1 member must be a member of an extremely low or very low income household.]

[(3) Each of the 4 members nominated by the Council President must reside in a different City Council district.]

§ 2B-13. Board officers; expenses.*(a) Chair.*

(1) The Mayor designates 1 of the appointed members to be the Chair of the Board.

(2) The Board may appoint a Vice-Chair and other officers as necessary or appropriate.

(b) Compensation; expenses.

The members of the Board:

(1) serve without compensation; but

(2) are entitled to reimbursement for reasonable expenses incurred in the performance of their duties, as provided in the Ordinance of Estimates.

§ 2B-14. Meetings; quorum; voting.*(a) Meetings.*

The Board meets on the call of the Chair as frequently as required to perform its duties.

(b) Quorum.

A majority of the members constitutes a quorum for the transaction of business.

(c) Voting.

An affirmative vote of at least a majority of a quorum is needed for any official action.

§ 2B-15. Staff.

The Department of Housing and Community Development must provide staff for the Board.

§ 2B-16. Annual Report.

(a) Required.

On or before [October] DECEMBER 31 of each year, the [Board] COMMISSIONER must:

- (1) submit a report to the Mayor and the City Council, THE BOARD, and to the Planning Commission that assesses efforts during the preceding fiscal year to create and sustain inclusionary housing in the City;
- (2) POST THE REPORT ON THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT’S WEBSITE; AND
- (3) FILE THE REPORT WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE.

(b) Contents generally.

The report must include:

- (1) [the total number and proportion (as to the total of all housing units developed) of affordable housing units generated under this subtitle] THE TOTAL NUMBER OF NEW AFFORDABLE UNITS CREATED UNDER THIS SUBTITLE FOR THAT YEAR AND CUMULATIVELY FOR MODERATE, LOW, VERY LOW, AND EXTREMELY LOW INCOME HOUSEHOLDS;
- (2) [the number and proportion generated under each of the various provisions of this subtitle (e.g., major public subsidy or significant rezoning)] FOR THAT YEAR, THE PERCENT OF NEW DWELLING UNITS CREATED IN THE CITY THAT ARE AFFORDABLE UNITS FOR MODERATE, LOW, VERY LOW, AND EXTREMELY LOW INCOME HOUSEHOLDS;
- [(3) the number generated at various affordable costs;]
- (3) AGGREGATED ANNUAL DATA PROVIDED UNDER § 2B-24 {“ANNUAL REPORT - RESIDENTIAL PROJECT.”} OF THIS SUBTITLE; AND
- (4) ATTACH THE ANNUAL REPORTS FROM THE PROPERTIES WITH NEW AFFORDABLE UNITS CREATED UNDER THIS SUBTITLE.
- [(4) a list and description of all waivers, modifications, or variances requested, granted, and denied under this subtitle, with a summary of the reasons for granting or denying each request;]

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- [(5) an estimate of the percent of units in the City that are occupied;]
- [(6) the amount and percent of residential property tax-base increase;]
- [(7) the percent of households that the City has retained;]
- [(8) an estimate of the growth in City households;]
- [(9) the number of units for which the City or eligible housing providers had a right of first refusal under § 2B-34 {"Right of first refusal"} or § 2B-52(c) {"Resales during affordability period – First refusal City’s right of first refusal"}, and the number of those units on which that right was exercised;]
- [(10) recommendations made by the Board under § 2B-66B {"Administration:Board to advise"} on priorities for which Inclusionary Housing Offset Fund money is best used; and]
- [(11) a summary of all information for the fiscal year that the Inclusionary Housing Offset Fund submits to the Board under § 2B-67 {"Reporting to Board"}.]

§ 2B-17. Duties.

In addition to the other duties specified elsewhere in this subtitle, the Board is responsible for:

- [(1) reviewing requests for modifications or waivers under § 2B-21 {"Project receiving major public subsidy"}, § 2B-22 {" Project benefitting from significant land use authorization or rezoning"}, and § 2B-23 {"Other projects – 30 or more units"} and advising the Housing Commissioner within 20 days of referral by the Commissioner, in a manner determined by the Board; and]
 - [(2) advising the Housing Commissioner and the Planning Director in the performance of their respective duties under this subtitle.]
- (1) REVIEWING AND PROVIDING COMMENTS ON THE REGULATIONS PROMULGATED UNDER § 2B-3 {"RULES AND REGULATIONS"} OF THIS SUBTITLE; AND
 - (2) REVIEWING AND PROVIDING COMMENTS ON INCLUSIONARY HOUSING PLANS SUBMITTED BY RESIDENTIAL PROJECTS TO THE BOARD AS REQUIRED UNDER § 2B-22 {"INCLUSIONARY HOUSING PLAN"} OF THIS SUBTITLE.

§§ 2B-18 to 2B-20. {Reserved}

Part III. Inclusionary Requirements

§ 2B-21. [Project receiving major public subsidy] INCLUSIONARY REQUIREMENTS.

(a) Applicability of section.

This section applies to any residential project [that]:

- (1) THAT provides [30] 20 or more [residential] DWELLING units; [and]
- (2) [receives a major public subsidy.] THAT RECEIVES:
 - (I) A MAJOR PUBLIC SUBSIDY; OR
 - (II) A SIGNIFICANT LAND USE AUTHORIZATION;
- (3) THAT IS NEWLY CONSTRUCTED, WHOLLY RENOVATED, OR CONVERTED FROM A NON-RESIDENTIAL BUILDING; AND
- (4) THE COST OF THE CONSTRUCTION OR CONVERSION EXCEEDS \$60,000 PER RENTAL UNIT.

(b) Affordable units required.

- (1) In every residential project subject to this section, at least [20%] 10% of all [residential] DWELLING units FOR RENT must be affordable units TO LOW INCOME HOUSEHOLDS.
- [(2) (i) For rental units:]
 - [1. at least 30% must be provided to eligible households at an extremely low rental cost;]
 - [2. at least 25% must be provided to [eligible households at or below a very low rental cost;]
 - [3. at least 25% must be provided to eligible households at or below a low rental cost; and]
 - [4. the remainder must be provided to eligible households at a rental cost that does not exceed 1/12 of 30% of 100% of the AMI.]

[(ii) For ownership units:]

- [1. at least 25% must be provided to eligible households at a very low ownership cost;]
- [2. at least 50% must be provided to eligible households at a low ownership cost; and]
- [3. the remainder must be provided to eligible households at a moderate ownership cost.]

(2) IN EVERY RESIDENTIAL PROJECT WHERE THE DEVELOPER IS OFFERED AN ADDITIONAL SUBSIDY OR OFFERED THE OPPORTUNITY TO APPLY FOR AN ADDITIONAL SUBSIDY FOR AFFORDABLE UNITS FOR VERY LOW INCOME OR EXTREMELY LOW INCOME HOUSEHOLDS, UP TO AN ADDITIONAL 5% OF DWELLING UNITS FOR RENT MUST BE AFFORDABLE TO VERY LOW AND EXTREMELY LOW INCOME HOUSEHOLDS UPON AN AWARD OF THE ADDITIONAL SUBSIDY.

[(c) Cash subsidies.]

[If the Housing Commissioner determines that the major public subsidy is insufficient to offset the financial impact on the developer of providing the affordable units required by this subtitle, the City may grant a cash subsidy to the developer from the Inclusionary Housing Offset Fund or other available sources in an amount sufficient to offset the financial impact.]

[(d) Modifications or waivers – Housing Commissioner.]

[If the Housing Commissioner determines that the major public subsidy or cash subsidies available to a residential project are insufficient to offset the financial impact on the developer of providing the affordable units required by this subtitle:]

[(1) the Housing Commissioner shall either:]

- [(i) exempt the residential project from this subtitle; or]

[(ii) modify the number of affordable units required so that the major public subsidy or cash subsidies available are sufficient to offset the financial impact; and]

[(2) neither the developer nor the Housing Commissioner need obtain the approval of the Board of Estimates for a modification or waiver under this subsection.]

(C) MORE RESTRICTIVE GOVERNS.

IF THE CITY NEGOTIATES OR A RESIDENTIAL PROJECT PROMISES TO PROVIDE A GREATER PERCENTAGE OF AFFORDABILITY OR LONGER TIME PERIOD OF AFFORDABILITY, THAT MORE RESTRICTIVE PROVISION GOVERNS OVER THE REQUIREMENTS OF THIS SUBTITLE TO THE EXTENT OF ANY CONFLICT.

(D) EXCLUSIONS.

THE PROVISIONS OF THIS SECTION DO NOT APPLY TO:

(1) DORMITORIES, AS DEFINED IN § 1-305(G) OF THE ZONING CODE;

(2) FRATERNITY OR SORORITY HOUSES, AS DEFINED IN § 1-306(P) OF THE ZONING CODE; OR

(3) RESIDENTIAL-CARE FACILITIES, AS DEFINED IN § 1-312(P) OF THE ZONING CODE.

[(e) Modifications or waivers – Board of Estimates.]

[(1) In addition to the modifications and waivers provided for in subsection (d) of this section, the Housing Commissioner, with approval from the Board of Estimates, may grant a modification of or a waiver from the requirements of subsection (b) of this section if the findings required by paragraph (3) of this subsection are made.]

[(2) The Housing Commissioner must state the reasons that he or she believes that granting the modification or waiver would further the goal of increasing inclusionary housing in Baltimore City.]

[(3) The Housing Commissioner and the Board of Estimates may grant the modification or waiver if they find that:]

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[(i) homes will be provided for families in a mixed-income setting at lower affordability levels than those required under this section;]

[(ii) because of limited City resources, more affordable units in mixed-income housing will be created over a 2-year period than would be created if the modification or waiver were not granted;]

[(iii) more effective use of public programs or sources of subsidy will better address mixed-income housing in Baltimore City; or]

[(iv) the modification or waiver will promote the creation of units that are more expensive to construct than typical units because they are specially designed and designated for people with disabilities or built to be substantially more energy efficient than customary units.]

[(4) The Housing Commissioner must:]

[(i) issue a written decision on the application within 45 days of its receipt; and]

[(ii) post a copy of the decision on the City's website.]

[(f) *Investment Threshold.*]

[(1) "Additional cost" means the difference in the amount of major public subsidy for an entire development between what would be required to make the development feasible with the affordable units required by this subsection compared to the amount of major public subsidy that would be required to make the development feasible if it did not include the affordable units required by this subsection.]

[(2) In this subsection, “investment threshold” per unit means the additional cost per affordable unit of creating inclusionary units at a given income tier as detailed below:]

[(i) for Rental Development:]

[Units at or Below Extremely Low Cost \$125,000]

[Units at or Below Very Low Cost \$100,000]

[Units at or Below Low Cost \$50,000]

[Units at or Below Moderate Cost \$25,000]

[(ii) for Ownership Development:]

[Units at or Below Very Low Cost or]
[Extremely Low Cost \$125,000]

[Units at or Below Low Cost \$100,000]

[Units at or Below Moderate Cost \$50,000]

[(3) If the Housing Commissioner determines that the additional cost per affordable unit exceeds the basic investment threshold, the Housing Commissioner shall, except by mutual agreement of the City and the developer:]

[(i) exempt the residential project from the requirement to provide affordable units; and]

[(ii) require the developer to deposit into the Inclusionary Housing Offset Fund an amount equal to the lesser of the following amounts, but only if the major public subsidy has been increased to fully offset the cost to the developer of making the deposit:]

[(A) the basic per unit investment threshold as indicated in this subsection; or]

[(B) 20% of the additional cost that would have been required to achieve the affordability targets specified in § 2B-21(b)(2) of this subtitle.]

[§ 2B-22. Project benefitting from significant land use authorization or rezoning.][(a) *Applicability of section.*]

[This section applies to any residential project that:]

[(1) provides 20 or more residential units; and]

[(2) is wholly or partially on property for which there has been:]

[(i) a significant land use authorization; or]

[(ii) a significant rezoning.]

[(b) *Affordable units required.*]

[(1) In every residential project subject to this section, at least 10% of all residential units must be affordable units.]

[(2) Of these affordable units:]

[(i) at least half must be provided to eligible households at or below a low affordable cost for ownership units or at or below a very low affordable cost for rental units; and]

[(ii) the others may be provided to eligible households at a moderate affordable ownership cost or moderate affordable rent.]

[(c) *Density Bonuses.*]

[The residential project may apply to the Board of Municipal and Zoning Appeals to receive bonus units up to 20% of the units otherwise allowed in the residential project, computed as set forth in Zoning Code Table 9-401, but only if the Housing Commissioner first determines that the residential project:]

[(1) would not be economically feasible if it provided the number of inclusionary units required by this subtitle, but]

[(2) would be economically feasible if it provided the number of inclusionary units required by this subtitle and received the density bonus described in this subsection.]

[(d) *Exemption.*]

[(1) A residential project is exempt from the requirements of this subtitle if:]

[(i) the Board of Municipal and Zoning Appeals denies the density bonus described in subsection (c) of this section; or]

[(ii) the Housing Commissioner determines that the project would not be economically feasible if it provided the number of inclusionary units required by this subtitle, even if the project received the density bonus described in subsection (c) of this section.]

[(2) Neither the developer nor the Housing Commissioner need obtain the approval of the Board of Estimates for an exemption under this subsection.]

[(e) *Modifications or waivers.*]

[(1) In addition to the exemption provided for in subsection (d) of this section, the Housing Commissioner, with approval from the Board of Estimates, may grant a modification of or a waiver from the requirements of subsection (b) of this section if the Housing Commissioner finds that:]

[(i) homes will be provided for families at lower affordability levels in a mixed income setting than those required under this section;]

[(ii) the development would not be economically feasible given existing market conditions with the number of inclusionary units required under this section, additional density bonuses are not available, and granting a modification or waiver would create more affordable units in mixed-income housing over a 2-year period than would be created if the modification or waiver were not granted; or]

[(iii) the modification or waiver will promote the creation of units that are more expensive to construct than typical units because they are specially designed and designated for people with disabilities or built to be substantially more energy efficient than customary units.]

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[(2) The Housing Commissioner must:]

[(i) issue a written recommendation to the Board of Estimates within 45 days of the application's receipt; and]

[(ii) provide a copy of that recommendation to:]

[(A) the Inclusionary Housing Board;]

[(B) the Planning Director; and]

[(C) the City Council.]

[(3) When the Board of Estimates issues its decision, the Housing Commissioner must:]

[(i) provide a copy of that decision to:]

[(A) the Inclusionary Housing Board;]

[(B) the Planning Director; and]

[(C) the City Council; and]

[(ii) post a copy of the decision on the City's website.]

[\S 2B-23. Other projects – 30 or more units.]

[(a) *Applicability of section.*]

[This section applies to any residential project that:]

[(1) provides 30 or more residential units; and]

[(2) is not otherwise subject to § 2B-21 {"Project receiving major public subsidy or § 2B-22 {"Project benefitting from significant land use authorization or rezoning"}"}.]

[(b) *Affordable units required.*]

[(1) In every residential project subject to this section, 10% of all residential units must be provided to eligible households at or below a moderate affordable cost.]

[(2) The residential project is entitled to a certain cost-offsets, as provided in this section, subject to the availability of City funds to provide these cost offsets.]

[(3) (i) The extent to which funds are available shall be determined by the Housing Commissioner.]

[(ii) The developer of a project subject to this section shall be informed no later than the time of a Pre-Development Meeting with the Planning Department whether the City has the funds available in the Inclusionary Housing Offset Fund to provide cash subsidies under this section.]

[(c) Cost offsets.]

[(1) If all of the affordable units provided under this section are at or below a low affordable housing cost, the residential project may apply to the Board of Municipal and Zoning Appeals for bonus units equal to 20% of the units otherwise allowed in the residential project, computed as set forth in Zoning Code Table 9-401. In that case, the number of affordable units required is 10% of all units, including bonus units.]

[(2) If the Board of Municipal and Zoning Appeals denies the density bonus described in paragraph (1) of this subsection or the Housing Commissioner determines that the bonus units provided under paragraph (1) of this subsection are insufficient to offset the financial impact on the developer of providing the affordable units required by this subtitle, the City may provide cash subsidies to the developer from the Inclusionary Housing Offset Fund or other available sources in an amount sufficient to offset the financial impact.]

[(d) Modifications or waivers – Housing Commissioner.]

[If the Housing Commissioner determines that the density bonus and cash subsidies available to a residential project are insufficient to offset the financial impact on the developer of providing the affordable units required by this subtitle:]

[(1) the Housing Commissioner shall either:]

[(i) exempt the residential project from this subtitle; or]

[(ii) modify the number of affordable units required so that the density bonus or cash subsidies available are sufficient to offset the financial impact; and]

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[(2) neither the developer nor the Housing Commissioner need obtain the approval of the Board of Estimates for a modification or waiver under this subsection.]

[(e) *Modifications or waivers – Board of Estimates.*]

[(1) In addition to the exemption provided for in subsection (d) of this section, on application by a developer to the Housing Commissioner, the Commissioner with approval from the Board of Estimates may grant a modification of or a waiver from the requirements of subsection (b) of this section if they find that:]

[(i) even if with available cost offsets, the economic return to the developer for the entire development would be less than it would be absent a requirement for affordable units;]

[(ii) exceptionally high ongoing occupancy costs make it infeasible to include affordable units on the site; or]

[(iii) in a neighborhood that comprises primarily low- and moderate-cost housing and for which a development plan for mixed-income (including affordable) housing has been adopted by the Planning Commission, the developer's project fulfills that part of the plan that calls for market-rate housing.]

[(2) The Housing Commissioner must:]

[(i) issue a written decision on the application within 45 days of its receipt;]

[(ii) provide a copy of that decision to:]

[(A) the Inclusionary Housing Board;]

[(B) the Planning Director; and]

[(C) the City Council; and]

[(iii) post a copy of the decision on the City's website.]

[(f) Investment threshold.]

[(1) If the cost offsets that would need to be provided under this section exceed the per unit investment threshold amounts specified below, the Housing Commissioner, in his or her discretion, may opt not to require affordable units in the development.]

[(2) Investment Threshold for Rental Development:]

<u>[Units at or Below Very Low Cost</u>	<u>\$115,000]</u>
<u>[Units at or Below Moderate Cost</u>	<u>\$ 40,000]</u>

[(3) Investment Threshold for Ownership Development:]

<u>[Units at or Below Low Cost</u>	<u>\$110,000]</u>
<u>[Units at or Below Moderate Cost</u>	<u>\$ 50,000]</u>

§ 2B-24. Other projects – Less than 30 units.]

[A developer of a project with less than 30 residential units may request the Housing Commissioner to provide cost offsets under § 2B-23 {“Other projects – 30 or more units”} if the developer voluntarily includes affordable housing in the project in accordance with subsection (b) of that section.]

§ 2B-22. INCLUSIONARY HOUSING PLAN.

(A) INCLUSIONARY HOUSING PLAN REQUIRED.

RESIDENTIAL PROJECTS SUBJECT TO THE AFFORDABILITY UNIT REQUIREMENTS OF THIS SUBTITLE MUST SUBMIT AN INCLUSIONARY HOUSING PLAN TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE INCLUSIONARY HOUSING BOARD WHEN APPLYING FOR A BUILDING PERMIT.

(B) INCLUSIONARY HOUSING PLAN REQUIREMENTS.

(1) IN GENERAL.

RESIDENTIAL PROJECTS REQUIRED TO SUBMIT AN INCLUSIONARY HOUSING PLAN UNDER SUBSECTION (A) MUST SUBMIT A PLAN IN THE FORM ESTABLISHED BY THE COMMISSIONER.

(2) AFFIRMATIVE FAIR HOUSING MARKETING.

AN INCLUSIONARY HOUSING PLAN MUST INCLUDE A PLAN FOR AFFIRMATIVELY MARKETING THE AFFORDABLE UNITS IN THE RESIDENTIAL PROJECT TO THOSE INDIVIDUALS LEAST LIKELY TO APPLY TO BECOME TENANTS WITHOUT SPECIAL OUTREACH EFFORTS.

(C) REVIEW AND COMMENT ON INCLUSIONARY HOUSING PLAN.

BEFORE THE CITY ISSUES BUILDING PERMITS FOR A RESIDENTIAL PROJECT THAT IS SUBJECT TO THE AFFORDABILITY UNIT REQUIREMENTS OF THIS SUBTITLE, THE RESIDENTIAL PROJECT'S INCLUSIONARY HOUSING PLAN MUST FIRST BE REVIEWED AND COMMENTED UPON BY THE INCLUSIONARY HOUSING BOARD.

(D) COMMISSIONER AUTHORITY TO CREATE INCLUSIONARY HOUSING PLAN FORM.

THE COMMISSIONER, WITH THE ADVICE AND CONSENT OF THE INCLUSIONARY HOUSING BOARD, SHALL CREATE AND AMEND AS NECESSARY A FORM FOR AN INCLUSIONARY HOUSING PLAN.

§ 2B-23. [2B-25. Source of income discrimination] FAIR HOUSING LAWS AND REGULATIONS.

[(a) Projects subject to affordable housing requirements.]

[For any unit in any residential project that meets the requirements of § 2B-21(a) 2B-31(a), § 2B-22(a), or, when effective, § 2B-23(a) of this subtitle, a person may not:]

- [(1) refuse to sell or rent, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of that person's source of income;]
- [(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of that person's source of income;]
- [(3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on the source of income that may be used to pay rent;]

[(4) represent to any person, because of that person's source of income, that any dwelling is not available for inspection, or rental when the dwelling is available; or]

[(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person using a particular source of income.]

[(b) *Projects receiving cost offsets for affordable housing.*]

[For any unit in any residential project that receives a cost offset from the Housing Commissioner under § 2B-24 of this subtitle, a person may not:]

[(1) refuse to sell or rent, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of that person's source of income;]

[(2) discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or rental of a dwelling, or in the provision of services or facilities in connection with the sale or rental of a dwelling, because of that person's source of income;]

[(3) make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination based on the source of income that may be used to pay rent;]

[(4) represent to any person, because of that person's source of income, that any dwelling is not available for inspection or rental when the dwelling is available; or]

[(5) for profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person using a particular source of income.]

[(c) *Requirements may not be waived.*]

[The requirements of this section may not be waived or modified under any other provision of this subtitle, and no residential project may be exempted from the requirements of this section under any other provision of this subtitle.]

ALL RESIDENTIAL PROJECTS CREATED UNDER THIS SUBTITLE ARE SUBJECT TO APPLICABLE FEDERAL, STATE, AND LOCAL HOUSING LAWS AND REGULATIONS.

§ 2B-24. ANNUAL REPORT – RESIDENTIAL PROJECT .

- (A) RESIDENTIAL PROJECTS SUBJECT TO THE AFFORDABILITY REQUIREMENTS OF THIS SUBTITLE MUST SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT AND THE INCLUSIONARY HOUSING BOARD.
- (B) THE CONTENTS OF THE ANNUAL REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MUST INCLUDE:
- (1) THE NUMBER OF AFFORDABLE UNITS IN THE RESIDENTIAL PROJECT FOR EACH INCOME LEVEL APPLICABLE UNDER THIS SUBTITLE;
 - (2) THE SQUARE FOOTAGE OF EACH BEDROOM IN EACH AFFORDABLE UNIT;
 - (3) WHETHER AN AFFORDABLE UNIT IS LEASED AND OCCUPIED AT THE TIME OF THE REPORT AND TO WHICH INCOME LEVEL THE TENANT BELONGS;
 - (4) WHETHER OR NOT THE RESIDENTIAL PROJECT IS IN COMPLIANCE WITH THE INCLUSIONARY HOUSING PLAN;
 - (5) THE NUMBER OF TENANTS, DELINEATED BY GROUP, OCCUPYING AFFORDABLE UNITS WHO WERE IDENTIFIED AS BELONGING TO A GROUP LEAST LIKELY TO LEASE AS A RESULT OF THE AFFIRMATIVE MARKETING REQUIRED UNDER § 2B-22(B) {“INCLUSIONARY HOUSING PLAN REQUIREMENTS”} OF THIS SUBTITLE;
 - (6) AN ACCOUNTING OF THE MONTHLY RENT COLLECTED FOR EACH AFFORDABLE UNIT FOR THAT YEAR, AS PREPARED BY AN INDEPENDENT ACCOUNTANT;
 - (7) A COMPARISON, DISPLAYED AS BOTH A NUMBER AND PERCENTAGE, OF THE MONTHLY RENT COLLECTED FOR EACH AFFORDABLE UNIT AGAINST THE MONTHLY RENT THAT COULD HAVE BEEN COLLECTED IF EACH AFFORDABLE UNIT WAS A MARKET-RATE UNIT, AS PREPARED BY AN INDEPENDENT ACCOUNTANT;
 - (8) AN ACCOUNTING OF THE EFFICACY OF THE HIGH-PERFORMANCE INCLUSIONARY TAX CREDIT;
 - (9) THE TYPE OF MAJOR PUBLIC SUBSIDY THAT MADE THE RESIDENTIAL PROJECT SUBJECT TO THE AFFORDABILITY UNIT REQUIREMENTS OF THIS SUBTITLE; AND

(10) ANY ADDITIONAL INFORMATION RELATED TO COMPLIANCE WITH THIS SUBTITLE OR ANY RULES AND REGULATIONS ISSUED UNDER THIS SUBTITLE AS DETERMINED BY THE COMMISSIONER.

(C) THE COMMISSIONER WILL PROMINENTLY POST ALL ANNUAL REPORTS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION ON THE CITY'S WEBSITE.

§§ 2B-25 to 2B-30. {Reserved}

Part IV. Standards for Affordable Units

§ 2B-31. Comparable design.

[(a) *In general.*]

The affordable units required by this subtitle:

- (1) must be complementary to the market rate units in the same project as to their exterior appearance;
- (2) must be comparable to the market rate units in the same project as to:
 - (i) number of bedrooms; and
 - (ii) overall quality of construction; and
- (3) may vary in size and finish, consistent with standards set forth in the [Housing] Commissioner's rules and regulations.

[(b) *Variance.*]

- [(1) The developer may request a variance from the requirements of subsection (a) of this section by submitting a written request to the Housing Commissioner.]
- [(2) The Housing Commissioner may approve a request if it is determined that the affordable units are of good quality and consistent with contemporary standards for new housing.]
- [(3) The Housing Commissioner must issue a written decision on the request within 45 days of its receipt.]

[(4) The Housing Commissioner must periodically report to the Inclusionary Housing Board on all applications made under this subsection and their disposition.]

§ 2B-32. Placement.

[(a) *In general.*]

The affordable units required by this subtitle must be dispersed throughout the residential project.

[(b) *Variance.*]

[(1) The developer may request a variance from the requirements of subsection (a) of this section by submitting a written request to the Housing Commissioner to cluster affordable units within the project.]

[(2) Within 45 days of the request, the Housing Commissioner must, in his or her sole discretion, provide a written determination as to whether the proposal adequately demonstrates that:]

[(i) the proposed design meets the goals of this subtitle; and]

[(ii) a variance should be allowed.]

[(3) The Housing Commissioner must periodically report to the Inclusionary Housing Board on all applications made under this subsection and their disposition.]

§ 2B-33. Simultaneous offering.

[(a) In general.]

The affordable units required by this subtitle must be constructed and completed in the same time frame as the market rate units in the project.

[(b) Variance.]

[(1) The developer may request a variance from the requirements of subsection (a) of this section by submitting a written request to the Housing Commissioner.]

[(2) The Housing Commissioner may approve a request if:]

[(i) the Commissioner determines, in her or his sole discretion, that the provision of affordable units will not be adversely affected or delayed by the variance; or]

[(ii) affordable units are to be provided off-site under Part V of this subtitle.]

[(3) The Housing Commissioner must issue a written decision on the request within 45 days of its receipt.]

[(4) The Housing Commissioner must periodically report to the Inclusionary Housing Board on all applications made under this subsection and their disposition.]

[\§ 2B-34. Right of first refusal.]

[(a) In general.]

[The City and designated housing providers have a right of first refusal to purchase or rent up to one-third of affordable units provided in a residential project under this subtitle.]

[(b) Designated housing providers.]

[(1) From time to time, the Housing Commissioner may designate housing providers authorized to purchase or rent affordable units under this section, according to regulation and procedures adopted by the Commissioner.]

[(2) The City or designated housing providers may rent or resell units acquired under this section to eligible households.]

[(c) Time for exercise.]

[The City or designated housing provider must decide whether to exercise its right of first refusal within 45 days of submission by a developer, pursuant to the rules and regulations adopted under this subtitle, of an offer to sell the affordable units.]

§ 2B-35. Eligibility to purchase or rent.]

[(a) In general.]

[The rules and regulations adopted by the Housing Commissioner under this subtitle must include provisions for determining eligibility to purchase or rent affordable units.]

[(b) Counseling.]

[These provisions must require appropriate housing counseling from a HUD qualified counseling agency in a manner determined by the Housing Commissioner.]

[(c) First preference for neighbors, etc.]

[These provisions shall attempt, consistent with other governing requirements, to provide special priority for otherwise-qualified individuals who:]

[(1) were displaced by the project; or]

[(2) reside within the same neighborhood in which the residential project is located.]

§ 2B-36. Owner-occupancy of ownership units.]

[An affordable unit that is sold under this subtitle to an eligible household must be owner-occupied.]

§ 2B-36. [2B-37.] Management of rental units.

An affordable rental unit provided under this subtitle must be managed under the same management standards as all market-rate rental units in the development.

§ 2B-37. MASTER LEASING AFFORDABLE UNITS.

(A) IN GENERAL.

THE CITY OR DESIGNATED HOUSING PROVIDERS MAY ENTER MASTER LEASE AGREEMENTS TO MANAGE AFFORDABLE UNITS DEVELOPED TO COMPLY WITH § 2B-21(B)(2) {"INCLUSIONARY REQUIREMENTS."} OF THIS ARTICLE.

(B) DESIGNATED HOUSING PROVIDERS.

THE COMMISSIONER MAY DESIGNATE HOUSING PROVIDERS TO MANAGE AND RENT AFFORDABLE UNITS IN ACCORDANCE WITH THE REGULATIONS AND PROCEDURES ADOPTED BY THE COMMISSIONER.

§§ 2B-38 to 2B-40. {Reserved}

[Part V. Off-Site Substitution]

[§ 2B-41. "Off-site" defined.]

[In this Part V, "off-site" means outside the metes and bounds of the property on which a residential project is located.]

[§ 2B-42. In general.]

[The developer of a residential project may apply to provide off-site affordable residential units in whole or partial substitution for the units required by § 2B-22 {"Project benefitting from significant land-use authorization or rezoning"} or § 2B-23 {"Other projects – 30 or more units"}, as the case may be.]

[§ 2B-43. Application.]

[(a) In general.]

[The application for off-site units must be made to the Housing Commissioner.]

[(b) *Accompanying report.*]

[The application must be accompanied by a report that includes:]

- [(1) conditions affecting the project that prevent the developer from meeting the requirements of § 2B-22 {"Project benefitting from significant land use authorization or rezoning"} or § 2B-23 {"Other projects – 30 or more units"}, as the case may be;]
- [(2) independent data, including appropriate financial information, that support the developer's position that constructing the required affordable units on site is not feasible; and]
- [(3) an analysis of how the off-site substitution will further mixed-income housing opportunities in the neighborhood in which the residential project is located.]

[§ 2B-44. Minimum criteria.]

[Off-site units may be allowed under this Part V only if:]

- [(1) they will be provided at another location in the same neighborhood or comparable contiguous geographic area as the residential project to which they are being credited, as determined by the Planning Director, or in a residential project approved by the Housing Commissioner within 2,000 feet of a rapid transit stop; and]
- [(2) in the aggregate, the off-site units and any affordable units provided on-site at the residential project are no fewer than the number of affordable units required by § 2B-22 {"Project benefitting from significant land use authorization or rezoning"} or § 2B-23 {"Other projects – 30 or more units"}, as the case may be.]

[§ 2B-45. Review.]

[The Housing Commissioner, with approval by the Board of Estimates, may approve a request if the requested variance will promote mixed-income housing opportunities in Baltimore City to an extent equal to or greater than compliance with this subtitle.]

Part V [VT]. Continued Affordability

§ 2B-41. [2B-51.] Rental units.

(a) Affordability period.

- (1) Every affordable rental unit subject to this subtitle must remain at an affordable [rent] HOUSING COST, as provided in this section, for a period of not less than 30 years from the date of its initial occupancy.**
- (2) 1 YEAR PRIOR TO THE EXPIRATION OF THE AFFORDABILITY PERIOD, THE OWNER SHALL NOTIFY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OF THE OPPORTUNITY TO MASTER LEASE THE AFFORDABLE UNITS, AT WHICH TIME, THE CITY OR DESIGNATED NONPROFIT HOUSING PROVIDERS MAY HAVE THE FIRST RIGHT OF REFUSAL TO MASTER LEASE THE AFFORDABLE UNITS TO CONTINUE AFFORDABILITY AFTER THE AFFORDABILITY PERIOD EXPIRES.**

(b) Lease and sublease restrictions.

During the affordability period, the owner of the rental property may not rent or lease any affordable unit and a tenant may not sub-rent or sublease the unit except to an eligible household at a rent that does not exceed an affordable rent applicable to that unit.

[(c) Rent increases.]

- [(1) During the affordability period, rent increases may be imposed only as provided in this section.]**
- [(2) The percentage increase in annual rent may not exceed:]**
 - [(i) the percentage increase in the cost of living, based on an appropriate inflator index as determined by the Housing Commissioner; or]**
 - [(ii) a greater amount to the extent:]**
 - [(A) necessitated by documented hardship or other exceptional circumstances; and]**
 - [(B) approved in writing by the Housing Commissioner.]**

(C) AFFORDABILITY VARIANCE.

(1) ALL AFFORDABLE UNITS UNDER THIS SECTION MUST BE INITIALLY LEASED TO MODERATE, LOW, VERY LOW, OR EXTREMELY LOW INCOME HOUSEHOLDS, AS OUTLINED IN § 2B-21 OF THIS SUBTITLE {"INCLUSIONARY REQUIREMENTS"}.

(2) IF A TENANT'S INCOME INCREASES:

(I) THE TENANT WILL BE ALLOWED TO STAY IN THE UNIT; AND

(II) THE TENANT'S RENT CAN BE INCREASED AT THE SAME RATIO AS THE ORIGINAL LEASING.

(3) IF THE INCOME OF A TENANT IN AN AFFORDABLE UNIT, AS DESCRIBED IN THIS SECTION, INCREASES TO 100% OF AMI:

(I) THE TENANT SHALL PAY FULL MARKET RENT; AND

(II) ANOTHER UNIT MUST BE MADE AVAILABLE TO COMPLY WITH THE AFFORDABILITY REQUIREMENTS IN THIS SECTION.

(d) Owner's maintenance.

The owner of an affordable rental unit:

(1) at all times must comply with all building, fire, safety, and other codes applicable to rental units; and

(2) in providing maintenance and other services to rental units in the residential project, may not discriminate in any way against affordable units.

[(e) Reports to Commissioner.]

[(1) Owners of affordable rental units subject to this subtitle must periodically report to the Housing Commissioner on their compliance with the requirements of this section.]

[(2) These reports must be made in the form and with the frequency that the Housing Commissioner requires.]

[§ 2B-52. Ownership units.]*[(a) City's right of first refusal.]*

[The City has the right of first refusal to purchase at market rate any affordable unit initially provided under this subtitle.]

[(b) Identifying public investment.]

[(1) At the time of initial sale, the Housing Commissioner shall identify the amount of public investment in the unit.]

[(2) For units benefitting from significant rezoning or bonus units, the public investment is deemed to be an amount equal to the owner's initial purchase price.]

[(c) Allocation of proceeds.]

[At the time of any subsequent sale, the proceeds of the sale shall be allocated as follows:]

[(1) The owner receives the initial purchase price paid by the owner plus the value of documented improvements.]

[(2) The City receives an amount equal to its public investment in the affordable unit, but only to the extent that the proceeds of the sale exceed the initial purchase price and the values of documented improvements.]

[(3) Any proceeds of sale beyond the purchase price and the initial City investment shall be allocated to the owner and the City in the same proportion as the owner's initial purchase price compared to the initial public investment. However, if the sale occurs within 10 years of the owner's purchase, the owner's share of these proceeds is limited to 10% of the owner's proportional share for each full year of the owner's ownership.]

[(d) Affordable Housing Agreement.]

[The Housing Commissioner's rules and regulations must include provisions for the execution and filing in the land records of affordability housing agreements that embody the requirements of this section.]

§§ 2B-42 TO 2B-50. [2B-53 to 2B-60.] {Reserved}

[Part VII. Inclusionary Housing Offset Fund]

[\$ 2B-61. Fund established.]

[(a) *In general.*]

[There is a Baltimore City Inclusionary Housing Offset Fund.]

[(b) *Nature of Fund.*]

[The Baltimore City Inclusionary Housing Offset Fund is a continuing, nonlapsing fund established by authority of City Charter Article I, § 10.]

[\$ 2B-62. Revenue sources.]

[The Offset Fund comprises:]

[(1) money appropriated to the Offset Fund in the annual Ordinances of Estimates, and]

[(2) grants or donations made to the Offset Fund.]

[\$ 2B-63. Use of Fund – General.]

[Money deposited in the Offset Fund, along with any interest earned on that money, may be used only for the following purposes:]

[(1) to finance the implementation and administration of this subtitle, including the provision of cost offsets under this subtitle; and]

[(2) otherwise to promote economically diverse housing in City neighborhoods, including:]

[(i) providing assistance, by loan, grant, or otherwise, for the planning, production, maintenance, or expansion of affordable housing in the City;]

[(ii) providing assistance, by loan, grant, or otherwise, to persons unable to obtain affordable housing; and]

[(iii) otherwise increasing housing opportunities for working families and other persons of low and moderate income.]

[\S 2B-64. Use of Fund – Administration.]

[No more than 5% of the money in the Offset Fund may be used in any fiscal year for personnel or other costs of administering the Offset Fund.]

[\S 2B-65. Use of Fund – Public assistance.]

[At least half of the households that receive assistance from the Offset Fund must have earnings of not more than 60% of the AMI.]

[\S 2B-66. Administration.]

[(a) *Commissioner may prescribe procedures.*]

[The Housing Commissioner may prescribe procedures for administering the Offset Fund.]

[(b) *Board to advise.*]

[The Inclusionary Housing Board advises the Housing Commissioner through its annual report and as requested by the Commissioner on the activities and priorities for which Offset Fund money is best used to promote economically diverse housing in the City.]

[\S 2B-67. Reporting to Board.]

[(a) *In general.*]

[The Housing Commissioner must provide the Inclusionary Housing Board, on a regular basis, information on the uses and impact of the Offset Fund.]

[(b) *Inclusions.*]

[The information must include:]

[(1) expenditures from the Offset Fund;]

[(2) a list of projects funded through the Offset Fund;]

[(3) the number and income levels of households assisted by the Offset Fund;]

- [(4) funds leveraged by Offset Fund funds;]
- [(5) number of affordable units produced or preserved;]
- [(6) information as to how Fund money may be used for development efforts assisting the homeless; and]
- [(7) other information that the Board requests about the Offset Fund's impact.]

Part VI [VIII]. Administrative Review, [and] Judicial Review, AND PENALTIES

§ 2B-51. [2B-71.] Administrative appeals.

(a) Right of appeal.

Any person aggrieved by a decision or ruling of the [Housing] Commissioner under this subtitle may appeal that decision or ruling to the Board of [Estimates] MUNICIPAL AND ZONING APPEALS.

(b) How and when taken.

The appeal must be taken in writing within 15 days from the date of notice of the decision or ruling.

(c) Hearing and decision.

The Board:

- (1) must hold a hearing on the appeal as soon as practicable; and
- (2) may affirm, modify, or reverse the action from which the appeal was taken.

§ 2B-52. [2B-72.] Judicial and appellate review.

(a) Judicial review.

A party aggrieved by a final decision of the Board of [Estimates] MUNICIPAL AND ZONING APPEALS under § 2B-[71] 51 {"Administrative appeals"} of this subtitle may seek judicial review of that decision by petition to the Circuit Court for Baltimore City in accordance with the Maryland Rules of Procedure.

(b) Appellate review.

A party to the judicial review may appeal the court's final judgment to the Court of Special Appeals in accordance with the Maryland Rules of Procedure.

§ 2B-53. PENALTIES.

(A) IN GENERAL.

THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL ISSUE A FINE OF NO MORE THAN \$1,000 TO A PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE OR A RULE, REGULATION, OR ORDER ADOPTED OR ISSUED UNDER THIS SUBTITLE.

(B) EACH VIOLATION A SEPARATE OFFENSE.

EACH VIOLATION A PERSON COMMITS OF A PROVISION OF THIS SUBTITLE OR A RULE, REGULATION, OR ORDER ADOPTED OR ISSUED UNDER THIS SUBTITLE IS A SEPARATE OFFENSE.

(C) EACH DAY A SEPARATE OFFENSE.

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

SECTION 3. AND BE IT FURTHER ORDAINED, That, after 400 affordable housing units have been completed and occupied pursuant to this Ordinance, or after 3 years of the program, whichever occurs first:

1. The Department of Housing and Community Development shall commission a study that includes:

A. An assessment of the effectiveness of this Ordinance in producing and affirmatively marking affordable housing units;

B. A summary of the impact of the provisions of this Ordinance on the rental market;

C. An estimate of the effective cost of implementation of this Ordinance;

D. A compilation of all prior reports relating to this Ordinance; and

E. A list of proposed changes to the Code to make this Ordinance more effective;

2. The study shall be delivered to the Mayor, City Council, and the general public no later than 120 days after 400 affordable housing units have been completed and occupied pursuant to this Ordinance or 3 years after the enactment date;
3. No later than 60 days after the study has been delivered, the City Council shall hold a hearing and make recommendations to revise this Ordinance and any related tax credit Ordinances; and
4. This Ordinance shall remain in full force and effect while this evaluation process takes place.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Board shall be appointed by the 90th day after this Ordinance is enacted.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 180th day after the date it is enacted.”.

The amendments were read and adopted.

Councilmember Ramos offered floor amendments to the Committee Amendments.

Floor Amendments to Committee Amendments to City Council Bill No. 22-0195

Amendment No. 1

On page 4 of Committee Amendment No. 1, after line 19, insert:

“(J) PENTHOUSE.

“PENTHOUSE” MEANS A FLOOR ON TOP OF THE UPPERMOST STORY OF A BUILDING, THAT IS USED FOR RESIDENTIAL PURPOSES AND HAS LUXURIOUS FEATURES.”;

and, on that same page, in line 20, strike “(J)” and substitute “(K)”; and, on page 5 of Committee Amendment No. 1, in lines 1 and 13, respectively, strike “(K)” and “(L)”, respectively, and substitute “(L)” and “(M)”, respectively.

Amendment No. 2

On page 21 of Committee Amendment No. 1, in line 10, strike “OR”; and, on that same page, in line 12, strike “CODE.” and substitute “CODE; OR”

- (4) A RESIDENTIAL PROJECT THAT IS DESIGNED FOR, MARKETED TO, AND LEASED TO STUDENTS ENROLLED IN ACCREDITED EDUCATIONAL INSTITUTIONS LOCATED IN BALTIMORE CITY, ALSO KNOWN AS “STUDENT HOUSING”.”.

Amendment No. 3

On page 33 of Committee Amendment No. 1, in line 13, in each instance, strike the bracket; and, on that same page, after line 27, insert:

“(B) SIMULTANEOUS OFFERING.”

THE AFFORDABLE UNITS REQUIRED BY THIS SUBTITLE MUST BE CONSTRUCTED AND COMPLETED IN THE SAME TIME FRAME AS THE MARKET RATE UNITS OF THE PROJECT.”.

Amendment No. 4

On page 34 of Committee Amendment No. 1, in line 1, strike “SIMULTANEOUS OFFERING.” and substitute “AFFORDABLE UNIT COUNT.”; and, on that same page, strike lines 3 and 4 in their entirety; and, on that same page, after line 17, insert:

“(A) IN GENERAL.”

THE MIX OF AFFORDABLE UNITS REQUIRED BY THIS SUBTITLE MUST BE AT THE SAME RATIO AS THE OFFERINGS FOR THE BUILDING AS A WHOLE.

(B) FLOOR PLAN.

IF A BUILDING OFFERS DIFFERENT PRICE POINTS FOR UNITS WITH IDENTICAL NUMBERS OF BEDROOMS AND BATHROOMS, THE INCLUSIONARY UNIT MUST BE FOR THE FLOOR PLAN WITH THE LOWEST MONTHLY RENT.

(C) PENTHOUSE UNITS.

NO PENTHOUSE UNITS WILL BE INCLUDED IN THE COUNT OF AFFORDABLE UNITS.”.

Amendment No. 5

On page 44 of Committee Amendment No. 1, in line 15, strike “400” and substitute “200”; and, on that same page, in line 18, after “Development”, insert “, in consultation with the Inclusionary Housing Board,”; and, on that same page, in line 25, strike “and”; and, on that same page, after line 26, insert:

“F. A map and a list of the locations of the affordable units; and

G. Any other relevant information deemed necessary by the Department of Housing and Community Development and the Inclusionary Housing Board.”;

and, on page 45, in line 2, strike “400” and substitute “200”; and, on that same page, strike “or 3 years after the enactment date”.

Amendment No. 6

On page 45 of Committee Amendment No. 1, after line 8, insert:

“SECTION 4. AND BE IT FURTHER ORDAINED, That the affordable housing units created by this Ordinance shall remain affordable for the life of the affordability period designated in this Ordinance.”;

and, on that same page, in lines 9 and 11, respectively, strike “4.” and “5.”, respectively, and substitute “5.” and “6.”, respectively.

The amendments were read and adopted.

President Mosby offered floor amendments to the Committee Amendments, as amended.

Floor Amendments to Committee Amendments to City Council Bill No. 22-0195, as Amended

Amendment No. 1

On page 19 of Committee Amendment No. 1, in line 14, strike “10%” and substitute “5%”; and, on page 20, after line 6, insert:

“(2) IN EVERY RESIDENTIAL PROJECT SUBJECT TO THIS SECTION, AT LEAST 5% OF ALL DWELLING UNITS FOR RENT MUST BE AFFORDABLE UNITS TO VERY LOW INCOME HOUSEHOLDS.”;

and, on that same page, in line 7, strike “(2)” and substitute “(3)”.

Amendment No. 2

On page 44 of Committee Amendment No. 1, in line 16, strike “after 3 years of the” and substitute “3 years after the issuance of the first tax credits or other major public subsidy issued to support this”; and, on page 45, in line 3, strike “the enactment date;” and substitute “the issuance of the first tax credits or other major public subsidy issued to support this program, whichever comes first;”.

The amendments were read and adopted.

Favorable report, as amended, adopted.

The bill, as amended, was read the second time and ordered printed for third reading.

**BILL NO. 23-0369 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

President Mosby extended floor privileges to Councilmember Ramos, who served as floor leader for the bill.

Councilmember Ramos, for the Committee of the Whole, reported Bill No. 23-0369 favorably, with amendments.

An Ordinance establishing a High-Performance Inclusionary Housing Tax Credit; providing for the eligibility criteria of the tax credit; establishing the amount of the tax credit; requiring a certain annual report; defining certain terms; and generally relating to the High-Performance Inclusionary Housing Tax Credit.

Committee Amendments to City Council Bill No. 23-0369

Amendment No. 1

Strike beginning with line 12 on page 2 down through and including line 32 on page 4 and substitute:

“(A) DEFINITIONS.

(1) IN GENERAL.

IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

Journal of the City Council**(2) AFFORDABLE UNIT.**

“AFFORDABLE UNIT” MEANS A DWELLING UNIT THAT IS REQUIRED BY CITY CODE ARTICLE 13, SUBTITLE 2B {“INCLUSIONARY HOUSING REQUIREMENTS”} TO BE PROVIDED TO A FAMILY EARNING AN INCOME THAT IS EITHER:

- (I) LOW INCOME;
- (II) MODERATE INCOME;
- (III) VERY LOW INCOME; OR
- (IV) EXTREMELY LOW INCOME.

(3) AMI.

“AMI” MEANS THE AREA MEDIAN INCOME FOR THE METROPOLITAN REGION THAT ENCOMPASSES BALTIMORE CITY, AS PUBLISHED AND ANNUALLY UPDATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(4) EXTREMELY LOW INCOME.

“EXTREMELY LOW INCOME” MEANS A HOUSEHOLD INCOME BELOW 30% AMI.

(5) HIGH-PERFORMANCE.

“HIGH-PERFORMANCE” MEANS A HIGH-PERFORMANCE BUILDING AS DEFINED IN STATE TAX-PROPERTY ARTICLE § 9-242 {“HIGH PERFORMANCE BUILDINGS”}.

(6) LOW INCOME.

“LOW INCOME” MEANS A HOUSEHOLD INCOME AT OR BELOW 60% AMI.

(7) MARKET-RATE RENTAL HOUSING PROJECT.

“MARKET-RATE RENTAL HOUSING PROJECT” MEANS A MULTI-FAMILY DWELLING:

- (I) THAT CONTAINS 20 OR MORE RENTAL UNITS; AND

(II) IN WHICH NONE OF THE RENTAL UNITS ARE SUBJECT TO GOVERNMENTAL RESTRICTIONS ON THE AMOUNT OF RENT CHARGED OR ON THE TENANT’S INCOME LEVEL, EXCEPT TO THE EXTENT SPECIFICALLY REQUIRED BY CITY CODE ARTICLE 13, SUBTITLE 2B {“INCLUSIONARY HOUSING REQUIREMENTS”}.

(8) MODERATE INCOME.

“MODERATE INCOME” MEANS A HOUSEHOLD INCOME AT OR BELOW 80% AMI.

(9) NEWLY CONSTRUCTED OR CONVERTED.

“NEWLY CONSTRUCTED OR CONVERTED” MEANS A HIGH-PERFORMANCE MARKET-RATE RENTAL HOUSING PROJECT:

(I) THAT IS EITHER:

(A) NEWLY CONSTRUCTED ON A VACANT LOT, CLEARED SITE, OR PARKING LOT;

(B) CONVERTED FROM A NON-RESIDENTIAL USE; OR

(C) A WHOLLY RENOVATED STRUCTURE; AND

(II) FOR WHICH:

(A) THE COST OF THE CONSTRUCTION OR CONVERSION EXCEEDS \$60,000 PER RENTAL UNIT; AND

(B) A 1ST OCCUPANCY PERMIT FOLLOWING SUBSTANTIAL COMPLETION OF THE CONSTRUCTION OR CONVERSION IS ISSUED AFTER JANUARY 1, 2014 AND ON OR BEFORE JUNE 30, 2029.

(10) VERY LOW INCOME.

“VERY LOW INCOME” MEANS A HOUSEHOLD INCOME AT OR BELOW 50% AMI.

(B) PROGRAM GOAL.

THE GOAL OF THIS PROGRAM IS TO FACILITATE THOSE INCLUSIONARY HOUSING REQUIREMENTS ESTABLISHED UNDER ARTICLE 13, SUBTITLE 2B {“INCLUSIONARY HOUSING REQUIREMENTS”} OF THE CITY CODE.

(C) CREDIT GRANTED.

(1) IN GENERAL.

- (I) IN ACCORDANCE WITH STATE TAX - PROPERTY ARTICLE § 9-242 {"HIGH PERFORMANCE BUILDINGS"}, A HIGH-PERFORMANCE INCLUSIONARY HOUSING TAX CREDIT IS GRANTED AGAINST THE CITY PROPERTY TAX IMPOSED ON ELIGIBLE NEWLY CONSTRUCTED OR CONVERTED HIGH-PERFORMANCE MARKET-RATE RENTAL HOUSING PROJECTS THAT PROVIDE AFFORDABLE UNITS AS REQUIRED BY ARTICLE 13, SUBTITLE 2B {"INCLUSIONARY HOUSING REQUIREMENTS"} OF THE CITY CODE.
- (II) THE TAX CREDIT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE EQUAL TO THE ACTUAL AMOUNT OF THE DIFFERENCE BETWEEN THE MARKET RATE RENT AND THE RENTAL RATE FOR THE AFFORDABLE UNIT.

(2) TIMING OF CREDIT.

THE TAX CREDIT DETAILED IN PARAGRAPH (1) OF THIS SUBSECTION COMMENCES WITH THE FIRST TAX YEAR AFTER THE FIRST ASSESSMENT OF THE PROPERTY AFTER THE ISSUANCE OF AN OCCUPANCY PERMIT FOR THE COMPLETED PROJECT.

(3) MEASURES.

- (I) THE ACCOUNTING YEAR FOR THE CALCULATION OF THE DIFFERENCE BETWEEN THE MARKET RATE RENT AND THE RENT FOR EACH AFFORDABLE UNIT IS JANUARY 1 TO DECEMBER 31 OF EACH CALENDAR YEAR.
- (II) ALL ACCOUNTING REQUIRED UNDER THIS SUBTITLE SHALL BE SUBMITTED TO THE DEPARTMENT OF FINANCE BY JANUARY 15 FOLLOWING THE TERMINATION OF THE PREVIOUS ACCOUNTING YEAR.

(D) CREDIT.

THE AMOUNT OF THE TAX CREDIT DESCRIBED UNDER SUBSECTION (C)(1) OF THIS SECTION, MINUS THE LIMIT OF THE CREDIT SPECIFIED IN SUBSECTION (E) OF THIS SECTION SHALL BE DEDUCTED FROM THE NEXT JULY PROPERTY TAX BILL AFTER VERIFICATION BY THE DEPARTMENT OF FINANCE.

(E) CREDIT LIMITS.

(1) IN GENERAL.

THE AMOUNT OF THE CREDIT SHALL NOT EXCEED \$14,400 PER AFFORDABLE UNIT EACH CALENDAR YEAR.

(2) RESTRICTIONS.

(I) THE TAX CREDIT GRANTED UNDER THIS SECTION MAY NOT, ALONE OR COMBINED WITH ANY OTHER CREDIT, EXCEED THE AMOUNT OF THE PROPERTY TAX IMPOSED ON THE PROPERTY IN ANY TAX YEAR.

(II) THE TAX CREDIT GRANTED UNDER THIS SECTION ONLY APPLIES TO THE REQUIRED UNITS OUTLINED IN CITY CODE ARTICLE 13, SUBTITLE 2B.

(F) ELIGIBILITY REQUIREMENTS.

(1) IN GENERAL.

TO RECEIVE THE TAX CREDIT, THE OWNER OF THE MARKET-RATE RENTAL HOUSING PROJECT MUST:

(I) APPLY TO THE DEPARTMENT OF FINANCE FOR THE CREDIT IN THE FORM AND FORMAT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION;

(II) PROVIDE THE DEPARTMENT OF FINANCE AN ACCOUNTING OF HOW MANY RENTAL UNITS ARE SET ASIDE AS AFFORDABLE UNITS;

(III) DEMONSTRATE TO THE DEPARTMENT OF FINANCE COMPLIANCE WITH ARTICLE 13, SUBTITLE 2B {"INCLUSIONARY HOUSING REQUIREMENTS"} OF THE CITY CODE; AND

(IV) DEMONSTRATE TO THE DEPARTMENT OF FINANCE THE DIFFERENCE BETWEEN THE MARKET RENT THAT WOULD HAVE BEEN CHARGED FOR A MARKET RATE RENTAL UNIT AND THE RENT CHARGED FOR AN AFFORDABLE UNIT.

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(2) APPLICATION.

(I) THE OWNER SHALL:

(A) SUBMIT THE APPLICATION FOR THE TAX CREDIT TO THE DEPARTMENT OF FINANCE IN THE FORM AND FORMAT REQUIRED BY THE DEPARTMENT OF FINANCE; AND

(B) PAY THE APPLICATION FEE AS SET BY THE BOARD OF ESTIMATES.

(II) IF THE PROPERTY IS TRANSFERRED AT ANY TIME, THE NEW OWNER SHALL FILE AN APPLICATION TO CONTINUE THE CREDIT IN THE FORM REQUIRED BY THE DEPARTMENT OF FINANCE.

(G) INELIGIBILITY OF CERTAIN PROJECTS INVOLVING HISTORIC PROPERTY.

THE TAX CREDIT GRANTED UNDER THIS SECTION DOES NOT APPLY TO:

(1) ANY PROJECT THAT INVOLVES IMPROVEMENTS ELIGIBLE FOR A TAX CREDIT UNDER § 10-8 {"HISTORIC RESTORATIONS AND REHABILITATIONS"} OF THIS SUBTITLE;

(2) ANY PROJECT THAT INVOLVES MODIFICATIONS TO OR AFFECTS A PROPERTY LISTED INDIVIDUALLY ON THE NATIONAL REGISTER OF HISTORIC PLACES OR LOCATED WITHIN A NATIONAL REGISTER HISTORIC DISTRICT, IF THE CITY'S COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION DETERMINES THAT THE MODIFICATIONS ARE INCOMPATIBLE WITH LOCAL HISTORIC PRESERVATION STANDARDS; OR

(3) ANY PROJECT THAT PROPOSES MORE THAN 20% OF ITS UNITS TO BE SET ASIDE FOR RENTERS EARNING 50% OF AMI OR BELOW.

(H) ADDITIONAL REQUIREMENTS.

A TAX CREDIT GRANTED UNDER THIS SECTION SHALL:

(1) BE SUBJECT TO ELIGIBILITY REQUIREMENTS NO LESS STRINGENT THAN THOSE APPLICABLE TO CREDITS AUTHORIZED UNDER STATE TAX - PROPERTY ARTICLE § 9-242 {"HIGH PERFORMANCE BUILDINGS"};

(2) BE FOR A PERIOD OF 30 YEARS FOR EACH PROPERTY, STARTING WITH THE FIRST TAX YEAR AFTER THE FIRST PROPERTY ASSESSMENT AFTER THE ISSUANCE OF AN OCCUPANCY PERMIT FOR THE COMPLETED PROJECT;

(3) BE FULLY TRANSFERRABLE TO A NEW OWNER FOR THE REMAINING CREDIT PERIOD; AND

(4) TERMINATE IF, DURING THE CREDIT PERIOD, THE PROJECT:

(I) FAILS TO MAINTAIN ITS HIGH-PERFORMANCE RATING; OR

(II) FAILS TO PROVIDE THE AFFORDABLE UNITS REQUIRED BY ARTICLE 13, SUBTITLE 2B {"INCLUSIONARY HOUSING REQUIREMENTS"} OF THE CITY CODE.

(I) CONTINUING ELIGIBILITY.

THE PROPERTY OWNER SHALL ENSURE THAT, DURING THE CREDIT PERIOD, THE PROJECT FOR WHICH THE CREDIT WAS GRANTED IS:

(1) IN FULL COMPLIANCE WITH THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE;

(2) MAINTAINS ITS HIGH-PERFORMANCE RATING; AND

(3) CONTINUES TO PROVIDE AFFORDABLE UNITS AS REQUIRED BY ARTICLE 13, SUBTITLE 2B {"INCLUSIONARY HOUSING REQUIREMENTS"} OF THE CITY CODE.

(J) TAX SUBSIDY DUPLICATION ALLOWED.

THE TAX CREDIT AUTHORIZED BY THIS SECTION MAY APPLY TO ANY PROPERTY FOR WHICH ANY OTHER TAX SUBSIDY FROM THE CITY IS BEING RECEIVED OR HAS BEEN APPLIED FOR, WHETHER:

(1) IN THE FORM OF A TAX CREDIT,

(2) IN THE FORM OF A PAYMENT IN LIEU OF TAXES AGREEMENT; OR

(3) IN FORM OF TAX INCREMENT FINANCING.

(K) ADMINISTRATION.

THE DIRECTOR OF FINANCE MAY:

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- (1) SUBJECT TO TITLE 4 {"ADMINISTRATIVE PROCEDURE ACT - REGULATIONS"} OF THE CITY GENERAL PROVISIONS ARTICLE, ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING PROCEDURES FOR GRANTING PARTIAL CREDITS FOR ELIGIBILITY FOR LESS THAN A FULL TAXABLE YEAR;
- (2) SETTLE DISPUTED CLAIMS ARISING IN CONNECTION WITH THE CREDIT AUTHORIZED BY THIS SECTION; AND
- (3) DELEGATE POWERS, DUTIES, OR FUNCTIONS IN CONNECTION WITH THE ADMINISTRATION OF THE CREDIT AUTHORIZED BY THIS SECTION TO ANY EMPLOYEE OR AGENCY OF THE CITY.

(L) ANNUAL REPORT.

- (1) EACH FISCAL YEAR, THE ESTIMATED AMOUNT OF ALL TAX CREDITS RECEIVED BY PROPERTY OWNERS UNDER THIS SECTION:
 - (I) SHALL BE REPORTED BY THE DIRECTOR OF FINANCE AS A TAX EXPENDITURE; AND
 - (II) SHALL BE INCLUDED BY THE DEPARTMENT OF FINANCE IN THE CITY'S BUDGET PUBLICATIONS FOR ANY SUBSEQUENT FISCAL YEAR WITH THE ESTIMATED OR ACTUAL CITY PROPERTY TAX REVENUE.
- (2) ON OR BEFORE JULY 1 OF EACH YEAR, THE DIRECTOR OF FINANCE SHALL SUBMIT A REPORT THAT INCLUDES AN ANALYSIS OF THE TAX CREDIT AND ITS FINDINGS TO THE:
 - (I) BOARD OF ESTIMATES;
 - (II) MAYOR; AND
 - (III) CITY COUNCIL.
- (3) EVERY 2 YEARS THE DEPARTMENT OF FINANCE AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL CONDUCT A STUDY AND SUBMIT A REPORT TO THE BOARD OF ESTIMATES, MAYOR, AND CITY COUNCIL THAT:
 - (I) EVALUATES THE IMPACT OF THE TAX CREDIT ESTABLISHED BY THIS SECTION;
 - (II) STATES A CONCLUSION ABOUT WHETHER THE PROGRAM GOAL ESTABLISHED IN SUBSECTION (B) OF THIS SECTION IS BEING MET; AND

(III) MAKES RECOMMENDATIONS TO MODIFY THIS SECTION TO BETTER MEET THE PROGRAM GOAL.

(M) TERMINATION OF PROGRAM.

THE DEPARTMENT OF FINANCE MAY ACCEPT APPLICATIONS FOR THE CREDIT FOR A PERIOD OF TIME THAT IS CONCURRENT WITH THE TERM OF THE INCLUSIONARY HOUSING REQUIREMENTS ESTABLISHED BY ARTICLE 13, SUBTITLE 2B {"INCLUSIONARY HOUSING REQUIREMENTS"} OF THE CITY CODE."

Amendment No. 2

On page 5, in line 1, strike "30th" and substitute "180th".

The amendments were read and adopted.

Councilmember Ramos offered a floor amendment to the Committee's amendments to the bill.

Floor Amendment to the Committee Amendments to City Council Bill No. 23-0369

Amendment No. 1

On page 3 of Committee Amendment No. 1, in line 3, strike "2014" and substitute "2024".

Amendment No. 2

On page 5 of Committee Amendment No. 1, strike lines 14 through 26 in their entireties and substitute:

"(G) INELIGIBILITY.

THE TAX CREDIT GRANTED UNDER THIS SECTION DOES NOT APPLY TO ANY PROJECT THAT PROPOSES MORE THAN 20% OF ITS UNITS BE SET ASIDE FOR RENTERS EARNING 50% OF AMI OR BELOW."

The amendments to the Committee amendments were read and adopted.

Councilmember Torrence offered a floor amendment to the Committee's amendments to the bill.

Floor Amendment to the Committee Amendments to City Council Bill No. 23-0369_

Amendment No. 1

On page 5, before line 1, insert:

“SECTION 2. AND BE IT FURTHER ORDAINED, That, notwithstanding any other provision of this Ordinance, no further High-Performance Inclusionary Housing Tax Credit shall be granted beyond 400 affordable housing units that have been completed or occupied.”;

and, on that same page, in line 1, strike “2.” and substitute “3.”.

The roll was called on the adoption of Councilmember Torrence's amendments to the Committee amendments, resulting as follows:

Yeas - Councilmember Torrence - Total 1.

Nays - President and Councilmembers Cohen, McCray, Dorsey, Conway, Schleifer, Middleton, Burnett, Porter, Costello, Stokes, Glover, Ramos - Total 13.

Abstain - Councilmember Bullock - Total 1.

Councilmember Torrence's amendments were not adopted.

Favorable report, as amended, adopted.

The bill, as amended, was read the second time and ordered printed for third reading.

**BILL NO. 23-0366 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Middleton, for the Economic and Community Development Committee, reported that the Committee has complied with the Land Use Article of the Maryland Code and recommends the adoption of Bill No. 23-0366 favorably.

An Ordinance permitting, subject to certain conditions, the conversion of a single-family dwelling unit to 2 dwelling units in the R-8 Zoning district on the property known as 2001 Boone Street (Block 4017, Lot 048), as outlined in red on the accompanying plat; and providing for a special effective date.

Councilmember Middleton made a motion, duly seconded, that pursuant to Article 32, § 5-406 of the Baltimore City Code the Council adopt these findings of fact concerning a conditional use.

Findings of Fact

City Council Bill No. 23-0366

Zoning - Conditional Use [Conversion] of a Single-Family Dwelling Unit to 2 Dwelling Units in the R-8 Zoning District – 2001 Boone Street

- (1) the establishment, location, construction, maintenance, or operation of the conditional use **will not** be detrimental to or endanger the public health, safety, or welfare **for the following reasons:**

The Bill authorizes the conversion of a single-family dwelling unit to dwelling units. Establishment, location, construction, maintenance, and operation of the property as a multifamily dwelling will not negatively impact public health, safety, or welfare.

- (2) the use **would not** be precluded by any other law, including an applicable Urban Renewal Plan:

There is no applicable Urban Renewal Plan or law being violated.

- (3) the authorization **would not** be contrary to the public interest **for the following reasons:**

Use of this property as a multi-family dwelling is in the public interest because it will provide additional housing options in the community.

- (4) the authorization **would** be in harmony with the purpose and intent of this Code **for the following reasons:**

Use of this property as a multi-family dwelling will provide additional housing options in the community with no negative impact on public health, safety, or welfare.

After consideration of the following, where applicable (**fill out all that are *only* relevant**):

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures;

The property is located on the east side of Boone Street north of its intersection with 20th Street. It is improved with a three-story formerly end-of-row residential building – the building is now free-standing as the adjoining structure was demolished – the dwelling is 15'X66' and the lot is 15'X124' approximately.

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

No change in traffic is anticipated as a result of this conditional use and the lot has the potential for additional parking which will serve the new unit.

- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

Located in East Baltimore – Midway Community the area is a primarily residential area with non-residential uses scattered around the area including religious institutions and corner stores. No impairment of future development is expected from this use.

- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;

There is reasonable proximity of other dwellings, churches, and other places of worship, schools, public structures, and places of public gathering.

- (5) accessibility of the premises for emergency vehicles;

There is adequate access for emergency vehicles.

- (6) accessibility of light and air to the premises and to the property in the vicinity;

There is adequate access to light and air to the premises and other properties in the vicinity.

- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

There is adequate access to utilities, access roads, drainage, and other facilities.

(8) the preservation of cultural and historic landmarks and structures;

The proposed use of the property would not affect the preservation of cultural or historic landmarks.

(9) the character of the neighborhood;

Primarily residential with scattered non-residential uses.

(10) the provisions of the City’s Comprehensive Master Plan;

The proposed use is consistent with the City’s Comprehensive Master Plan

(11) the provisions of any applicable Urban Renewal Plan;

There are no applicable Urban Renewal Plans that would prohibit this use.

(12) all applicable standards and requirements of this Code;

Article 32 – Zoning 5-406

(13) the intent and purpose of this Code; and

This use is consistent with the Code.

(14) any other matters considered to be in the interest of the general welfare.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission’s report, dated June 9, 2023, including the Department of Planning Staff Report, dated June 9, 2023.

[X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Liam Davis – Department of Transportation
- Stephanie Murdock – Department of Housing and Community Development
- Eric Tiso – Department of Planning
- Dominic McAlily – Mayor’s Office
- Michele Toth – City Solicitor’s Office

Written – Submitted by:

Baltimore Development Corporation report dated July 25th, 2023

Planning Commission Memo dated June 9, 2023

Planning Department Staff Report dated June 8, 2023

City Solicitor's report dated June 16, 2023

Parking Authority of Baltimore City reports dated April 11, 2023

Department of Housing and Community Development report dated November 9, 2023

Greater Greenmount Community Association, Inc memo dated July 8, 2023

Economic and Community Development Committee:

Editor's note: No ECD members listed on Findings of Fact

Findings of Fact adopted.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 23-0386 REPORTED FAVORABLY
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Middleton, for the Economic and Community Development Committee, reported Bill No. 23-0386 favorably.

An Ordinance designating the Home of the Friendless, 1313 Druid Hill Avenue, as an historical landmark: exterior; and providing for a special effective date.

Favorable report adopted.

The bill was read the second time and ordered printed for third reading.

**BILL NO. 23-0429 REPORTED FAVORABLY, WITH AMENDMENTS,
AND ORDERED PRINTED FOR THIRD READING**

Councilmember Middleton, for the Economic and Community Development Committee, reported Bill No. 23-0429 favorably, with amendments.

An Ordinance altering certain membership requirements for the Board of Directors for the South Baltimore Gateway Community Impact District Management Authority; amending certain term limits for certain members of the Board of Directors; and providing for a special effective date.

Committee Amendments to City Council Bill No. 23-0429

Amendment No. 1

On page 2, in line 12, strike “The” and substitute “SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE”; and, on that same page, strike beginning with “APPOINTED” in line 15 down through and including “CODE.” in line 17 and substitute “MEMBERS APPOINTED UNDER PARAGRAPH (D)(2) OF THIS SECTION.”.

The amendments were read and adopted.

Favorable report, as amended, adopted.

The bill, as amended, was read the second time and ordered printed for third reading.

**BILL NO. 23-0189R REPORTED FAVORABLY
AND ADOPTED**

Councilmember Stokes, for the Education, Workforce, and Youth Committee, reported Bill No. 23-0189R favorably.

Informational Hearing – Athletic Trainers in Baltimore City Schools

FOR the purpose of inviting representatives from the Baltimore City Public School System, the Board of School Commissioners, and the Office of the Comptroller to brief the City Council on the reported shortage of athletic trainers in Baltimore City Schools, including a discussion of progress on the settlement agreement reached in 2022 to hire additional athletic trainers to prevent injury to student athletes at City schools.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the City Council invites representatives from the Baltimore City Public School System, the Board of School Commissioners, and the Office of the Comptroller to brief the City Council on the reported shortage of athletic trainers in Baltimore City Schools, including a discussion of progress on the settlement agreement reached in 2022 to hire additional athletic trainers to prevent injury to student athletes at City schools.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Chief Executive Officer of the Baltimore City Public School System, the Chair of the Board of School Commissioners, the Office of the Comptroller, and the Mayor’s Legislative Liaison to the City Council.

Favorable report adopted.

The roll was called on the adoption of the Resolution, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Dorsey, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos - Total 14.

Nays - Councilmember Conway - Total 1.

The President declared the Resolution adopted.

**BILL NO. 23-0190R REPORTED FAVORABLY
AND ADOPTED**

Councilmember Stokes, for the Education, Workforce, and Youth Committee, reported Bill No. 23-0190R favorably.

Informational Hearing – Baltimore City Schools – Payments to Vendors

FOR the purpose of inviting representatives from the Baltimore City Public School System, the Board of School Commissioners, and the Office of the Comptroller to brief the City Council on reported issues regarding payment of vendors by City schools, including a discussion of delayed and unremitted payments to past vendors and the current system for procurement and payment of vendors.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the City Council invites representatives from the Baltimore City Public School System, the Board of School Commissioners, and the Office of the Comptroller to brief the City Council on reported issues regarding payment of vendors by City schools, including a discussion of delayed and unremitted payments to past vendors and the current system for procurement and payment of vendors.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Chief Executive Officer of the Baltimore City Public School System, the Chair of the Board of School Commissioners, the Office of the Comptroller, and the Mayor's Legislative Liaison to the City Council.

Favorable report adopted.

The roll was called on the adoption of the Resolution, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Dorsey, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos - Total 15.

Nays - 0.

The President declared the Resolution adopted.

**BILL NO. 23-0187R REPORTED FAVORABLY
AND ADOPTED**

Councilmember Conway, for the Public Safety and Government Operations Committee, reported Bill No. 23-0187R favorably.

Informational Hearing – Theft of Cars

FOR the purpose of inviting the Deputy Mayor of Public Safety and representatives from the Baltimore City Police Department, the Mayor’s Office of Neighborhood Safety and Engagement, the Office of the State’s Attorney for Baltimore City, the Baltimore City Sheriff’s Office, the Office of the Maryland Attorney General, the Maryland Department of Transportation Motor Vehicle Administration, and the Maryland Department of Juvenile Services to engage in a discussion with the City Council regarding the recent rise in auto thefts throughout Baltimore City, including a discussion of options to prevent or mitigate such occurrences.

Recitals

WHEREAS, in recent months, incidents of automobile theft have been prevalent in Baltimore and across the United States.

WHEREAS, as of August 19, year-to-date carjackings have decreased 33 percent compared to the same period of 2022; however, auto thefts have increased by 224.6 percent in the City.

WHEREAS, as of May 11, 41 percent of all vehicles stolen in the City year-to-date were manufactured by Kia or Hyundai.

WHEREAS, on May 11, the City of Baltimore joined other U.S. cities and filed a lawsuit against Hyundai and Kia for failing to equip their vehicles with industry-standard vehicle immobilization technology.

WHEREAS, on February 8, the driver of a stolen Kia killed Alfred Fincher, a pedestrian, and also caused a vacant building to collapse on North Avenue.

WHEREAS, on August 18, an armed carjacking escalated into the fatal shooting of Darrell Benner in Canton.

WHEREAS, these trends are extremely concerning, especially considering that most citizens who own cars in Baltimore City park in public spaces and are unable to protect themselves and their vehicles by parking in personal garages.

WHEREAS, increasingly, suspects and those charged in these cases are juveniles, and the City must find solutions to prevent youth from participating in criminal activity.

WHEREAS, it is imperative that the City works to prevent carjackings and grand theft auto to ensure the safety of Baltimore residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, that the City Council invites the Deputy Mayor of Public Safety and representatives from the Baltimore City Police Department, the Mayor's Office of Neighborhood Safety and Engagement, the Office of the State's Attorney for Baltimore City, the Baltimore City Sheriff's Office, the Office of the Maryland Attorney General, the Maryland Department of Transportation Motor Vehicle Administration, and the Maryland Department of Juvenile Services to engage in a discussion with the City Council regarding the recent rise in auto thefts throughout Baltimore City, including a discussion of options to prevent or mitigate such occurrences.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Baltimore City Police Commissioner, the Director of the Mayor's Office of Neighborhood Safety and Engagement, the Deputy Mayor of Public Safety, the State's Attorney for Baltimore City, the Baltimore City Sheriff, the Maryland Attorney General, the Administrator of the Motor Vehicle Administration, the Secretary of the Maryland Department of Juvenile Services, and the Mayor's Legislative Liaison to the City Council.

Favorable report adopted.

The roll was called on the adoption of the Resolution, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Dorsey, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos - Total 15.

Nays - 0.

The President declared the Resolution adopted.

THIRD READING

The President laid before the City Council:

BILL NO. 23-0372 - An Ordinance establishing the Office of CitiStat; defining certain terms; providing for the appointment and confirmation of the Director of the Office; establishing the power and duties of the Office; providing for a staff and budget for the Office; establishing a data-driven officer for each principal agency of the Office; and providing for a special effective date.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Cohen, Dorsey, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos - Total 14.

Nays - Councilmember McCray - Total 1.

The bill was read and approved, and the bill was declared "Passed".

BILL NO. 23-0413 - An Ordinance repealing the Solid Waste Management Plan for 2013-2023 that was adopted by Resolution 14-019, effective October 30, 2014, as amended by Resolution 15-025, effective December 18, 2015; adopting the Solid Waste Management Plan for 2024-2033; providing for a special effective date; and generally relating to the Solid Waste Management Plan for Baltimore City.

It was read the third time.

The bill being on its final passage, the yeas and nays were called, resulting as follows:

Yeas - President and Councilmembers Cohen, McCray, Dorsey, Conway, Schleifer, Middleton, Torrence, Burnett, Bullock, Porter, Costello, Stokes, Glover, Ramos - Total 15.

Nays - 0.

The bill was read and approved, and the bill was declared "Passed".

BILLS WITHDRAWN

BILL NO. 23-0290 - An Ordinance amending certain term limits for certain board members of the Board of Directors for the South Baltimore Gateway Community Impact District Management Authority; and providing for a special effective date.

ADJOURNMENT

On motion of Councilmember Middleton, duly seconded, the City Council adjourned to meet on Monday, December 4 2023, at 5:00 p.m.

Consent Calendar

CR 1819 President Mosby, All Members

A Baltimore City Resolution on the death of Minetta James and Charles James, January 28, 1924 – October 25, 2023.

CR 1820 President Mosby, All Members

A Baltimore City Resolution congratulating Bishop Art Robinson on your 21st Pastoral Anniversary.

CR 1821 President Mosby, All Members

A Baltimore City Resolution congratulating Pastor Allison Mahon on your outstanding commitment to serve in the ministry, outreach, and your investment in the community members of Baltimore City.

CR 1822 President Mosby, All Members

A Baltimore City Resolution congratulating Christine Fluke on 14 years of service with the social security administration and 6 years of service with the disability determination service, may your retirement bring you rest.

CR 1823 Cohen

A Baltimore City Resolution congratulating Ernest Le on your community leadership and support of the 2023 Patterson Park Splash Pad for Baltimore City's kids.

CR 1824 President Mosby, All Members

A Baltimore City Resolution congratulating Lofts at Yard 56 on the ribbon cutting of Lofts at Yard 56 and the impact this new facility will have in the City of Baltimore.

CR 1825 Ramos

A Baltimore City Resolution congratulating Gertrude's Chesapeake Kitchen on your 25th Anniversary.

CR 1826 President Mosby, All Members

A Baltimore City Resolution to the Family of Beverley Glover, December 11, 1943 – October 15, 2023.

CR 1827 President Mosby, All Members

A Baltimore City Resolution Druid Heights CDC on Bakers View Townhome and the opportunity and stability this development will bring to West Baltimore.

CR 1828 Conway

A Baltimore City Resolution congratulating Govans Manor, Sherry Glover, Rosemary Johnson, Isla Murrill, Unique Way and Candice Crossett on your work addressing substance abuse on York Road and your partnership in planning awareness day events.

CR 1829 Burnett

A Baltimore City Resolution congratulating Will D. Jackson on your exemplary small business ownership and dedication to service, you have positively transformed the community through innovation, leadership and unwavering commitment.

CR 1830 President Mosby, All Members

A Baltimore City Resolution congratulating The Oblate Sisters of Providence on your 194 year history as the first successful Roman Catholic Sisterhood in the world, established by women of African descent.

CR 1831 President Mosby, All Members

A Baltimore City Resolution on the death of Oscar McKray Melvin, February 17, 1930 – October 8, 2023.

CR 1832 Bullock

A Baltimore City Resolution on the death of Juanita Wingate, October 13, 1923 – October 22, 2023.

CR 1833 President Mosby, All Members

A Baltimore City Resolution congratulating Sandra Mae Almond Cooper, Doris Alexander, Bettie Artis, Geneva Bridgeford, and Dolores Wise on your resiliency and never ending love for the Mondawmin Neighborhood Improvement Association community and beyond.

CR 1834 President Mosby, All Members

A Baltimore City Resolution congratulating Anthony Jackson on your retirement after 33 years of dedicated and committed service to the City of Baltimore and its citizens.

CR 1835 President Mosby, All Members,

A Baltimore City Resolution congratulating EMT/Firefighter Rodney Pitts, III on your bravery, courage, selflessness, and commitment to the community as a Baltimore City Firefighter.

CR 1836 President Mosby, All Members,

A Baltimore City Resolution congratulating James Robert Bryson on receiving the Hope Hero Award for making a difference in the lives of recovering citizens of addiction in your community.

CR 1837 President Mosby, All Members,

A Baltimore City Resolution congratulating Niki Noy on your retirement after 20 years of dedicated and committed service to the City of Baltimore and its citizens.