

AMENDMENTS TO COUNCIL BILL 22-0195  
(1<sup>st</sup> Reader Copy)

By: Councilmember Ramos  
{To be offered to the Committee of the Whole}

**Amendment No. 1**

On page 1, in line 23, strike the first “2B-6” and substitute “2B-5”; and, on page 2, in line 3, after “2B-35,” insert “2B-47, 2B-52,”; on that same page, in line 8, strike “2B-5” and substitute “2B-3”; and, on that same page, in line 9, strike “2B-3” and substitute “2B-2”; and, on that same page, in lines 15 and 17, in each instance, strike “Section(s)” and substitute “Sections”; and, on that same page, in line 15, strike “2B-5” and substitute “2B-3”; and, on that same page, in line 17, strike “2B-3” and substitute “2B-2”.

**Amendment No. 2**

On page 2, after line 30, insert:

“(C) COMMISSIONER.”

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

and, on that same page, in line 31, strike “(c)” and substitute “(D) [(c)]”; and, on page 3, in lines 1, and 3, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; and, on that same page, strike lines 6 through 8 in their entireties and substitute:

“[(d) Housing] Commissioner.”

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

and, on that same page, strike lines 12 and 13 in their entireties and substitute:

“[(f) Includes; including.]”

““Includes” or “including” means by way of illustration and not by way of limitation.”

### **Amendment No. 3**

On page 3, in line 14, strike the brackets; and on that same page, in that same line, strike “(g)” and substitute “(H) [(g)]”; and, on that same page, in line 17, after “project” insert a bracket; and, on that same page, in lines 15, 16, 19, 20, 21, 22, and 23, in each instance, strike the bracket; and, on that same page, strike line 24 in its entirety and substitute:

“(iv) grants or loans that equal or exceed [15%] 5% of total projected project costs; [or]”;

and, on that same page, after line 27, insert:

“(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.”.

### **Amendment No. 4**

On page 5, after line 11, insert:

“(L) SIGNIFICANT LAND USE AUTHORIZATION.

“SIGNIFICANT LAND USE AUTHORIZATION” MEANS ANY ACTION OF THE MAYOR, CITY COUNCIL, PLANNING COMMISSION, BOARD OF MUNICIPAL AND ZONING APPEALS, OR THE 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.”.

### **Amendment No. 5**

On page 5, in lines 25, 26, 27, 28, and 30, in each instance, strike the bracket; and, on that same page, in line 29, strike “60%” and substitute “[60%] 50%”]; and, on page 6, in lines 1, 3, 4, and 6, in each instance, strike the bracket; and, on page 6, in lines 1, 3, 4, 6, 7, 13, and 17, in each instance, strike the bracket; and, in lines 7, 13, and 17, strike “(B)”, “(C)”, and “(D)”, respectively and substitute “; and, on that same page, in line 2 strike “80%” and substitute “[80%] 60%”]; and, in line 5, strike “120%” and substitute “[120%] 80%”].

### **Amendment No. 6**

On page 6, in line 11, strike “OR”; and, on that same page, in line 12, strike the period and substitute a semicolon; and, on that same page, after line 12, insert:

“(3) VERY LOW INCOME; OR

(4) EXTREMELY LOW INCOME.”.

### **Amendment No. 7**

On page 6, in line 18, strike “A LOW INCOME OR A MODERATE INCOME HOUSEHOLD” and substitute “A HOUSEHOLD WITH EXTREMELY LOW, VERY LOW, LOW, OR MODERATE INCOME”.

### **Amendment No. 8**

On page 7, before line 1, insert:

“(F) EXTREMELY LOW INCOME.

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

and, on that same page, in lines 1, 8, and 12 strike “(E)”, “(F)”, and “(H)”, respectively, and substitute “(G)”, “(H)”, and “(J)”, respectively; and, on that same page, in line 10, strike “(g)” and substitute “(I) [(g)]”; and, on that same page, in line 9, strike “BETWEEN 51% AND 80%” and substitute “AT OR BELOW 60%”; and, on that same page, in line 13, strike “BETWEEN 81% AND 120%” and substitute “AT OR BELOW 80%”; and, on that same page, after line 13, insert:

“(K) VERY LOW INCOME.

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

## **Amendment No. 9**

On page 8, after line 17, insert:

**“[§ 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.]”.

## **Amendment No. 10**

On page 9, after line 15, insert:

**“§ 2B-3. *Reserved*”.**

### **Amendment No. 11**

On page 10, in line 3, strike the fourth and fifth brackets; and, on that same page, in that same line, insert brackets before and after the comma; and, on that same page, after line 11, insert:

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

and, on that same page, strike lines 25 through 28 in their entirety; and, on page 11, strike lines 1 through 10 in their entirety; and, on that same page, in line 11, strike “**2B-6**” and substitute “**2B-5**”.

### **Amendment No. 12**

On page 11, in line 24, before the first instance of “the” insert a bracket; and, on that same page, in that same line, before “and” strike the bracket; and, on that same page, in line 25 after the bracket insert “THE TOTAL NUMBER”; and, on that same page, in line 26, after “2007” insert “FOR MODERATE, LOW, VERY LOW, AND EXTREMELY LOW INCOME HOUSEHOLDS”; and, on that same page, in line 30, after “UNITS” insert “FOR MODERATE, LOW, VERY LOW, AND EXTREMELY LOW INCOME HOUSEHOLDS”; and, on that same page, in line 30, after the semicolon insert “AND”.

### **Amendment No. 13**

On page 12, strike lines 1 through 8 in their entirety and substitute:

“[(3) the number generated at various affordable costs;]

(3) AGGREGATED ANNUAL DATA PROVIDED UNDER § 2B-35 {“ANNUAL REPORT - RESIDENTIAL PROJECT.”} OF 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;]”;

and, on that same page, strike lines 13 through 17 in their entirety and substitute:

“(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;]”.

#### **Amendment No. 14**

On page 13, strike lines 6 and 7 in their entireties and substitute:

“(2) [receives a major public subsidy.] THAT RECEIVES:

(I) A MAJOR PUBLIC SUBSIDY; OR

(II) A SIGNIFICANT LAND USE AUTHORIZATION; AND”;

and, on that same page, strike beginning with “WHERE” in line 8 down through and including “UNIT” in line 9 and substitute:

“THAT IS NEWLY CONSTRUCTED, WHOLLY RENOVATED, OR CONVERTED FROM A NON-RESIDENTIAL BUILDING”.

#### **Amendment No. 15**

On page 13, in line 12, after the first instance of “units” insert “FOR RENT”; and, on that same page, in that same line, after the second instance of “units” insert “TO LOW INCOME HOUSEHOLDS”.

#### **Amendment No. 16**

On page 13, strike lines 29 and 30 in their entireties and substitute:

“(2) IN EVERY RESIDENTIAL PROJECT SUBJECT TO THIS SECTION, AT LEAST 10% OF ALL DWELLING UNITS FOR SALE MUST BE AFFORDABLE TO MODERATE OR LOW INCOME HOUSEHOLDS.”;

and, on page 14, strike lines 1 through 3 in their entireties and substitute:

“(3) IN EVERY RESIDENTIAL PROJECT WHERE THE DEVELOPER IS OFFERED 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.”;

**Amendment No. 17**

On page 16, after line 10, insert:

“(C) MINIMUM REQUIREMENTS.

THE PROVISIONS OF THIS SUBTITLE ARE MINIMUM REQUIREMENTS AND DO NOT RESTRICT THE CITY OR ITS AGENTS FROM ESTABLISHING ADDITIONAL REQUIREMENTS AS CONDITIONS ON THE APPROVAL OR RENEWAL OF OF MAJOR PUBLIC SUBSIDIES OR OTHER SIGNIFICANT LAND USE AUTHORIZATIONS, INCLUDING REQUIRING ADDITIONAL AFFORDABLE INCLUSIONARY UNITS.”.

**Amendment No. 18**

On page 21, in line 6, strike the second “AND” and substitute a comma; and, on that same page, in that same line, after “PLANNING” insert “, AND THE INCLUSIONARY HOUSING BOARD”; and, on that same page, in line 10, after “DEVELOPMENT” insert “AND THE INCLUSIONARY HOUSING BOARD”; and, on that same page, after line 11, insert:

“(1) IN GENERAL.”;

and, on that same page, after line 13, insert:

“(2) AFFIRMATIVE FAIR HOUSING MARKETING.

(I) AN INCLUSIONARY HOUSING PLAN MUST INCLUDE A PLAN FOR AFFIRMATIVELY MARKETING THE AFFORDABLE UNITS TO LOW-INCOME INDIVIDUALS LEAST LIKELY TO APPLY TO BECOME TENANTS INCLUDING MEMBERS OF PROTECTED CLASSES.

(II) THE COMMISSIONER WILL PROVIDE DEMOGRAPHICS INFORMATION TO THE RESIDENTIAL PROJECT TO FACILITATE THE DEVELOPMENT OF THE AFFIRMATIVE MARKETING OF AFFORDABLE UNITS UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION.

(III) THE PLAN FOR AFFIRMATIVE MARKETING MUST COMPLY WITH ANY GUIDANCE, RULES, AND REGULATIONS ISSUED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR AFFIRMATIVE FAIR HOUSING MARKETING PLANS.

(IV) RESIDENTIAL PROJECTS MUST SUBMIT DATA TO THE COMMISSIONER AND BOARD ON A MONTHLY BASIS FOR THE FIRST 12 MONTHS AFTER THE BOARD'S APPROVAL AND ANNUALLY EACH YEAR THEREAFTER OF THE INCLUSIONARY HOUSING PLAN THAT COMPARES THE RESIDENTIAL PROJECT'S AFFIRMATIVE MARKETING OF AFFORDABLE UNITS AGAINST RENTER'S DEMOGRAPHIC DATA IN THE AFFORDABLE UNITS.

(C) APPROVAL OF INCLUSIONARY HOUSING PLAN.

- (1) BEFORE THE CITY ISSUES 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 APPROVED BY THE INCLUSIONARY HOUSING BOARD.
- (2) THE INCLUSIONARY HOUSING BOARD SHALL TIMELY ASSESS ALL INCLUSIONARY HOUSING PLANS SUBMITTED TO THE BOARD.
- (3) THE INCLUSIONARY HOUSING BOARD MUST APPROVE AN INCLUSIONARY HOUSING PLAN IF THE BOARD DETERMINES THAT THE INCLUSIONARY HOUSING PLAN COMPLIES WITH ALL REQUIREMENTS UNDER THIS SUBTITLE AND ALL RULES AND REGULATIONS ISSUED UNDER THIS SUBTITLE.”;

and, on that same page, in line 14, strike “(C)” and substitute “(D)”;

and, on that same page, in line 16, after “FORM” insert “FOR A”.

**Amendment No. 19**

On page 22, in line 30, strike the first comma and substitute a period; and, on that same page, strike beginning with “INCLUDING” in line 30 down through and including the semicolon in line 36; and, on page 23, strike lines 1 through 13 in their entirety; and, on that same page, after line 13, insert:

**“§ 2B-34. {Reserved}”.**

**Amendment No. 20**

On page 23, in line 18, after the first instance of “OF” insert “THE”; and, on that same page, in line 19, strike “BE ESTABLISHED BY THE COMMISSIONER.” and substitute “INCLUDE:”; and, on that same page, after line 19, insert:

**“(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) COMPLIANCE WITH THE INCLUSIONARY HOUSING PLAN;
- (5) WHETHER OWNERSHIP OR CONTROL OF A MAJORITY STAKE IN THE OWNERSHIP ENTITY FOR THE RESIDENTIAL PROJECT HAS TRANSFERRED; AND
- (6) ANY ADDITIONAL INFORMATION RELATED TO COMPLIANCE WITH THIS SUBTITLE OR ANY RULES AND REGULATIONS ISSUED UNDER THIS SUBTITLE AS DETERMINED BY THE COMMISSIONER.”.

#### **Amendment No. 21**

On page 25, strike lines 28 through 32 in their entireties.

#### **Amendment No. 22**

On page 25, after line 32, insert:

“§ 2B-44 [2B-35]. *{Reserved}*”.

#### **Amendment No. 23**

On page 27, in line 19, before “affordable” and after “rent” insert a bracket in each instance; and, on that same page, in that same line, after “rent” insert “AFFORDABLE HOUSING COST”; and, on that same page, in line 20, strike the brackets; and, on that same page, in that same line, strike “20”.

#### **Amendment No. 24**

On page 27, in line 23, after “OWNERSHIP” insert “OR CONTROL”; and, on that same page, after line 23, insert:

- “(3) IF A RESIDENTIAL PROJECT ACCEPTS AN ADDITIONAL PUBLIC SUBSIDY WITHIN THE 24 MONTHS IMMEDIATELY PRECEDING THE TERMINATION OF THE 30 YEAR AFFORDABILITY PERIOD ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE RESIDENTIAL PROJECT MUST MAINTAIN THE SAME AFFORDABLE RENTS FOR EACH AFFORDABLE UNIT FOR AN ADDITIONAL 30 YEARS FROM THE DATE OF RECEIPT OF THE ADDITIONAL MAJOR PUBLIC SUBSIDY.”.

**Amendment No. 25**

On page 32, strike lines 8 through 10 in their entireties.