

22-0195 Inclusionary Housing for Baltimore City – Sponsor: Ramos Amendments Chart Dated 12.05.2022

Amend Number	Current language in 22-0195	Amendment Language 9.25.2022	Amendment language 12.5.2022	Explanation
1	BY repealing Article 13 - Housing and Urban Development Sections 2B-2, 2B-4, 2B-6, 2B-6, 2B-22, 2B-24, 2B-34, 2B-36, 2B-37, the subtitle "Part V. Off-Site Substitution", 2B-41 through 2B-45, inclusive, 2B-52, the subtitle "Part VII. Inclusionary Housing Offset Fund", and 2B-61 through 2B-67, inclusive Baltimore City Code (Edition 2000)	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"	On page 1, strike beginning with "requiring" in line 5 down through and including "manual;" in line 6; and, on that same page, in line 8, after "the" insert "composition and"; and, on that same page, strike beginning with the second instance of "repealing" in line 10 down through and including "bonuses;" in line 11; and, on that same page, in line 11, after the second semicolon insert "establishing the parameters for requesting and granting subsidies;"; and, on that same page, 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	This is remuneration based on the amendments.

			“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”.	
2		<p>On page 2, after line 30, insert:</p> <p>“(C) COMMISSIONER. “COMMISSIONER” MEANS THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE COMMISSIONER’S DESIGNEE.”;</p> <p>Remunerations are the remaining parts of this amendment.</p>	Same	Technical Amendment clarifying the Commissioner of Housing and Community Development
3		<p>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:</p> <p>“(iv) grants or loans that equal or exceed [15%] 5% of total projected project costs; [or]”;</p> <p>and, on that same page, after line 27, insert:</p>	Same	This amendment puts back in original language in the definitions and adds language that defines a major public subsidy

		“(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.”.		
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.”.	Same	This defines what a major land use authorization is.
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%”.	Same	This section puts original language back in, and also clarifies what puts language back in the bill from the 2007 law about the level of income this law applies to. This defines Moderate Income, Low Income, Very Low Income, Extremely Low Income.

6		<p>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:</p> <p>“(3) VERY LOW INCOME; OR (4) EXTREMELY LOW INCOME.”</p>	Same	This amendment puts Very Low Income and Extremely Low Income back in the bill - these were eliminated in the original bill.
7		<p>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”.</p>	Same	Adds back in the Moderate and Low Income categories
8		<p>On page 7, before line 1, insert:</p> <p>“(F) EXTREMELY LOW INCOME.</p> <p>“EXTREMELY LOW INCOME” MEANS A HOUSEHOLD INCOME BELOW 30% AMI.”;</p> <p>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:</p> <p>“(K) VERY LOW INCOME.</p>	Same	Continues to make sure all of the levels of income are consistent throughout the bill.

		“VERY LOW INCOME” MEANS A HOUSEHOLD INCOME AT OR BELOW 50% AMI.”.		
9		<p>On page 8, after line 17, insert:</p> <p>“[§ 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.]”</p>	Same	Removes more language that is not relevant to our bill.
10		On page 9, after line 15, insert: “§ 2B-3. {Reserved}”	Same	Renumeration
11	(1) [(i)] require the [Inclusionary Housing Board,] the [Housing]	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	Same	The Law Dept did not want policy to be made in an

	<p>Commissioner, and the Planning Department to provide timely and definitive responses to all submissions required from a developer under this subtitle; and</p> <p>§ 2B-5. INCLUSIONARY HOUSING MANUAL. (A) IN GENERAL. THE COMMISSIONER MUST ADOPT, AND MAY AMEND FROM TIME TO TIME, AN INCLUSIONARY HOUSING MANUAL.</p> <p>(B) CONTENTS GENERALLY. THE INCLUSIONARY HOUSING MANUAL MUST INCLUDE, BUT IS NOT LIMITED TO:</p> <p>(1) RULES AND REGULATIONS ON THE CREATION AND MANAGEMENT OF RESIDENTIAL PROJECTS AND AFFORDABLE UNITS;</p> <p>(2) RULES AND REGULATIONS FOR RESIDENTIAL PROJECT</p>	<p>after the comma; and, on that same page, after line 11, insert:</p> <p>“(3) THE DEPARTMENT SHALL COMPILE THE RULES AND REGULATIONS ADOPTED UNDER THIS SECTION IN A MANUAL AND MAKE THAT MANUAL AVAILABLE TO THE PUBLIC.”;</p> <p>and, on that same page, strike lines 25 through 28 in their entireties; and, on page 11, strike lines 1 through 10 in their entireties; and, on that same page, in line 11, strike “2B-6” and substitute “2B-5”.</p>		<p>Inclusionary Manual, so we took out the Inclusionary Manual in our amendments.</p>
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	<p>CONSTRUCTION AGREEMENTS; (3) RULES AND REGULATIONS GOVERNING ANNUAL REPORTING BY RESIDENTIAL PROJECTS CREATED UNDER THIS SUBTITLE, AS REQUIRED UNDER § 2B-35 OF THIS SUBTITLE; AND (4) RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THIS SUBTITLE.</p>			
<p>New Amendment 12</p>			<p>On page 11, after line 12, insert: “§ 2B-21. [2B-11.] Board Established. There is an Inclusionary Housing Board. § 2B-22. [2B-12.] Composition. (a) <i>In general.</i> The [board comprises] BOARD IS COMPRISED OF the following [15] 11 members: (1) [9] 10 members appointed by the Mayor and confirmed by the City Council in accordance with City Charter article IV, § 6; AND</p>	<p>Re-establishes the Inclusionary Housing Board to be 9 members.</p>

			<p>[(2) 4 members nominated by the Council President, appointed by the Mayor, and confirmed by the City Council in accordance with City Charter Article IV, § 6;]</p> <p>(2) [(3)] the Housing Commissioner OR THE HOUSING COMMISSIONER'S DESIGNEE[; and].</p> <p>[(4) the Planning Director.]</p> <p><i>(b) Qualifications – General.</i></p> <p>Of the [13] 10 members appointed by the Mayor:</p> <p>[(1) 1 must be a representative of a nonprofit entity that provides housing services in the City.]</p> <p>[(2) 1 must be a neighborhood association leader.]</p> <p>[(3) 1 must be a civil engineer practicing in the City.]</p> <p>[(4) 1 must be an architect practicing in the City.]</p> <p>[(5) 1 must be a lender experienced in lending practices for residential projects.]</p> <p>[(6) 1 must be a builder or developer in the City of single-family detached or attached dwellings.]</p>	
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			<p>[(7) 1 must be a builder or developer in the City of multiple-family dwellings.]</p> <p>[(8) 1 must be a representative of a nonprofit entity that advocates for affordable housing in the City.]</p> <p>[(9) 1 must be a representative of a labor union that represents municipal or otherworkers in the City.]</p> <p>(1) 2 MUST HAVE EXPERIENCE IN THE FIELD OF HOUSING, COMMUNITY DEVELOPMENT, PLANNING, SOCIAL SERVICES, OR PUBLIC HEALTH;</p> <p>(2) 2 MUST BE LENDERS WITH EXPERIENCE IN COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING FINANCE;</p> <p>(3) 1 MUST BE A RENTER EARNING AN INCOME AT OR BELOW 60% OF AMI;</p> <p>(4) 1 MUST BE A RENTER EARNING AN INCOME AT OR BELOW 30% OF AMI;</p> <p>(5) 1 MUST HAVE LEGAL EXPERIENCE WITH FAIR HOUSING LAWS;</p> <p>(6) 1 MUST HAVE LEGAL EXPERIENCE IN AFFORDABLE HOUSING FINANCE OR</p>	
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			<p>AFFORDABLE HOUSING DEVELOPMENT; (7) 1 MUST BE A NONPROFIT AFFORDABLE HOUSING DEVELOPER; AND (8) 1 MUST BE A FOR-PROFIT DEVELOPER OF MULTIFAMILY HOUSING. (c) <i>Qualifications – Residency.</i> [(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-23. [2B-13.] Board officers; expenses. (a) <i>Chair.</i> (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) <i>Compensation; expenses.</i> The members of the Board: (1) serve without compensation; but</p>	
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			<p>(2) are entitled to reimbursement for reasonable expenses incurred in the performance of their duties, as provided in the Ordinance of Estimates.</p> <p>§ 2B-24. [2B-14.] Meetings; quorum; voting.</p> <p>(a) <i>Meetings.</i> The Board meets on the call of the Chair as frequently as required to perform its duties.</p> <p>(b) <i>Quorum.</i> A majority of the members constitutes a quorum for the transaction of business.</p> <p>(c) <i>Voting.</i> An affirmative vote of at least a majority of a quorum is needed for any official action.</p> <p>§ 2B-25. [2B-15.] Staff. The Department of Housing and Community Development must provide staff for the Board.”.</p>	
12-13	(1) the total number [and proportion (as to the total of all housing units developed) of affordable housing units generated under this subtitle] OF NEW AFFORDABLE UNITS	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	Same	Clarifies the reporting requirements for the annual report to the Council

	<p>CREATED UNDER THIS SUBTITLE FOR THAT YEAR AND CUMULATIVELY SINCE 2007; (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;</p>	<p>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”.</p>		
13-14	<p>(3) the TOTAL number [generated at various affordable costs] OF LOW INCOME AFFORDABLE UNITS AND MODERATE INCOME AFFORDABLE UNITS DEVELOPED UNDER THIS SUBTITLE FOR THAT YEAR AND CUMULATIVELY SINCE 2007; (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] FOR THAT</p>	<p>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</p>	same	More requirements for the Annual reporting

	<p>YEAR, THE PERCENT OF NEW DWELLING UNITS CREATED IN THE CITY THAT ARE LOW INCOME AFFORDABLE UNITS AND THAT ARE MODERATE INCOME AFFORDABLE UNITS; AND</p> <p>(5) [(9)] the number of units for which the City or eligible housing providers had a 14 right of first refusal under [§ 2B-34] § 2B-44 {"Right of first refusal"} or 15 [§ 2B-52(c)] § 2B-52(a) {"[Resales during affordability period – First refusal] 16 City's right of first refusal"}, and the number of those units on which that right 17 was exercised[;].</p>	<p>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;]"</p>		
<p>New Amendment 15</p>			<p>On page 12, in line 12, strike the first bracket; and, on that same page, in that same line, before the semicolon insert a bracket; and, on that same line, after the third bracket insert a period; and, on that same page, in line 32, strike the second, third, and forth brackets; and,</p>	<p>Clarifies the responsibilities of the Inclusionary Housing Board.</p>

			<p>on that same page, in line 33, after the period insert a bracket; and, on that same page, after line 33, insert:</p> <p>“(1) REVIEWING AND APPROVING THE REGULATIONS PROMULGATED UNDER § 2B-4 {“RULES AND REGULATIONS”} OF THIS SUBTITLE;</p> <p>(2) REVIEWING AND PROVIDING COMMENTS ON INCLUSIONARY HOUSING PLANS SUBMITTED BY RESIDENTIAL PROJECTS TO THE BOARD AS REQUIRED UNDER § 2B-32 {“INCLUSIONARY HOUSING PLAN”} OF THIS SUBTITLE;</p> <p>(3) REVIEWING ANNUAL REPORTS SUBMITTED BY THE COMMISSIONER AS REQUIRED UNDER § 2B-26 {“ANNUAL REPORT”} OF THIS SUBTITLE;</p> <p>AND</p> <p>(4) ADVISING THE COMMISSIONER AND THE PLANNING DIRECTOR IN THE PERFORMANCE OF THEIR RESPECTIVE DUTIES UNDER THIS SUBTITLE.”.</p>	
14 16	(2) [receives a major public subsidy.] THAT IS NEWLY CONSTRUCTED,	On page 13, strike lines 6 and 7 in their entireties and substitute:	Same	Clearly explains the types of properties that are included in

	<p>WHOLLY RENOVATED, OR CONVERTED FROM A NON-RESIDENTIAL BUILDING; AND</p> <p>(3) WHERE THE COST TO CONSTRUCT, RENOVATE, OR CONVERT IS GREATER THAN OR EQUAL TO \$60,000 PER DWELLING UNIT.</p>	<p>“(2) [receives a major public subsidy.] THAT RECEIVES: (I) A MAJOR PUBLIC SUBSIDY; OR (II) A SIGNIFICANT LAND USE AUTHORIZATION; AND”;</p> <p>and, on that same page, strike beginning with “WHERE” in line 8 down through and including “UNIT” in line 9 and substitute:</p> <p>“THAT IS NEWLY CONSTRUCTED, WHOLLY RENOVATED, OR CONVERTED FROM A NON-RESIDENTIAL BUILDING”.</p>		<p>this law. Only properties with public subsidy and those with significant land use authorization are included in this law. One or the other applies.</p>
15 17	<p>(1) In every residential project subject to this section, at least [20%] 10% of all [residential] DWELLING units must be affordable units.</p>	<p>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”</p>	Same	<p>The development is supposed to allocate 10% of their units for Low and Moderate income Households only (percentage of AMI listed previously)</p>
16 18	<p>(2) OF THE TOTAL NUMBER OF AFFORDABLE UNITS REQUIRED FOR EACH RESIDENTIAL PROJECT SUBJECT TO THIS SECTION 50% MUST BE FOR LOW INCOME HOUSEHOLDS</p> <p>(3) OF THE TOTAL NUMBER OF AFFORDABLE UNITS REQUIRED FOR EACH RESIDENTIAL PROJECT SUBJECT TO</p>	<p>On page 13, strike lines 29 and 30 in their entireties and substitute:</p> <p>“(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.”;</p> <p>and, on page 14, strike lines 1 through 3 in their entireties and substitute:</p> <p>“(3) IN EVERY RESIDENTIAL PROJECT WHERE THE DEVELOPER IS OFFERED AN</p>	Same	<p>This section says that the 10% of all units having to be affordable apply to all properties with major public subsidy.</p> <p>And that it is to moderate and low income households</p>

	THIS SECTION 50% MUST BE FOR MODERATE INCOME HOUSEHOLDS.	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.”;		And that if DHCD or the City or HABC has additional subsidy, the developer is required to do an additional 5% for extremely Low income households
17-19		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 MAJOR PUBLIC SUBSIDIES OR OTHER SIGNIFICANT LAND USE AUTHORIZATIONS, INCLUDING REQUIRING ADDITIONAL AFFORDABLE INCLUSIONARY UNITS.”	On page 16, after line 10, insert: “(C) <i>MORE RESTRICTIVE GOVERNS.</i> 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) <i>EXCLUSIONS.</i> THE PROVISIONS OF THIS SECTION 2B-31 DO NOT APPLY TO: (1) DORMITORIES, AS DEFINED IN § 1-305(G) OF THE ZONING CODE;	This clause makes sure that if we approve TIFS or other subsidies that we can require more than 10% affordable units This was revised to satisfy Law Dept concerns. This amendment also has three exclusions from the bill – Student housing, Residential care facilities.

			(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.”.	
18 20	(1) MUST SUBMIT AN INCLUSIONARY HOUSING PLAN TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE DEPARTMENT OF PLANNING WHEN SUBMITTING A PRE-DEVELOPMENT APPLICATION TO THE SITE PLAN REVIEW COMMITTEE; AND (2) MUST SUBMIT AN INCLUSIONARY HOUSING PLAN TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WHEN APPLYING FOR A BUILDING PERMIT. (B) INCLUSIONARY HOUSING PLAN REQUIREMENTS. RESIDENTIAL PROJECTS	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. I. THE COMMISSIONER WILL PROVIDE DEMOGRAPHICS INFORMATION TO THE RESIDENTIAL PROJECT TO FACILITATE THE DEVELOPMENT OF THE AFFIRMATIVE	On page 21, in line 4, after “SUBTITLE” insert “OR PLANNING TO APPLY FOR A MAJOR PUBLIC SUBSIDY OR SIGNIFICANT LAND USE AUTHORIZATION”; and, on that same page, 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) <i>IN GENERAL.</i> ”; and, on that same page, after line 13, insert: “(2) <i>AFFIRMATIVE FAIR HOUSING MARKETING.</i> AN INCLUSIONARY HOUSING PLAN MUST INCLUDE A PLAN FOR AFFIRMATIVELY	The developer has to submit an Inclusionary Housing plan during site review process. In some cases tax credits are not applied for until after the development is finished, so new language says the inclusionary plan has to be submitted if it’s got subsidy or planning to get subsidy. Included in that plan is a plan for affirmative marketing to the population we are trying to reach.

	<p>REQUIRED TO SUBMIT AN INCLUSIONARY HOUSING PLAN UNDER SUBSECTION (A) MUST SUBMIT A PLAN IN THE FORM ESTABLISHED BY THE COMMISSIONER.</p>	<p>MARKETING OF AFFORDABLE UNITS UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION.</p> <p>I. 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.</p> <p>V. 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.</p> <p>(C) APPROVAL OF INCLUSIONARY HOUSING PLAN.</p> <p>(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.</p> <p>(2) THE INCLUSIONARY HOUSING BOARD SHALL TIMELY ASSESS ALL INCLUSIONARY HOUSING PLANS SUBMITTED TO THE BOARD.</p> <p>(3) THE INCLUSIONARY HOUSING BOARD MUST APPROVE AN INCLUSIONARY HOUSING PLAN IF THE BOARD DETERMINES</p>	<p>MARKETING THE AFFORDABLE UNITS IN THE RESIDENTIAL PROJECT TO THOSE INDIVIDUALS LEAST LIKELY TO APPLY TO BECOME TENANTS WITHOUT SPECIAL OUTREACH EFFORTS.</p> <p>(C) APPROVAL OF INCLUSIONARY HOUSING PLAN.</p> <p>(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.</p> <p>(2) 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.”;</p> <p>and, on that same page, in line 14, strike</p>	<p>New language satisfies Law Dept</p>
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		<p>THAT THE INCLUSIONARY HOUSING PLAN COMPLIES WITH ALL REQUIREMENTS UNDER THIS SUBTITLE AND ALL RULES AND REGULATIONS ISSUED UNDER THIS SUBTITLE.”;</p> <p>and, on that same page, in line 14, strike “(C)” and substitute “(D)”;</p> <p>and, on that same page, in line 16, after “FORM” insert “FOR A”</p>		
<p>New Amendment 21</p>			<p>On page 21, after line 16, insert: “§ 2B-33. ADDITIONAL SUBSIDY. (A) REQUEST FOR SUBSIDY. IN THEIR INCLUSIONARY HOUSING PLAN, RESIDENTIAL PROJECTS MAY INCLUDE A REQUEST FOR 1 OR MORE OF THE FOLLOWING SUBSIDY OPTIONS: (1) THE AMOUNT OF DIFFERENCE BETWEEN THE RENT THAT MAY BE COLLECTED FOR A MARKET-RATE DWELLING UNIT AND THE RENT THAT MAY BE COLLECTED FOR AN AFFORDABLE UNIT, LIMITED TO THE MAXIMUM OF 15% OF THE RESIDENTIAL PROJECT’S PROPERTY TAX LIABILITY;</p>	<p>The developer has to comply with this law, and can ask for additional subsidy, which is one of the listed options.</p>

			<p>(2) A VARIANCE FROM THE PARKING REQUIREMENTS IN THE ZONING CODE;</p> <p>(3) A DENSITY BONUS OF UP TO 20% ADDITIONAL DWELLING UNITS CALCULATED BASED ON THE NUMBER OF DWELLING UNITS PLANNED FOR THE RESIDENTIAL PROJECT WITHOUT ANY DENSITY BONUS; AND</p> <p>(4) ANY OTHER AVAILABLE SUBSIDY, AS MAY BE DETERMINED BY THE COMMISSIONER.</p> <p>(B) <i>DEMONSTRATION OF NEED.</i> EACH REQUEST FOR A SUBSIDY MUST INCLUDE A DEMONSTRATION OF NEED PROVIDING EVIDENCE SUPPORTING THE ASSERTION THAT BUT FOR THE GRANT OF THE REQUESTED SUBSIDY, THE DEVELOPMENT OF THE RESIDENTIAL PROJECT WOULD NOT BE POSSIBLE.</p> <p>(C) <i>REVIEW OF SUBSIDIES.</i> THE COMMISSIONER SHALL SUBMIT TO THE INCLUSIONARY HOUSING BOARD FOR REVIEW DOCUMENTATION OF AND JUSTIFICATION FOR EACH SUBSIDY GRANTED TO A RESIDENTIAL PROJECT.”.</p>	
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New Amendment 22			On page 21, in line 17, strike “§ 2B-33” and substitute “§ 2B-34”.	Renumeration
19 23	ALL RESIDENTIAL PROJECTS CREATED UNDER THIS SUBTITLE ARE SUBJECT TO APPLICABLE 29 FEDERAL, STATE, AND LOCAL HOUSING LAWS AND REGULATIONS AS DETAILED IN THE 30 INCLUSIONARY HOUSING MANUAL, INCLUDING, BUT NOT LIMITED TO: (1) 42 U.S.C. 3601 ET SEQ. {"FAIR HOUSING ACT OF 1968"}; (2) 24 C.F.R. PART 100 {"DISCRIMINATORY CONDUCT UNDER THE FAIR HOUSING ACT"}; (3) EXECUTIVE ORDER 11063, NOVEMBER 20, 1962 {"EQUAL HOUSING OPPORTUNITY IN 34 HOUSING"}; 35 (4) 24 C.F.R. PART 107 {"NONDISCRIMINATION AND EQUAL OPPORTUNITY IN HOUSING 36 UNDER EXECUTIVE ORDER 11063"};	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}”.	On page 22, in line 29, after “REGULATIONS” insert a period; and, on that same page, strike beginning with “AS” in line 29 down through and including the semicolon in line 36; and, on page 23, strike lines 1 through 13 in their entirety.	We removed reference to all the fair housing laws because they are already in the books and if one of them changes we don’t want to have to go back and change this.

	<p>(5) TITLE VI, 42 U.S.C. 2000D {"PROHIBITION AGAINST EXCLUSION FROM PARTICIPATION IN, DENIAL OF BENEFITS OF, AND DISCRIMINATION UNDER FEDERALLY ASSISTED PROGRAMS ON GROUND OF RACE, COLOR, OR NATIONAL ORIGIN"};</p> <p>(6) 28 C.F.R. § 42.101 ET SEQ. {"SUBPART C– NONDISCRIMINATION IN FEDERALLY 5 PROGRAMS– IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964"};</p> <p>(7) 24 C.F.R. PART 1 ET SEQ. {"NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT - EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT 1964"};</p> <p>(8) STATE GOVERNMENT ARTICLE, §§ 20-702, 20-704, AND 20-705,</p>			
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	<p>ANNOTATED CODE 10 OF MARYLAND; (9) HOUSING OPPORTUNITIES MADE EQUAL ACT, CH. 116, 2020 LAWS OF MARYLAND; AND (10) ARTICLE 4, SUBTITLE 3, § 3-5 {"UNLAWFUL PRACTICES . . . HOUSING".</p>			
<p>20 24</p>	<p>(B) THE CONTENTS OF ANNUAL REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION MUST BE ESTABLISHED BY THE COMMISSIONER.</p>	<p>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</p>	<p>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</p>	<p>This is about the reporting that is required of the developer each year to maintain compliance.</p>

		<p>(6) ANY ADDITIONAL INFORMATION RELATED TO COMPLIANCE WITH THIS SUBTITLE OR ANY RULES AND REGULATIONS ISSUED UNDER THIS SUBTITLE AS DETERMINED BY THE COMMISSIONER.”.</p>	<p>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; (6) ANY ADDITIONAL INFORMATION RELATED TO COMPLIANCE WITH THIS SUBTITLE OR ANY RULES AND REGULATIONS ISSUED UNDER THIS SUBTITLE AS DETERMINED BY THE COMMISSIONER; (7) AN ACCOUNTING OF THE MONTHLY RENT COLLECTED FOR EACH AFFORDABLE UNIT FOR THAT YEAR, AS PREPARED BY AN INDEPENDENT ACCOUNTANT; AND (8) A COMPARISON BETWEEN 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</p>	
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			PREPARED BY AN INDEPENDENT ACCOUNTANT.”.	
21- 25	(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.	On page 25, strike lines 28 through 32 in their entireties	Same	Removed this language
22		On page 25, after line 32, insert:- “§ 2B-44 [2B-35]. {Reserved}”.		renumeration
New Amendment 26			On page 26, in line 1, strike “§ 2B-45”; and, on that same page, in that same line, strike the second bracket; and, on that same page, in that same line, after “units.” insert a bracket; and, on that same page, in line 2, before “An” insert a bracket; and, on that same page, in line 3, after the period insert a bracket; and, on that same	renumeration

			page, in line 4, strike “ 2B-46 ” and substitute “ 2B-44 ”.	
New Amendment 27			<p>On page 26, after line 6, insert: “§ 2B-45. MASTER LEASING AFFORDABLE UNITS. (A) <i>IN GENERAL.</i> THE CITY OR DESIGNATED HOUSING PROVIDERS MAY ENTER MASTER LEASE AGREEMENTS TO MANAGE AFFORDABLE UNITS DEVELOPED TO COMPLY WITH § 2B-31 {“INCLUSIONARY REQUIREMENTS.”} OF THIS ARTICLE. (B) <i>DESIGNATED HOUSING PROVIDERS.</i> THE COMMISSIONER MAY DESIGNATE HOUSING PROVIDERS TO MANAGE AND RENT AFFORDABLE UNITS IN ACCORDANCE WITH THE REGULATIONS AND PROCEDURES ADOPTED BY THE COMMISSIONER.”;</p> <p>and, on that same page, in line 7, strike “2B-47” and substitute “2B-46”.</p>	This amendment is added to clarify the developer can master lease the affordable units.
23 28	(1) Every affordable rental unit subject to this subtitle must remain at	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	Affordability requirement is for 30 years.

	an affordable rent, as provided in this section, for a period of not less than [30] 20 years from the date of its initial occupancy.	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”.		
24 29	(2) THE AFFORDABILITY PERIOD FOR EACH AFFORDABLE UNIT STARTS EACH TIME OWNERSHIP OF THE AFFORDABLE UNIT IS TRANSFERRED.	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.”	On page 27, in line 23, after “OWNERSHIP” insert “OR MAJORITY 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.”.	The affordability period starts over again when there is a transfer of MAJORITY ownership or control of the property. This clarifies that if the llc or corporation has new ownership, the click starts over as well.
25 30	(C) PENALTIES DOUBLE. FINES FOR EACH OFFENSE THAT CONTINUES UNABATED FOR A PERIOD OF 30	Strike lines 8 through 10 in their entirety.	Same	Removed penalty but the removal of the subsidy remains in place if the developer does not comply.

	DAYS OR MORE WILL DOUBLE.			
New Amendment 31			On page 32, after line 10, insert: "SECTION 3. AND BE IT FURTHER ORDAINED, That the Board shall be appointed by the 90th day after this Ordinance is enacted." and; on that same page, in line 11, strike "3." and substitute "4."	Renumeration of the end paragraphs