

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 23-0369

Introduced by: Councilmembers Ramos, Bullock, Torrence, Cohen, Burnett, Dorsey
Introduced and read first time: March 27, 2023
Assigned to: Ways and Means Committee

Committee Report: Favorable, with Amendments
Council action: Adopted
Read second time: November 20, 2023

AN ORDINANCE CONCERNING

1 **High-Performance Inclusionary Housing Tax Credit**

2 FOR the purpose of establishing a High-Performance Inclusionary Housing Tax Credit; providing
3 for the eligibility criteria of the tax credit; establishing the amount of the tax credit; requiring
4 a certain annual report; defining certain terms; and generally relating to the
5 High-Performance Inclusionary Housing Tax Credit.

6 BY authority of
7 Tax - Property Article
8 Section 9-242
9 Annotated Code of Maryland

10 BY repealing and re-ordaining, with amendments,
11 Article 28 - Taxes
12 Section 10-18(h)
13 Baltimore City Code
14 (Edition 2000)

15 BY adding
16 Article 28 - Taxes
17 Section 10-18.2
18 Baltimore City Code
19 (Edition 2000)

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

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

Council Bill 23-0369

Baltimore City Code

Article 28. Taxes

Subtitle 10. Credits

§ 10-18. High-performance market-rate rental housing – Citywide.

(h) *No tax subsidy duplication allowed.*

Except for the Maryland State Enterprise Zone Tax Credit Program AND THE HIGH-PERFORMANCE INCLUSIONARY HOUSING TAX CREDIT, the tax credit authorized by this section does not apply to any property for which any other tax subsidy from the City, whether in the form of a tax credit, payment in lieu of taxes, tax incremental financing, or otherwise, is being received or has been applied for.

§ 10-18.2. HIGH-PERFORMANCE INCLUSIONARY HOUSING TAX CREDIT.

~~(A) DEFINITIONS:~~

~~(1) IN GENERAL.~~

~~IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) HIGH-PERFORMANCE BUILDING.~~

~~“HIGH-PERFORMANCE BUILDING” MEANS A HIGH-PERFORMANCE BUILDING AS DEFINED IN STATE TAX – PROPERTY ARTICLE § 9-242.~~

~~(3) 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; OR~~

~~(B) CONVERTED FROM A NON-RESIDENTIAL USE; AND~~

~~(II) FOR WHICH THE COST OF THE CONSTRUCTION OR CONVERSION EXCEEDED \$60,000 PER RENTAL UNIT.~~

Council Bill 23-0369

1 ~~(B) CREDIT GRANTED.~~

2 IN ACCORDANCE WITH STATE TAX PROPERTY ARTICLE § 9-242, A HIGH-PERFORMANCE
3 INCLUSIONARY HOUSING TAX CREDIT IS GRANTED AGAINST THE CITY PROPERTY TAX
4 IMPOSED ON HIGH-PERFORMANCE RENTAL PROPERTIES THAT ARE IN FULL COMPLIANCE
5 WITH SUBTITLE 2B {"INCLUSIONARY HOUSING REQUIREMENTS"} OF
6 ARTICLE 13 HOUSING AND URBAN DEVELOPMENT OF THE CITY CODE.

7 ~~(C) CREDIT GRANTED.~~

8 A TAX CREDIT GRANTED TO A PROPERTY OWNER UNDER THIS SUBSECTION SHALL:

9 (1) BE FOR A PERIOD OF 15 YEARS;

10 (2) START WITH THE COMPLETED BUILDING'S FIRST ASSESSMENT AFTER ISSUANCE OF
11 THE OCCUPANCY PERMIT ESTABLISHED BY THE CITY BUILDING CODE;

12 (3) BE FULLY TRANSFERRABLE TO A NEW OWNER FOR THE REMAINING LIFE OF THE TAX
13 CREDIT; AND

14 (4) TERMINATE IF, DURING THE PERIOD OF THE TAX CREDIT, THE BUILDING:

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

16 (ii) FAILS TO COMPLY WITH THE PROVISIONS OF SUBTITLE 2B {"INCLUSIONARY
17 HOUSING REQUIREMENTS"} OF ARTICLE 13 HOUSING AND URBAN
18 DEVELOPMENT OF THE CITY CODE.

19 ~~(D) AMOUNT.~~

20 (1) ~~IN GENERAL.~~

21 A PROPERTY OWNER OF A BUILDING DESCRIBED UNDER THIS SECTION IS ELIGIBLE FOR
22 A 15% HIGH-PERFORMANCE INCLUSIONARY HOUSING TAX CREDIT.

23 (2) ~~ADDITIONAL CREDITS.~~

24 A PROPERTY OWNER MAY RECEIVE ANOTHER RESIDENTIAL RENTAL PROJECT TAX
25 CREDIT FOR WHICH THE BUILDING IS ELIGIBLE, PROVIDED THAT THE TOTAL AMOUNT OF
26 CITY TAX CREDITS THE PROPERTY OWNER HAS RECEIVED DOES NOT EXCEED 100% OF
27 THE TOTAL TAX LIABILITY FOR THE BUILDING.

28 ~~(E) APPLICATION.~~

29 (1) ~~PROPERTY OWNER TO SUBMIT.~~

30 A PROPERTY OWNER SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT OF
31 FINANCE IN THE FORM REQUIRED BY THE DEPARTMENT OF FINANCE.

Council Bill 23-0369

1 ~~(2) APPLICATION FEE.~~

2 A PROPERTY OWNER APPLYING FOR THE TAX CREDIT ESTABLISHED BY THIS SUBTITLE
3 SHALL PAY AN APPLICATION FEE, WHICH SHALL BE SET BY THE BOARD OF ESTIMATES.

4 ~~(3) APPLICATION TO CONTINUE.~~

5 IF A PROPERTY OWNER RECEIVING THE TAX CREDIT TRANSFERS OWNERSHIP OF THE
6 BUILDING AT ANY TIME, THE NEW PROPERTY OWNER SHALL FILE AN APPLICATION TO
7 CONTINUE THE CREDIT IN THE FORM REQUIRED BY THE DEPARTMENT OF FINANCE.

8 ~~(F) RULES AND REGULATIONS.~~

9 ~~(1) IN GENERAL.~~

10 SUBJECT TO TITLE 4 {"ADMINISTRATIVE PROCEDURE ACTION—REGULATIONS"} OF
11 THE CITY GENERAL PROVISIONS ARTICLE, THE DIRECTOR OF FINANCE SHALL ADOPT
12 RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

13 ~~(2) PROCEDURES REQUIRED.~~

14 THESE REGULATIONS SHALL INCLUDE PROCEDURES NECESSARY AND APPROPRIATE FOR
15 THE SUBMISSION OF AN APPLICATION AND THE GRANTING OF A PROPERTY TAX CREDIT
16 UNDER THIS SECTION.

17 ~~(G) REPORTING CREDITS.~~

18 EACH FISCAL YEAR, THE ESTIMATED AMOUNT OF ALL TAX CREDITS RECEIVED BY
19 PROPERTY OWNERS UNDER THIS SECTION:

20 ~~(1) SHALL BE REPORTED BY THE DIRECTOR OF FINANCE AS A TAX EXPENDITURE; AND~~

21 ~~(2) SHALL BE INCLUDED IN THE PUBLICATION OF THE CITY'S BUDGET FOR ANY~~
22 ~~SUBSEQUENT FISCAL YEAR WITH THE ESTIMATED OR ACTUAL CITY PROPERTY TAX~~
23 ~~REVENUE.~~

24 ~~(H) ANNUAL REPORT.~~

25 ON OR BEFORE JULY 1 OF EACH YEAR, THE DIRECTOR OF FINANCE SHALL SUBMIT A
26 REPORT TO THE BOARD OF ESTIMATES, MAYOR, AND CITY COUNCIL THAT INCLUDES THE
27 FOLLOWING:

28 ~~(1) AN ANALYSIS OF THE TAX CREDIT, IF ANY WAS CONDUCTED, AND ITS FINDINGS AND~~
29 ~~RESULTS;~~

30 ~~(2) THE STEPS TAKEN TO PROMOTE AND FURTHER THE USE OF THE TAX CREDIT; AND~~

31 ~~(3) PROPOSED FUTURE STEPS THE DEPARTMENT OF FINANCE CAN TAKE TO PROMOTE~~
32 ~~AND FURTHER THE USE OF THE TAX CREDIT.~~

Council Bill 23-0369

1 (A) DEFINITIONS.

2 (1) IN GENERAL.

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

4 (2) AFFORDABLE UNIT.

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

8 (I) LOW INCOME;

9 (II) MODERATE INCOME;

10 (III) VERY LOW INCOME; OR

11 (IV) EXTREMELY LOW INCOME.

12 (3) AMI.

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

16 (4) EXTREMELY LOW INCOME.

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

18 (5) HIGH-PERFORMANCE.

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

21 (6) LOW INCOME.

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

23 (7) MARKET-RATE RENTAL HOUSING PROJECT.

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

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

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

Council Bill 23-0369

1 (8) MODERATE INCOME.

2 "MODERATE INCOME" MEANS A HOUSEHOLD INCOME AT OR BELOW 80% AMI.

3 (9) NEWLY CONSTRUCTED OR CONVERTED.

4 "NEWLY CONSTRUCTED OR CONVERTED" MEANS A HIGH-PERFORMANCE
5 MARKET-RATE RENTAL HOUSING PROJECT:

6 (I) THAT IS EITHER:

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

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

10 (C) A WHOLLY RENOVATED STRUCTURE; AND

11 (II) FOR WHICH:

12 (A) THE COST OF THE CONSTRUCTION OR CONVERSION EXCEEDS
13 \$60,000 PER RENTAL UNIT; AND

14 (B) A 1ST OCCUPANCY PERMIT FOLLOWING SUBSTANTIAL
15 COMPLETION OF THE CONSTRUCTION OR CONVERSION IS ISSUED
16 AFTER JANUARY 1, 2014 2024 AND ON OR BEFORE JUNE 30, 2029 2024.

17 (10) VERY LOW INCOME.

18 "VERY LOW INCOME" MEANS A HOUSEHOLD INCOME AT OR BELOW 50% AMI.

19 (B) PROGRAM GOAL.

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

23 (C) CREDIT GRANTED.

24 (1) IN GENERAL.

25 (I) IN ACCORDANCE WITH STATE TAX - PROPERTY ARTICLE § 9-242 {"HIGH
26 PERFORMANCE BUILDINGS"}, A HIGH-PERFORMANCE INCLUSIONARY HOUSING
27 TAX CREDIT IS GRANTED AGAINST THE CITY PROPERTY TAX IMPOSED ON ELIGIBLE
28 NEWLY CONSTRUCTED OR CONVERTED HIGH-PERFORMANCE MARKET-RATE
29 RENTAL HOUSING PROJECTS THAT PROVIDE AFFORDABLE UNITS AS REQUIRED BY
30 ARTICLE 13, SUBTITLE 2B {"INCLUSIONARY HOUSING REQUIREMENTS"} OF THE
31 CITY CODE.

Council Bill 23-0369

1 (II) THE TAX CREDIT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE
2 EQUAL TO THE ACTUAL AMOUNT OF THE DIFFERENCE BETWEEN THE MARKET RATE
3 RENT AND THE RENTAL RATE FOR THE AFFORDABLE UNIT. EACH AFFORDABLE UNIT
4 IN THE MONTHS IN WHICH THAT AFFORDABLE UNIT WAS RENTED.

5 (2) TIMING OF CREDIT.

6 THE TAX CREDIT DETAILED IN PARAGRAPH (1) OF THIS SUBSECTION COMMENCES WITH
7 THE FIRST TAX YEAR AFTER THE FIRST ASSESSMENT OF THE PROPERTY AFTER THE
8 ISSUANCE OF AN OCCUPANCY PERMIT FOR THE COMPLETED PROJECT. THE FIRST FULL
9 YEAR TAX BILL ISSUED FOR THE PROPERTY AFTER THE DEPARTMENT OF FINANCE HAS
10 RECEIVED A COMPLETE APPLICATION FOR THE TAX CREDIT AND DOCUMENTATION OF
11 THE ACTUAL RENT CHARGED IN THE PRIOR YEAR FOR THE COMPLETED PROJECT.

12 (3) MEASURES.

13 (I) THE ACCOUNTING YEAR FOR THE CALCULATION OF THE DIFFERENCE BETWEEN THE
14 MARKET RATE RENT AND THE RENT FOR EACH AFFORDABLE UNIT IS JANUARY 1 TO
15 DECEMBER 31 OF EACH CALENDAR YEAR.

16 (II) ALL ACCOUNTING REQUIRED UNDER THIS SUBTITLE SHALL BE SUBMITTED TO THE
17 DEPARTMENT OF FINANCE BY JANUARY 15 FOLLOWING THE TERMINATION OF THE
18 PREVIOUS ACCOUNTING YEAR.

19 (D) CREDIT.

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

24 (E) CREDIT LIMITS.

25 (1) IN GENERAL.

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

28 (2) RESTRICTIONS.

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

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

Council Bill 23-0369

1 (D) CREDIT.

2 THE AMOUNT OF THE TAX CREDIT DESCRIBED UNDER SUBSECTION (C)(1) OF THIS SECTION
3 SHALL BE DEDUCTED FROM THE NEXT JULY PROPERTY TAX BILL AFTER VERIFICATION BY
4 THE DEPARTMENT OF FINANCE.

5 (E) CREDIT LIMITS.

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

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

11 (F) ELIGIBILITY REQUIREMENTS.

12 (1) IN GENERAL.

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

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

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

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

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

26 (2) APPLICATION.

27 (I) THE OWNER SHALL:

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

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

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

Council Bill 23-0369

1 (G) INELIGIBILITY OF CERTAIN PROJECTS INVOLVING HISTORIC PROPERTY.

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

3 (1) ANY PROJECT THAT INVOLVES IMPROVEMENTS ELIGIBLE FOR A TAX CREDIT UNDER
4 § 10-8 {"HISTORIC RESTORATIONS AND REHABILITATIONS"} OF THIS SUBTITLE;

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

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

13 (G) INELIGIBILITY.

14 THE TAX CREDIT GRANTED UNDER THIS SECTION DOES NOT APPLY TO ANY PROJECT THAT
15 PROPOSES MORE THAN 20% OF ITS UNITS BE SET ASIDE FOR RENTERS EARNING 50% 60%
16 OF AMI OR BELOW.

17 (H) ADDITIONAL REQUIREMENTS.

18 A TAX CREDIT GRANTED UNDER THIS SECTION SHALL:

19 (1) BE SUBJECT TO ELIGIBILITY REQUIREMENTS NO LESS STRINGENT THAN THOSE
20 APPLICABLE TO CREDITS AUTHORIZED UNDER STATE TAX – PROPERTY ARTICLE
21 § 9-242 {"HIGH PERFORMANCE BUILDINGS"};

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

25 (2) BEFORE A PERIOD OF 30 YEARS FOR EACH PROPERTY, STARTING WITH THE FIRST
26 FULL YEAR TAX BILL ISSUED FOR THE PROPERTY AFTER THE DEPARTMENT OF
27 FINANCE HAS RECEIVED A COMPLETE APPLICATION FOR THE TAX CREDIT AND
28 DOCUMENTATION OF THE ACTUAL RENT CHARGED IN THE PRIOR YEAR FOR THE
29 COMPLETED PROJECT

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

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

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

Council Bill 23-0369

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

4 (i) CONTINUING ELIGIBILITY.

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

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

9 (2) MAINTAINS ITS HIGH-PERFORMANCE RATING; AND

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

12 (j) TAX SUBSIDY DUPLICATION ALLOWED.

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

16 (1) IN THE FORM OF A TAX CREDIT,

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

18 (3) IN FORM OF TAX INCREMENT FINANCING.

19 (k) ADMINISTRATION.

20 THE DIRECTOR OF FINANCE MAY:

21 (1) SUBJECT TO TITLE 4 {"ADMINISTRATIVE PROCEDURE ACT - REGULATIONS"} OF
22 THE CITY GENERAL PROVISIONS ARTICLE, ADOPT RULES AND REGULATIONS TO
23 CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING PROCEDURES FOR
24 GRANTING PARTIAL CREDITS FOR ELIGIBILITY FOR LESS THAN A FULL TAXABLE
25 YEAR; SECTION;

26 (2) SETTLE DISPUTED CLAIMS ARISING IN CONNECTION WITH THE CREDIT AUTHORIZED
27 BY THIS SECTION; AND

28 (3) DELEGATE POWERS, DUTIES, OR FUNCTIONS IN CONNECTION WITH THE
29 ADMINISTRATION OF THE CREDIT AUTHORIZED BY THIS SECTION TO ANY EMPLOYEE
30 OR AGENCY OF THE CITY.

31 (L) ANNUAL REPORT.

32 (1) EACH FISCAL YEAR, THE ESTIMATED AMOUNT OF ALL TAX CREDITS RECEIVED BY
33 PROPERTY OWNERS UNDER THIS SECTION:

Council Bill 23-0369

1 (I) SHALL BE REPORTED BY THE DIRECTOR OF FINANCE AS A TAX EXPENDITURE;
2 AND

3 (II) SHALL BE INCLUDED BY THE DEPARTMENT OF FINANCE IN THE CITY'S BUDGET
4 PUBLICATIONS FOR ANY SUBSEQUENT FISCAL YEAR WITH THE ESTIMATED OR
5 ACTUAL CITY PROPERTY TAX REVENUE.

6 (2) ON OR BEFORE JULY 1 OF EACH YEAR, THE DIRECTOR OF FINANCE SHALL SUBMIT A
7 REPORT THAT INCLUDES AN ANALYSIS OF THE TAX CREDIT AND ITS FINDINGS TO THE:

8 (I) BOARD OF ESTIMATES;

9 (II) MAYOR; AND

10 (III) CITY COUNCIL .

11 (3) EVERY 2 YEARS THE DEPARTMENT OF FINANCE AND THE DEPARTMENT OF HOUSING
12 AND COMMUNITY DEVELOPMENT SHALL CONDUCT A STUDY AND SUBMIT A REPORT TO
13 THE BOARD OF ESTIMATES, MAYOR, AND CITY COUNCIL THAT:

14 (I) EVALUATES THE IMPACT OF THE TAX CREDIT ESTABLISHED BY THIS SECTION;

15 (II) STATES A CONCLUSION ABOUT WHETHER THE PROGRAM GOAL ESTABLISHED IN
16 SUBSECTION (B) OF THIS SECTION IS BEING MET; AND

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

19 (M) TERMINATION OF PROGRAM.

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

24 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
25 180th day after the date it is enacted.

Council Bill 23-0369

Certified as duly passed this 7 day of December, 2023



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this 7 day of December, 2023



Chief Clerk

Approved this 22 day of January, 2024



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 18th Day of December.

Elena R DiPietro

Chief Solicitor