



Legislation Text

File #: 10-0435, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Housing Authority of Baltimore City)

A BILL ENTITLED

AN ORDINANCE concerning
Housing Authority of Baltimore City - Amendment to 1950 Cooperation Agreement

FOR the purpose of approving and authorizing amendments to the 1950 Cooperation Agreement between the Mayor and City Council of Baltimore and the Housing Authority of Baltimore City, to include certain properties in the Barclay/East Baltimore Midway neighborhoods in Baltimore City; and providing for a special effective date.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore approves and authorizes the following Amendatory Agreement to the Cooperation Agreement, dated March 29, 1950, between the Mayor and City Council of Baltimore and the Housing Authority of Baltimore City, as approved by Ordinance 501077 (the "Cooperation Agreement"), and as further amended and extended from time to time, to include additional low-rent housing projects:

THIS AMENDATORY AGREEMENT is made and entered into this ____ day of _____, 20__, by and between the Mayor and City Council of Baltimore (the "City") and the Housing Authority of Baltimore City ("HABC").

WHEREAS, under Title 12 of the Housing and Community Development Article ("HCD Article") of the Maryland Code, HABC has entered into one or more contracts with the U.S. Department of Housing and Urban Development ("HUD") for loans and annual contributions in connection with the development or administration of low-rent housing, all pursuant to the United States Housing Act of 1937, as amended (the "Act").

WHEREAS, by Ordinance 50-1077, approved March 29, 1950, the City entered into a Cooperation Agreement with HABC for the development of 10,000 low-rent dwelling units, to be located within the corporate limits of Baltimore City, and agreed to assist and cooperate with HABC in that undertaking, all in compliance with the Act.

WHEREAS, The Cooperation Agreement was further amended and extended by Ordinance 70-791, Ordinance 77-293, Ordinance 81-292, and Ordinance 05-028 to provide for the development and rehabilitation of scattered-site units to be used as low-income public housing.

WHEREAS, HABC and its development partners seek to substantially rehabilitate and construct not more than 160 scattered-site, low-income housing units in the Barclay/East Baltimore Midway neighborhoods in Baltimore City (the "Housing Project") in four phases.

WHEREAS, funding has been and will further be made available to HABC from HUD and to the developer from other public and private funding sources to develop and operate the Housing Project.

WHEREAS, the Act now authorizes HABC to own, operate, assist, or otherwise participate in one or more mixed-finance projects, as more specifically defined in Section 35 of the Act.

WHEREAS, the Housing Project will be a mixed-finance project, as that term is defined in Section 35 of the Act, to be developed, owned, and managed as housing projects for persons of eligible income, by entities in which HABC has or will have an ownership interest, all in accordance with HCD Article § 12-503(a)(7).

WHEREAS, the Housing Project will be developed and owned by entities subject to a 99-year ground lease on the land owned in fee simple by HABC, and will be reserved as low-income housing for eligible low-income persons.

WHEREAS, Under HCD Article § 12-104, any property belonging to HABC or a nonprofit housing corporation or any property used as housing for persons of eligible income that is owned by an entity related to HABC is exempt from all taxes and special assessments. In lieu of taxes and special assessments, HABC, a nonprofit housing corporation, or an entity related to HABC "shall pay the [City] an amount, if any, that may be set by mutual agreement and that does not exceed the amount of regular taxes levied on similar property."

WHEREAS, the Housing Project will include not more than 160 dwelling units to be occupied by persons of eligible income.

WHEREAS, HABC and entities related to HABC are desirous of making certain Payments in Lieu of Taxes to the City for the Housing Project, and the City is desirous of cooperating with HABC and HUD by furnishing or causing to be furnished to the Housing Project and its qualified tenants certain public services, all in conformity with Section 5(e) and 6 of the Act.

NOW, THEREFORE, in consideration of the mutual covenants set forth, the City and HABC agree as follows:

1. Notwithstanding any limitations or restrictions set forth in Sections 1 and 3(a) of the Cooperation Agreement, the Mayor and City Council approves and authorizes the extension of the Cooperation Agreement, in all its applicable terms, covenants, and conditions to the low-rent, mixed-finance Housing Project, composed of not more than 160 low-rent dwelling units in total, to be occupied by persons of eligible income. The Housing Project shall be developed on sites located in the Barclay/East Baltimore Midway neighborhoods in Baltimore City and owned by entities in which HABC has or will have an ownership interest.
2. In all other respects, the Cooperation Agreement, as amended, shall continue and remain in full force and effect.

IN WITNESS WHEREOF, The City and HABC have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

ATTEST:
BALTIMORE

MAYOR AND CITY COUNCIL OF

By _____

Mayor

ATTEST:
BALTIMORE CITY

HOUSING AUTHORITY OF

Chair

By _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY, this ____ day of _____, 20__.

City Solicitor

APPROVED BY THE BOARD OF ESTIMATES, this ____ day of _____, 20__.

President

SECTION 2. AND BE IT FURTHER ORDAINED, That the Amendatory Agreement becomes binding upon the Mayor and City Council of Baltimore on its execution on behalf of the Mayor and City Council of Baltimore by the Mayor, and its execution on behalf of the Housing Authority of Baltimore City by the Chair of its Board of Commissioners, subject to the approval as to form and legal sufficiency by the City Solicitor of Baltimore and approval by the Board of Estimates of Baltimore, duly endorsed in the spaces provided on the Agreement.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

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