

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2023, Legislative Day No. 2

Bill No. 4-23

Mr. Julian E. Jones Jr., Chairman
By Request of County Executive

By the County Council, January 17, 2023

A BILL
ENTITLED

AN ACT concerning

Housing Opportunities Fund

FOR the purpose of establishing a non-lapsing Housing Opportunities Fund; providing for the purposes of the Fund; providing for the source of financing to the Fund; providing for joint administration of the Fund by the Directors of Budget and Finance and Housing and Community Development; providing for application to and approval of financial assistance from the Fund; providing limits on financial assistance from the Fund including maximum costs and years under certain circumstances; providing for security for financial assistance from the Fund; requiring notice to the Secretary of the County Council; authorizing the County Council to approve or reject certain financial assistance; requiring the Director of Housing and Community Development to provide the Secretary of County Council with a certain annual report; requiring fees to be paid for application and approval of certain financial assistance; and generally relating to the establishment of the Housing Opportunities Fund.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

By adding

Sections 10-18-101 through 10-18-108
Article 10 - Finance
Title 18 - Housing Opportunities Fund
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

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ARTICLE 10 - FINANCE

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TITLE 18 - HOUSING OPPORTUNITIES FUND

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7 § 10-18-101.

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(A) THERE IS A NON-LAPSING HOUSING OPPORTUNITIES FUND.

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(B) (1) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS

10 INDICATED.

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(2) "FUND" MEANS THE HOUSING OPPORTUNITIES FUND.

12

(3) "OPPORTUNITY HOUSING" MEANS THOSE DWELLING OR

13 HOUSING UNITS FOR WHICH PERSONS OF ELIGIBLE INCOME MAY BE ABLE,

14 WITHIN THEIR RESPECTIVE INCOMES, TO LIVE IN DECENT, SAFE AND SANITARY

15 ACCOMMODATIONS WITHOUT OVERCROWDING.

16

(4) "PERSONS OF ELIGIBLE INCOME" MEANS PERSONS WHO

17 INDIVIDUALLY OR AS PART OF A FAMILY UNIT LACK THE AMOUNT OF INCOME

18 WHICH IS NECESSARY AS DETERMINED BY THE COUNTY PURSUANT TO THIS

19 TITLE, AND ANY APPLICABLE STATE OR FEDERAL LAW, TO ENABLE THEM,

1 WITHOUT FINANCIAL ASSISTANCE, TO LIVE IN DECENT, SAFE AND SANITARY
2 DWELLINGS WITHOUT OVERCROWDING.

3 (C) IN ESTABLISHING AND REVISING ELIGIBILITY INCOME LIMITS: AND
4 REQUIREMENTS, THE COUNTY SHALL CONSIDER STATISTICAL DATA
5 INDICATING THE MINIMUM RENTALS AND SALES PRICES OF DWELLING UNITS
6 OR HOUSING AVAILABLE OR BEING PRODUCED IN THE PRIVATE MARKET,
7 INCLUDING: SALES PRICE DATA; VACANCY RATIO IN RENTAL UNITS;
8 CURRENTLY PREVAILING PRICES AT WHICH PRIVATE ENTERPRISE CAN AND
9 WILL PRODUCE SALES AND RENTAL UNITS; BEST INDUSTRY PRACTICES; UNITED
10 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AREA MEDIAN
11 INCOMES AND FAIR MARKET RENTS; AND ANY OTHER STATISTICAL DATA
12 WHICH AT THE DISCRETION OF THE COUNTY IS DEEMED APPROPRIATE AND
13 RELEVANT TO THE GENERAL MARKET AND ECONOMIC CONDITIONS.

14

15 § 10-18-102.

16 (A) THE PURPOSE OF THE FUND IS TO:

17 (1) PROVIDE GAP FINANCING TO ENABLE THE COUNTY TO SUPPORT
18 THE DEVELOPMENT, PRESERVATION AND REHABILITATION OF NEW AND
19 EXISTING WORKFORCE, ACCESSIBLE AND OPPORTUNITY HOUSING, INCLUDING
20 RENTAL HOUSING;

21 (2) PROVIDE FINANCIAL AND NON-FINANCIAL ASSISTANCE TO
22 RENTERS, HOMEOWNERS AND HOMEBUYERS OF ELIGIBLE INCOME, OR

1 ORGANIZATIONS WHO SERVE RENTERS, HOMEOWNERS AND HOMEBUYERS OF
2 ELIGIBLE INCOME;

3 (3) ACQUIRE, REHABILITATE, RESELL OR LEASE-PURCHASE
4 PROPERTIES IN THE COUNTY INCLUDING VACANT, ABANDONED AND
5 FORECLOSED PROPERTIES TO PERSONS OF ELIGIBLE INCOME, NONPROFIT
6 ORGANIZATIONS AND FOR-PROFIT HOUSING PROVIDERS;

7 (4) PROVIDE FOR LAND BANKING OF VACANT, ABANDONED AND
8 FORECLOSED PROPERTIES IN THE COUNTY; AND,

9 (5) EQUITABLY INCREASE AND PRESERVE THE AFFORDABILITY AND
10 ACCESSIBILITY OF HOUSING OPPORTUNITIES FOR PERSONS OF ELIGIBLE INCOME
11 IN THE COUNTY.

12 (B) (1) THE FUND MAY PROVIDE ASSISTANCE IN THE FORM OF LOANS,
13 GUARANTEES, GRANTS, AND DIRECT FINANCIAL ASSISTANCE OR ANY
14 COMBINATION THEREOF, TO INDIVIDUALS, NONPROFIT ORGANIZATIONS, OR
15 DEVELOPERS OF OPPORTUNITY HOUSING.

16 (2) THE COUNTY'S FINANCIAL ASSISTANCE UNDER THIS SUBTITLE
17 MAY SUPPLEMENT OTHER FEDERAL, STATE AND COUNTY FINANCIAL
18 ASSISTANCE PROGRAMS.(C) THE FUND MAY BE USED TO PARTICIPATE WITH
19 OTHER GOVERNMENT AGENCIES OR PRIVATE SECTOR INSTITUTIONS TO
20 LEVERAGE FUNDING.

21
22 § 10-18-103.

23 (A) THE FUND MAY BE FINANCED FROM:

- 1 (1) CURRENT EXPENSE BUDGET FUNDS;
- 2 (2) CONTRIBUTIONS, DONATIONS, GIFTS, GRANTS OR
- 3 APPROPRIATIONS BY OR THROUGH THE UNITED STATES, THE STATE OF
- 4 MARYLAND, ANY OTHER POLITICAL JURISDICTION, OR ANY PRIVATE ENTITY;
- 5 (3) PAYMENTS MADE ON FINANCIAL ASSISTANCE PROVIDED FROM
- 6 THE FUND;
- 7 (4) FEES OR OTHER CHARGES LEVIED ON LOAN OR GRANT
- 8 RECIPIENTS; AND
- 9 (5) ANY OTHER FUNDS DESIGNATED AND PROVIDED BY THE
- 10 COUNTY.

11 (B) MONIES PROVIDED TO THE FUND UNDER SUBSECTION (A) OF THIS

12 SECTION SHALL BE TREATED AS A GRANT TO THE FUND.

13 (C) THE DIRECTOR OF BUDGET AND FINANCE SHALL DEPOSIT IN THE

14 FUND THE MONIES COLLECTED FOR PRINCIPAL AND INTEREST ON THE LOANS

15 AND ANY AUTHORIZED LOAN CHARGES AND FEES ON TRANSACTIONS

16 AUTHORIZED UNDER THIS TITLE, OR IN ACCORDANCE WITH THE TERMS OF

17 FEDERAL OR STATE GRANTS, AS APPLICABLE.

18 (D) THE FUND SHALL CONTINUE FROM YEAR TO YEAR.

19 (E) THE FUND SHALL BE CHARGED FOR THE EXPENSES OF

20 ADMINISTERING THE PROVISIONS OF THIS TITLE.

21 (F) IF THE COUNTY COUNCIL DISSOLVES THE FUND, THE MONIES IN THE

22 FUND AND ALL MONIES DUE AND OWING AT THE TIME SHALL REVERT TO THE

1 GENERAL FUND OF THE COUNTY, OR IN ACCORDANCE WITH THE TERMS OF
2 FEDERAL OR STATE GRANTS, AS APPLICABLE.

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4 § 10-18-104.

5 (A) THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT AND
6 THE DIRECTOR OF BUDGET AND FINANCE SHALL ADMINISTER THE FUND
7 ACCORDING TO ACCEPTED PRINCIPLES OF SOUND ACCOUNTING AND FISCAL
8 MANAGEMENT.

9 (B) THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT SHALL
10 RECOMMEND, AND THE DIRECTOR OF BUDGET AND FINANCE SHALL APPROVE
11 THE TERMS FOR THE FINANCIAL ASSISTANCE PROVIDED UNDER THIS SUBTITLE.

12 (C) IN CONSULTATION WITH THE DIRECTOR OF BUDGET AND FINANCE,
13 THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT SHALL
14 DETERMINE THE TERMS OF AND THE METHOD AND PROCEDURES FOR
15 ACCOUNTING FOR:

16 (1) FINANCIAL ASSISTANCE FROM THE FUND; AND

17 (2) PAYMENTS BY OR CHARGES AGAINST THE FUND.

18 (D) THE DIRECTOR OF BUDGET AND FINANCE SHALL:

19 (1) COLLECT REPAYMENTS ON ACCOUNTS, SUBJECT TO THE TERMS

20 AND CONDITIONS CONTAINED IN THE FINANCIAL ASSISTANCE DOCUMENTS;

21 AND

22 (2) MAINTAIN RECORDS IN ACCORDANCE WITH GENERALLY

23 ACCEPTED ACCOUNTING PRINCIPLES.

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§ 10-18-105.

(A) AN APPLICANT FOR FINANCIAL ASSISTANCE SHALL APPLY ON A FORM REQUIRED BY THE DIRECTORS OF BUDGET AND FINANCE AND HOUSING AND COMMUNITY DEVELOPMENT.

(B) THE FINANCIAL ASSISTANCE APPLICATION FORM SHALL REQUIRE AN APPLICANT TO SUPPLY INFORMATION NECESSARY TO EVALUATE THE REQUESTED FINANCIAL ASSISTANCE AND MAY INCLUDE:

- (1) NEED;
- (2) FINANCIAL ABILITY OF THE APPLICANT;
- (3) SOURCES OF REPAYMENT;
- (4) PROPOSED COSTS AND EXPENDITURES;
- (5) FAIR MARKET VALUE OF COMPLETED PROJECTS;
- (6) NORMAL OR USEFUL LIFE OF EQUIPMENT OR BUILDINGS;
- (7) SECURITY FOR THE TRANSACTION;
- (8) CONTRIBUTION TO THE ENHANCEMENT OF HOUSING OPPORTUNITIES FOR FAMILIES IN THE COUNTY;
- (9) PAST HISTORY OF EXPERIENCE AND PERFORMANCE;
- (10) ANY COUNTY, STATE OR FEDERAL CERTIFICATIONS AND AUTHORIZATIONS; AND
- (11) ANY OTHER INFORMATION THAT MAY BE APPROPRIATE OR USEFUL IN EVALUATING THE APPLICATION.

1 (C) THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT SHALL
2 REVIEW FINANCIAL ASSISTANCE APPLICATIONS AND MAY APPROVE A
3 FINANCIAL ASSISTANCE APPLICATION UP TO THE AMOUNT REQUESTED IF
4 SUFFICIENT MONIES EXIST IN THE FUND.

5 (D) TO ASSIST THE DIRECTOR OF HOUSING AND COMMUNITY
6 DEVELOPMENT AND TO ASSURE COMPLIANCE WITH GENERALLY ACCEPTED
7 ACCOUNTING PRINCIPLES AND BORROWING PURPOSES, THE DIRECTOR OF
8 BUDGET AND FINANCE MAY:

9 (1) REVIEW THE APPLICATIONS, FINANCIAL STATUS, AND OTHER
10 INFORMATION; AND

11 (2) ADVISE THE DIRECTOR OF HOUSING AND COMMUNITY
12 DEVELOPMENT.

13

14 § 10-18-106.

15 (A) THE TERM OF A LOAN OR GUARANTEE MADE UNDER THIS TITLE
16 SHALL BE FOR AT LEAST 20 YEARS.

17 (B) THE 20-YEAR TERM LIMITATION UNDER SUBSECTION (A) OF THIS
18 SECTION MAY BE EXTENDED OR REDUCED AS REQUIRED WHERE FUNDING IS IN
19 CONJUNCTION WITH OTHER PRIVATE, STATE OR FEDERAL FUNDING.

20 (C) TO PERFECT AND PROTECT THE COUNTY'S FINANCIAL POSITION, THE
21 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, THE OFFICE OF
22 BUDGET AND FINANCE, AND THE OFFICE OF LAW SHALL REQUIRE THE

1 RECIPIENT OF A LOAN OR GUARANTEE UNDER THIS SUBTITLE TO SECURE THE
2 LOAN, GUARANTEE, OR GRANT BY:

- 3 (1) APPROPRIATE NOTES;
- 4 (2) SECURITY AGREEMENTS;
- 5 (3) FINANCING STATEMENTS;
- 6 (4) MORTGAGES OR DEEDS OF TRUST; OR
- 7 (5) ANY OTHER DOCUMENTS OR INSTRUMENTS.

8 (D) (1) THE RECIPIENT OF FINANCIAL ASSISTANCE OF \$750,000 OR MORE
9 UNDER THIS SUBTITLE SHALL ARRANGE TO HAVE AN ANNUAL AUDIT OF ITS
10 BOOKS, ACCOUNTS, AND RECORDS BY A CERTIFIED PUBLIC ACCOUNTANT.

11 (2) THE RECIPIENT OF FINANCIAL ASSISTANCE OF LESS THAN
12 \$750,000 UNDER THIS SUBTITLE MAY BE REQUIRED TO ARRANGE TO HAVE AN
13 ANNUAL AUDIT OF ITS BOOKS, ACCOUNTS, AND RECORDS BY A CERTIFIED
14 PUBLIC ACCOUNTANT.

15 (3) THE RECIPIENT SHALL DELIVER A COPY OF THE AUDIT TO THE
16 DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT AND THE DIRECTOR
17 OF BUDGET AND FINANCE.

18 (4) IF THE RECIPIENT FAILS TO ARRANGE FOR AN AUDIT, THE
19 DIRECTOR OF BUDGET AND FINANCE OR THE DIRECTOR'S DESIGNEE MAY
20 EXAMINE, AT THE EXPENSE OF THE RECIPIENT, THE ACCOUNTS AND BOOKS OF
21 THE RECIPIENT, INCLUDING ITS RECEIPTS, DISBURSEMENTS, CONTRACTS,
22 LEASES, RENT ROLLS, INVESTMENTS, AND ANY OTHER MATTERS RELATING TO
23 ITS FINANCES, OPERATION, AND AFFAIRS.

1 (E) IF THEY CONCUR, THE DIRECTOR OF HOUSING AND COMMUNITY
2 DEVELOPMENT, THE DIRECTOR OF BUDGET AND FINANCE, AND THE COUNTY
3 ADMINISTRATIVE OFFICER MAY MODIFY THE FINANCIAL ASSISTANCE
4 REQUIREMENTS ESTABLISHED IN THIS SECTION.

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6 § 10-18-107.

7 (A) (1) THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT,
8 THROUGH THE COUNTY ADMINISTRATIVE OFFICER, SHALL PROVIDE WRITTEN
9 NOTIFICATION TO THE SECRETARY OF THE COUNTY COUNCIL OF THE
10 DIRECTOR'S INTENT TO PROVIDE FINANCIAL ASSISTANCE UNDER THIS TITLE.

11 (2) IF THE DIRECTOR HAS NOT RECEIVED A WRITTEN NOTICE FROM
12 THE COUNCIL OBJECTING TO THE DIRECTOR'S INTENT WITHIN 7 DAYS AFTER
13 THE DAY THAT THE DIRECTOR'S NOTICE IS DELIVERED TO THE SECRETARY OF
14 THE COUNTY COUNCIL, THE DIRECTOR OF HOUSING AND COMMUNITY
15 DEVELOPMENT MAY PROCEED TO PROVIDE FINANCIAL ASSISTANCE AS
16 DESCRIBED.

17 (B) THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT SHALL
18 PROVIDE THE SECRETARY OF THE COUNTY COUNCIL WITH AN ANNUAL REPORT
19 THAT OUTLINES THE FINANCIAL ASSISTANCE THAT HAS BEEN PROVIDED UNDER
20 THIS TITLE.

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22 § 10-18-108.

1 (A) SUBJECT TO ARTICLE 3, TITLE 1, SUBTITLE 2 OF THE CODE, THE
2 COUNTY ADMINISTRATIVE OFFICER MAY CHARGE FEES FOR THE APPLICATION
3 FOR AND APPROVAL OF FINANCIAL ASSISTANCE UNDER THIS SUBTITLE.

4 (B) PROCEEDS FROM FEES CHARGED FOR FINANCIAL ASSISTANCE SHALL
5 BE DEPOSITED IN THE FUND AND EXPENDED IN ACCORDANCE WITH THIS TITLE
6 OR IN ACCORDANCE WITH THE TERMS OF FEDERAL OR STATE GRANTS, AS
7 APPLICABLE.

8

9 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
10 after its enactment.



LEGISLATION DETAIL

LEGISLATION _____

DISPOSITION _____

ENACTED _____

EFFECTIVE _____

AMENDMENTS _____

ROLL CALL - LEGISLATION

MOTION		SECOND
AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Patoka
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Kach
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

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AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
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<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

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AYE	NAY	
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Young
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<input type="checkbox"/>	<input type="checkbox"/>	Councilman Jones
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
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<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION		SECOND
AYE	NAY	
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<input type="checkbox"/>	<input type="checkbox"/>	Councilman Marks
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Ertel
<input type="checkbox"/>	<input type="checkbox"/>	Councilman Crandell