

Reinvesting in the Places We Call Home

Recommendations for Expanding and Enhancing
Housing Opportunities in Baltimore County





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Executive Summary

OVERVIEW

County Executive John A. Olszewski, Jr. appointed the Affordable Housing Workgroup (the “Workgroup”) in April 2021 to examine the issue of housing affordability and opportunity in Baltimore County. The Workgroup brought together a diverse group of individuals with varying perspectives on the issues surrounding housing affordability. The County Executive tasked the Workgroup with making recommendations that would result in stronger and healthier communities throughout Baltimore County.

The Workgroup members answered the call to take on this challenge and united around a common goal—the establishment of an affordable housing strategy that will complement efforts to make our communities thriving places of opportunity for all. Over the last several months, the Workgroup reflected on housing needs in the County and how they are tied to successful community outcomes for everyone. Those communities will need to include people to work in the stores, local businesses, schools to provide services we all depend on. They will also need to foster the diverse educational settings that will prepare our children for the 21st century economy.

Workgroup members engaged in candid dialogue about the state of housing in Baltimore County and how expanding access to affordable housing options can strengthen the places we all call home. The Workgroup spent hours considering the promise, possibilities and complexities of increasing the number of affordable and accessible housing units throughout Baltimore County. Through its three sub-committees, Members discussed and proposed recommendations that, when implemented thoughtfully, can help to achieve the goals of the County’s Voluntary Compliance Agreement (“VCA”), as well as more aspirational housing goals. The Workgroup worked hard to mine a wealth of information to develop the recommendations in this report.

At the conclusion of these efforts, Members agreed that the work was not done. There is more to learn, refine, communicate, and implement. Workgroup members are committed to continuing their contributions to public, private, non-profit, and neighborhood efforts to expand and solidify a consensus about the role affordable homes can and must play in building a prosperous economy and communities for Baltimore County.

The Workgroup thanks all who shared concerns, insights and support. This report would not have come together without dedicated staff and external parties that played a role in crafting the following recommendations.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

A key finding of the Workgroup was that Baltimore County lacks a guiding vision statement around housing opportunity. As such, the Workgroup recommends the County's immediate adoption of the following vision statement:

The Vision: Baltimore County should be a network of thriving communities with a place for everyone, and this livability and inclusiveness should be viewed as a hallmark and a competitive advantage. Through collaboration, creativity and innovative investment, we will build this future for Baltimore County so that all can share in its prosperity.

The Workgroup organized sub-committees around three key thematic areas: **1)** Education, Outreach, and Engagement; **2)** Zoning and Infrastructure, and **3)** Best Practices, Policy, and Legal. The following is a summary of key findings and recommendations from each of these groups. Full findings and recommendations can be found in the sections that follow.

(1) Education, Outreach, and Engagement

This Sub-Committee found that it is imperative the County develop a strategy for long-term stakeholder engagement on housing affordability. This strategy must include various stakeholders at the table, including homeowners, current renters, local employers, non-profits, and anchor institutions. The Sub-Committee found that expanding opportunities for affordable homes is an urgent, broad-reaching, and critical community issue that requires input, insights, and collaborative action from a wide range of people and organizations in the County. The Sub-Committee recognized the need to create and sustain regular community conversations and education to equip people to engage in our shared interests.

Key recommendations include:

- Retain a consultant to assist with outreach, engagement of focus groups, and development of a communications playbook.
- Establish a standing group that will continue to meet after the Workgroup has completed its work, to focus on outreach and engagement and to build an affordable housing movement in the County.
- Create a toolkit to be utilized by developers who are engaged with communities and elected officials on proposed affordable housing development.

(2) Zoning and Infrastructure

This Sub-Committee found that the County must be open to more flexible and thoughtful design and zoning policies in order facilitate the creation of innovative and varied housing types suited to the diverse needs of County residents. The Sub-Committee recommends that the County consider a number of strategies to make more efficient use of land to promote different building types. Further, the County must re-evaluate rules and regulations that have shown to be barriers to communities and developers seeking to build in response to changing demands. There must be strong partnerships between the public and private sectors to proactively encourage a wider range of housing types and to remove obstacles to sensible and market-responsive development.

To that end, the Sub-Committee identified needed reforms to the County's land use laws (Baltimore County Zoning Regulations and County Code) and development review process to incentivize the development of affordable housing. The Sub-Committee recommends, among other changes:

- Create new definitions in the Zoning Regulations
- Modify zoning classifications to allow multi-family units in more locations
- Create administrative exemptions for affordable housing projects
- Pass inclusionary zoning legislation
- Consider of alternative building types such as Accessory Dwelling Units.

(3) Best Practices, Policy, and Legal

The Sub-Committee found that an important part of the strategy to expand access to housing rests on the County's ability to align stakeholders on whom that strategy depends. To do this, there must be a clearly stated policy statement and commitment to center the focus of the effort. The Sub-Committee developed the following statement:

"Baltimore County will create and preserve stable and affordable housing in all neighborhoods to promote economic mobility, provide access to quality education, health care, transit connections and that are guided by intentional strategies to dismantle a legacy of social and racial inequities."

The Sub-Committee found that the County has not been sufficiently assertive or proactive in ensuring affordable housing units are built in the way that neighboring jurisdictions such as Montgomery and Howard Counties. Therefore, there was agreement that the County must take a more intentional and active role in ensuring new units are built. Indeed, the County must "flip the script" to be a primary player, working in concert with the development community to proactively move development forward. This role includes an examination of housing conditions in existing neighborhoods with a focus on equity.

The Sub-Committee explored various tools that could be used to support these recommendations, with an emphasis on deploying County assets and resources, including an examination of new financing and governance strategies and systems. A summary of several key recommendations includes:

- The newly created Baltimore County Department of Housing and Community Development should assertively initiate a strategy for the development of new affordable housing and preservation of existing units.
- The County should conduct a Housing Needs Assessment to support strategic planning and other efforts, including an analysis of how many affordable units are needed by type, location, and price point.
- Invest in existing affordable housing stock in older communities that are in danger of becoming market rate or in substandard condition, to ensure continued housing opportunity and overall livability.
- The County should work to identify County-owned land, or explore purchase of additional land, as locations for new affordable housing developments.
- Provide additional gap financing for developers to ensure that more affordable and mixed income projects are economically viable.
- Consider establishing a quasi-governmental housing authority with bonding authority and the ability to develop housing and engage in transactions, separate from County government.

Aspirations, Goals, Principles and Data

One of the smartest investments we can make in our future is to secure a foundation of strong communities and stable homes for all Baltimore County residents.

Many Baltimore County residents enjoy vibrant neighborhoods and a dynamic economy. Local businesses attract dedicated employees, our schools and universities recruit high-caliber talent and our neighborhoods boast strong and welcoming communities.

Our homes are the foundation of flourishing communities; they fuel the engine of our economy. Success in life starts at home for all ages and all people. When we have safe, secure places to live, parents earn more, kids learn better, health and well-being improve, communities prosper, and we all thrive.

For many others, though, finding an affordable home in Baltimore County remains a significant and growing challenge. The Workgroup acknowledged that it hurts the whole County if young adults, service and retail workers, and public servants who have the talent and skills to strengthen our businesses and communities are unable to afford housing in the County. No one thrives if businesses leave the county because they can't attract and retain a workforce. No one thrives if families struggle to put a roof over their heads.

Immediate action is needed. Times are changing, and we must adapt to sustain our momentum as we emerge from the COVID-19 Pandemic. According to the America's Rental Housing 2022 report¹ published by the Joint Center for Housing Studies of Harvard University, soaring demand and limited supply has pushed the typical asking rents an astounding 11% per year over year in September 2021. And as a result of the pandemic, the report reveals that Maryland has the tenth-largest share (18 percent) of households in arrears in the United States, largely because of high housing costs and high numbers of lower-income renters.

The affordability of homes in Baltimore County, relative to our ability to pay for them, has been declining for years as rising costs for homes, transportation, health care, education and other basic goods, outpace the increase in average incomes. We haven't built enough housing to keep up with demand over the last decade, which means we have more families trying to secure the same number of homes. This unmet demand drives up home prices for everyone, renters and buyers, and leaves the most vulnerable residents with a precarious home foundation for work and learning in school. To put Baltimore County back on the road to success and to ensure the well-being of all those who call Baltimore County home, we need to be intentional and proactive in how we respond to a changing economic landscape. That's why the recommendations from this Workgroup are important, urgent and timely.

BALTIMORE COUNTY HOUSING DATA

Baltimore County will thrive when there is an availability of homes that are affordable and attainable for households with a wide range of incomes. Using the best data and information at our disposal, we need to work proactively to set, track, and achieve clear goals to set us up for success. Our ability to identify the best opportunities to fully leverage our investments in expanding affordable homes starts with a sober assessment of housing needs across the County.

According to 2020 U.S. Census data, Baltimore County has an estimated population of 854,535 residents.

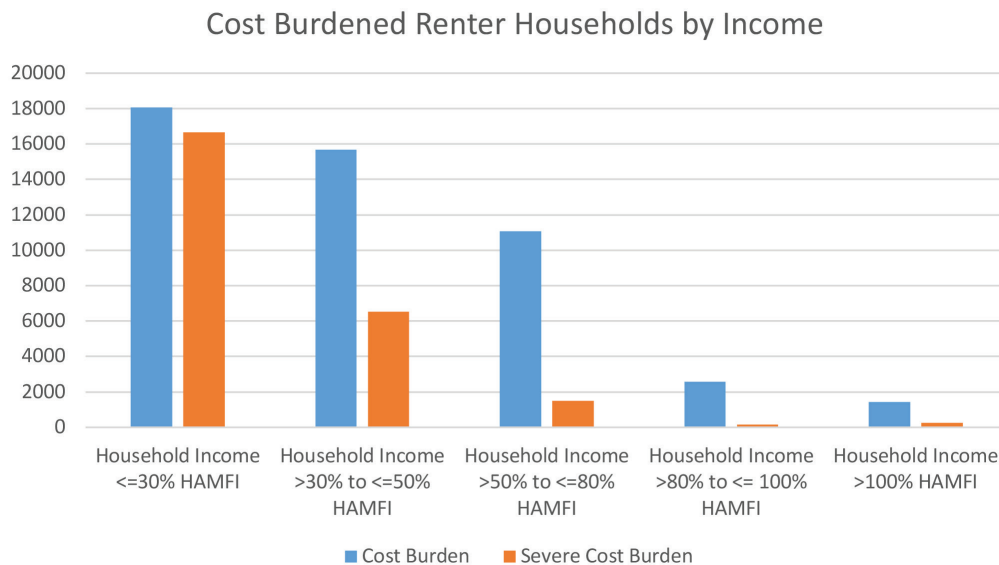
Based on 2015-2019 American Community Survey (ACS) housing data, of the estimated 338,286 total homes, 204,824 are owner occupied, 107,642 are occupied by renters, and 25,820 are vacant. The 2019 ACS estimates that 153,725 of the total housing units are 1-unit detached homes, 78,838 are 1-unit attached homes, 103,111 are part of a multi-unit dwelling, and 2,565 are mobile homes. According to the 2019 ACS, an estimated 14,242 housing units have been constructed since 2010.

From 2015-2019 the median gross rent in Baltimore County was \$1,302 (the national average was \$1,062) and the median monthly cost for homeowners was \$1,783 (the national average was \$1,595). The 2019 ACS estimates that 51,921 renter occupied households have a gross rent between \$1,000 and \$1,499 per month, 19,008 have a gross rent less than \$1,000, and 33,689 have a gross rent greater than \$1,500. More recently, the National Low income Housing Coalition 2021 Out of Reach report concluded that in Baltimore County, the Fair Market Rent (FMR) for a 2-bedroom apartment is \$1,384 per month. In order to afford this level of rent, without being forced to become cost burdened by paying more than 30 percent of income on housing, a household would have to earn an average full-time hourly wage of at least \$26.62 while the estimated hourly mean renter wage in the County was only \$18.30.

The U.S. Department of Housing and Urban Development (HUD) collects data indicative of an area's number of households that are in need of housing assistance and provides this data within its Comprehensive Housing Affordability Strategy (CHAS). In the most recent 2014-2018 CHAS, more than 50 percent of renter households

¹ See, America's Rental Housing 2022 report published by the Joint Center for Housing Studies of Harvard University, https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_Americas_Rental_Housing_2022.pdf

were considered cost burdened (gross rent exceeds 30 percent of household income) and 23 percent were considered severely cost burdened (gross rent exceeds 50 percent of household income). The COVID-19 pandemic has almost certainly produced an increase in the number of cost burdened and severely cost burdened rental households. For the 2014-2018 CHAS, HUD estimates the distribution of rental household incomes as: 22,720 are less than or equal to 30 percent of HUD Area Median Family Income (HAMFI), 18,030 are between 30 and 50 percent HAMFI, 20,325 are between 50 and 80 percent HAMFI, 12,575 are between 80 and 100 percent HAMFI, and 33,625 exceed 100 percent HAMFI.



One of the ways Baltimore County currently offers affordable housing assistance to low-income and cost burdened renters through the Housing Choice Voucher (“HCV”) program. This program is federally funded and provides rental and utility assistance to eligible tenants. As of February 28, 2022, there are 5,735 allotted HCVs and 5,082 were filled. HCV recipients are primarily located within the County Urban Rural Demarcation Line (“URDL”) in the East and West sections of the County. Baltimore County also an additional allotment of 1,212 specialty vouchers that are either project-based or limited to specific groups such as individuals with disabilities, Veterans Administration referred residents (VASH), family unification, or individuals between 18 and 24 who have recently left foster care and are at risk of homelessness (FYI and FUP). There are also certain boutique voucher programs such as HOPWA, Rental Allowance Program and Bridge Subsidy Program. As of February 28, 2022, 1014 such specialty (870) and boutique vouchers (144) were filled.

Findings of the Workgroup Subcommittees

A. Education, Outreach and Engagement

As a community, we need to:

- Build stronger public support for housing investments that can ensure success for all Baltimore County families.
- Develop a strategy for long-term stakeholder engagement on housing affordability.
- Engage homeowners, local employers, anchor institutions, current renters and others to support efforts to meet the expanding housing needs in the County.

We all benefit when people from various walks of life are involved in planning for the future of our County and contributing solutions to the challenges we face. To that point, the Sub-Committee recognized the need to help Baltimore County residents, community and corporate leaders to be more deeply involved in how we position housing as a central part of our collective economic and social well-being.

Where we live is not simply a technical problem or conversation appropriate for experts only, and cannot be left solely to public agencies to determine and implement solutions. Expanding opportunities for affordable homes is an urgent, broad-reaching, and critical community issue that requires input, insights and collaborative action from a wide range of people and organizations across the County. As a result, the Sub-Committee recognized the need to create and sustain regular community conversations and education to equip people to engage in our shared interests.

Elected officials, nonprofits, business leaders, and individuals should have the opportunity to offer ideas and solutions around the necessity of attainable housing. Holding productive community forums to explore solutions should be a regular feature in our neighborhoods. As a result, one priority of this Workgroup is to help create a set of recommendations to invite Baltimore County residents, community, municipal and corporate leaders to join this conversation.

The Sub-Committee identified a set of critical questions to help drive our strategy and connect to subject matter experts who can help craft such a strategy:

- Who is to be included in the development planning?
- At which point in time?
- Using which methods (focus groups, visioning exercises, etc.)?
- How will the development be framed in the public message about the project?
- What will be the narrative?

The Sub-Committee examined a number of other jurisdictions as part of its work, and found that others have benefited from engaging subject matter expertise in talking about affordable housing projects and the utilization of toolkits that developers and County leaders can call upon to guide their engagement strategies. Overall, the Sub-Committee found a need for greater coordination with communities with respect to outreach, engagement, and public education.

B. Zoning and Infrastructure

Flexible design and thoughtful zoning policies can facilitate decisions to build innovative housing types better suited to the diverse and varied needs of County residents today. Baltimore County has more single-person households than ever before², but the County is still home to large, multigenerational families, a trend that has grown as a result of the pandemic and affordable housing shortages. We should build to accommodate both, while also considering other models—cooperatively owned homes, co-housing projects, accessory dwelling units, and more. By taking advantage of new building options, we can find new ways to reduce construction costs and leverage housing dollars farther. By making more efficient use of land, we can make the most of transit-connected areas and reduce the per-unit cost of property. These goals require exploring new building types. Where rules and policies block communities and developers from building options that respond to changing demands, those rules and policies should be re-evaluated. We need strong partnerships between the public and private sectors to proactively encourage a wider range of housing types and remove barriers to sensible and market-responsive development.

The workgroup reviewed data on the availability of land and historical permitting for multi-family and single family attached units over a three-year period. The graphics below outline the limited amount of land zoned for

²ACS 2015-2019 Baltimore County Occupancy Characteristics, in 2016 there were about 89,000 single person households and in 2019 there are about 95,000 single person households.

multifamily development in the County. In addition, the historical permits show that the number of permits for single family detached units were the dominant type of units. However, this trend appears to be changing in 2020.

Of the 130,600 acres in Baltimore County inside of the Urban Demarcation Line (URDL) only about 15,000 acres are zoned for multifamily units by right. This includes zoning classifications that permit multifamily units in mixed use districts such as Commercial Community Core (CCC) or Commercial Town Center Core (CT). This equates to approximately 11% of the land area within the URDL. Although seventy percent of the land in the County is located in an Opportunity Area, less than 40% of the land is within the URDL and in a Water/Sewer Service Area.

URDL³



In 2018 single family attached units comprised about 80% of the total number newly permitted units. Since then, the County has seen a 79% increase in the number of multifamily units.

Row Labels	Total Units
2018	
MF – APT	208
MF – CONDO	27
SFA	1034
SFSD	56
2019	
MF – APT	441
SFA	403
SFSD	36
2020	
MF – APT	996
MF – CONDO	7
SFA	229
SFSD	14

MF: multifamily.
APT: apartments
CONDO: condominiums.
SFA: single family attached
SFSD: single family semi-detached

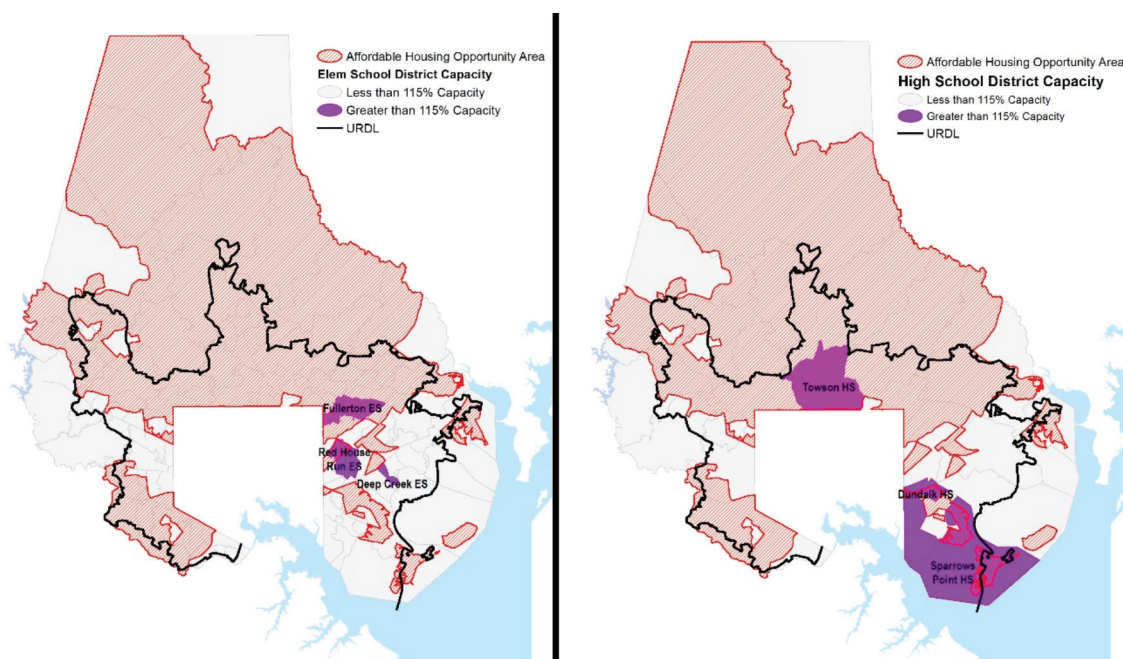
Source: Baltimore County Government

³Source: Baltimore County Department of Planning

The workgroup received additional information and presentations including a review of the Adequate Public Facilities (“APF”) regulations for Schools as well as the Basic Services Map (“BSM”) for public water, sewer, and roads. It was noted that the school regulations have limited impact on the development of affordable housing.

The Adequate Public Facilities regulations for schools have a standard level of service of 115% of the State Rated Capacity. Currently two elementary school districts that are located in an Opportunity Area exceed the level of service standard. The elementary schools identified are Fullerton and Red House Run, however only half of Red House Run is in an Opportunity area. There are three high schools that exceed 115% and these are all or partially in Opportunity Areas. These high schools are Towson, Dundalk and Sparrows Point. No middle schools exceed the 115% level of service standard.

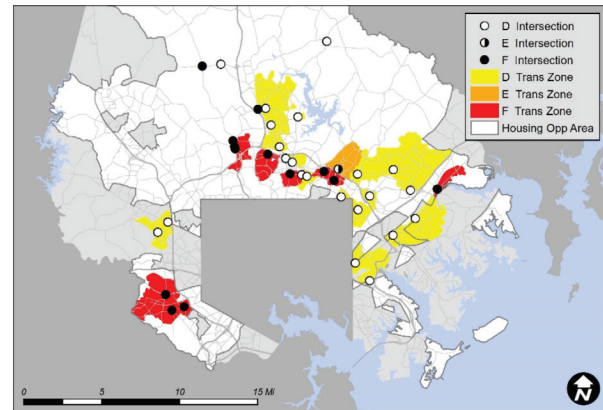
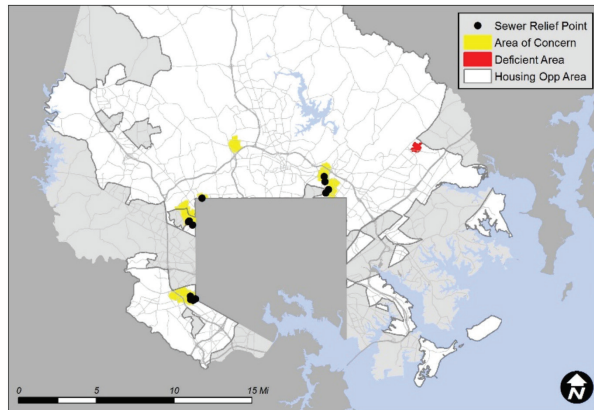
School District Capacity: Elementary and High Schools in Areas of Opportunity



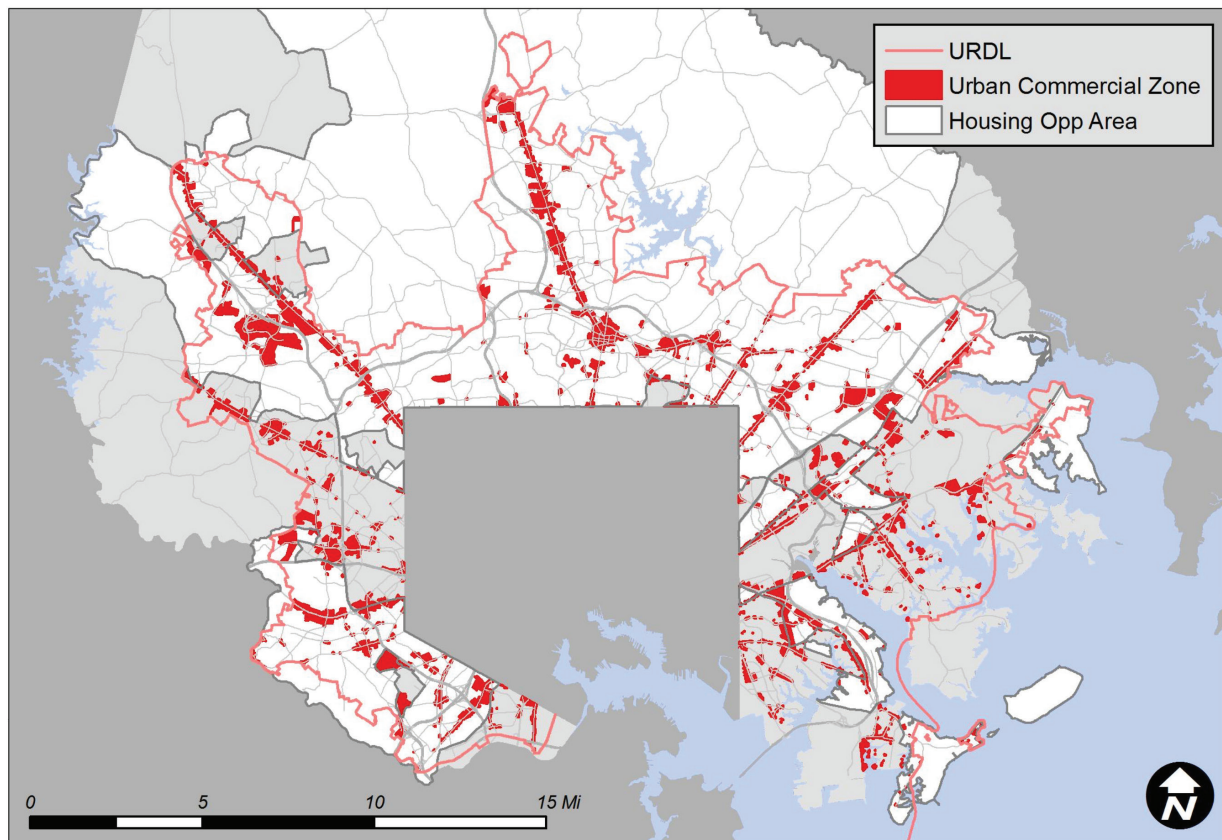
Every year, the County Council finds that some important public facilities in certain predominantly urban areas of the County are inadequate to serve all of the development that would be permitted under the regulations of the County Code. The Basic Services Maps are established to regulate nonindustrial development in those underserved areas to a degree commensurate with the availability of these facilities. Basic Services Maps are reviewed and updated annually based on data provided to the Council by various County agencies.

The 2021 Basic Services Maps for Water and Sewer noted that there were no deficient areas for water and only one area (Richland Manor) deficient for Sewer. The Basic Service Maps for transportation noted that there were 12 “F” level intersections and one “E” level intersection. All of the E and F intersections (13) are in Opportunity Areas.

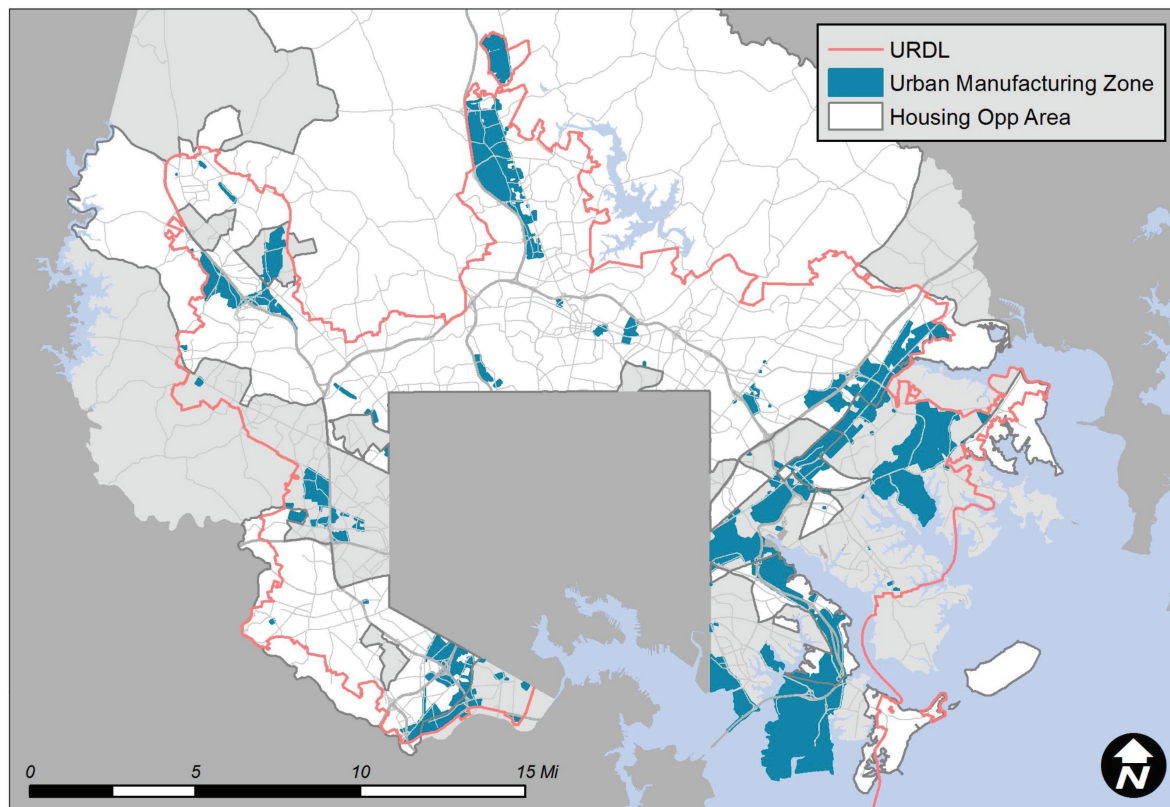
2021 Basic Services for Water and Sewer



There are over 19,600 acres and 6,500 properties with an industrial zoning classification and 12,000 acres with 17,500 properties with a commercial zoning classification as outlined in the tables and maps below.



Zone	Description	Area (Acres)	Impacted Properties
MH	Manufacturing, Heavy	7,760	675
ML	Manufacturing, Light	10,980	4,698
MLR	Manufacturing, Light, Restricted	837	1,073
MR	Manufacturing, Restricted	64	49
SE	Service Employment	42	45



Based on the information, data and presentations, the subcommittee identified needed changes to the land use codes and development review process to incentivize the development of affordable housing. Changes to the codes include creating new definitions in the zoning code, modifying zoning classifications to allow multifamily units in more locations, and creating administrative exemptions for affordable housing projects.

C. Best Practices, Policy, and Legal

An important part of the strategy to expand access to housing rests on the County's ability to align the stakeholders on whom that strategy depends. That alignment is strengthened by a clearly stated vision and commitment to center the focus of the effort. Given the current focus on housing in the County, as well as the imperative of the VCA, this is a great opportunity to establish the vision and underwrite the commitment of the very stakeholders now involved in this process.

Federal, state and local regulations and requirements guide current housing efforts and the County utilizes federal resources including Housing Choice Vouchers ("HCV"), HOME Investment Partnerships ("HOME") and Community Development Block Grant ("CDBG") programs to provide housing opportunities. As required by HUD, the County has a Fair Housing Action Plan incorporated into its Consolidated and PHA Plans, and is obligated to provide units in Opportunity Areas as a result of the Voluntary Compliance Agreement. Further, all local governments that receive federal funding have a duty under the Fair Housing Act to Affirmatively Further Fair Housing ("AFFH"). The AFFH Rule sets out the framework for how the County can take meaningful actions to address significant disparities in housing needs, overcome historic patterns of segregation, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, promote fair housing choice, foster inclusive communities that are free from discrimination and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of the County's activities and programs relating to housing and urban development. The County's obligations under the VCA reinforces

the required commitments to AFFH and sets out milestones and related programmatic, policy and legislative changes to achieve those goals. A discriminatory action by the County would constitute both a material breach of the VCA and a statutory violation of the Fair Housing Act.

However, until now, there has been no pronouncement nor statement of the County's commitment to provide affordable housing units. The Sub-Committee believes that housing conditions and disparities are primarily due to historic, discriminatory patterns and practices and must be addressed. This history has denied housing opportunity, limited the opportunity to build wealth and prevented social and economic mobility.

There is a need to address past injustices in order to achieve equity and equality in the future. This requires a policy statement to reflect the County's commitment to affordable housing. The Subcommittee developed the following policy:

"Baltimore County will create and preserve stable and affordable housing in all neighborhoods to promote economic mobility, provide access to quality education, health care, transit connections and that are guided by intentional strategies to dismantle a legacy of social and racial inequities."

A condition for receiving federal HUD funding is the creation of Fair Housing Action Plan (FHAP). Working with other large jurisdictions in the region, the County helped develop a FHAP which sets goals and tasks for the County to address fair housing needs in existing communities and new developments. The FHAP has set eight (8) Goals for the County, including requirements to:

- Establish an over-arching Fair Housing policy to establish a foundation for AFFH.
- Amend policy and program documents as needed to AFFH.
- Increase the supply of housing affordable to households at or below 80% median housing income, specifically in Opportunity Areas.

The Sub-Committee sought to address the wide range of housing needs in the County and not only those set out in the VCA. There was substantial interest in addressing housing conditions and needs in existing impacted neighborhoods, with a focus on equity. Issues that were discussed included housing production legal, regulatory and financial limits and incentives; and, the County's role in providing affordable units. There was agreement that the County should be more assertive and proactive to ensure affordable units are built, establish an adequate program to increase housing and develop needed tools. The County has not assumed the lead or participated the way neighboring jurisdictions Montgomery County and Howard County have. It was agreed that the County should "flip the script" to be a primary player, working in concert with the development community to proactively bring developments forward.

The Subcommittee's recommendations for affordable housing broadly fall broadly into three areas:

- More affordable housing developments in Opportunity Areas.
- Investing in place-based strategies in existing, older communities where affordable housing is present to address housing needs and to improve opportunities.
- Investing in older affordable housing that is in danger of becoming market rate or is substandard.

The Sub-Committee explored various possible tools that could be used, with an emphasis on deploying the County's assets and resources. The Sub-Committee examined approaches used in other communities and does not believe the County can be successful without exploring new financing and governance strategies and systems.

Recommendations of the Workgroup

The following are the recommendations of the Workgroup. Recommendations identify responsible parties for implementation, whether legislation is required, and whether new funding must be identified. As described below, some recommendations are contingent on legislation being successfully introduced and passed and funding being identified. The recommendations also include timeframes for implementation. The timeframes are broadly defined as the following:

- **Ongoing:** Already underway and continuing through submission of report
- **Immediately:** Implementation to be initiated immediately upon issuance of report
- **Short Term:** Implementation to begin in calendar year 2022
- **Medium Term:** Implementation over the next 1-2 years
- **Long Term:** Implementation over the next 2-4 years

While the timeframes guide when implementation of these items should begin, each item must be tracked for progress and completion following issuance of the report. Additionally, while the timeframes are intended to be realistic guides that recognize the need to prepare and lay the groundwork for big changes, it must be clear that these changes could be started and implemented sooner if it is feasible to do so.

Education, Outreach, and Engagement

(Recommendations 1-4)

1. The County should move forward with the retention of a skilled outreach and engagement consultant via the issuance of a competitive solicitation, assuming the financial resources are available and the timing can be expedited. The Subcommittee wants to assist by providing language for the RFQ and reviewing responses for recommendation to the County. Ideally, a consultant will be retained and begin work on focus groups and a communications playbook in 2022.

Responsible	County Administration
Requires Legislation	No
Requires Funding	Yes
Timeline	Short Term

2. A standing group should be formed to focus on outreach and engagement, working with a consultant and County government to build an affordable housing movement in the County. Participation from the general public should be encouraged.

Responsible	County Administration, County Department of Housing and Community Development ("County DHCD")
Requires Legislation	No
Requires Funding	No
Timeline	Short Term, ongoing

3. In addition to a long term communication strategy, the Workgroup recommends the creation of a toolkit that can be utilized by developers trying to engage with communities and elected officials on proposed affordable housing developments. This toolkit can be integrated into other efforts to support and collaborate with developers on affordable housing outcomes.

Responsible	County DHCD with input from the Department of Planning ("DOP") and Permits, Approvals and Inspections ("PAI")
Requires Legislation	No
Requires Funding	No
Timeline	Short Term

4. All efforts around community education, outreach and engagement should be coordinated with the County's policy priorities and at the same time, County policies and priorities should be shaped and informed by the input received through outreach and engagement with the public.

Responsible	County Administration, County DHCD
Requires Legislation	No
Requires Funding	No
Timeline	Short Term, ongoing

Zoning and Infrastructure (Recommendations 5-14)

Note: Legislative Changes (recommendations 5-13) A number of the Zoning and Infrastructure recommendations will require legislative changes to be approved by the Baltimore County Council. Therefore, the Workgroup recommends that the County Administration proactively collaborate with the County Council and appropriate stakeholders prior to the introduction of the legislation to develop the specifics of the proposals, and to conduct the appropriate outreach and education to promote successful passage of such legislative proposals.

5. "Affordable Housing" should be formally defined. Currently, the term is utilized within the Baltimore County Code ("Code"), however it is not specifically defined. There needs to be a clear definition in the Zoning Regulations that would include a tiered approach to coincide with the implementation of inclusionary zoning practices. This change would provide incentives for projects that are programed for specific incomes. For example, the tiered approach could provide more administrative relief for projects that are targeted to include incomes that are at or below 60% AMI, or projects that are targeted for incomes greater than 60% AMI but at or below 80% AMI. The definition should include a variety of affordability, including the "missing middle." This is housing that is not necessarily subsidized, but provides an option for households in the 80 to 120% AMI range.

Responsible	County Administration and County Council
Requires Legislation	Yes
Requires Funding	No
Timeline	Short Term

6. Adopt Inclusionary Zoning practices as a critical component of the County’s affordable housing strategy. Inclusionary practices can include a mix of mandatory requirements and incentives to achieve desired outcomes. Amending the Code to mandate inclusionary zoning would require residential development proposals to provide a certain percentage of units as affordable housing units (as to be defined). These inclusionary zoning provisions could be offset by incentives that permit density bonuses and modifications to the bulk regulations to allow for flexibility in height and setbacks in proportion to the specific site. An analysis should be completed in collaboration with established experts to design and implement an inclusionary zoning strategy that will succeed in Baltimore County.

Responsible	County Administration and County Council
Requires Legislation	Yes
Requires Funding	No
Timeline	Short Term

7. Allow multifamily developments in select commercial and industrial zones. Commercial and industrial zones typically prohibit residential uses within the zoning classifications unless the zoning allows for mixed use development such as in the CCC and CT districts. This recommendation expands the types of zoning classifications where affordable housing developments are permitted. Multifamily developments that include affordable housing units should only be permitted in commercial/industrial zoning districts that are located within Opportunity Area census tracts as defined in the Baltimore County Voluntary Compliance Agreement (“VCA”), Exhibit F. An analysis should be completed of the commercially and industrially zoned land to determine which properties are vacant, underutilized or underperforming to determine the availability of redevelopment for affordable housing.

Responsible	County Administration and County Council
Requires Legislation	Yes
Requires Funding	No
Timeline	Short to Term

8. Allow affordable housing developments by right (including multi-family) in all residential districts in Opportunity Areas as defined in the 2020 Analysis of Impediments to Fair Housing Choice in the Baltimore Region. The Code should also be amended to permit affordable housing by right in all residential districts in Census Tracts as defined in the Baltimore County VCA. This would create more options for developers who are looking for locations for affordable housing.

Responsible	County Administration and County Council
Requires Legislation	Yes
Requires Funding	No
Timeline	Short to Medium Term

9. The County should consider making Accessory Dwelling Units (ADUs) permitted by right on all single family lots. Sometimes referred to as a “granny flat” or a “in-law suite,” an accessory dwelling is usually considered a secondary unit on the property that allows an individual to live independently of the primary dwelling unit. In many cases it is attached or built into the existing single family unit. This provision could include conditions on the size of the lot.

Responsible	County Administration and County Council
Requires Legislation	Yes
Requires Funding	No
Timeline	Short to Medium Term

10. Eliminate the DR-1 and DR-2 zoning classifications within the Urban Residential Demarcation Line (“URDL”). The URDL is an area of the County designated for growth. There are specific zoning classifications that restrict the density of residential development within this designation. The DR 1 and DR 2 zoning classifications require a minimum of an average of 1 acre to ½ acre respectively per dwelling unit. These zoning classifications restrict any residential development to single family detached units.

Responsible	County Administration and County Council
Requires Legislation	Yes
Requires Funding	No
Timeline	Medium Term

11. The County should consider making strategic changes in the application process for affordable housing projects—specifically pertaining to the Basic Services Map requirements. Water/Sewer capacity analysis and traffic impact studies are required for all major developments in accordance with the County’s Adequate Public Facilities ordinance, Article 32, Title 6 of the Baltimore County Code. Development proposals are required to address the adequacy of public facilities independent of the Basic Services map. Because all projects, including affordable housing developments, must undergo an Adequate Public Facilities review, the County should consider eliminating or modifying the Basic Service Map requirements for affordable housing projects as a redundant administrative step.

Responsible	Department of Public Works and Transportation (“DPWT”); County Council
Requires Legislation	Yes
Requires Funding	No
Timeline	Short to Medium Term

12. Review and simplify appeal provisions that affect affordable housing developments before the Baltimore County Board of Appeals. The Board of Appeals is required to hold hearings and take testimony on any application or development proposal that is an appeal of a decision by the Administrative Law Judge. The Board of Appeals regulations should be reviewed to clarify standing and who has appeal rights. Currently, any person or community association that is “aggrieved” can appeal to the BOA per Section § 32-4-281 of the Code. This entire section should be reviewed and simplified.

Responsible	County Administration; County Council
Requires Legislation	Yes
Requires Funding	No
Timeline	Medium Term

13. Modify the housing development application process to enable “administrative reviews” for affordable housing developments. The process should still include a Community Input Meeting but be exempt from the hearing requirement. Section 32-4-106 of the Code, Limited Exemptions provides exemptions for three different procedures, (1) Development Review process, allowing an application to go to building permit stage, (2) Community Input and Hearing Officer Hearing, and (3) Land in County Agriculture easement.

Responsible	County Administration; PAI; County Council
Requires Legislation	Yes
Requires Funding	No
Timeline	Short to Medium Term

14. Prioritize Capital Improvement Program projects in areas where Basic Services Maps impose impediments for affordable housing developments in designated Opportunity Areas.

Responsible	DPWT and Department of Planning (“DOP”)
Requires Legislation	No
Requires Funding	Yes
Timeline	Ongoing

Best Practices, Policy, & Legal (Recommendations 15-36)

15. Explore the use of County capital funding to build out public infrastructure and perform demolition to support affordable housing development sites, thereby reducing developer site improvement expenses.

Responsible	County Administration
Requires Legislation	No
Requires Funding	Potentially
Timeline	Ongoing

16. The County Department of Housing and Community Development should assertively initiate a strategy for the development of new affordable housing and preservation of existing units.

Responsible	County DHCD
Requires Legislation	No
Requires Funding	Potentially, if new staff is required
Timeline	Short Term/Ongoing

17. The County should conduct a Housing Needs Assessment to support strategic planning and other efforts. This study would address how many affordable units are needed in Baltimore County, including by type, location, and price point. The effort should be modeled after a similar statewide needs assessment conducted by the Maryland State Department of Housing and Community Development.

Responsible	County DHCD, DOP
Requires Legislation	No
Requires Funding	Potentially, if outside report necessary
Timeline	Short Term

18. The County must remain committed to the goals of the regional Fair Housing Action Plan. Importantly, the County should continue to increase the supply of housing affordable to households at or below 80% AMI, especially in Opportunity Areas.

Responsible	County DHCD, County Administration
Requires Legislation	No
Requires Funding	Potentially
Timeline	Ongoing

19. The County should work to identify county-owned land, or explore purchase of additional land, for developers and/or builders, perhaps at below-market or as part of a public-private partnership (“P3”).

Responsible	County DHCD, DOP
Requires Legislation	No
Requires Funding	Potentially, if land needs to be purchased
Timeline	Short Term

20. The County should actively seek to broaden the stakeholders it works with to achieve housing goals, to include partners it has not previously activated, including community development organizations, nonprofits, foundations or private philanthropy, land banks, lenders and other stakeholders.

Responsible	County DHCD, DOP, County Administration
Requires Legislation	No
Requires Funding	No
Timeline	Short Term/Ongoing

21. The Workgroup recommends investing in existing affordable housing stock that is in older communities and danger of becoming market rate or is substandard to improve opportunities and overall livability. To accomplish this, the County should strengthen existing and create new incentives to support and encourage affordable housing. Adopt a “place-based strategy” to address housing conditions in existing neighborhoods that are not in Opportunity Areas. This strategy would serve to modernize/rehab and repair existing housing stock. The strategy could also accomplish increased homeownership.

- Three (3) areas were identified for possible pilot projects – Essex, Lansdowne, and Dundalk. It is recommended that community profiles are completed for each of these areas to assess specific housing needs. Local, state and federal dollars should be explored as a funding source for this work.

Responsible	County DHCD, DOP
Requires Legislation	No
Requires Funding	Potentially
Timeline	Short to Medium Term

22. The County should consider issuing an Annual Request for Proposals (“RFP”) for Project Based Vouchers (“PBV’s”) to incentivize new development (or re-development) of multi-family and scattered site affordable and accessible housing and to assist developers submitting applications for Low Income Housing Tax Credits. In keeping with federal regulations, use of PBV’s should be limited to no more than 20% of the total units in any proposed development to prevent the re-concentration of poverty in Opportunity Areas.

Responsible	County DHCD
Requires Legislation	No
Requires Funding	No
Timeline	Ongoing

23. Set aside PBV’s to provide flexible payment standards up to 130% of AMI in Opportunity Areas. This recommendation would further incentivize property owners to accept Baltimore County-based voucher recipients. This would also serve to incentivize redevelopment/rehab of older multi-family properties.

Responsible	County DHCD
Requires Legislation	No
Requires Funding	No
Timeline	Ongoing

24. Increase funding of energy efficiency elements to decrease project operating costs, reduce resident utility expenses and promote sustainable design and climate resiliency.

Responsible	County DHCD, DOP, County Administration
Requires Legislation	No
Requires Funding	Yes
Timeline	Medium Term

The Workgroup also **identified best practices and policies related to project financing and development incentives**, as well governance structures that could be implemented to better promote the creation of affordable housing.

Financial Programs and Incentives

25. The Workgroup supports the Administration’s plans to use \$16 million in American Rescue Plan (ARP) funds for the creation of an Affordable Housing Opportunity Fund. According to the County’s website, the fund will be managed by the County Department of Housing and Community Development and will be used to leverage the following activities:

- **Development of Accessible Units:** Develop new accessible units, as defined in the VCA, and make improvements to existing units to bring into compliance with Uniform Federal Accessibility Standards (“UFAS”)
- **Expansion of Permanent Supportive Housing Opportunities:** Acquire and develop property (potentially including surplus hotels/motels) for use as non-congregate shelters that can be converted to permanent affordable housing over the course of several years.
- **Land/Unit Acquisition:** Support the development of affordable housing through the acquisition of tax-delinquent or County-controlled properties and sites suitable for the development of affordable and mixed-income housing.
- **Unit Preservation:** Provide funding to preserve affordable units beyond expiration of affordable housing covenants or affordability periods with the requirement that affordability period be extended.
- **Conversion of Market Rate Units:** Fund rental subsidies and/or lump-sum payments to housing developers in exchange for affordable set-asides. Offer financing for multifamily properties, providing the owners are willing to convert a percentage of the units to affordable dwellings.
- **Create Local Housing Trust Fund:** ARP funds can be combined with a local reoccurring revenue source toward creating a Housing Trust Fund to support the ongoing development and preservation of affordable housing. The Trust Fund would provide grants and low-interest loans for new construction, acquisition, and rehabilitation of affordable housing. Baltimore County will pursue local legislation, as needed, to support this fund.

Responsible	County DHCD, County Administration, Department of Economic and Workforce Development (“DEWD”)
Requires Legislation	No
Requires Funding	Yes—already identified
Timeline	Short Term/Ongoing

26. Provide additional gap financing for developers to ensure that more affordable and mixed-income projects are economically viable (at or below 80% AMI).

Responsible	County DHCD, County Administration, DEWD
Requires Legislation	No
Requires Funding	Yes
Timeline	Ongoing

27. Each jurisdiction in the State receives a bond allocation from the State to assist in multi-family affordable housing development. The Workgroup recommends that the County evaluate whether the County would benefit from administering its own bond allocation rather than the current policy of allowing the State to administer bond allocation on behalf of the County.

Responsible	County DHCD, Office of Budget and Finance ("OBF")
Requires Legislation	No
Requires Funding	No
Timeline	Short Term

28. It was noted that smaller developers, including minority or women-owned firms, do not have the capital to conduct the predevelopment work necessary in connection with new affordable housing projects. The County should establish a pre-development fund to assist smaller, less-established minority or women developers gain access to capital. The developers still must be able to obtain construction and permanent financing.

Responsible	County DHCD, County Administration
Requires Legislation	No
Requires Funding	Yes
Timeline	Short Term

29. The County should develop a policy for reserving and/or acquiring units in existing multi-family housing developments for voucher holders for an extended period of years.

Responsible	County DHCD
Requires Legislation	No
Requires Funding	Yes
Timeline	Short Term

30. Explore other financing options such as Tax Increment Financing (TIF) districts, a specialized lending entity such as a Community Development Financing Institution (CDFI), an equity fund for preservation or a loan guarantee program.

Responsible	County DHCD
Requires Legislation	Potentially
Requires Funding	Potentially
Timeline	Ongoing

Governance Actions

- 31.** Consider establishing a quasi-governmental housing authority with bonding authority and ability to develop housing and engage in transactions, separate from County government.

Responsible	County Administration
Requires Legislation	Yes
Requires Funding	Yes
Timeline	Long Term

- 32.** The County should establish a Housing Board, in keeping with HUD regulations and national best practices, to advise and support affordable housing and related County initiatives. The Housing Board should be comprised of individuals with diverse backgrounds, including housing development, finance, fair housing, legal, and should include individuals with relevant lived experience.

Responsible	County DHCD
Requires Legislation	Potentially
Requires Funding	Yes
Timeline	Short Term

- 33.** Consistent with the Fair Housing Action Plan, expand the availability of housing options for persons with disabilities and mitigate the extent to which mortgage loan denials and high-cost lending disproportionately affect minorities.

Responsible	County DHCD
Requires Legislation	Potentially
Requires Funding	Potentially
Timeline	Ongoing

- 34.** Revise the Development Guide to ensure a clear pre-development/concept review process for future developments and that clarifies and articulates housing goals, policies and priorities for developers and property owners.

Responsible	County DHCD with consultation fro PAI and DOP
Requires Legislation	No
Requires Funding	No
Timeline	Short Term

- 35.** Host a Developer’s Roundtable to identify impediments and new strategies. The Developer’s Roundtable should meet at least twice per year.

Responsible	County DHCD, County Administration
Requires Legislation	No
Requires Funding	No
Timeline	Short Term

- 36.** The County should explore the sections of the VCA that allow for expansion of permitted census tracts for development to which allow the VCA Complainants agree to consider authorizing an increase in the 142 unit cap in Exhibit F, Table B, or authorizing the addition of census tracts or portions of census tracts to Exhibit F, Table A or Table B, if such census tracts at that time offer improved opportunities. In addition, the VCA allows that an exception may be authorized by the Complainants at any time for a specific rental housing development or housing unit(s) that is outside of the census tracts in Exhibit F to count as a Hard Unit.

Responsible	County DHCD, Office of Law (“OOL”)
Requires Legislation	No
Requires Funding	No
Timeline	Short Term

Appendix

A. BACKGROUND ON THE AFFORDABLE HOUSING WORKGROUP

Baltimore County Executive John A. Olszewski, Jr. established the Affordable Housing Workgroup (the “AHWG” or the “Workgroup”) by Executive Order on April 13, 2021 (Attachment A). The AHWG was charged initially with examining Baltimore County’s progress in creating, expanding, and preserving affordable housing to date. The Workgroup was composed of County staff and key stakeholders such as policy experts, community leaders, advocates, affordable housing developers, and representatives of the real estate industry.

The Workgroup was asked to “review and examine the challenges in increasing the number of affordable housing units throughout Baltimore County and recommend solutions that will support increasing affordable housing and the goals of the VCA.” Therefore, the Workgroup examined issues surrounding affordable housing generally, and progress and challenges surrounding the Voluntary Compliance Agreement (the “VCA”). The VCA was entered into on March 9, 2016 between the County and the Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity.

Specifically, the Executive Order states that “the Workgroup will make recommendations that will support increasing affordable housing and the goals of the VCA, including but not limited to the following:

1. Solutions to support the creation of additional affordable housing throughout Baltimore County;
2. Potential incentives, policies, and legislation that support the creation of affordable housing;
3. Strategies and best practices for working with communities as new affordable housing projects are considered;
4. Input into a new affordable housing strategic plan for Baltimore County; and
5. Advising on the establishment of a permanent housing board.

B. WORKGROUP MEMBERSHIP

The following individuals were appointed to the Workgroup by County Executive Olszewski.

- James R. Benjamin, Jr.: Baltimore County Attorney
- Dr. Karen Bethea: Set the Captives Free Church
- Kara Beverly: Towson Resident and Community Leader
- Ryan Coleman: Randallstown NAACP
- Greg Countess: Maryland Legal Aid
- Leslie Dickinson: Disability Rights Maryland
- Felipe Filomeno: Associate Professor of Political Science at the University of Maryland Baltimore County and Co-Chair of the Latino Racial Justice Circle
- Jim French: The French Companies
- Melissa Gambuto: Representative, Maryland Multi-Housing Association
- David Gildea: Smith, Gildea and Schmidt
- Bryen Glass: Lochearn Improvement Association
- C. Pete Gutwald: Director, Department of Permits and Inspections
- Terry Hickey: Deputy Director, Housing and Community Development
- Ned Howe: Enterprise Community Development
- Derick Johnson: At-Large Planning Board Member
- Steve Lafferty: Director, Department of Planning
- Dan McCarthy: Episcopal Housing
- Marsha McLaughlin: Community Planning Expert
- Amy Menzer: Dundalk Renaissance
- Christopher Mudd: Esquire, Venable LLP
- Gloria Nelson: Turner Station Conservation Team
- Marsha Parham-Green: Executive Director, Baltimore County Office of Housing
- Izzy Patoka: Baltimore County Councilman, District 2
- Klaus Philipsen: ArchPlan Inc.
- Dan Pontious: Baltimore Metropolitan Council
- Stacy L. Rodgers: County Administrative Officer
- Tammy Rollins: Baltimore County Branch NAACP Housing Chairperson
- Patrick Stewart: Pennrose Development
- Drew Vetter: Deputy County Administrative Officer
- Jayson Williams: Mayson-Dixon Companies
- Justin Williams: Esquire, Rosenberg Martin Greenberg LLP

Additionally, Lisa Morris from the Baltimore County Executive’s Office and Joy Roberts from the Department of Housing and Community Development provided staff support to the Workgroup.

C. WORKGROUP PROCESS

The Workgroup was authorized to meet at the request of the Chair as frequently as required to perform its duties, but not less than once per month for a duration of six months. The Workgroup held full workgroup meetings on the following dates:

- May 4, 2021
- June 8, 2021
- July 6, 2021
- August 3, 2021
- September 21, 2021
- October 4, 2021
- December 13, 2021

The meetings were conducted virtually over the County’s Webex application. The meetings were open to the public and recorded. Recordings of the meetings are available on the Workgroup’s page on the County’s website.

During Workgroup meetings, the members heard from a number of subject matter experts and leaders in the affordable housing space. The presentations from these individuals helped to shape the focus of the Workgroup’s discussions and recommendations. The Workgroup received presentations from the following individuals:

- Dan Pontious: Housing Policy Coordinator, Baltimore Metropolitan Council
- Jennifer Meacham: Chief of Research, Analysis and Design, Baltimore County Department of Planning
- Terry Hickey: Director, Baltimore County Department of Housing and Community Development
- Stacy Spann: Executive Director, Housing Opportunities Commission
- Melody Taylor: Regional Director, HUD Office of Fair Housing and Equal Opportunity
- Dr. Tiffany Manuel: President and CEO, TheCaseMade

Subcommittees were formed at the second Workgroup meeting on June 8th. Those Subcommittees are as follows:

Education, Outreach, and Engagement

- Terry Hickey, Co-Chair
- Filipe Filomeno, Co-Chair

Zoning and Infrastructure

- Pete Gutwald, Co-Chair
- Leslie Dickinson, Co-Chair

Legal, Policy, and Best Practices

- Steve Lafferty, Co-Chair
- Derick Johnson, Co-Chair

D. RELATIONSHIP TO THE VOLUNTARY COMPLIANCE AGREEMENT (“VCA”)

The Workgroup received an update on the County’s implementation efforts of the VCA, which went into effect in March 2016 and runs through 2028. A summary of the requirements are as follows:

- Create 1,000 new hard units over a 12 year period. Units can be new construction, substantial rehab, or acquisition.
- Must complete remaining units by 2025 and occupancy by 2028.
- 100 units must be compliant with Uniform Federal Accessibility Standards or UFAS (that is, wheelchair accessible).
- 500+ units must have three or more bedrooms.
- 15 year affordability term.
- Must provide a Mobility Counseling Program over a 10-year period.
- The County must locate 2,000 families into certain defined census tracts.

The County reported on VCA implementation progress to date, which is summarized as follows:

- The County has contributed \$30 million to date to leverage financing for hard units creation and \$3 million annually for the next several years.
- 522 of the required 1,000 units approved for financing (50/50 mix of scattered and multi-family).
- Continued meetings with interested developers aimed at identifying opportunities to create additional affordable and accessible units.
- 932 Mobility moves through Q4 of 2021
- 152 current Mobility clients.
- Exceeding interim goal of 880 opportunity moves by the end of year five (March 2021).
- Building additional partnerships including Financial Literacy in the Mobility Program.
- Agreement with consultant to conduct UFAS compliance assessments.
- HUD monitoring report indicates improvement in the last 12 months on requirements.

Lastly, the County identified the following challenges with VCA compliance:

- Creating UFAS compliant units, in particular those with 3+ bedrooms.
- Developing affordable units within proposed market rate developments.
- Majority of committed County funding has been expended, land is difficult to acquire and building costs continue to rise.
- Commencement of technical assistance with HUD and Enterprise Partners.

The focus of the Workgroup included strategies to improve affordability in the County overall, but also to achieve timely compliance with the VCA. The recommendations contained in this report will help to achieve these objectives.

View full VCA document here.

E. PUBLIC COMMENTS

<p>Name: Greg Cantori Email: greg@littlededds.com Phone: 410-450-4466</p>	<p>1.) Include renters under list of stakeholders - the omission shows bias towards homeowners as primary stakeholders; therefore renters, lower-income people and younger and future residents should be included in all future planning.</p> <p>2.) Referencing #1 (Executive Summary), section C (Best Practices, Policy and Legal), Can the County add specific actions/steps needed to become more proactive in being an affordable housing leader? And what are the specific actions in 'focusing on equity' that need to occur?</p> <p>3.) ADU's need to be promoted - not just permitted - to have any serious impact on our County's housing affordability. Currently only blood relatives are allowed to live in ADU's, without the ability to pay rent to their family members.</p> <p>4.) Studies show that counties that only permit ADU's see no real increase in their creation. The housing agency should create an aggressive ADU facilitation staff position and process to ensure barriers are removed - as well as create a loan fund/grant program for those willing to create affordable units.</p> <p>5.) The recommendation to allow multi-family housing should apply to ALL single family zones w/o exception. Property owners should have the right to create the highest/best use of their properties w/o interference from neighbors or arbitrary zoning rules.</p> <p>6.) None of the recommendations have numerical goals. Without specific, numerical and action-based goals - by a specific date and steps to get there - these recommendations have no teeth and will sit on the shelf.</p> <p>7.) How will you deal with the Baltimore County Council? The Council has never created an affordable housing process, plan, agency or program - they had to be sued for them to take any action. Knowing the Council is beholden to wealthy homeowners, what can the work group do individually and collectively to make them take action?</p>
<p>Name: Diane Elliott Email: dianeelliott5@msn.com Phone: none</p>	<p>1.) Please be fair/equitable in determining where the housing will go - they should be distributed evenly throughout the county. 32-year resident of Owings Mills, and this area has taken a turn for the worse as a result of Section 8 and subway.</p>

<p>Name: Ann Dalrymple Email: hickmurpmile@gmail.com Phone: none</p>	<p>1.) Businesses could purchase affordable housing for their employees to rent @ rate of 30% of their income. DHCD could field complaints from residents re: safety & compliance.</p> <p>2.) Residential building permits should be managed as RFP's are, to provide affordable housing in proportion to the #'s of households in each level of income in BC. Issue RFP's for building permits that meet specs in an Affordable Housing Developers Guide. To prevent poverty concentration, construction of each new community should provide housing for at least 2 levels of income - in proportion to the # of households at each level in the county.</p> <p>3.) A link to the VCA and it's purpose should be provided in the final report.</p> <p>4.) Re: Recommendations #1-4: Generally these do not change the urgent situation re: affordable housing as there are several affordable housing movements in the county already, and the pre-development phase already includes a community feedback process.</p> <p>5.) Re: Recommendation #7, Sentence 4: This should read: Multifamily developments that include affordable housing units in commercial/industrial zoning districts should only be permitted in Opportunity Area census tracts [so as not to conflict with recommendation 8].</p> <p>6.) Re: Recommendations #9-12, 14: Yes (agrees).</p> <p>7.) Re: Recommendation #13: Could be modified as per my building permit strategy proposal above if passing the recommendation proves too difficult.</p> <p>8.) Re: Recommendation #15: Yes (agrees)</p> <p>9.) Re: Recommendation #17: Housing Needs Assessment is already available upon request through the Nat'l Low Income Housing Coalition.</p> <p>10.) Re: Recommendation #19: Yes - as it is now, unnecessary conservancies have increased the cost of land, making housing less affordable.</p> <p>11.) Re: Recommendation #20: Stakeholders should include long-term renting residents of Baltimore County - or at least Affordable Housing Advocates (ACLU)</p> <p>12.) Re: Recommendation #21: "Incentives" wouldn't be needed w/a building permit RFP strategy.</p> <p>13.) Re: Recommendations #22-24, 26, 30: Not needed under a building permit RFP strategy.</p> <p>14.) Re: Recommendation #28: Recommendation 15 will take care of this.</p> <p>15.) Re: Recommendation #29: Great idea!</p> <p>16.) Re: Recommendation #31-32: No</p>
<p>Name: Dillon Dotson Email: dillond18@gmail.com Phone: none</p>	<p>1.) Re: Upzoning: I agree with allowing residential in commercial & industrial zoning; however, I saw no mention of upzoning residential areas to allow for medium or high density housing. SFZ is disaster for environment, traffic & finances—it isn't a sustainable land use due to costs and is subsidized by higher density zones.</p> <p>2.) Re: Parking minimums: I saw no recommendations for addressing the excess of parking in many areas. Using land to store cars for free/subsidized rates will lead to financial ruin. I recommend converting land that is used for parking/garages to housing. Additionally reducing/eliminating parking minimums will also help.</p>
<p>Name: GTCC (Eric Rockel - President) Email: erockel@earthlink.net Phone: none</p>	<p>1.) The GTCC rejects proposal to add high-density, multi-use properties to the County's land use inventory in the greater Timonium area for several reasons - a.) impact to schools, b.) traffic congestion, c.) other infrastructure concerns i.e., water, sewer and recreational needs.</p> <p>2.) Rejects proposal to end DR-1 and DR-2 zoning classifications. Believes these zoning classes were intended to minimize housing impacts to the Loch Raven reservoir caused by runoff of pollutants, which many of these properties abut and believe these zoning classifications should remain due to environmental benefits.</p> <p>3.) Believes the recommendation to eliminate a hearing officer's hearing for affordable housing developments is misplaced and may be discriminatory—if you apply differing laws for distinct types of development you are in effect discriminating.</p> <p>4.) Believes a more practical solution to the County's affordable housing needs would be to utilize the many apartment and townhome rental complexes already in existence (i.e., "The Lakes"). Some of these already offer affordable rents, and if the county could come to an agreement with these rental complexes, they could add between 5 and 10 affordable units per complex.</p> <p>5.) States that the greater Timonium area already exhibits many of the characteristics embodied in the vision statement, and they do not want to see the suburban character of the area degraded with additional higher density housing and the abandonment of traditional zoning regulations.</p>
<p>Name: Sonya Dease (Dundalk USA) Email: sonya@dundalkusa.org Phone: 410-282-0261</p>	<p>1.) I would propose in addition to credit counseling to coach the behaviors needed to manage finances effectively, assistance we should offer assistance to pay prior rental delinquencies as an added measure of supportive services to the beneficiaries of the affordable housing. Prior rental delinquencies are a common imposition for financial stability and often pose a limitation to options when credit checks are involved.</p>



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SENT VIA ELECTRONIC MAIL

April 27, 2022

Drew Vetter
Deputy County Administrative Officer
Office of County Executive
400 Washington Ave.
Towson, MD 21204

Re: Comments on AHWG Final Draft

Dear Mr. Vetter,

Thank you for the opportunity to comment on the AHWG's final draft Recommendations. Please let me know if you would like additional information or clarification of any of my comments.

I. Previously Identified Barriers & Strategies in June 2021 Analysis of Barriers

In Baltimore County's June 15, 2021 Revised Analysis of Barriers, the County identified "a number of common impediments":

1. Zoning and land use practices;
2. Zoning and land use decisions – related to affordable housing – that may appear arbitrary, and lead to viable projects not moving forward;
3. No appeal process for the developer or advocates of the affordable housing development;
4. Additional systemic and procedural barriers, including limited land dedicated to affordable housing development, community opposition and the lack of a comprehensive affordable housing strategic plan.

The County identified Strategies to address the Barriers set forth in the June 15, 2021 Analysis. As follows:

1. Engage in affordable housing strategic planning process, for which the key element which appeared to be Technical Assistance provided by Enterprise Community Partners and funded by HUD. (p.4)
2. Establish an Affordable, Housing Workgroup, which will issue Recommendations to improve affordable housing opportunities;
3. Review Local Zoning and Land Use Practices – the County has hired Public Works, LLC, a consulting firm to review the County Code, Zoning Regulations, and zoning and land use practices to determine regulatory barriers to development of affordable housing

and to provide specific recommendations for policy and practice changes to promote more inclusionary housing outcomes. (**Note**, these recommendations were to have been shared with the AHWG at our August 2021 meeting, and incorporated into the AHWG Recommendations));

4. Creation of Department of Housing and Community Development
5. Hold a Fair Housing Briefing for County Council
6. Research and Implement New Policies and Procedures to Address Existing Barriers.

Distribution of Hard Units

Discussion of Barriers

The County further recognized that it needed to address structural and procedural barriers to locating projects in areas of opportunity (pursuant to the VCA, Exhibit F) where no VCA-compliant projects have been located.

Strategies to Address Barriers

The County proposed a potentially very effective tool for addressing some barriers: to complete a comprehensive assessment of opportunities for constructing affordable units on available land by reviewing current uses and underutilized parcels.

“This assessment will create an inventory of properties that can be available for developers and nonprofit organizations to create opportunities for affordable housing.”

II. The AHWG Recommendations Lack Components Essential to Successfully Create Affordable and Accessible Hard Units as Required Under the VCA

A. Zoning & Infrastructure Subcommittee

Subcommittee Recommendations

7. Allow multifamily (MF) developments in select commercial and industrial zones.

“An analysis should be completed of the commercially and industrially zoned land to determine which properties are vacant, underutilized or underperforming to determine the availability of redevelopment for affordable housing.”

#8. Allow affordable housing developments by right (including MF) in all residential districts in opportunity areas as defined in the 2020 Analysis of Impediments to Fair Housing Choice in the Baltimore Region. The Code should also be amended to permit affordable housing by right in all residential districts in Census Tracts as defined in the Baltimore County VCA.

Comments: These recommendations are positive, but for unknown reasons the County included an analysis of land in commercial and industrial zones, but has not recommended that “an analysis of land/buildings should be completed in all residentially zoned districts within Opportunity Census Tracts to determine which properties are vacant, underutilized or

underperforming to determine the availability of redevelopment for affordable housing,” as I previously suggested be added.

In addition, as noted above, the County in its June 2021 Analysis of Barriers, indicated as a strategy that it would complete a **comprehensive** assessment of opportunities for constructing affordable units on available land by reviewing current uses and underutilized parcels, and that “This assessment will create an inventory of properties that can be available for developers and nonprofit organizations to create opportunities for affordable housing.”

Yet, this assessment has not been completed, and likely has not begun. The County should be in the final stages of assessing and/or analyzing the available land/buildings, but is instead presenting such ideas as though they are new AHWG recommendations.

The analyses referred to in #s 7 & 8, should be done in the short not medium term.

#12. Review and simplify appeal provisions that affect affordable housing developments before the Baltimore County Board of Appeals. The Board of Appeals is required to hold hearings and take testimony on any application or development proposal that is an appeal of a decision by the Administrative Law Judge. The Board of Appeals (BOA) regulations should be reviewed to clarify standing and who has appeal rights. Currently, any person or community association that is “aggrieved” can appeal to the BOA per § 32-4-281 of the Code.

Comment: Currently any “Person aggrieved or **feeling aggrieved**” has standing to appeal, not just a person who is aggrieved,” per code definition at § 32-4-281(a). Regardless, even if the standing is limited to a person “aggrieved,” it won’t necessarily prevent a development – even one that has been approved at every level of the development process – from being derailed at the last minute (i.e., Red Maple – where petitions were “aggrieved,” not “feeling aggrieved”).

#13. “Modify the application process to enable ‘administrative reviews’ for affordable housing developments. The process should include a community input meeting but be exempt from the hearing requirement, per § 32-4-106 - Limited Exemptions. An additional exemption could be made for the Hearing Officer’s Hearing but require a community input meeting and an agency development review.”

Comments: Affordable and accessible multifamily housing applications/projects should be subject to the development review process by the relevant Baltimore County agencies. If all agencies approve the development, it should not be subject to an ALJ hearing or to a BOA’s review. The County can incorporate community input into this process; however, once the agencies have made their decisions, there should not be a right to appeal.

As noted above, the County identified as a Barrier in its June 2021 Analysis of Barriers that there’s no appeal process for the developer or advocates of an affordable housing development. An appropriate change would be to remove the BOA from the development review process. Those with standing would have the option of filing a lawsuit to stop a development; as it’s more difficult and expensive to file a complaint in circuit court than to file an appeal to the

BOA, it would require more of an investment, reducing the likelihood that those without a legitimate grievance would proceed.

The BOA should not have jurisdiction over the regular development process, where the County agencies have reviewed and approved a development.

Similarly, without removing the BOA from the process, even if multifamily was permitted by right in all residential and some commercial/industrial zones (as recommended in #'s 7-8), this would not guarantee that a development would not be derailed – even after all County agencies approved the development at every level of the development process.

Red Maple – all relevant County agencies approved Red Maple to be built on the North parcel in east Towson. This parcel is zoned RAE-2 which permits high density apartment buildings **by right** (i.e., multifamily by right). It permits a density 80 units per acre *if constructed near commercial and business centers*. Thus, no matter how the code may be amended and even if affordable units can be built **by right per the code** in every residential zone, a council person can introduce sabotaging legislation, which completely undermines the by right standard, and even if an ALJ upholds the development, if it can be appealed to the BOA, and will likely be overturned.

What happened with Red Maple illustrates that no matter how the land is zoned and even if the development's received full approval by the County agencies, it can be sabotaged in

Even without a council person intervening, under the current system, an appeal to the BOA could derail an approved development.

Red Maple confirms that the BOA should not be involved with the regular development process. While recognizing problems with the BOA arrangement, the AHWG does not recommend completely removing BOA from the process.

#'s 9 –10. Good ideas.

#11. The County should consider making strategic changes in the application process for affordable housing projects – specifically pertaining to the Basic Services Map requirements.

#14. Prioritize Capital Improvement Program projects in areas where Basic Services Maps impose impediments for affordable housing developments in designated Opportunity Areas.

Comment: #s11 & 14 could be very helpful, assuming the County can resolve the issues related to BOA and other barriers keeping affordable housing from being built.

B. Incomplete Strategies and Issues being Ignored

Strategies from June 2021 Analysis of Barriers

Out of the six highlighted Strategies the County identified to address the Barriers set forth in the June 15, 2021 Analysis, set forth in Section I, above, two have been completed: establishing an AHWG and issuing Recommendations, and the creation of DHCD. While the County has received extensive TA from Enterprise, there's no evidence it has assisted the County in creating affordable and accessible housing units.

As an AHWG member, I know the County hasn't presented Public Works, LLC's touted recommendations for policy and practice changes to promote more inclusionary housing – after its review of zoning and land use practices. I've asked about this before, and am fairly certain no review has been completed, and it's likely Public Works, LLC was never hired.

Similarly, the above-referenced strategy from June 15, 2021 to “Hold a Fair Housing Briefing for County Council” has not happened, and it is now being Recommended that the County administration should proactively collaborate with the County Council.

And, if the County has engaged in the strategy of Research and Implementation of New Policies to Address Barriers (i.e., benchmarking against other jurisdictions to consider changes in County policies that would serve to affirmatively further fair housing goals and address barriers), it has not shared that with the AHWG, and hasn't informed Complainants' counsel of new policies that the County has implemented.

The County has Declined to Acknowledge or Address Special Laws or Its Purchase of Open Space in Opportunity Areas

In the midst of the County drafting its Analysis of Barriers in May 2021, the Baltimore County Council was busy zoning by legislative action, via Bill 46-21, which targeted a parcel on the southeast corner of Belair Road and Honeygo Boulevard in Perry Hall, and enacted into law a development agreement negotiated by the developer, and representatives of nearby communities. The agreement prohibited affordable family housing by purposefully allowing single-family attached dwelling units in the otherwise Business-Local zoning district, but then limiting occupancy as age-restricted (over 55).

The action illustrates continued processes by which County Council members interfere in the zoning process in disregard of their obligations under the Voluntary Compliance Agreement, fair housing and civil rights laws.

Yet, there are NO Recommendations or strategies to ensure that the County Council stops its interference with the zoning process, and altering zoning through legislation.

Another exclusionary land use practice was Baltimore County's acquisition of a parcel of more than two dozen acres of land in Lutherville-Timonium. The County Council approved the acquisition of the land in May 2021, reportedly with the support of the County Executive. Yet again, the County uses its resources to lock away more land with access to water and sewer services, and well-resourced schools, while maintaining this area as white and affluent.

The County's response, in a letter dated 7/26/201, to Complainants' Counsel regarding this purchase was: “please note that this land was never approved for use as affordable housing.”

The County apparently did not and – considering there is no recommendation related to this purchase – still does not understand that its choice not to approve the property for affordable housing is evidence of the County's continuing segregation and further demonstrates the County's failure to further fair housing.

The Education, Outreach and Engagement Subcommittee is not Prepared to Lead on Affirmatively Furthering Fair Housing

The Subcommittee's Recommendation #4: All efforts around community education, outreach and engagement should be coordinated with the County's policy priorities **and at the same time, County policies and priorities should be shaped and informed by the input received through outreach and engagement.**

The EO&E is the Subcommittee that is tasked with engaging and educating the community and stakeholders, yet remains reluctant to be honest and forthright about fair housing and policies that need to be changed and implemented.

Compare the EO&E subcommittee with the Best Practices, Policy and Legal ("BP&L") subcommittee, which clearly has a better understanding of the law and the realities the County has to confront.

I.e., the County needs to recognize and accept that "housing conditions and disparities are primarily due to historic, discriminatory patterns and practices and must be addressed. This history has denied housing opportunity, limited the opportunity to build wealth and prevented social and economic mobility." (See p.14).

Furthermore, the Best Practices, Policy and Legal Subcommittee also recognizes that "all local governments that receive federal funding have a duty under the Fair Housing Act to Affirmatively Further Fair Housing ("AFFH"). The AFFH Rule sets out the framework for how the County can take meaningful actions to address significant disparities in housing needs, overcome historic patterns of segregation, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, promote fair housing choice, foster inclusive communities that are free from discrimination and fostering and maintaining compliance with civil rights and fair housing laws.

As required by HUD, the County has a Fair Housing Action Plan incorporated into its Consolidated and PHA Plans, and is obligated to provide units in Opportunity Areas as a result of the Voluntary Compliance Agreement. The County's obligations under the VCA reinforces the required commitments to AFFH and sets out milestones and related programmatic, policy and legislative changes to achieve those goals. A discriminatory action by the County would constitute both a material breach of the VCA and a statutory violation of the Fair Housing Act.

The policies and priorities that Baltimore County and the EO&E Subcommittee must follow already exist and were included by the BP&L Subcommittee in the final draft Recommendations. The EO&E subcommittee, through its outreach, engagement, and especially education, is required to inform and engage on these laws and policies, and not to reshape these policies based on community input, which would likely seek to perpetuate the historical discrimination and segregations that the VCA and fair housing laws are meant to address.

And finally, I would recommend that the policy statement drafted by the Best Practices, Policy and Legal Subcommittee should be the Vision Statement for the AHWG.

“Baltimore County will create and preserve stable and affordable housing in all neighborhoods to promote economic mobility, provide access to quality education, health care, transit connections and that are guided by intentional strategies to dismantle a legacy of social and racial inequities.”

Respectfully submitted,

/s/

Leslie K. Dickinson