

Bill No. 33-22  
Concerning: Capital Improvements  
Program – Affordable Housing  
Feasibility Study – Required  
Revised: 1/23/2023 Draft No. 6  
Introduced: November 15, 2022  
Enacted: January 31, 2023  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Friedson  
Co-Sponsors: Councilmembers Katz, Albornoz, Fani-González, Stewart, Balcombe, Mink, Sayles,  
Jawando, and Glass, and former Councilmembers Navarro, Riemer and Rice

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### AN ACT to:

- (1) require the **[[County Executive]]** Department of General Services to submit an affordable housing feasibility study to the Council for certain capital projects;
- (2) establish a review process for the Council to determine project feasibility for colocation of affordable housing; and
- (3) generally amend County law regarding the analysis of capital projects.

By amending

Montgomery County Code  
Chapter 25B, Housing Policy  
Section 25B-7

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 25B-7 is amended as follows:**

2   **25B-7.       Affordable housing feasibility study and assessment.**

3           (a)   Definitions. As used in this Section:

4               Affordable housing feasibility study means an analysis of [any]  
 5               applicable capital projects that includes an evaluation of affordable  
 6               housing at a library, recreation center, police station, fire station, or any  
 7               other general services building.

8               Applicable capital project means any proposed building project  
 9               administered by the Department of General Services or the Parking  
 10              Management Division of the Department of Transportation.

11              Department means the Department of General Services.

12           (b)   Affordable housing feasibility study. For [[any]] an applicable capital  
 13               project, prior to the completion of facility planning, [[development of]]  
 14               the program of requirements, site selection, or land acquisition, the  
 15               [[County Executive]] Department must prepare and submit an  
 16               affordable housing feasibility study to the Council.

17           (c)   Contents of the feasibility study. The study must include [, but is not  
 18               limited to,]] the following:

- 19               (1)   a description of the proposed capital project;
- 20               (2)   outreach efforts and stakeholder input;
- 21               (3)   proposed [[development of the]] program of requirements, if  
 22               [[any]] available;
- 23               (4)   [[potential]] site and environmental constraints;
- 24               (5)   programmatic elements or efficiencies associated with [[for]]  
 25               colocation [[projects]];
- 26               (6)   the projected total cost for construction, including, if [any]  
 27               available, costs of colocation of affordable housing;

- 28           (7) a statement of whether colocation is feasible and potential  
 29           impacts to the proposed capital project; and
- 30           (8) any other related components used for consideration to determine  
 31           project feasibility.
- 32       (d) County Council review.
- 33           (1) Within 30 days after the Council receives the affordable housing  
 34           feasibility study under subsection (b), the Council must:
- 35           (A) review the feasibility study; and
- 36           (B) determine by a vote whether to approve or disapprove the  
 37           analysis provided in the feasibility study.
- 38           (2) An analysis approved by the Council under subparagraph (1)(B)  
 39           permits the project to proceed in its normal course of planning,  
 40           design, and construction.
- 41           (3) Capital project plan. If the Council disapproves of the analysis  
 42           under subparagraph (1)(B) and determines that colocation of  
 43           affordable housing is feasible, the [[County Executive]]  
 44           Department must, within a reasonable timeframe, develop and  
 45           transmit to the Council a plan where the capital project identified  
 46           in the study includes colocation of affordable housing.
- 47       (e) Review of the [[Executive's]] capital project plan. Before appropriation  
 48           in the Capital Improvements Program, the Council must review and  
 49           approve the capital project plan submitted by the [[Executive]]  
 50           Department under subsection (d)(3). A plan that does not include  
 51           colocation must contain a written explanation describing the  
 52           circumstances as to why the requirements for colocation could not be  
 53           fulfilled and the reasons for a waiver.

54 (f) Waiver. The Council may waive any requirement under this Section if  
55 the Council determines the project would:

- 56 (1) result in a loss of a site;
- 57 (2) require emergency appropriation; or
- 58 (3) may experience further delay not in the best interest of the public.

59 [(a)] (g) Affordable housing assessment. For each applicable capital project in  
60 the Capital Improvements Program during facility planning, the  
61 Office of Management and Budget must include in or transmit with  
62 the CIP an evaluation of:

- 63 (1) the feasibility of including a significant amount of affordable  
64 housing in the project;
- 65 (2) the effect of the project on the supply of affordable housing in the  
66 immediate area;
- 67 (3) what capital or operating modifications, if any, would promote  
68 and maximize affordable housing in the project and the  
69 immediate area; and
- 70 (4) what operating budget modifications, if any, would be needed to  
71 build and maintain affordable housing in the project.

72 [(b)] (h) \* \* \*

73 [(c)] As used in this section, applicable capital project means any proposed building  
74 project administered by the Department of General Services or the Parking  
75 Management Division of the Department of Transportation.]

76 [(d)] (i) \* \* \*

77 [(e)] (j) \* \* \*

78 **Sec. 2. Effective Date; Transition.** The amendments in Section 1 take effect  
79 on July 1, 2023.

*Approved:*

  
\_\_\_\_\_  
Evan Glass, President, County Council

2/1/2023

\_\_\_\_\_  
Date

*Approved:*

\_\_\_\_\_  
Marc Elrich, County Executive

\_\_\_\_\_  
Date

*This is a correct copy of Council action.*

\_\_\_\_\_  
Judy Rupp, Clerk of the Council

\_\_\_\_\_  
Date