



Legislation Details (With Text)

**File #:** O-45-16      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 9/28/2016      **In control:** City Council

**On agenda:** 1/9/2017      **Final action:** 1/9/2017

**Title:** Moderately Priced Dwelling Units - For the purpose of amending the eligibility requirements for access to moderately priced dwelling units to include individuals who: (1) reside either in the City of Annapolis or Anne Arundel County; and (2) are under a disability as defined by the Social Security Administration.

**Sponsors:** Jared Littmann

**Indexes:** Affordable Housing and Community Equity Development Commission, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-45-16 Moderately Priced Dwelling Units.pdf, 2. O-45-16 Staff Report.pdf, 3. O-45-16 Fiscal Impact.pdf, 4. O-45-16 SIGNED.pdf

Date	Ver.	Action By	Action	Result
1/9/2017	1	City Council	adopt on second reader	Pass
12/20/2016	1	Housing and Human Welfare Committee	recommend favorably	Pass
12/13/2016	1	Rules & City Government Committee	recommend favorably	Pass
11/15/2016	1	Housing and Human Welfare Committee	postpone	Pass
11/14/2016	1	City Council	declare the public hearing closed	
10/24/2016	1	City Council	adopt on first reader	Pass
10/24/2016	1	City Council	refer	
10/24/2016	1	City Council	refer	

**Moderately Priced Dwelling Units** - For the purpose of amending the eligibility requirements for access to moderately priced dwelling units to include individuals who: (1) reside either in the City of Annapolis or Anne Arundel County; and (2) are under a disability as defined by the Social Security Administration.

CITY COUNCIL OF THE  
City of Annapolis

Ordinance 45-16

Introduced by: Alderman Littmann

Referred to  
Housing and Community Development Committee  
Rules and City Government Committee

AN ORDINANCE concerning

**Moderately Priced Dwelling Units**

**FOR** the purpose of amending the eligibility requirements for access to moderately priced dwelling units to include individuals who: (1) reside either in the City of Annapolis or Anne Arundel County; and (2) are under a disability as defined by the Social Security Administration.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis,  
2015 Edition  
20.30.020

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

**Chapter 20.30 - MODERATELY PRICED DWELLING UNITS**

20.30.020 - Definitions.

In general, in this chapter, unless another meaning is plainly intended, the following words have the meanings indicated.

"Applicant" means any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities, who either submits for subdivision approval for a residential "for sale" project under this chapter or is developing rental property, and which plan provides for the development of a total of ten or more dwelling units in one or more stages of development regardless of whether any land has been transferred to another party.

"At one location" means all adjacent land of the applicant if:

1. The property lines are contiguous or nearly contiguous at any point;
2. The property lines are separated only by a public or private street, road, highway or utility right-of-way, or other public or private right-of-way at any point; or
3. The property lines are separated only by other land of the applicant which is not subject to this chapter at the time of any permit, site plan, development, or subdivision application by the applicant.

"Certificate of eligibility" means a certificate issued by the Department of Planning and Zoning and signed by the person seeking to own or rent an MPDU and the Planning and Zoning Director that certifies that the person is qualified to buy or rent an MPDU.

"Consumer Price Index" means the latest published version of the Consumer Price Index for All Urban Consumers (CPI-U) of the U.S. Department of Labor for the Baltimore metropolitan area.

"Date of original rental" means the date of the first lease agreement for a MPDU.

"Date of original sale" means the date of settlement for purchase of a MPDU.

"Eligible person" means a person or household:

1. Whose income is one hundred percent or less than the family median income for the Baltimore Metropolitan Statistical Area (MSA), with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD);
2. Who holds a valid certificate of eligibility that entitles the person or household to buy or rent an MPDU;
3. Who does not currently own a home; and
4. (a) Is a City resident or has been employed within the City for at least the past twelve months prior to applying for a certificate of eligibility under Section 20.30.100, or
  - (b) Is in the employ of the City of Annapolis beyond their probationary period, or
  - (c) Is a teacher or staff member in an elementary, middle or high school within the City limits or in any school that is included in the Annapolis Senior High School district as defined by Anne Arundel County Public Schools- , OR
  - (d) ~~Who~~ is and has been employed within the United States Naval Academy or the Annapolis Naval Base for at least the past twelve months prior to applying for a certificate of eligibility under Section 20.30.100-, OR
- (E) IS A RESIDENT OF EITHER THE CITY OF ANNAPOLIS OR ANNE ARUNDEL COUNTY AND IS UNDER A DISABILITY AS DEFINED IN THE LIST OF IMPAIRMENTS PROMULGATED BY THE SOCIAL SECURITY ADMINISTRATION, CODIFIED AT C.F.R. T. 20, Ch. III, Pt. 404, Subpt. P, App. 1; HOWEVER, A RESIDENT OF ANNE ARUNDEL COUNTY, WHO IS UNDER A DISABILITY AS DESCRIBED HEREIN, SHALL NOT BE CONSIDERED FOR A RENTAL OR PURCHASE UNDER THIS CHAPTER UNTIL NINETY (90) DAYS HAVE PASSED FROM THE DATE OF ISSUANCE OF THE NOTICE REQUIREMENT IN SECTION 20.30.130.C.

"Expedited review process" means an application for a planned residential development containing MPDUs in conformance with Section 20.30.050 shall be processed as a priority review project consistent with Section 20.30.010. Prior to the submittal of a preliminary or final plan, the applicant and the Director of Planning and Zoning shall agree to a proposed schedule for both the applicant's submittals of plans and the Department of Planning and Zoning's reviews of those submittals. The schedule shall establish reasonable timelines for all parties and all parties will endeavor in good faith to meet the timelines.

"Homeownership assistance trust fund" means a fund established under this chapter in order to achieve the purposes of Section 20.30.070 to be administered by the Department of Planning and Zoning.

HUD's "fair market rents" (FMRs) shall mean the FMRs for the Baltimore MSA as published from time to time by HUD.

"Moderately priced dwelling unit," or "MPDU," means a dwelling unit which:

1. Is offered for sale or rent to eligible persons or to the Department of Planning and Zoning and sold or rented under this chapter;
2. Is offered for a maximum sales price to be determined by the Department of Planning and Zoning under Section 20.30.110 of this chapter,
3. Is offered for a monthly rental price of:
  - a. One hundred percent of HUD's fair market rents if the landlord pays all utilities (heat, water, sewer, electric, and trash); or
  - b. Eighty percent of Baltimore MSA, HUD fair market rents if the landlord does not pay all utilities (heat, water, sewer, electric, and trash).
4. And, the monthly rental price of which shall be recalculated each year by the Department of Planning and Zoning based on HUD's recalculation of fair market rents.

"Occupancy period" means the time an MPDU is subject to either resale price controls and owner occupancy requirements or maximum rental limits. The occupancy period is ten years for sale units and twenty years for rental units, and begins on the date of initial sale or rental. If a sale or rental MPDU is sold to an eligible person within ten years after its initial sale or rental, the unit must be treated as a new MPDU and a new control occupancy period must begin on the date of the sale or rental.

"Residential development" includes:

1. All proposed subdivisions, rental property, condominiums, cooperatives, and new mixed use developments with a residential component;
2. A development that is a rehabilitation of an existing multiple family residential structure that increases the number of residential units from the number of units in the existing structure by four or more dwelling units;
3. Part of the conversion of a rental property to a condominium or cooperative; and
4. A development that will change the use of an existing building from a nonresidential to a residential use.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

#### EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments