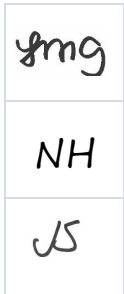


## BILL 33-22 - CAPITAL IMPROVEMENTS PROGRAM – AFFORDABLE HOUSING FEASIBILITY STUDY – REQUIRED



### Description

Bill 33-22 would require the County Executive to submit an affordable housing feasibility study to the Council for certain capital projects, establish a review process for the Council to determine project feasibility for co-location of affordable housing and generally amend County law regarding the analysis of capital projects.



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## SUMMARY

- Bill 33-22 would require the County Executive to submit an affordable housing feasibility study to the Council for certain capital projects, establish a review process for the Council to determine project feasibility for co-location of affordable housing and generally amend County law regarding the analysis of capital projects.
- Specifically, Bill 33-22 would require the County Executive to submit an affordable housing feasibility study prior to facility planning, development of the program of requirements, site selection, or land acquisition of any capital project.
- This bill seeks to strengthen the evaluation of co-location of affordable housing and county facilities throughout the county, and to make the process of evaluating a project for co-location of affordable housing and County facilities more transparent between the Executive branch and the County Council.

## BILL INFORMATION

### Sponsor

Councilmember Friedson

### Review Basis

Chapter 25B, Housing Policy

### Public Hearing

1/17/2023

*(comments from the Planning Board will  
be sent up prior to the first committee work  
session)*

### Introduction Date

11/7/2022

### Planning Division

Countywide Planning & Policy  
Research & Strategic Projects

### Planning Board Information

MCPB

Item No. 10

## BILL 33-22: CAPITAL IMPROVEMENTS PROGRAM – AFFORDABLE HOUSING FEASIBILITY STUDY – REQUIRED

### BILL 33-22 OVERVIEW

Bill 33-22 seeks to strengthen the evaluation of the co-location of affordable housing and county facilities earlier in the capital project development project. The bill seeks to require a feasibility study prior to facility planning and provides an opportunity for the County Council to review the study and determine whether to support the findings or make further recommendations.

Under the current law, the Office of Management and Budget (OMB) is required to provide an affordable housing assessment for each applicable capital project that is in facility planning to the County Council during the transmission of the Capital Improvements Program (CIP) budget.

The affordable housing assessment takes into consideration several factors in its evaluation:

1. The feasibility of including a significant amount of affordable housing in the project.
2. The effect of the project on the supply of affordable housing in the immediate area.
3. What capital or operating modifications, if any, would promote and maximize affordable housing in the project and the immediate area.
4. What operating budget modifications, if any, would be needed to build and maintain affordable housing in the project.

Also, the affordable housing assessment by OMB should discuss the following issues related to the capital project, including:

1. Compatibility of affordable housing with the underlying project.
2. Conformity of affordable housing to applicable zoning and land use plans.
3. Proximity to public transit, and availability of other transportation options.
4. Proximity to other community services.

In performing its analysis, OMB generally consults the Department of Housing and Community Affairs (DHCA), the Planning Board, the Housing Opportunities Commission (HOC), and any other County department or agency with expertise in affordable housing.

However, by the time the housing assessment and capital project are included in the CIP for the Council's evaluation of whether to co-locate affordable housing with a new project, there are already potential barriers. These barriers could include construction costs, design elements, and site constraints that could prevent the likelihood and feasibility of a project moving forward.

Bill 33-22 would require the County Executive to submit an affordable housing feasibility study prior to facility planning, development of the program requirements, site selections, or land acquisition of any capital project.

## BILL 33-22 ANALYSIS

Bill 33-22 makes several modifications to Chapter 25B of County Code as it relates to affordable housing assessments.

First, two definitions are added for ‘affordable housing feasibility study’ and ‘applicable capital project,’ as used in Section 7 of Chapter 25B, as follows.

*Affordable housing feasibility study* means an analysis of any applicable capital project that includes an evaluation of co-location of affordable housing at a library, recreation center, police station, fire station, or and other general services building.

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

The bill also updates the requirements for the feasibility study to include the following:

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

- (1) a description of the proposed capital project;
- (2) outreach efforts and stakeholder input;
- (3) the program of requirements, if developed;
- (4) potential site and environmental constraints;
- (5) programmatic elements evaluated for co-location;
- (6) projected total cost of construction, including, if any, costs of co-location of affordable housing;
- (7) a statement of whether co-location is feasible; and
- (8) any other related components used for consideration to determine project feasibility

After the Council receives the study submitted by the County Executive, the Council must review the study within 30 days.

The study will provide a basis for the consideration of co-locating affordable housing in any new CIP project. After reviewing the study, the Council will decide whether to approve or disapprove of the analysis presented in the feasibility study.

If the affordable housing feasibility study is **approved**, the Department of General Services (DGS) moves forward with its normal capital project development process.

If the Council **disapproves** the Executive Branch analysis, the Council can direct the Executive Branch to perform additional analysis and come back to the Council with a capital project plan that includes co-location.

The Council can also approve the Executive’s plan for co-location, waive any requirements, or agree with the Executive Branch that housing is not feasible for a certain project.

If the project is determined feasible, it would be included in the CIP for the normal budget review process to receive funding.

Bill 33-22 also includes a waiver provision if the Council determines the project would result in a loss of a site, require emergency appropriation or experience further delay not in the best interest of the public.

Planning staff has one question about the impact of the proposed affordable housing feasibility study on the existing affordable housing assessment requirement. If the County Council approves of the feasibility study in which it is determined that co-location of affordable housing is not feasible, is OMB still required to complete the affordable housing assessment later in the CIP process?

The proposed affordable housing feasibility study deals with the co-location of affordable housing and another county facility like a library or police station. The existing affordable housing assessment deals with the evaluation of feasibility of including a significant amount of affordable housing in the project, which based on a reading of County Code (Chapter 25B, section 7) may or may not include co-location.

Could the Council approve the findings of the affordable housing feasibility study that states co-location of affordable housing is not feasible, but then the affordable housing assessment find that the site could potentially support an affordable housing development without co-location? The Council may want to add language to the bill that clarifies the relationship between the feasibility and assessment.

**While Planning staff has a minor question about the relationship between the feasibility and assessment study, Planning staff supports the intent of the bill and recommends that the Planning Board send a letter of support for Bill 33-22 to the County Council.**

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#### BRIEF HISTORY OF CO-LOCATION INITIATIVES IN MONTGOMERY COUNTY

Co-location, which is the establishment of several public facilities in one place, [has a long history in Montgomery County](#). From a 2003 Office of Legislative Oversight (OLO) countywide analysis of strategic plans, to profile coordination between facilities planning, to the establishment of a series of various working groups in subsequent years, co-location has long been considered a useful tool. More recently, the County Council has funded several initiatives related to co-location. In 2015, the Council funded two studies that were companion efforts: A [Colocation White Paper](#), which addressed possible opportunities and challenges for co-location in the county, including looking at policies and practices in other jurisdictions, and a Colocation of Public Facilities Study.

The work was also overseen by an Interdepartmental Work Group (referred to as the Director's Oversight Committee or DOC) consisting of senior staff from M-NCPPC, the Montgomery County Executive's Office, the Montgomery County Department of General Services, Montgomery County Public Schools, Montgomery College, WSSC, the Housing Opportunities Commission, and the County Council. The process resulted in a high level of engagement and participation by senior staff across agencies. One recommendation from the study was to formalize and continue the operation of the DOC



through a [County Council resolution](#), which was passed in October of 2018. The DOC has continued to meet several times annually to discuss future needs and visioning early enough in agency planning processes to consider ways in which co-location may assist in meeting the needs of both agency function as well as service delivery to the community.

There are many possible interpretations and applications of the co-location concept. The studies and work of the DOC recommended keeping the definition of co-location broad in order to retain the maximum flexibility that co-location projects can provide. Further, co-location should be embraced as a standard planning practice of physically locating organizations in facilities together to save resources and increase potential collaboration. To those ends, a framework of six definitions of co-location were developed:

1. Public Uses in the Same Building – This practice can include:
  - a. Intentionally planned uses for the same building
  - b. Accidentally occurring uses ending up in the same building (i.e. backfilling excess space, adding floors, etc.).
2. Adjacent Public Uses – Adjacent but not integrated public uses (not in the same building).
3. Adjacent Private Uses – Co-location could include a public use adjacent to a private use on the same site / parcel (i.e., retail space) but not in the same building.
4. Joint Use of Space – Shared land and common areas, such as lobbies, meeting spaces, restrooms, gymnasiums, playing / ball fields and parks, including community use of public facilities.
5. Public Private Partnerships (PPP) – Implementation of co-location through a private sector venture (i.e., mixed-use projects).
6. Shared / Other Public Benefits or Interest – To include more broadly defined uses of public interest beyond County services (i.e., other governmental entities, affordable housing, non-profits and other community benefits).

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## ROLE OF PLANNING IN CO-LOCATION

The Planning Board and Planning Department have a role in co-location, generally through three avenues: master planning, mandatory referrals and development review, and the Capital Improvements Program.

### Master Planning

The M-NCPPC master and sector planning process provides a platform for county agencies to locate new facilities for future use in specific geographies. It is an established means for agency collaboration in developing frameworks for the delivery of community services. Identification of potential agency and departmental projects during the planning process facilitates eventual project

implementation, since these plans are approved by the Planning Board and adopted by the County Council.

All master planning processes follow the same procedures, whereby they are prepared in cooperation with potentially impacted county agencies and in consultation with the County Executive, County Council and residents.

### Mandatory Referrals and Development Review

Sections 20-301 through 20-308 of Division II of the Land Use Article of the Annotated Code of Maryland, Mandatory Referral Review, require all federal, state and local governments, and public utilities to submit proposed public projects to the Montgomery County Planning Board for mandatory referral review. This code requires that the Planning Board review the proposed location and character of public or utility related land use initiatives in Montgomery County. The Planning Board must also review the acquisition or sale of any land by any public board, body or official. The Planning Board communicates its approval, approval with conditions, or disapproval, along with the reasons for its decision, to the applicant. Nonetheless, mandatory referral review and comments by the Planning Board are advisory only. Although many applicants choose to work with the Board in a constructive manner and take its recommendations into account, ultimately, the applicant may do as they wish.

As it relates to affordable housing, Montgomery County and the Department of Housing and Community Affairs generally does not own housing in the long run, therefore the affordable housing element of a co-location project may not be considered a government use. For the development of affordable housing on county-owned land or in a co-located project, housing projects (at least the housing portion of the project) use the normal development review processes with preliminary and/or site plan review and are subject to normal density rules.

### Capital Improvements Program

The Montgomery County Charter requires the County Executive to prepare a comprehensive six-year program for capital improvements, called the Capital Improvements Program (CIP), no later than January 15 of each even-numbered calendar year. The charter requires that the annual capital budget be consistent with the six-year program. In odd-numbered calendar years, the approved CIP, together with any amendments, continues to guide capital investment. The CIP includes all capital projects and programs for all agencies for which the county sets tax rates or approves budgets or programs.

Some county master plans include phasing elements to provide guidance about the timing and sequence of capital facilities in order to develop a CIP that serves long-range needs.

During the Council review process, the Planning Board provides comments to the Council regarding conformance with local plans. A final determination as to consistency of projects with adopted county



plans is made by the County Council. The Council adopts the CIP and approves a list of applicable state participation projects.

### Planning Board Role in Bill 33-22

While the role of the Planning Board in co-location will remain largely unchanged should Bill 33-22 be adopted, Planning staff believes that changes will allow more transparency to the existing evaluation of projects for co-location of affordable housing and county facilities. The bill also appropriately requires more analysis, ensuring that the increasingly limited opportunities for the co-location of affordable housing and county facilities are thoroughly evaluated earlier in the planning process increasing the likelihood of co-location and increasing the county's supply of affordable housing.

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## CONCLUSION

Montgomery County and Montgomery Planning have a long history of supporting co-location initiatives. In 2018, the Council signed [a resolution](#) supporting the findings and recommendations from the Montgomery County Colocation of Public Facilities Study and the ongoing efforts of the Directors Oversight Committee. While the county has a history of pursuing co-location, Bill 33-22 seeks to build upon previous successes through a strategic approach to evaluating co-location and affordable housing. Bill 33-22 is a deliberate and comprehensive approach to prioritizing the co-location of affordable housing with public projects. Bill 33-22 also recognizes that the development of new public facilities as well as affordable housing is becoming more challenging and expensive due to limited available resources and rising construction costs. In recognition of these factors, Planning staff supports Bill 33-22 as written.

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## ATTACHMENTS / LINKS

Attachment 1 – Introduction Packet for Bill 33-22

Link 1 – [Colocation White Paper \(January 2015\)](#)

Link 2 – [Colocation of Public Facilities Report \(April 2018\)](#)



**Committee:** PHED  
**Committee Review:** At a future date  
**Staff:** Ludeen McCartney-Green, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #AffordableHousing

## SUBJECT

Bill 33-22, Capital Improvements Program – Affordable Housing Feasibility Study – Required  
Lead Sponsor: Councilmember Friedson

## EXPECTED ATTENDEES

None; introduction

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce Bill – no vote expected

## DESCRIPTION/ISSUE

Bill 33-22 would:

- (1) require the County Executive 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.

## SUMMARY OF KEY DISCUSSION POINTS

- None

### This report contains:

Staff Report	Pages 1-3
Bill 33-22	©1
Legislative Request Report	©5
Lead Sponsor Memorandum	©6

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**MEMORANDUM**

November 10, 2022

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 33-22, Capital Improvements Program – Affordable Housing Feasibility Study – Required

PURPOSE: Introduction – no Council votes required

Bill 33-22, Capital Improvements Program – Affordable Housing Feasibility Study – Required, sponsored by Lead Sponsor Councilmember Friedson is scheduled to be introduced on November 15, 2022. A public hearing will be scheduled at a later date.<sup>1</sup>

Bill 33-22 would:

- (1) require the County Executive 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 co-location of affordable housing; and
- (3) generally amend County law regarding the analysis of capital projects.

**PURPOSE**

The purpose of this bill is to make the process of evaluating a project for co-location of affordable housing and County facilities more transparent between the Executive branch and the County Council.

**BACKGROUND**

Under the current law, the Office of Management and Budget is required to provide to the County Council during the transmission of the Capital Improvements Program (CIP) budget, an affordable housing assessment for each applicable capital project that is in facility planning.<sup>2</sup> The affordable housing assessment takes into consideration several factors in its evaluation: (1) the

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<sup>1</sup> #AffordableHousing

<sup>2</sup> County Code §25B-7

feasibility of including a significant amount of affordable housing in the project; (2) the effect of the project on the supply of affordable housing in the immediate area; (3) what capital or operating modifications, if any, would promote and maximize affordable housing in the project and the immediate area; and (4) what operating budget modifications, if any, would be needed to build and maintain affordable housing in the project.

The problem is by the time the capital project and housing assessment are included in the CIP for the Council's consideration of co-locating affordable housing with a new construction project, there are already barriers, *i.e.* site constraints, costs of construction, design elements, the program of requirements, etc., that prevents the feasibility of the project from moving forward, and as a result, a lost opportunity for affordable housing.

Bill 33-22 would seek to strengthen the evaluation of co-location of affordable housing and County facilities earlier in the capital project development process by requiring a robust feasibility study prior to facility planning and providing an opportunity for the Council to review the study and determine whether to support the findings or make further recommendations.

#### **BILL SPECIFICS**

Specifically, Bill 33-22 would require the County Executive to submit an affordable housing feasibility study *prior to* facility planning, development of the program of requirements, site selection, or land acquisition of any capital project. The study would include the following requirements, (lines 16-26 of the Bill):

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

- (1) a description of the proposed capital project;
- (2) outreach efforts and stakeholder input;
- (3) the program of requirements, if developed;
- (4) potential site and environmental constraints;
- (5) programmatic elements evaluated for co-location;
- (6) projected total cost of construction, including, if any, costs of co-location of affordable housing;
- (7) a statement of whether co-location is feasible; and
- (8) any other related components used for consideration to determine project feasibility.

After the Council receives the study submitted by the County Executive, within 30 days, the Council must review the analysis. The analysis will provide a basis for considering co-locating affordable housing on any new CIP project (this bill would not apply to refresh projects). The

Council must decide whether to approve or disapprove of the analysis presented in the feasibility study and depending on the Council’s decision, this sets the direction of the project.

*Feasibility Study Approved by Council.* If the affordable housing feasibility study is approved, DGS moves forward with its normal capital project development process (planning, design, budget, and construction).

*Feasibility Study Disapproved by Council.* If the Council disapproves the Executive Branch analysis, the Council can direct the Executive Branch to go back and perform additional analysis, and within a reasonable timeframe come back to the Council, with a capital project plan that includes co-location. The Council can approve the Executive’s plan for co-location, waive any requirements, or agree with the Executive Branch that housing is not feasible for a certain project. If the project is determined feasible, it would be included in the CIP for the normal budget review process to receive funding.

The bill also includes a waiver provision, if the Council determines the project would result in a loss of a site; require emergency appropriation; or experience further delay not in the best interest of the public.

The effective date of the bill would be July 1, 2023, after the CIP budget for FY 2023 is approved by the Council.

This packet contains:	<u>Circle #</u>
Bill 33-22	1
Legislative Request Report	5
Lead Sponsor Memorandum	6

0Bill No. 33-22  
Concerning: Capital Improvements  
Program – Affordable Housing  
Feasibility Study – Required  
Revised: 11/7/2022 Draft No. 5  
Introduced: \_\_\_\_\_  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Friedson

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### **AN ACT** to:

- (1) require the County Executive 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>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<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 applicable  
 5                   capital project that includes an evaluation of co-location 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          (b)   Affordable housing feasibility study. For any applicable capital project,  
 12                   prior to facility planning, development of program of requirements, site  
 13                   selection, or land acquisition, the County Executive must prepare and  
 14                   transmit to the Council an affordable housing feasibility study.

15          (c)   Contents of the feasibility study. The study must include, but is not limited  
 16                   to, the following:

- 17                   (1)   a description of the proposed capital project;
- 18                   (2)   outreach efforts and stakeholder input;
- 19                   (3)   the program of requirements, if developed;
- 20                   (4)   potential site and environmental constraints;
- 21                   (5)   programmatic elements evaluated for co-location;
- 22                   (6)   projected total cost of construction, including, if any, costs of co-  
 23                   location of affordable housing;
- 24                   (7)   a statement of whether co-location is feasible; and
- 25                   (8)   any other related components used for consideration to determine  
 26                   project feasibility.

27          (d)   County Council review; capital project plan.

- 28           (1) Within 30 days after the Council receives the affordable housing  
 29           feasibility study under subsection (b), the Council must:  
 30           (A) review the feasibility study; and  
 31           (B) determine by a vote whether to approve or disapprove the  
 32           analysis provided in the feasibility study.
- 33           (2) An analysis approved by the Council under subparagraph (1)(B)  
 34           permits the project to proceed in its normal course of planning,  
 35           design, and construction.
- 36           (3) If the Council disapproves of the analysis under subparagraph  
 37           (1)(B) and determines that co-location of affordable housing is  
 38           feasible, the County Executive must, within a reasonable  
 39           timeframe, develop and transmit to the Council a plan where the  
 40           capital project identified in the study includes co-location of  
 41           affordable housing.
- 42       (e) Review of the Executive’s plan. Unless waived by the Council, before  
 43       appropriation in the Capital Improvements Program, the Council must  
 44       review and approve the plan submitted by the Executive under subsection  
 45       (d)(3). A plan that does not include co-location must contain a written  
 46       explanation describing the circumstances as to why the requirements for  
 47       co-location could not be fulfilled.
- 48       (f) Waiver. The Council may waive any requirement under this Section if the  
 49       Council determines the project would:
- 50           (1) result in a loss of a site;  
 51           (2) require emergency appropriation; or  
 52           (3) experience further delay not in the best interest of the public.
- 53       [(a)] (g) Affordable Housing Assessment. For each applicable capital project in

54 the Capital Improvements Program during facility planning, the Office  
55 of Management and Budget must include in or transmit with the CIP an  
56 evaluation of:

- 57 (1) the feasibility of including a significant amount of affordable  
58 housing in the project;
- 59 (2) the effect of the project on the supply of affordable housing in the  
60 immediate area;
- 61 (3) what capital or operating modifications, if any, would promote and  
62 maximize affordable housing in the project and the immediate  
63 area; and
- 64 (4) what operating budget modifications, if any, would be needed to  
65 build and maintain affordable housing in the project.

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

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

70 \* \* \*

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

## LEGISLATIVE REQUEST REPORT

Bill 33-22

*Capital Improvements Program – Affordable Housing Feasibility Study – Required*

**DESCRIPTION:** Bill 33-22 would: (1) require the County Executive 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 co-location of affordable housing; and (3) generally amend County law regarding the analysis of capital projects.

**PROBLEM:** Co-location allows the County to shift its focus away from stand-alone individual projects and toward either (a) making maximum use of its existing assets or (b) integrating the County’s goal of increasing its stock of affordable housing into the objectives of new CIP projects. The purpose of this bill is to make the process of evaluating a project for co-location of affordable housing and County facilities more transparent between the Executive branch and the County Council.

**GOALS AND OBJECTIVES:** To strengthen the existing requirement for the Executive Branch to assess the viability of co-location of affordable housing with new or significantly renovated county facilities at a site for a potential library, recreation center, police station, fire station, or any general services building in the County.

**COORDINATION:** Department of General Services

**FISCAL IMPACT:** To be completed by OMB

**ECONOMIC IMPACT:** To be completed by OLO

**EVALUATION:** To be completed.

**EXPERIENCE ELSEWHERE:**

**SOURCE OF INFORMATION:** Ludeen McCartney-Green, Legislative Attorney

**APPLICATION WITHIN MUNICIPALITIES:** N/A

**PENALTIES:** N/A



MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

ANDREW FRIEDSON  
COUNCILMEMBER  
DISTRICT 1

MEMORANDUM

TO: Colleagues  
FROM: Andrew Friedson *AF*  
SUBJECT: Colocation of Affordable Housing with County Facilities  
DATE: November 9, 2022

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On November 15, 2022, I will be introducing legislation (attached) to strengthen the [existing requirement](#) for the Executive Branch to assess the viability of colocation of affordable housing with new or significantly renovated county facilities.

We are all aware of the housing crisis we face. Bill 33-22, which helps ensure we make the highest and best use of county-owned property by collocating affordable housing with our own capital projects, provides another important tool to address our county's housing needs and allows us to lead by example. We have unfortunately missed countless opportunities for colocation in the past. Because our housing needs are great and our land is scarce, we must aggressively pursue each feasible project. This bill would accomplish that goal by ensuring a thorough and transparent analysis and review deserving of our shared commitment to increasing our affordable housing supply.

Specifically, this bill would add the following requirements/conditions:

- Require an affordable housing feasibility study prior to facility planning, development of the program of requirements, site selection, or land acquisition. This study would include eight requirements outlined on lines 19-28 of the draft and be submitted to the Council which would then review the analysis and approve or disapprove the assessment, setting the direction of the project.
- If the affordable housing feasibility study is approved, DGS moves forward with their normal capital project development process working with DHCA, HOC, and/or a private or nonprofit housing development partner.
- If the Council disapproves the Executive Branch assessment, the Council can direct the Executive Branch to go back, do additional analysis, and come back to the Council or the Council can concur with the Executive Branch that housing is not feasible for a given project.
- The colocation projects then make their way to inclusion in the CIP which the Council receives and reviews during the regular CIP review process. The Council President has the discretion to send the review of these projects to the appropriate Council committee(s) or to put a project on the full council agenda for review by the body.
- If anything has changed from the time of the Council's approval of the affordable housing assessment, the Executive Branch must come to the Council requesting a waiver to build a stand-alone county facility.

Please let us know if you would like to co-sponsor this legislation and of course, do not hesitate to reach out to me or Cindy with any questions.