



Committee: PHP
Committee Review: At a future date
Staff: Livhu Ndou, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #7C
January 27, 2026
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 26-04, Mixed-Income Housing Community – Eligibility

Lead Sponsors: Councilmembers Friedson and Sayles

Co-Sponsors: Councilmember Luedtke, Council President Fani-González, and Councilmembers Balcombe and Evans

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce agenda item – no vote expected

DESCRIPTION/ISSUE

ZTA 26-04 will amend the definition of a Mixed-Income Housing Community, lowering the threshold to qualify for that use.

SUMMARY OF KEY DISCUSSION POINTS

- ZTA 26-04 amend the definition of a Mixed-Income Housing Community. The amendments will lower the eligibility threshold for a Mixed-Income Housing Community, with the intent of allowing more projects to go through the Expedited Approval Plan process under [Section 7.3.5](#).
- ZTA 26-04 will eliminate the 150,000 square foot minimum requirement for a Mixed-Income Housing Community. It will also increase the minimum number of dwelling units from 30 units to 50 units. These changes will allow smaller projects to qualify, while maintaining a minimum project size that guarantees affordable units.
- ZTA 26-04 will include 4% Low-Income Housing Tax Credits (LIHTC) from the Maryland Department of Housing and Community Development (DHCD). Previously, only 9% LIHTC projects were eligible.
- A public hearing is tentatively scheduled for March 3, 2026.

This report contains:

ZTA 26-04

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Ordinance No.: _____
Zoning Text Amendment No.: 26-04
Concerning: Mixed-Income Housing
Community – Eligibility
Revised: 1/9/2026 Draft No.: 1
Introduced: January 27, 2026
Public Hearing: _____
Adopted: _____
Effective: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmembers Friedson and Sayles
Co-Sponsors: Councilmember Luedtke, Council President Fani-González, and Councilmembers
Balcombe and Evans

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) amend the definition of a Mixed-Income Housing Community; and
- (2) generally amend the requirements for a Mixed-Income Housing Community.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.3. “Residential Uses”
Section 3.3.4. “Mixed-Income Housing Community”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

27 4. the project receives an award of either 4% or 9% Low-Income
28 Housing Tax Credits (LIHTC) from the Maryland Department of
29 Housing and Community Development (DHCD).

30 **B. Exemptions**

31 1. A sketch plan and a site plan are not required for a Mixed-Income
32 Housing Community if the Planning Board approves a Mixed-Income
33 Housing Community plan under Section 7.3.7.

34 2. After a Mixed-Income Housing Community is approved, subsequent
35 additions or expansions of the Mixed-Income Housing Community
36 building or buildings, in any size or amount, will be processed under
37 Section 7.3.7 as amendments. The plan, as amended, must still qualify
38 as a Mixed-Income Housing Community plan under Section 3.3.4.A.

39 3. No off-street parking is required for a Mixed-Income Housing
40 Community that is located on property:

41 a. within a red policy area including contiguous properties
42 separated from a red policy area only by a public right-of-way;
43 or

44 b. within ½ mile of a planned or existing Bus Rapid Transit route
45 including the Corridor Connectors.

46 * * *

47 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
48 date of Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council