



10400 Detrick Avenue
Kensington, MD 20895-2484
(240) 627-9425



ADMINISTRATIVE AND REGULATORY COMMITTEE

April 15, 2024

4:00 p.m.

Livestream: <https://youtube.com/live/mYC4TfOA9wE?feature=share>

The public is invited to attend HOC's April 15, 2024 Administrative and Regulatory Committee meeting in-person. HOC's Board of Commissioners and staff will continue to participate through a hybrid model (a combination of in-person online participation).

Approval of Minutes:

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Minutes

HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY

10400 Detrick Avenue
Kensington, Maryland 20895
(240) 627-9425

Administrative and Regulatory Committee Minutes

February 13, 2024

For the official record of the Housing Opportunities Commission of Montgomery County, an open meeting of the Administrative and Regulatory Committee was conducted via a hybrid platform (a combination of in-person and online platform/teleconference) on Tuesday, February 13, 2024 with moderator functions occurring at 10400 Detrick Avenue, Kensington, Maryland beginning at 4:00 p.m. There was a livestream of the meeting held on YouTube, available for viewing [here](#).

Those in attendance were:

Present

Frances Kelleher, Chair

Attending via Zoom

Pamela Byrd – Commissioner

Absent

Linda Croom- Commissioner

Also Attending

Chelsea Andrews, President/ Executive Director
Kayrine Brown, Senior Executive Vice President
Aisha Memon, SVP Legal Affairs, General Counsel
Lynn Hayes
David Brody

Elliot Rule
Ken Silverman
Morgan Tucker
Darcel Cox

Also attending via Zoom

Nitin Gupta
Ahu Manafi
Sean Asberry

IT Support

Aries Cruz, IT Support
Irma Rodriguez, IT Support

Commission Support

Jocelyn Koon, Special Assistant

Commissioner Kelleher provided opening remarks and introduced Commissioner Byrd who joined the meeting virtually. Commissioner Croom was necessarily absent.

APPROVAL OF MINUTES

The minutes of the November 20, 2023 Administrative and Regulatory Committee meeting were approved upon a motion by Commissioner Byrd and seconded by Commissioner Kelleher. Affirmative votes were cast by Commissioners Kelleher and Byrd. Commissioner Croom was necessarily absent and did not participate in the vote.

DISCUSSION/ACTION ITEMS

1. Authorization to Submit HOC’s Fiscal Year (“FY”) 2025 Five-Year Public Housing Agency (“PHA”) Plan

Chelsea Andrews, President, provided an overview and introduced Darcel Cox, Vice President of Compliance, who provided the detailed presentation. Staff recommended that the Administrative and Regulatory Committee join staff in its recommendation to the Commission to authorize the President, or her designee, to submit the FY 2025 Five-Year PHA Plan to HUD on or before, April 17, 2024. A motion was made by Commissioner Byrd and seconded by Commissioner Kelleher to recommend to the full Commission. Affirmative votes were cast by Commissioners Kelleher and Byrd. Commissioner Croom was necessarily absent and did not participate in the vote.

2. Discussion: State & County Legislation

Chelsea Andrews, President, provided an overview and introduced Ken Silverman, Vice President of Government Affairs, who provided the detailed presentation. Mr. Silverman highlighted the current legislation and addressed some of the barriers affecting HOC’s ability to deliver affordable housing as well as housing supply. The Administrative and Regulatory Committee provided comments and thanked Mr. Silverman for his informative presentation.

Commissioner Kelleher adjourned the meeting at 4:48pm.

Respectfully submitted,

Chelsea Andrews
Secretary-Treasurer

/jlk

Discussion Items



Discussion:
State Legislative Session Wrap Up

Chelsea Andrews
President

Ken Silverman
Vice President, Government Affairs

Administrative & Regulatory Committee
April 15, 2024

HOC's 2024 State Legislative Priorities

More affordable homes



Create a statewide matching fund for locally-funded public development



Work with DHCD to allow local HFAs to participate in programs such as Rental Housing Works without using CDA senior debt



Increase funding for the state's Housing Trust Fund, Capital Fund and related programs



Explore possibilities to use surplus state land in Montgomery County for affordable housing



Explore incentives to increase private sector participation in affordable housing

More rental assistance



Implement the new Statewide Rental Assistance Voucher Program fairly by allocating vouchers by population. Grow the program in future years



Re-establish a statewide Emergency Rental Assistance fund



More supportive services

Maximize opportunities to provide digital equity programs for our customers



Develop agreements and systems to enhance data sharing and coordination across agencies



Identify opportunities for grants and capital funding for individual properties and projects

Regulatory flexibility



Remove requirements that burden affordable housing development



Provide funding and clear guidance when imposing new requirements on affordable housing



Key dates

2024 Session

- January 10: General Assembly Convened
- April 8 (90th Day): Sine Die Adjournment
- April 28 (20th day after adjournment): Deadline for Assembly to present bills to Governor
- May 28 or 30th day after presentment: Governor must sign or veto bills
 - Veto override votes must be held immediately at next general or special session
- July 1: new Fiscal Year begins, budget and tax bills take effect
- October 1: Usual effective date for bills, unless otherwise provided

Looking ahead to 2025

- November 1, 2024: Drafting deadline for prefiled bills
- November 20, 2024: Deadline to approve prefiled bills
- November 2024: Montgomery County Delegation Priorities Hearing
- December 2024: Local bill hearings
- January 8, 2025: 2025 Session Convenes
- April 7, 2025: 90th day of 2025 session



2024 State Legislative Session by the Numbers

3,092 bills introduced

- 1,188 in Senate and 1,904 in the House
- 1,053 bills passed both chambers

\$63 billion FY25 Operating Budget

- Approximately \$3 billion in bond-funded capital projects
- 9.4% reserves (\$2.3 billion)
- Compromise between House and Senate avoided major tax increases this year; numerous transportation-related fees and fines increased to help close transportation funding shortfall



Governor's Housing Package

HB538/SB484 - Housing Expansion and Affordability Act of 2024

- Major changes from Governor's original proposal:
 - 30% bonus density in multifamily zones
 - within $\frac{3}{4}$ mile of rail station and minimum affordability of 15%; or
 - nonprofit ownership and 25% affordability
 - Middle housing allowed in single family zones
 - nonprofit ownership and minimum 25% affordability
 - newly zoned single family within $\frac{3}{4}$ miles of rail station with 15% affordability

HB599/SB483 - Housing and Community Development Financing Act of 2024

- Creates new state entity to attract New Market Tax Credits
- Expanded board membership for broader representation

HB693/SB481 - Renters' Rights and Stabilization Act of 2024

- Creates state Office of Tenant and Landlord Affairs
- Creates statewide tenant opportunity to purchase for rental properties with less than 4 units
- Raises eviction filing fee from \$8 to \$43 (Governor had proposed \$83 dollars)
 - 45% for tenant legal services; 45% to state voucher program; 10% to new Community Schools Rental Assistance program



Selected legislation on Governor's desk - HOC Legislative Priorities

HB7/SB203 - Statewide Housing Innovation Fund

- Sponsored by Del. Vaughn Stewart and Sen. Jeff Waldstreicher
 - Creates a new pilot program to fund three projects in three separate local jurisdictions
 - Designed to support projects that are mixed-income (at least 20% at 50% AMI or 40% at 60% AMI), owned by a public or nonprofit entity, and do not use LIHTC or Volume Cap
- \$35 million over 5 years
 - The legislature appropriated \$10 million for FY25, and proposed additional \$5 million appropriations for FY26-29
 - Funded as a carve out from the State's primary affordable rental housing loan program, and will be managed by the state's Department of Housing and Community Development
 - If funds are not committed within 12 months of appropriation, they will be automatically made available through the traditional housing program

HB424/MC 3-24 - Montgomery County - Housing Opportunities Commission - Alterations

- Removes specific public hearing requirement for "assisted" housing and requirement to publish notices in physical newspapers
- Working with Council on County bill to remove similar requirements from County law



Selected legislation on Governor's desk - housing bills

HB17/SB274 - Charter Counties - Comprehensive Plans - Affirmatively Furthering Fair Housing

- Requires an AFFH assessment be included in any amendments to a County's comprehensive plan
- In Maryland, obligation is on the Planning Department, with input from PHA and County Gov't

HB93/SB162 - Landlord and Tenant - Termination of Residential Lease - Limitation of Liability for Rent

- Limits tenant liability for unpaid rent to two months if a physician or psychologist certifies that the tenant has a mental disorder that requires the tenant to move because of physical mobility issues or the need for a higher level of care than can be provided at the leased premises

HB131 - Housing Development Permit Applications - Local Reporting Requirements

- Requires jurisdictions with over 150,000 residents to report data on building permits and development applications to DHCD

HB428/SB370 - Community Schools - Rental Assistance for Community School Families Program and Fund - Establishment

- Creates a program that allows Community Schools to provide emergency rental assistance to families of students that are facing eviction, designed to reduce student turnover in high-poverty schools
- Appropriated \$10 million statewide for FY25



Selected legislation on Governor's desk - housing bills con't

HB577/SB1107 - Housing and Community Development - Study on the Establishment of a Homeless Shelter Licensing Program

- There is currently no statewide licensing requirement for homeless shelters; oversight of shelters is currently based on source of funds, with HUD, the state, and/or local government playing a role

HB823/SB689 - Fire Protection and Prevention - Residential Rental Property - Requirements (Melanie Nicholle Diaz Fire Safety Act)

- Establishes some additional fire safety requirements and creates a Workgroup to study best practices for fire safety in high-rises that are not currently sprinklered

HB1117/SB946 - Landlord and Tenant - Failure to Repair Serious and Dangerous Defects - Tenant Remedies (Tenant Safety Act of 2024)

- Significantly strengthens tenants ability to pay rent into escrow with court and withhold payment to the landlord while adjudicating a claim of a landlord's failure to repair a serious or dangerous defect

HB181/SB19 - Failure to Pay Rent Proceedings - Shielding of Court Records

- Requires District Court to shield public records relating to a Failure to Pay Rent Proceeding that does not result in a judgement of possession (eviction of the tenant)



Selected legislation on Governor's desk - local bills

HB372/SB354 - Montgomery County and Prince George's County – Rent Court Workforce Solutions Pilot Program

- Requires each County's workforce development organization to collaborate with the District Court to provide information on workforce resources, apprenticeships and employment opportunities to defendants in failure to pay rent cases.

HB989 - Montgomery County – Subdivision Plats – Conditions PG/MC 111–24

- Streamlining measure allowing tentative approval of a subdivision plat subject to conditions; will allow for more concurrent development review

HB1003 - Montgomery County - Clerk of the Circuit Court - Plat Recordation PG/MC 110-24

- Allows electronic record plats



Selected legislation on Governor's desk - other

HB225/SB309 - Sustainable Growth Subcabinet and Repeal of the Office of Smart Growth

- Renames the Smart Growth Subcabinet to the Sustainable Growth Subcabinet

HB241/SB308 - Housing and Community Development - Just Community Designation

- Allows the Governor to designate areas of the state as “Just Communities” which would have enhanced priority for certain state funding

HB1271/SB818 - Information Technology - Artificial Intelligence - Policies and Procedures (Artificial Intelligence Governance Act of 2024)

- Establishes procedures for State government use of artificial intelligence and establishes an Artificial Intelligence Subcabinet

SB1099 - Emergency Services - Automated External Defibrillator and Naloxone Co-Location Initiative - Requirements for Public Buildings

- Creates a process to require Naloxone to be available in public buildings, co-located with automated external defibrillators



Adjourn