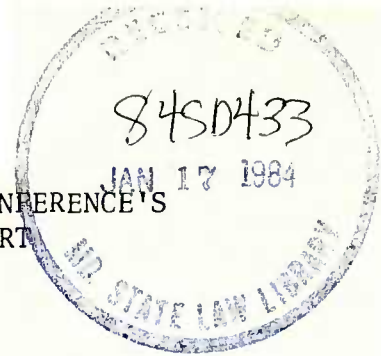


THE MARYLAND AFFORDABLE HOUSING CONFERENCE'S
PLANNING COMMITTEE'S REPORT

NOVEMBER, 1983



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In January 1983, Maryland was selected to participate as one of four states in the Federal Department of Housing and Urban Development's "Joint Venture for Affordable Housing". The purpose of the Joint Venture is: to identify Federal, State, and Local actions which discourage or prevent the use of innovations that can reduce housing costs, to demonstrate innovations in building, site development and processing, and to share these achievements with builders, government officials, civic organizations, and housing consumers.

The "Maryland Affordable Housing Conference" was held on July 13 and 14, 1983 in Annapolis, Maryland, in order to develop recommendations for State actions to reduce the cost of housing for all Maryland citizens. The conference was sponsored by the Governor's Office, the General Assembly, and the Department of Economic and Community Development. Planning was done by a private-public sector committee in conjunction with a national program under the auspices of the National Governor's Association, the National Conference of State Legislatures, and the Council of State Community Affairs Agencies. Funding for the conference was provided in part through a grant from H.U.D.

With an attendance of over 250, drawn from more than 100 separate businesses, non-profit agencies, local governments, and State and Federal government agencies, the conference represented a broad cross-section of Marylanders with a direct interest in reducing housing costs.

The conference was divided into nine workshops, each dealing with a particular segment of the affordable housing issue. After two days of vigorous debate, each workshop presented a series of recommendations relevant to the assigned topic to the entire conference. These recommendations are attached, in full, at the end of this document. While they may not represent the consensus of the entire conference, they do reflect the discussions which took place within each individual workshop.

We recognize that certain of the recommended actions are currently partially enacted; we urge their continuation and intensification.

This report represents the Planning Committee's efforts to condense, summarize and extract the most critical recommendations from the workshops. There was no intent to disregard the other recommendations.

For implementation purposes, the committee has decided to follow a process which would focus initially on Legislative actions and to utilize all of the diverse interests represented on the committee to work with the Legislature during the 1984 General Assembly session. We, as a committee, recognize that our charge to implement the Workshop Recommendations is only just beginning.

We urge you to read this report and contact us if you would like to help in our efforts to implement the recommendations. Also, if you have any questions we are available to discuss them with you. Assistant Secretary Ardath Cade's office (301-269-2468) will forward your comments and/or questions to the committee.

MARYLAND AFFORDABLE HOUSING CONFERENCE STEERING COMMITTEE

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The Honorable Floyd Wilson
Vice Chairman
Prince George's County Council

RECOMMENDATIONS OF THE MARYLAND AFFORDABLE HOUSING CONFERENCE

ACTION BY: FISCAL IMPACT
(\$=YES)

THE STATE SHOULD:

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| <p>** 1. Make clear that Maryland regards the abandonment of low and moderate-income housing programs by the Federal Government as poor public policy, and advocate that workable Federal housing programs which have been discontinued should be reinstated. This advocacy should include, but not be restricted to, intensive lobbying efforts to repeal the Federal Sunset Provision on single-family mortgage revenue bonds and to restore Federal subsidies for new housing construction.</p> | <p>Governor
Legislature
DECD</p> | |
| <p>2. Make clear its belief that affordable housing contributes both to economic development and to the growth of healthy communities. To this end, the State should play a significant role in the shaping of public attitudes regarding affordable housing. This should include a re-definition of the State's role in the housing market, making certain that the State complements rather than competes with, the private sector.</p> | <p>Governor
Legislature
DECD</p> | |
| <p>3. Require a complete review of local barriers to affordable housing prior to the consideration of financing under CDA or insuring through the Maryland Housing Fund, giving preference in financing or insurance to areas which show that efforts have been made to remove barriers to affordable housing. In concert with the granting of MILA, MIDFA, and other economic development loans, the State should encourage and/or require that local jurisdictions develop affordable housing plans for new workers.</p> | <p>DECD
DSP</p> | |
| <p>4. Require each State agency to identify and remove unreasonable barriers to affordable housing. As a guide, each agency should systematically review "A Preliminary Summary of Maryland Laws, Regulations, and Programs That May Affect the Cost of Housing" to identify and eliminate all duplicative reviews in the permit process.</p> | <p>Governor
All Agencies</p> | <p>\$</p> |
| <p>5. Study legislation mandating that adequate public facilities plans in every jurisdiction are consistent with the master plan for that jurisdiction, and that failure of a jurisdiction to correct inadequacies shall not be the basis of exclusionary policies or development moratoria.</p> | <p>Legislature</p> | <p>\$</p> |
| <p>6. Investigate possibility of having State-established criteria for professional qualifications of building inspectors and plans examiners, and grant certifications based upon competency. This should be established with a concurrent multi-disciplined training program for inspectors at all levels.</p> | <p>Legislature
DECD</p> | <p>\$</p> |

	Legislature	
7. Consider legislation which would allow the professional designer (e.g. architect or engineer) to self-certify construction documents.		
** 8. Eliminate the transfer tax (½ of 1% of the sale price) for limited income first time home buyers, (subject to either a property price or income ceiling.) Further, encourage the local jurisdictions to examine their recordation tax in the same light.	Legislature	\$
9. Investigate legislating a delay in property tax on all newly constructed or rehabilitated residences, up to 80% of the assessment, for all residences selling for less than the FHA maximum loan.	Legislature	\$
10. Investigate whether title insurance and other costs of legal documentation are greater in Maryland than in other states and why; also investigate the impact that the reduction of these costs would have upon housing affordability and tax revenues.	Legislature DSP DECD	\$
11. Develop, through the Department of State Planning a variety of land use development models, including (but not limited to):	DSP	
<p>Innovative subdivision ordinances which include such items as density bonuses for affordable housing, manufactured housing and mobile homes, and accessory units.</p>		
<p>Technical assistance in implementation should also be provided, as requested. Localities should also be assisted in streamlining their permit processes, with emphasis upon concurrent processing, uniform application of codes and realistic and binding time frames, which, if not met, result in automatic approval. State Planning should also provide localities, on request, technical assistance in the design, implementation, and evaluation of development proposals.</p>		
** 12. Establish a Task Force to investigate the potential for reducing or eliminating conflicting building and fire code requirements. The Task Force should should examine the efforts of other states in this area, and make specific recommendations as to how inconsistencies might be eliminated. The Task Force also should investigate and and evaluate the highly controversial issue of the impact of implementing a uniform statewide building code.	Governor DECD Legislature	
13. Educate the public about both the physical and financial aspects of alternative housing arrangements and new building technologies. This would include: -providing information to contractors, builders, and other code users about new technologies and building processes;	DECD	\$

-sponsoring, in concert with the private sector, demonstration projects of low cost and innovative construction techniques; and
 -sponsoring a continuing technical assistance/training program on affordable housing for citizens, developers, and government officials. Examples of alternatives to be examined would include community based housing alternatives for the elderly, such as sheltered housing, accessory units, and the development of home equity conversion instruments.

All initiatives, particularly the training/technical assistance program, should be very locally targeted, and co-sponsored by a wide range of interested organizations.

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| 14. Establish a State demonstration program which would finance the construction of accessory housing units. | DECD | \$ |
| 15. Evaluate insuring mechanisms used by the Maryland Housing Fund as to their suitability to insure alternative mortgage arrangements, as well as to insure the financing of alternative housing arrangements such as congregate housing. | DECD | |
| 16. Work with the Maryland Bar Association to develop model legal agreements and legislation, if needed, for non-traditional owner/occupant situations and non-traditional co-ownership situations. | DECD | |
| 17. Develop a sophisticated multi-media public relations campaign (similar to the economic development "carrot campaign") to educate the public about the value of our existing housing stock and ways to increase its appropriate utilization. | DECD | \$ |
| 18. Create a study group to investigate the proper State role in providing assistance to nonprofit housing groups and small developers, particularly in terms of their efforts to gain access to equity capital raised through syndication. Possible State financial support for those groups found to be particularly successful should also be investigated. | Governor
DECD | \$ |
| 19. Employ staff to serve as FmHA packagers to maximize the availability of currently under-used FmHA Section 504 and 502 loan and grant funds allocated to Maryland. | DECD | \$ |
| 20. Employ an "ombudsman" or processing agent to aid non-profits, public housing agencies, and small developers in making use of Local, State and Federal housing programs. Additionally, a catalogue of all State, Federal, and local housing programs, written in layman's language, should be published and made available to the interested public. | DECD | \$ |
| 21. Investigate the potential for CDA financing of mixed-use properties (commercial and residential). | DECD | |

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| ** | 22. Examine the potential for an infrastructure bank, a revolving fund to which jurisdictions could apply for capital for growth and to construct improvements of regional significance. Suggested sources for this bank might be portions of existing income tax. | Legislature
Governor
DSP | \$ |
| ** | 23. Encourage consideration of the use of longer term mortgages by private lenders, urging regulatory agencies in the banking community to allow 50 year term mortgages. | Governor
Legislature | |
| ** | 24. Create a pool of money, supported by new G.O. funds and some profits from existing financing programs, to be used to provide "gap" financing for affordable housing. This State equivalent of the housing portion of the Urban Development Action Grant Program could provide secondary financing, on an interest only basis, with principal repayment at the time of sale. The targeted users of this program would be first time single-family homebuyers or large low and moderate income multi-family dwellings. | Legislature
DECD | \$ |
| | Actively address the withdrawal of Federal resources by designing, developing, and implementing various pilot programs (i.g., State-funded public housing and rental subsidy programs). | | |
| | 25. Study the benefits and methods of encouraging the use of "ground rent" instead of land purchase as a means to reduce initial costs for prospective home purchasers. | Governor
Legislature | |
| ** | 26. Investigate ways of encouraging the use of publicly-held surplus land or sites for affordable housing, where such use is appropriate. | Governor
Legislature | \$ |
| ** | 27. Establish State procedures which will provide long-term housing support services for deinstitutionalized citizens. | Legislature
DHMH | \$ |
| ** | 28. Grant funds to local providers of emergency shelter for the homeless to pay for aquisition or repair of shelters, and encourage the counties to utilize vacant structures for emergency housing. | DHR | \$ |
| ** | 29. Create a study group to examine the property tax assessment process for the purpose of identifying ways of removing disincentives to owner rehabilitation and repair. | Legislature
Assessments &
Taxation | \$ |
| | 30. Make loan funds available to landlords to weatherize properties in exchange for rent stabilization guarantees. | DHR | \$ |
| | 31. Explore methods to increase the availability of financing for affordable housing, including: | Governor
Legislature | |
| | -increasing the investment by public and private pension funds in Maryland mortgages; | | |
| | -using State leverage with it's depository banks to accrue benefits to be used for affordable housing; | | |

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| 32. Act to increase the number of people who can qualify for existing housing assistance programs, by encouraging lenders and insurers (MHF & PMI's) to relax underwriting requirements where feasible. | DECD | |
| 33. Explore methods to encourage the increased utilization of manufactured housing. | DECD
Legislature | |
| 34. Consider legislation regarding zoning requirements that would encourage the production of affordable housing. | Legislature
DSP | |
| 35. Consider the enactment of legislation with stronger penalties that more specifically address housing discrimination, particularly against families with children. | Legislature | |
| 36. Reassess tax assessment procedures and real property-related programs (circuit breakers) for low-income renters and owners to achieve greater affordability of housing for more persons. | Legislature | \$ |
| 37. Consider imposing a general environmental tax perhaps as a percentage of existing sales tax to aid municipalities in meeting environmental imposed State standards rather than passing this cost entirely on to new housing. | Legislature
DSP
DNR | \$ |
| 38. Create legislation which defines that the vested right to development exists when permits are issued, sparing developers the financial burden caused by delays (particularly when low income housing or other potentially unpopular land uses are involved). | Legislature | |
| 39. Review all new State regulations to determine the pass-through cost to the housing consumer by the use of cost/benefit analysis. | All Agencies | |
| 40. Study possibilities for encouraging the use of vacant properties and disincentives for holding vacant properties. | DSP | |
| 41. Greater use of tax increment financing for infrastructure should be encouraged. Tax Increment Legislation should be amended to include Housing. | Legislature | \$ |
| 42. Create a Legislative Study Group to examine ways of providing Mortgage Payment Assistance for the unemployed. | Legislature | \$ |

** Initial Focus

Abbreviations:

DECD: Department of Economic & Community Development
 DSP: Department of State Planning
 DHMH: Department of Health & Mental Hygiene
 DHR: Department of Human Resources

Moderator: Robert J. DiAiso, Sr.
Dewberry & Davis Associates

Resource: Margery Spinney, DECD

DUPLICATION/REDUNDANCY

1. Eliminate the duplication of State Department of Health and Mental Hygiene review on water, sewer and stormwater where there is an equivalent review at the local level.

Although this is a benefit to rural counties that may not have the technical staff to perform these reviews, it is a complete duplication of review in urban areas where municipal agencies such as WSSC and utility departments also review and approve these plans prior to subdivision approval. Moreover, the governmental subdivisions responsible for subdivision review ultimately to take-over maintenance responsibilities so the state review is superfluous, causing a delay in the start of sewer and water construction which, in turn, delays the production of building lots and increases interest costs.

If the sewer and water lines are to be constructed with state highway right-of-way the State Highway Administration also issues its own construction permit. If you access the state highway, another division of SHA issues its own access permit.

Storm drainage is also over-reviewed. The local subdivisions review storm sewer design; soil conservation service reviews the outfalls or discharge points of these storm sewers. If the storm sewer discharges to a state highway culvert, SHA Hydraulics Division reviews the design. If a flood plain with 400 acres of drainage area is affected, Water Resources Administration (DNR) issues its own permit after a hearing. It is not unusual for three or four engineers representing various agencies to all be in the field together looking at one sewer. This responsibility should be consolidated rather than fragmented.

- II. Develop model processes to provide ordinances, a standardized review system and one stop application and permit system for new land development as well as rehabilitation. (State review, County review, Municipal review).

The State of Connecticut developed Act 81-233 for processing subdivision approvals for land development. This act centralized permit responsibility for coordination and control by assigning a permit administrator on state and local level; set times for review and approval; and provided a formal review process. Additionally, public hearings are consolidated so that only one agency conducts the hearing.

Currently, subdivision review processes require anywhere from 5 months to 3 years to complete depending upon the jurisdiction. This disparity should not exist. Theoretically, there should be one process which is rigorous enough to protect public health, safety and welfare but expeditious enough to ensure rapid review.

The State should consider certifying local jurisdictions to perform review tasks which they are now performing.

- III. Establish a State Task Force to review all state regulation and local subdivision regulations to eliminate duplicity and unneeded regulation

as well as estimate the cost burden to the consumer of the regulatory requirements.

This would be needed as an input to developing model legislation. All regulations should be periodically reviewed for obsolescence.

- IV. All new state regulations should be reviewed to determine the pass through cost to the housing consumer by use of cost/benefit analysis.

New regulations often place the cost burden for improvements that benefit the public at large on the new housing consumer. Examples are clean water standards and regulations which are designed to clean up water bodies from which the public will benefit but apply only to new construction not to existing development which is contributing to the problem: a la storm water management regulations, upgrading sewage treatment plants to meet tertiary standards. The new consumer pay higher capital connection charges.

- V. The state should consider imposing a general environmental tax perhaps as a percentage of sales tax to aid municipalities in meeting environmental imposed state standards rather than passing this cost onto all new housing.

- VI. Assemble all state regulations affecting new residential construction in one manual to assist the public as well as private builders in understanding the regulations which affected land development.

- VII. The State should create legislation to vest land development approvals from zoning or regulation changes prior to putting foundations in the ground.

Currently, no new development is considered vested by the courts until foundations have been placed. This creates difficult financing constraints as well as tremendous risk for any builder, especially for low and moderate income housing or other potentially unpopular land uses.

- IX. Identify a comprehensive list of regulations impacting housing development. Determine and assign the appropriate level of government to carry out a particular function. This might include, for example, certifications of local capacity to administer such things as the State Building Code.

- X. A. Evaluate all state regulations with respect to setting positive performance standards which will allow flexibility in achieving the standard.

B. Consider the possibility of state staff or university providing technical review of performance-based development proposals on behalf of local jurisdictions which do not have local review capability for this type of ordinance. This would allow the option of meeting conventional subdivision and zoning requirements or more flexible performance standards in all communities.

- XI. Crucial to the implementation of affordable housing concepts is leadership from local and state-elected officials. We recommend the process of following through on affordable housing activities flowing from this conference, including elected officials.

- XII. The recommendations of this committee will obviously include roles of state agencies not a part of this Conference. We recommend that another assembly be scheduled so that their input and cooperation can be assured. Agencies for example with regulatory functions would include soil

conservation, the Health Department, Department of Natural Resources, State Highway Administration, State Planning, etc. We believe the Governor will fail in achieving his goals for affordable housing unless all state agencies are part of the process and committed to the solution.

Moderator: Thomas Bozzuto, Ex. Vice Pres.
Oxford Development Corporation

Resource: John O'Connor, DECD

FRONT-END COSTS

Affordable housing is a universal concern and as such it should have co-ordinated attention and focused activity toward its achievement at all levels of state and local government. This must involve the citizenry, governmental employees, elected and appointed officials, and the housing and related industries.

Eliminate state portion ($\frac{1}{2}$ of 1% of sale price) for first time homebuyers and reduce the state portion for other residential transactions subject to either a property price or income ceiling. Further, to encourage the local jurisdictions to examine their portion of the transfer tax (1% of sales price) in the same light.

Legislate a delay of the property tax assessment or provide a tax credit on all newly constructed or substantially rehabilitated residences, up to 80% of the assessment, on all homes selling for less than FHA maximum loan.

Develop a pilot program through the Maryland Housing Finance Agency to examine the potential for elimination of the need for title insurance in the State of Maryland.

Moderator: Les Smith, President
Ben Dyer Associates

Resource: Chris Nixon, DECD

LAND USE AND DEVELOPMENT

1. It should be the policy of the State to encourage the use of state or publicly-held surplus land/sites where such use is appropriate given local government concerns and surrounding uses.
2. State law should provide that the burden of proof of need for any growth control measure must fall on the locality enacting the measure, not on the citizen or developer who challenges the growth limitation.
3. The State should develop and encourage the use of model subdivision ordinances, with performance standards, for affordable higher density development, cluster development, zero lot line zoning, and PUDs. The impact of state agency actions upon this type of development should also be evaluated and corrected, if necessary (e.g., reducing the acreage requirement for an ag-equivalent assessment as connected with PUD development).
4. The Committee agrees that exclusionary zoning and other land-use regulations adopted by local governments is an area requiring more intensive state examination.
5. The State should encourage localities to offer density bonuses to developers who provide units affordable to low and moderate income homebuyers.
6. The State should encourage local governments to not exclude manufactured housing, allowing manufactured housing in areas zoned for single family dwellings.
7. The Committee agrees that state and local governments have the responsibility to provide infrastructure in a timely manner. The State should explore means by which this funding can be provided including using the State's ability to provide low interest rate financing.
8. The State should encourage counties to provide tax credits to developers for vacant lots. The State should also provide enabling legislation so that counties may alter their taxing programs to reduce tax costs to first time homebuyers.
9. The State should sponsor a continuing training and demonstration program regarding the land use aspects of affordable housing for citizens, developers, and government officials. This should be co-sponsored by a variety of interested organizations representing the three target groups and held free of charge in locations around the State.

Co-Moderators: Mark Sissman, Deputy Commissioner
Balto. City Housing & Com. Dev.

James Humphrey, President
Harkins Associates

Resource: Marion McCoy, DECD

PUBLIC ATTITUDES

The purpose of this Conference is to explore the ways that the State can encourage the development of affordable housing. Affordable housing means affordable to all citizens of Maryland, including both low and middle income families. While the State can encourage production of mid-income housing, it cannot afford to fulfill the financial obligation that the federal government has abandoned to house low income families. The State, through the Governor, should advocate that these programs not be eliminated from the federal level and must clearly state that it regards the abandonment of low income housing as poor public policy.

The excessive cost of federal low income housing has in part been due to the myriad of regulations that have been imposed upon the programs. The State should solicit suggestions from local "hands-on" agencies, developers and builders that will lower the costs of these programs and encourage private sector participation.

The committee on public attitudes believes that the provision of affordable urban and rural housing has not been a priority of the State and many local governments. That is not to say that at times housing issues have not been publicly debated. The action of Governor Hughes and the legislative leadership in creating the Governor's Housing Task Force and the work of CDA in the past 2 years are having major impact. They are a start. This Conference must move us further ahead.

Public attitudes are shaped by leaders and by hard work at the grassroots level. Put another way, public officials may lead, but they often follow their constituents. In either case, the creation of an affordable housing agenda (and positive attitudes) requires a continued organized united effort by buyers, developers, construction workers, architects, lenders, neighborhood groups, and all others affected.

The Governor can and must play a significant role in the shaping of public attitudes regarding housing and affordable housing. The message should be clear - housing is economic development. A health housing industry produces no less real jobs than seasonal employment like tourism and fishing. The Governor and housing advocates must make this message clear to the Legislature.

The Governor and executive branch can shape attitudes by educating the public, by creating financial incentives to encourage most cost effective delivery of housing and by requiring its own bureaucracy to make housing a priority.

In its role as educator the State may:

1. Better inform local jurisdictions regarding the use of mobile homes to provide permanent residences;
2. Advise about availability and use of Maryland-made modular housing (Maryland jobs and housing!)

As the provider of financial incentives the State might:

1. Require a local jurisdiction to develop a plan to encourage affordable housing for new workers in concert with the granting of MILA, MIDFA, and other economic development loans.
2. Give priority to state capital projects which would encourage the development of new affordable housing (roads, sewers).
3. Require a complete review of local barriers to affordable housing prior to the use of all CDA financing or the Maryland Housing Fund.
4. The modest sums encourage innovative new cost saving projects:
 - For the conversion of abandoned public buildings into affordable housing
 - For a revolving fund in each local jurisdiction to be used to develop small new affordable housing development in concert with the private sector
 - For the greater use of non-profit developers.

In managing its own bureaucracy, the Governor might:

1. Require each state agency to identify and remove unreasonable barriers to affordable housing.
2. Identify and eliminate all duplicate reviews in the permit review process.

Public attitudes can be changed by leadership and example and we challenge the Administration to assume this vital role.

Attitudes can be developed and changed at the local and neighborhood levels. Citizens are more likely to accept new development and changes making it affordable when they are involved early, participate in the design process, see available jobs filled by neighborhood residents or residents of the sub-division, and even share in the profits. Continued neighborhood participation will shape positive public attitudes.

Supportive local public officials can adapt most of the challenges we have put forth to the state administration to their jurisdictions. There is ample research completed at the national level regarding local actions which can be taken to make housing more affordable. It can be effectively used in concert with experienced local builders.

Co-Moderators: William Dietrich
Alex Brown & Sons

Bernard L. Tetreault, Ex. Dir.
Montgomery Co. Housing
Opportunities Commission

Resource: Dale Janney, DECD

FINANCE

I. General

- A. State should aggressively push federal government not to abdicate its responsibility in housing for the poor.
- B. State should clearly articulate and demonstrate a commitment to meeting affordable housing needs including special groups.
- C. Redefine public's role so as not to compete, but complement private sector.
- D. DECD, CDA, and MHF should review their programs to increase their flexibility to provide affordable housing.
- E. State should continue to elicit input from public/private housing groups.
- F. State should provide increased professional assistance to less experience housing groups.

II. Actions to Increase Availability of Financing for Affordable Housing

- A. State should explore methods of providing secondary financing.
- B. State should explore methods of educating the public to non-tradition mortgage instruments, e.g., adjustable rate mortgages.
- C. State should explore methods of increasing the investment by public and private pensions funds in Maryland mortgages.
- D. State should use it's leverage with it's depository banks to accrue benefits to be used for affordable housing.

III. Actions to Increase the Number of People Who Can Qualify for Existing Money

- A. Lenders and insurers (MHF and PMI's) should relax underwriting requirements.
- B. State should encourage use of longer term mortgages by private lenders.
- C. State should explore methods of requiring lenders to reinvest a certain percentage of money received from localities, in mortgage loans for lower income families in those areas.
- D. State should explore methods of greater utilization of manufactured housing.

IV. Actions to Reduce the Cost of Financing Affordable Housing

- A. State should explore methods of requiring the use of portions of syndication proceeds to assist limited income tenants.
- B. State should explore methods of utilizing its general obligation bond authority to provide credit enhancement for financing of affordable housing.
- C. State should use its resources to fully utilize available federal housing funds, such as programs of Farmer's Home Administration.
- D. State should create a pool of money for affordable housing from:
 - (1) General Obligation Bonds
 - (2) Portion of State Lottery Revenues
 - (3) "Profits" from existing financings
- E. State should utilize the affordable housing pool to:
 - (1) Provide "Gap" Financing
 - (2) Write-down of interest
 - (3) Provide a State Housing "UDAG" Program
 - (4) Enhance Existing Programs.

Co-Moderators: Alex Chen, Ph.D.,
Assistant Professor of
Housing
University of Maryland

Annette van Hilst, Housing
Director
Washington County

Resource: Steve Leeper, DECD

HOUSING DEMANDS AND NEW DEMOGRAPHICS

STATE ACTIONS

1. Educate, demonstrate, and promote the viability of alternative housing options for elderly, handicapped and deinstitutionalized citizens.
2. Consider financing of and educating the public about various alternative housing arrangements, to include among others:
 - shared housing
 - home matching services
 - accessory housing units
 - home equity conversion instruments, e.g. reverse mortgages, sale-leaseback plans.
3. Evaluate insuring mechanisms by the Maryland Housing Fund to promote private investment in affordable housing alternatives, such as the construction of congregate housing and the implementation of home equity conversion instruments.
4. Develop model land use building and zoning codes to permit and encourage affordable alternative housing arrangements.
5. Consider state legislation that would superimpose floating zones to encourage and permit affordable housing alternatives.
6. Examine the use of state buildings and land for the purpose of creating housing for the deinstitutionalized, elderly and handicapped citizens.
7. Establish a state demonstration program to finance the construction of accessory units.
8. Facilitate the development and financing of sheltered housing.
9. Work with the Maryland Bar Association to develop model legal agreements and legislation, for non-traditional owner/occupant situations and non-traditional co-ownership situations.
10. Consider enactment of legislation with stronger penalties that more specifically address housing discrimination, particularly against families with children.
11. Establish state procedures which will provide long-term social service support for disinstitutionalized citizens.
12. Reassess tax assessment procedures and real property related programs, e.g. circuit breakers, for low income renters and owners.

13. Initiate property tax assessment reforms so that rehabilitation is not discouraged.
14. Establish a State G.O. Bond Revolving Loan Fund for mortgage assignments.
15. Examine the closing costs associated with refinancing and consider the waiver of state regulated closing costs.
16. Actively address the withdrawal of federal resources by designing, developing, and implementing cost-effective pilot programs, e.g. state funded public housing and rental subsidy programs.
17. Continue extensive lobbying techniques to defeat the Federal Sunset Provision on Mortgage Revenue Bonds.

Moderator: Richard Jones, Vice President
Nottingham Properties, Inc.

Resource: James Gatto, DECD

INFRASTRUCTURE

Because the placement and maintenance of infrastructure controls the patterns and timing of growth, it is directly relevant to 'affordability' It is recommended that the State:

- Aggressively implement its capital improvements program on both a primary and secondary level;
- Review the practices of the State Highway Administration, Department of Natural Resources, and Health Department to avoid redundancy, inconsistency, and unnecessary policies and regulations;
- Mandate adequate public facilities plans in every jurisdiction to be consistent with the master plan for the jurisdiction. The failure of a jurisdiction to correct inadequacies shall not be the basis of exclusionary policies or development moratoria;
- Examine the potential for an infrastructure bank, a revolving fund to which jurisdictions could apply for capital to construct improvements. Improvements must be of regional significance and some percentage of funds must be for upgrading existing facilities. Suggested sources of income are transfer taxes and tax increment districts.

Co-Moderators: Dana Jones, Exec. Director
Southern Maryland Tri-County
Community Action

Vincent Quayle, Director
St. Ambrose Housing Aid Center

Resource: Katherine Schultz, DECD

EXISTING HOUSING

The Existing Housing Workshop begins by acknowledging and supporting the Department's efforts to (1) Continue to declare that the Federal Government must assume the responsibility it has abdicated for deep subsidies to house the poor, (2) Support increased allocation of general obligation bond authority for MHRP Program and (3) Support the continued availability of the new HELP Financing Program.

Our specific recommendations are in three categories: (1) Those appropriate for immediate action, (2) Those appropriate for short term action, and (3) Those requiring a longer term process.

A. For Immediate State Action:

1. The State should develop a sophisticated multi-media public relations campaign (similar to the carrot campaign) to educate the State on the value of our existing housing stock and ways to increase its appropriate utilization.
2. The State should develop a model zoning ordinance permitting accessory housing units and recommend its use to local jurisdictions.
3. The State should fund a model or demonstration accessory housing unit which could be replicated in other parts of the State.
4. The State should inventory and publicize unsubsidized units available to low and moderate income families under TEFRA (20% of market rate projects) in specific terms including name, location, units, rents, duration of obligation, income range of occupants and other projects financed under federal and state assistance programs.
5. The State should create a study group to evaluate non-profit housing groups throughout the State and, for those which are found to be successful contributors to affordable housing, the State should grant some support for administrative and capital costs.
6. The State should facilitate and aid non-profit and small developers to gain access to equity capital raised through syndication.
7. The State should employ FmHA packagers to maximize the availability of currently under-used FmHA Section 504 and 502 loan and grant funds allocated to Maryland.
8. The State (CDA) should employ an ombudsperson/processing agent to aid non-profits, public housing agencies and small developers to make use of its programs.
9. The State (CDA) should be more of a risk taker in its financings.

10. CDA should fully use its regulatory flexibility to finance mixed use properties.
11. The State should grant funds to local providers of emergency shelter for the homeless to pay for acquisition or repair of shelters.
12. The State should inventory and publicize the availability of vacant structures for possible use as emergency housing.

B. Short Term State Action:

1. The State should develop both a short and long term strategy for housing all income groups.
2. The State should establish a loan program to finance the construction of accessory apartments in underutilized owner-occupied dwellings. The Program should offer deferred loans, amortizing loans with rates that vary with the owner's ability to pay, or other financing mechanisms that accomplish the same results.
3. The State should create a study group to determine the legal basis for an active state role in pushing localities to change zoning ordinances to accommodate accessory apartments.
4. The State should create incentives to encourage the use of vacant properties and disincentives to holding vacant properties such as:

A revolving fund for "intervention buying" or moving or property into productive use, and

Tax penalties for holding vacant properties.

5. The State should create a study group to examine the property tax assessment process for the purpose of identifying ways of removing disincentives to owner repair and rehabilitation, specifically improvements that repair basic systems, e.g., plumbing should not serve as a basis for increased property tax burden on the owner.
6. The State should create tax incentives to encourage private owners of vacant property to make units available to the homeless.
7. The State should provide financing for conversion of vacant public and commercial properties into residential cooperatives.
8. The State should create a study group to examine impediments to the use of modular and mobile homes for affordable infill housing.

C. Long Term State Action:

1. The State should create its own deep subsidy housing program to insure that the supply of low and moderate income housing continues to increase.
2. The State should create a mechanism to enable elderly homeowners to exchange all or a portion of their equity for a rental unit, and return their underutilized structures to the market.

Moderator: Edward Grachik
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BUILDING CODES AND NEW TECHNOLOGY

Recommendations

1. The State should establish its own criteria for professional qualifications of building inspectors and plans examiners, and grant certifications to those persons who have proven their competency. Certification should be based on examinations either developed by the state or through a nationally recognized certification program.
2. The State should enact legislation to authorize and support training of multi-disciplined inspectors at all levels. The training should be provided by cooperative efforts among the academic institutions, the model code organizations, and appropriate state and local agencies.
3. The State should establish a mechanism for reducing or eliminating conflicting building code and fire code requirements; and provide for uniform, consistent interpretations on technical matters of the applicable codes.
4. There should be a mandatory statewide model performance building code and compatible fire code.
5. The State should provide a mechanism to disseminate information to contractors, builders, and other code users describing the new technologies and building processes, some of which may reduce construction costs.
6. The State, in conjunction with the private sector should sponsor demonstration projects of low-cost innovative, creative technologies in building construction.
7. The State should support legislation to allow the professional designer to self-certify construction documents; and not be subject to plans review and approval by the local or state building officials. This does not preclude the inspection process.
8. The State should encourage local jurisdictions to adopt one-stop permitting programs to cut the red tape in the approval process for construction projects.

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PLANNING COMMITTEE FOR
THE MARYLAND AFFORDABLE HOUSING CONFERENCE

December 5, 1983



Dear Legislators:

In January 1983, Maryland was selected to participate as one of four states in the Federal Department of Housing and Urban Development's "Joint Venture for Affordable Housing". The "Maryland Affordable Housing Conference" was held on July 13 and 14, 1983 in Annapolis, Maryland, in order to develop recommendations for State actions to reduce the cost of housing for all Maryland citizens. The conference was sponsored by the Governor's Office, the General Assembly, and the Department of Economic and Community Development. Planning was done by a private-public sector committee in conjunction with a national program under the auspices of the National Governor's Association, the National Conference of State Legislatures, and the Council of State Community Affairs Agencies. Senator Thomas L. Bromwell and Delegate Anne S. Perkins represented the General Assembly.

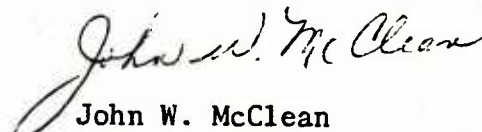
With an attendance of over 250, drawn from more than 100 separate businesses, non-profit agencies, local governments, and State and Federal government agencies, the conference represented a broad cross-section of Marylanders with a direct interest in reducing housing costs.

The conference was divided into nine workshops, each dealing with a particular segment of the affordable housing issue. After two days of vigorous debate, each workshop presented a series of recommendations, relevant to the assigned topic, to the entire conference. This report represents the Planning Committee's efforts to condense, summarize and extract the most critical recommendations from the workshops. There was no intent to disregard the other recommendations. We recognize that certain of the recommended actions are currently partially enacted; we urge their continuation and intensification.

The members of the Planning Committee urge you to read this report. The Federal government has reduced its role in providing affordable housing for its citizens. Our efforts must, therefore, be increased in order to reduce the costs to the consumer.

A copy of the HUD report is also attached. If you have any questions, please contact the Office of the Assistant Secretary, Ardath M. Cade (269-2468) or any member of the committee. We look forward to your comments and assistance.

Sincerely,


John W. McClean
Chairman

JWM/eb
Encl.

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The Honorable Floyd Wilson
Vice Chairman
Prince George's County Council

RECOMMENDATIONS OF THE MARYLAND AFFORDABLE HOUSING CONFERENCE

The Planning Committee has extensively reviewed the Conference's recommendations and identified the following items as our first priority. Most of these recommendations require legislative actions; a few require further study.

ACTION BY: FISCAL IMPACT
(\$=YES)

1. Make clear that Maryland regards the abandonment of low and moderate-income housing programs by the Federal Government as poor public policy, and advocate that workable Federal housing programs which have been discontinued should be reinstated. This advocacy should include, but not be restricted to, intensive lobbying efforts to repeal the Federal Sunset Provision on single-family mortgage revenue bonds and to restore Federal subsidies for new housing construction.

Governor
Legislature
DECD

NOTE: The Federal Sunset provision for single family mortgage Revenue bonds was not repealed which means that after December 31, 1983, no more single family Revenue Bonds may be sold. Therefore, it will require legislative action in Congress to reestablish this program. Senator Thomas L. Bromwell and Delegate Anne S. Perkins plan to introduce a joint resolution to the General Assembly.

2. Eliminate the transfer tax ($\frac{1}{2}$ of 1% of the sale price) for limited income first time home buyers, (subject to either a property price or income ceiling.) Further, encourage the local jurisdictions to examine their Transfer Tax in the same light.

Legislature \$

3. Establish a Gubernatorial Task Force to investigate the potential for reducing or eliminating conflicting building and fire code requirements. The Task Force should examine the efforts of other states in this area, and make specific recommendations as to how inconsistencies might be eliminated. The Task Force also should investigate and evaluate the highly controversial issue of the impact of implementing a uniform statewide building code as it relates to the construction of housing.

Governor
Legislature
DECD

4. Examine the potential for an infrastructure bank, a revolving fund to which jurisdictions could apply for capital for growth and to construct improvements of regional significance. Suggested sources for this bank might be surplus resulting from the Transfer Tax.

Governor \$
Legislature
DSP

5. Create a pool of money, supported by new G.O. funds and some profits from existing financing programs, to be used to provide "gap" financing for affordable housing. This State equivalent of the housing portion of the Urban Development Action Grant Program could provide secondary financing, on an interest only basis, with principal repayment at the time of sale. The targeted users of this program would be first time single-family homebuyers or large low and moderate income multi-family dwellings.

Legislature
DECD \$

Actively address the withdrawal of Federal resources by designing, developing, and implementing various pilot programs (i.g., State-funded public housing and rental subsidy programs).

6. Investigate ways of encouraging the use of publicly-held surplus land or sites for affordable housing, where such use is appropriate.

Governor
DECD \$

7. Create a study group to examine the property tax assessment process for the purpose of identifying ways of removing disincentives to owner rehabilitation and repair.

DECD
Assessments &
Taxation \$

8. Consider imposing a general environmental tax to aid municipalities in meeting environmental imposed State standards rather than passing this cost entirely on to new housing.

Legislature
DSP
DNR \$

9. Create legislation which defines that the vested right to development exists when permits are issued, sparing developers the financial burden caused by delays (particularly when low income housing or other potentially unpopular land uses are involved).

Legislature

10. Greater use of tax increment financing for infrastructure should be encouraged.

DECD \$

11. Create a Legislative Study Group to examine ways of providing Mortgage Payment Assistance for the unemployed.

Legislature \$

THE REMAINDER OF THE RECOMMENDATIONS ARE OF EQUAL IMPORTANCE BUT WILL BE ACTED UPON AFTER THE ABOVE RECOMMENDATIONS ARE BEING OR HAVE BEEN IMPLEMENTED.

12. Make clear its belief that affordable housing contributes both to economic development and to the growth of healthy communities. To this end, the State should play a significant role in the shaping of public attitudes regarding affordable housing. This should include a re-definition of the State's role in the housing market, making certain that the State complements rather than competes with, the private sector.

Governor
Legislature
DECD

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|---|-------------------------------------|-----------|
| <p>13. Require a complete review of local barriers to affordable housing prior to the consideration of financing under CDA or insuring through the Maryland Housing Fund, giving preference in financing or insurance to areas which show that efforts have been made to remove barriers to affordable housing. In concert with the granting of MILA, MIDFA, and other economic development loans, the State should encourage and/or require that local jurisdictions develop affordable housing plans for new workers.</p> | <p>DECD
DSP</p> | |
| <p>14. Require each State agency to identify and remove unreasonable barriers to affordable housing. As a guide, each agency should systematically review "A Preliminary Summary of Maryland Laws, Regulations, and Programs That May Affect the Cost of Housing" to identify and eliminate all duplicative reviews in the permit process.</p> | <p>Governor
All Agencies</p> | <p>\$</p> |
| <p>15. Study legislation mandating that adequate public facilities plans in every jurisdiction are consistent with the master plan for that jurisdiction, and that failure of a jurisdiction to correct inadequacies shall not be the basis of exclusionary policies or development moratoria.</p> | <p>Legislature</p> | <p>\$</p> |
| <p>16. Investigate possibility of having State-established criteria for professional qualifications of building inspectors and plans examiners, and grant certifications based upon competency. This should be established with a concurrent multi-disciplined training program for inspectors at all levels.</p> | <p>Legislature
DECD</p> | <p>\$</p> |
| <p>17. Consider legislation which would allow the professional designer (e.g. architect or engineer) to self-certify construction documents.</p> | <p>Legislature</p> | |
| <p>18. Investigate legislating a delay in property tax on all newly constructed or rehabilitated residences, up to 80% of the assessment, for all residences selling for less than the FHA maximum loan.</p> | <p>Legislature</p> | <p>\$</p> |
| <p>19. Investigate whether title insurance and other costs of legal documentation are greater in Maryland than in other states and why; also investigate the impact that the reduction of these costs would have upon housing affordability and tax revenues.</p> | <p>Legislature
DECD
DSP</p> | <p>\$</p> |
| <p>20. Develop, through the Department of State Planning a variety of land use development models, including (but not limited to):</p> | <p>DSP</p> | |

Innovative subdivision ordinances which include such items as density bonuses for affordable housing, manufactured housing and mobile homes, and accessory units.

Technical assistance in implementation should also be provided, as requested. Localities should also be assisted in streamlining their permit processes, with emphasis upon concurrent processing, uniform application of codes and realistic and binding time frames, which, if not met, result in automatic approval. State Planning should also provide localities, on request, technical assistance in the design, implementation, and evaluation of development proposals.

21. Educate the public about both the physical and financial aspects of alternative housing arrangements and new building technologies. This would include:
- providing information to contractors, builders, and other code users about new technologies and building processes;
 - sponsoring, in concert with the private sector, demonstration projects of low cost and innovative construction techniques; and
 - sponsoring a continuing technical assistance/training program on affordable housing for citizens, developers, and government officials. Examples of alternatives to be examined would include community based housing alternatives for the elderly, such as sheltered housing, accessory units, and the development of home equity conversion instruments.

DECD

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All initiatives, particularly the training/technical assistance program, should be very locally targeted, and co-sponsored by a wide range of interested organizations.

22. Establish a State demonstration program which would finance the construction of accessory housing units.

DECD

\$

23. Evaluate insuring mechanisms used by the Maryland Housing Fund as to their suitability to insure alternative mortgage arrangements, as well as to insure the financing of alternative housing arrangements such as congregate housing.

DECD

24. Work with the Maryland Bar Association to develop model legal agreements and legislation, if needed, for non-traditional owner/occupant situations and non-traditional co-ownership situations.

DECD

25. Develop a sophisticated multi-media public relations campaign (similar to the economic development "carrot campaign") to educate the public about the value of our existing housing stock and ways to increase its appropriate utilization.

DECD

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| 26. Create a study group to investigate the proper State role in providing assistance to nonprofit housing groups and small developers, particularly in terms of their efforts to gain access to equity capital raised through syndication. Possible State financial support for those groups found to be particularly successful should also be investigated. | Governor
DECD | \$ |
| 27. Employ staff to serve as FmHA packagers to maximize the availability of currently under-used FmHA Section 504 and 502 loan and grant funds allocated to Maryland. | DECD | \$ |
| 28. Employ an "ombudsman" or processing agent to aid non-profits, public housing agencies, and small developers in making use of local, state and federal housing programs. Additionally, a catalogue of all State, Federal, and Local housing programs, written in layman's language, should be published and made available to the interested public. | DECD | \$ |
| 29. Investigate the potential for CDA financing of mixed-use properties (commercial and residential). | DECD | |
| 30. Encourage consideration of the use of longer term mortgages by private lenders, urging regulatory agencies in the banking community to allow 50 year term mortgages. | Governor
Legislature | |
| 31. Study the benefits and methods of encouraging the use of "ground rent" instead of land purchase as a means to reduce initial costs for prospective home purchasers. | Governor
Legislature | |
| 32. Establish State procedures which will provide long-term housing support services for deinstitutionalized citizens. | Legislature
DHMH | \$ |
| 33. Grant funds to local providers of emergency shelter for the homeless to pay for acquisition or repair of shelters, and encourage the counties to utilize vacant structures for emergency housing. | DHR | \$ |
| 34. Make loan funds available to landlords to weatherize properties in exchange for rent stabilization guarantees. | DHR | \$ |
| 35. Explore methods to increase the availability of financing for affordable housing, including: | Governor
Legislature | |
| <ul style="list-style-type: none"> -increasing the investment by public and private pension funds in Maryland mortgages; -using State leverage with its depository banks to accrue benefits to be used for affordable housing. | | |
| 36. Act to increase the number of people who can qualify for existing housing assistance programs, by encouraging lenders and insurers (MHF & PMI's) to relax underwriting requirements where feasible. | DECD | |

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| 37. Explore methods to encourage the increased utilization of manufactured housing. | DECD
Legislature | |
| 38. Consider legislation regarding zoning requirements that would encourage the production of affordable housing. | Legislature
DSP | |
| 39. Consider the enactment of legislation with stronger penalties that more specifically address housing discrimination, particularly against families with children. | Legislature | |
| 40. Reassess tax assessment procedures and real property-related programs (circuit breakers) for low-income renters and owners to achieve greater affordability of housing for more persons. | Legislature | \$ |
| 41. Review all new State regulations to determine the pass-through cost to the housing consumer by the use of cost/benefit analysis. | All Agencies | |
| 42. Study possibilities for encouraging the use of vacant properties and disincentives for holding vacant properties. | DSP | |

Abbreviations:

- DECD: Department of Economic & Community Development
 DSP: Department of State Planning
 DHMH: Department of Health & Mental Hygiene
 DHR: Department of Human Resources