

FINAL

AMENDED
May 5, 2014

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2014, Legislative Day No. 8

Bill No. 20-14

Introduced by Mr. Grasso and Mr. Ladd

By the County Council, April 7, 2014

Introduced and first read on April 7, 2014
Public Hearing set for and held on May 5, 2014
Public Hearing on the AMENDED BILL set for and held on May 19, 2014
Bill Expires July 11, 2014

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Housing and Community Development and Subdivision
2 and Development -- Mobile Home Park Relocation Plans
3

4 FOR the purpose of amending certain terms; incorporating State guidelines for mobile
5 home park relocation plans into County law; providing for the administration of
6 mobile home park relocation plans; providing that relocation assistance be paid to
7 affected residents; establishing a fee system for the review and monitoring of plans;
8 and generally relating to Housing and Community Development and Subdivision and
9 Development.

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11 BY repealing and reenacting, with amendments: §§ 3-5-101(1); 3-5-102; 17-3-304; 17-4-
12 203(f); and 17-11-101
13 Anne Arundel County Code (2005, as amended)
14

15 BY adding: § 17-6-108
16 Anne Arundel County Code (2005, as amended)
17

18 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
19 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as
20 follows:
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22 **ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES**

23 **TITLE 5. HOUSING AND COMMUNITY DEVELOPMENT**
24

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 **3-5-101. Definitions.**

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In this title, the following words have the meanings indicated.

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(1) "Community Development Programs" means publicly or privately funded programs that advance the general welfare of County residents, especially those with low or moderate income or special needs, in the provision of housing, public facilities, commercial revitalization, and services, AND INCLUDES THE REVIEW AND MONITORING OF MOBILE HOME PARK RELOCATION PLANS REQUIRED UNDER TITLE 8A OF THE REAL PROPERTY ARTICLE OF THE STATE CODE AND ARTICLE 17 OF THIS CODE.

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3-5-102. Agreement.

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The County Executive may enter into an agreement with a community services corporation to administer federal, State, and County Community Development Programs. The programs are funded by private and public funds, including grants from the County in accordance with the annual budget and pursuant to the agreement. The agreement:

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(1) shall provide that the community services corporation will administer, implement, and manage on behalf of the County those federal, State, and County Community Development Programs designated in the agreement and in accordance with the legal requirements of those programs;

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(2) shall require the corporation to perform, on behalf of the County, all matters necessary to maintain eligibility for the receipt of funds under the designated federal and State Community Development Programs, except those which by law must be performed by the County;

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(3) may provide, except as otherwise provided by law or contractual obligation, for the assignment to the corporation of any or all of the County's rights, benefits, entitlements, and obligations under existing notes, mortgages, grant mortgages, deeds of trust, purchase money deeds of trust, and other similar liens, that were created through transactions funded under federal, State, or County Community Development Programs;

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(4) shall provide that revenue and receipts from prepayments and repayments of transactions funded in whole or part through federal, State, or County programs shall be received, held, expended, and accounted for in accordance with all applicable federal, State, and County requirements;

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(5) shall provide that the corporation may not obligate the County, except as required by law under federal, State, and County Community Development Programs administered by the corporation on behalf of the County, or as expressly authorized in the agreement;

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(6) shall require the corporation to submit to the County financial statements of a type and frequency acceptable to the Controller, as specified in the agreement;

1 (7) shall require the corporation to submit an annual audit to the County, in
2 conformity with all federal, State, and County program requirements, and an annual
3 report to the County Executive and the County Council concerning its activities;

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5 (8) shall authorize the County Executive's designees and the County Auditor to
6 audit, individually or together, all corporate financial and program records;

7
8 (9) shall provide that, in the event of dissolution, bankruptcy, receivership, or
9 failure of the corporation to meet its material obligations under the agreement, the
10 corporation shall assign back to the County all assignable rights, benefits, entitlements,
11 and obligations under the notes, mortgages, grant mortgages, deeds of trust, purchase
12 money deeds of trust, and other similar liens previously assigned to the corporation by
13 the County;

14
15 (10) may not pledge or authorize the corporation to pledge the full faith or credit
16 of the County;

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18 (11) may grant, transfer, and release to the corporation any and all right, title, and
19 interest that the County has in vehicles, equipment, supplies, and materials that were
20 purchased with federal Community Development Block Grant funds;

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22 (12) may provide for the corporation to lease, at a nominal rate, office space in a
23 County-owned building; [and]

24
25 (13) MAY REQUIRE THE CORPORATION TO REVIEW, APPROVE AND MONITOR
26 COMPLIANCE WITH MOBILE HOME PARK RELOCATION PLANS, AND SHALL PROVIDE
27 THAT THE CORPORATION MAY CHARGE A MOBILE HOME PARK OWNER A FEE AS
28 ESTABLISHED IN ARTICLE 17 OF THIS CODE FOR THE REVIEW, APPROVAL AND
29 MONITORING OF A MOBILE HOME PARK RELOCATION PLAN; AND

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31 [(13)] (14) may contain any other provision not inconsistent with those required by
32 this section or by any other law.

33 34 ARTICLE 17. SUBDIVISION AND DEVELOPMENT

35 36 TITLE 3. SUBDIVISION

37 38 17-3-304. Completion of subdivision.

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40 (a) **Action required by developer within twelve months.** Within 12 months after
41 the date of approval of a final plan, a developer shall:

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43 (1) satisfactorily address all remaining comments of the Office of Planning and
44 Zoning and reviewing agencies; and

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46 (2) prepare, execute, and deliver at one time a public works agreement,
47 forestation agreement, a digital copy of the proposed record plat that satisfies digital plat
48 specifications posted on the County website, and all other deeds, easements, rights-of-
49 way, agreements, bonds, fees, homeowners association and community association
50 documents, and other documents required by this article.

1 (B) IF THE SUBDIVISION IS A CHANGE OF USE OF A MOBILE HOME PARK, THE
2 PROPOSED RECORD PLAT MAY NOT BE RECORDED UNTIL THE DEVELOPER PROVIDES
3 CONFIRMATION SATISFACTORY TO THE OFFICE OF PLANNING AND ZONING THAT ANY
4 RELOCATION ASSISTANCE REQUIRED TO BE PAID TO RESIDENTS HAS BEEN FULLY PAID.
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6 [(b)] (C) **Authority to extend time periods.** Notwithstanding any modifications
7 granted to allow for additional time to complete a subdivision, upon receipt of a written
8 request made not less than 15 days before the re-submittal deadline in subsection (a), the
9 Planning and Zoning Officer shall grant a time extension of 60 days for re-submittal.
10 Decisions on whether to extend time under this subsection do not require a modification,
11 and may not be appealed to the Board of Appeals.
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13 [(c)] (D) **Effect of failure to meet time requirement.** An application for final plan
14 approval and the approval of a final plan are void if the developer fails to complete the
15 actions required by subsection (a) within 12 months after the date of final plan approval
16 or within the time specified by the Office of Planning and Zoning under [subsection (b)]
17 SUBSECTION (C).
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19 [(d)] (E) **Recording.** The County shall record among the land records the proposed
20 record plat and other documents appropriate for recording.
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22 TITLE 4. SITE DEVELOPMENT

23 17-4-203. Review process.

24 (f) **Recommendation and approval.** At any time after the filing of a site
25 development plan associated with an application for a building or grading permit, the
26 Office of Planning and Zoning may recommend to the Department of Inspections and
27 Permits that the application be denied for failure to comply with the provisions of this
28 Code, the Odenton Town Center Master Plan, or other law, OR FAILURE TO PROVIDE
29 CONFIRMATION SATISFACTORY TO THE OFFICE OF PLANNING AND ZONING THAT ANY
30 RELOCATION ASSISTANCE REQUIRED TO BE PAID TO MOBILE HOME PARK RESIDENTS
31 HAS BEEN FULLY PAID. Otherwise, the Office shall recommend approval. No appeal may
32 be taken from a recommendation made under this subsection. Approval of the permit by
33 the Department of Inspections and Permits constitutes approval of the site development
34 plan.
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38 TITLE 6. GENERAL DEVELOPMENT PROVISIONS

39 17-6-108. Mobile Home Park Relocation Plans.

40 (A) **Generally.** ANY APPLICANT CHANGING THE USE OF A MOBILE HOME PARK
41 SHALL SUBMIT A MOBILE HOME PARK RELOCATION PLAN FOR THE PARK RESIDENTS
42 THAT MEETS THE REQUIREMENTS OF TITLE 8A OF THE REAL PROPERTY ARTICLE OF THE
43 STATE CODE, SHALL COMPLY WITH THE PLAN AS APPROVED, AND SHALL PAY ALL FEES
44 ESTABLISHED BY THIS SECTION. FINAL PLAN APPROVAL FOR SUBDIVISIONS AND FINAL
45 SITE DEVELOPMENT PLAN APPROVAL MAY NOT BE GRANTED UNTIL THE APPLICANT
46 FULLY COMPLIES WITH THE RELOCATION PLAN.
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50 (B) **Review and Monitoring of Plans.** THE COUNTY MAY CONTRACT WITH
51 ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC. OR A SIMILARLY QUALIFIED
52 PERSON OR ENTITY, TO REVIEW, APPROVE AND MONITOR COMPLIANCE WITH MOBILE

1 HOME PARK RELOCATION PLANS. A RELOCATION PLAN, INCLUDING ANY RE-
2 SUBMITTALS, SHALL BE REVIEWED AND A WRITTEN APPROVAL OR DENIAL ISSUED NO
3 LATER THAN 45 DAYS AFTER THE DATE OF SUBMITTAL. A DENIAL SHALL INCLUDE
4 SPECIFIC REASONS FOR THE DENIAL.
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6 (C) Fees. THE MOBILE HOME PARK OWNER SHALL PAY THE FEES DUE UNDER § 17-11-
7 101 FOR MOBILE HOME PARK RELOCATION PLAN REVIEW AND COMPLIANCE
8 MONITORING AS FOLLOWS.
9

10 (1) ALL FEES SHALL BE PAID AT THE TIME OF APPLICATION.
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12 (2) THE FEE FOR COMPLIANCE MONITORING OF A RELOCATION PLAN SHALL BE
13 DUE FOR EACH MOBILE HOME OCCUPIED BY A RESIDENT AT THE TIME OF APPLICATION
14 FOR A CHANGE OF LAND USE.
15

16 (3) IF THE COUNTY ENTERS INTO A CONTRACT IN ACCORDANCE WITH
17 SUBSECTION (B), ALL FEES DUE UNDER THIS SECTION SHALL BE PAID DIRECTLY TO THE
18 PERSON OR ENTITY WITH WHOM THE COUNTY CONTRACTS. OTHERWISE, ALL FEES
19 SHALL BE PAID TO THE COUNTY.
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21 (4) AN OWNER SHALL ENTER INTO AN AGREEMENT WITH THE COUNTY TO
22 PROVIDE SECURITY IN THE FORM OF A LETTER OF CREDIT TO SECURE THE PAYMENT OF
23 ANY REQUIRED RELOCATION ASSISTANCE NOT PREVIOUSLY PAID. AN AGREEMENT TO
24 POST SECURITY SHALL PROVIDE FOR THE RELEASE OF THE SECURITY WHEN ALL
25 REQUIRED RELOCATION ASSISTANCE REQUIRED TO BE PAID PURSUANT TO TITLE 8A OF
26 THE REAL PROPERTY ARTICLE OF THE STATE CODE HAS BEEN PAID. AN AGREEMENT AND
27 SECURITY POSTED UNDER THIS SUBSECTION SHALL SATISFY THE REQUIREMENT THAT
28 THE OWNER FULLY COMPLY WITH THE RELOCATION PLAN PRIOR TO FINAL PLAN
29 APPROVAL, BUT DOES NOT RELIEVE THE OWNER OF THE OBLIGATION TO PAY THE
30 RELOCATION ASSISTANCE DIRECTLY TO QUALIFIED PARK RESIDENTS OR TO PROVIDE
31 CONFIRMATION SATISFACTORY TO THE OFFICE OF PLANNING AND ZONING THAT ANY
32 RELOCATION ASSISTANCE REQUIRED TO BE PAID TO RESIDENTS HAS BEEN FULLY PAID
33 PRIOR TO PLAT RECORDATION OR A RECOMMENDATION TO APPROVE A SITE
34 DEVELOPMENT PLAN.
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36 TITLE 11. FEES AND SECURITY

37 17-11-101. Fees.

38 The following fees shall be paid and security given as provided in the following chart,
39 except that fees paid on an application governed by the law as it existed prior to May 12,
40 2005 shall be credited against the fees in the following chart if the application is
41 withdrawn and a new application is filed under this article:
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| Category | Fee or Security |
|-------------------------------------|--|
| *** | |
| Inspection fees | Public works agreement: 7% of the cost of the improvements Forestation agreement: 7% of the cost of the installed plant materials |
| MOBILE HOME RELOCATION PLAN, REVIEW | \$1,500 |

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|---|---|
| MOBILE HOME RELOCATION PLAN, COMPLIANCE MONITORING | \$300 PER OCCUPIED MOBILE HOME UNIT |
| *** | |
| Security for payment of labor and materials | Public works agreement: amount equal to 50% of the approved cost estimate |
| SECURITY FOR PAYMENT OF MOBILE HOME PARK RELOCATION ASSISTANCE | AMOUNT EQUAL TO 10 MONTHS ACTUAL RENT MULTIPLIED BY THE NUMBER OF OCCUPIED MOBILE HOMES, <u>LESS ANY RELOCATION ASSISTANCE PREVIOUSLY PAID OR NOT REQUIRED TO BE PAID UNDER STATE LAW</u> |
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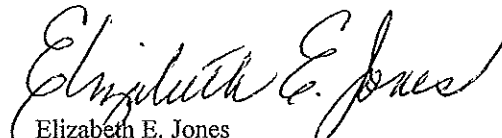
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SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days from the date it becomes law.

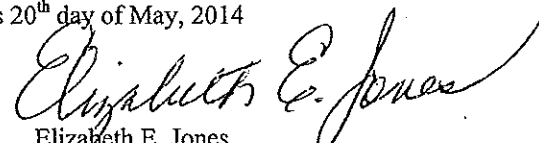
AMENDMENT ADOPTED: May 5, 2014

READ AND PASSED this 19th day of May, 2014

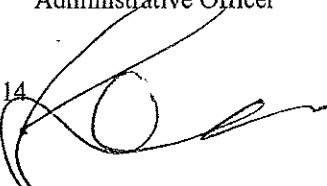
By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for her approval this 20th day of May, 2014



Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 28 day of May, 2014


Laura Neuman
County Executive

EFFECTIVE DATE: July 12, 2014

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 20-14 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer