

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 6

Bill No. 21-23

Introduced by Mr. Smith, Chair
(by request of the County Executive)

By the County Council, March 20, 2023

Introduced and first read on March 20, 2023
Public Hearing set for and held on April 17, 2023
Bill Expires June 23, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Requirements for Conditional Uses – Housing
2 for the Elderly of Moderate Means

3
4 FOR the purpose of requiring a covenant enforceable by the County for housing for the
5 elderly of moderate means; adding certain government-funded developments with at
6 least one resident that is 62 years of age or older as a type of “housing for the elderly
7 of moderate means”; and generally relating to zoning.

8
9 BY repealing: § 18-10-137(9)
10 Anne Arundel County Code (2005, as amended)

11
12 BY repealing and reenacting, with amendments: § 18-10-137(1)
13 Anne Arundel County Code (2005, as amended)

14
15 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
16 That § 18-10-137(9) of the Anne Arundel County Code (2005, as amended) is hereby
17 repealed.

18
19 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
20 Code (2005, as amended) read as follows:

ARTICLE 18. ZONING

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 **18-10-137. Housing for the elderly of moderate means.**

2
3 Housing for the elderly of moderate means shall consist of rental dwelling units only
4 and shall comply with all of the following requirements.

5
6 (1) The property shall be encumbered by a recorded ~~[[deed restriction]]~~ COVENANT
7 ENFORCEABLE BY THE COUNTY OR ITS DESIGNEE, that:

8
9 (i) requires the units to be occupied by:

10
11 1. individuals who are 62 years of age or older, except that a live-in caregiver
12 who is less than 62 years of age is allowed for a resident with a disability that meets the
13 definition of a disability under 42 U.S.C. § 12102; OR

14
15 2. FOR A DEVELOPMENT FUNDED IN WHOLE OR IN PART WITH
16 GOVERNMENT FUNDS CONTINGENT ON ADHERENCE TO THE DEFINITION OF “ELDERLY
17 FAMILY” IN 24 C.F.R. 5.403, A FAMILY WHOSE HEAD (INCLUDING CO-HEAD), SPOUSE, OR
18 SOLE MEMBER IS A PERSON WHO IS AT LEAST 62 YEARS OF AGE OR OLDER;

19
20 (ii) requires that at least 60% of the units be occupied by individuals with an
21 income that does not exceed 60% of the median income adjusted for household size for the
22 Baltimore Primary Metropolitan Statistical Area, as defined and published annually by the
23 United States Department of Housing and Urban Development; and

24
25 (iii) requires that the remaining units be occupied by individuals with an
26 income that does not exceed 80% of the median income adjusted for household size for the
27 Baltimore Primary Metropolitan Statistical Area, as defined and published annually by the
28 United States Department of Housing and Urban Development.

29
30 ***

31
32 ~~[[~~(9) The deed restrictions contained in this section shall be enforceable by the
33 County or its designee.~~]]~~

34
35 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
36 from the date it becomes law.


READ AND PASSED this 17th day of April, 2023

By Order:




Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 18th day of April, 2023


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 25th day of April, 2023


Stuart Pittman
County Executive

EFFECTIVE DATE: June 9, 2023

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I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 21-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with the first name "Laura" and last name "Corby" clearly distinguishable.

Laura Corby
Administrative Officer