

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-15-27

AN ORDINANCE concerning affordable housing

FOR the purpose of allowing an MPDU Agreement to effect certain modifications to this chapter; adding a certain provision pertaining to the allowable uses of the City Housing Fund; clarifying language; and generally relating to affordable housing in The City of Frederick.

BY repealing and reenacting, with amendments,
Section 19-6
The Code of the City of Frederick, 1966 (as amended)

and

BY repealing and reenacting, with amendments,
Section 19-18
The Code of the City of Frederick, 1966 (as amended)

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that Section 19-6 of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

Sec. 19-6. MPDU Agreements.

- (a) **In General.** A developer of a project subject to this chapter, in order to obtain the first building permit associated with that project, must submit to the Building Department, with the building permit application, a written MPDU agreement between the developer and the City. In addition to any other requirement of this section, an MPDU Agreement must provide for the required number of MPDUs for the entire development project and must indicate the housing type and location of each MPDU.
- (b) **Number of MPDUs.** The required number of MPDUs is twelve and one-half (12.5) percent of the total number of residential units in the development project.
- (c) **Execution, Recordation, and Assignment of MPDU Agreement.** An MPDU Agreement must be signed by the developer and any other party whose signature is required by law for the effective and binding execution of contracts conveying real property. A developer shall record an MPDU Agreement in the Land Records of Frederick County. An MPDU Agreement may be assigned with the prior written consent of the City if the assignee agrees to fulfill the requirements of this chapter.
- (d) **Staging Plans.** Every MPDU Agreement must include a staging plan, arranged so that MPDUs will be built before or at the same time as other dwelling units. The staging plan must be consistent with any applicable development plan, including but not limited to an approved subdivision plat or site plan. If a developer fails to build the MPDUs contained in the staging plan before or at the same time as other dwelling units, the City may deny any later building permit associated with the project until the MPDUs contained in the staging plan are built as required in an MPDU Agreement.

- (e) **Additional Information.** The City may require that an MPDU Agreement include additional information as necessary to ensure the developer's compliance with this chapter.
- (f) **Modifications.** An MPDU Agreement may include provisions that modify requirements of this chapter if the parties to the agreement find a modification is necessary to forestall conflicts with requirements of other federal, state, or local affordable housing programs, and provided any such modification does not hinder the construction, operation, sale, or rental of MPDUs under this chapter. Any MPDU Agreement requiring a modification under this subsection shall be approved by the Board of Aldermen.

SECTION II. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that Section 19-18 of The Code of the City of Frederick, 1966 (as amended) is hereby repealed and reenacted, with amendments, as follows:

Sec. 19-18. City Housing Fund.

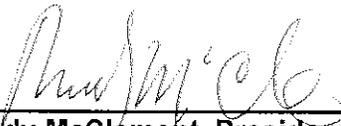
- (a) **Establishment.** The City shall establish and maintain a City Housing Fund to segregate and hold financial proceeds from the operation of the MPDU program.
- (b) **Purpose.** The Board of Aldermen may allocate funds from the City Housing Fund [may be used] for any of the [following purposes:] **following:**
 - (1) To offset the costs of operating the MPDU program;
 - (2) To purchase and resell or rent MPDUs;
 - (3) To address the affordable housing needs of lower-income [persons that] **individuals who** do not qualify for the MPDU program;
 - (4) To address the affordable housing needs of special populations that may require supportive or service-enriched housing;
 - (5) To provide homebuyer education, delinquency and default counseling;
 - (6) To provide grants for the modification of MPDUs to promote accessibility;
 - (7) To provide grants for the modification of MPDUs to promote energy efficiency and conservation;
 - (8) To provide emergency loans to MPDU buyers to prevent mortgage defaults; or
 - (9) To address health and life safety hazards in owner-occupied housing.

SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

SECTION IV. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that this ordinance shall take effect on the date it is approved by the Mayor and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

PASSED:

DATE:



**Randy McClement, President,
Board of Aldermen**

November 19, 2015

APPROVED:

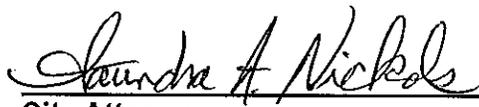
DATE:



Randy McClement, Mayor

November 19, 2015

Approved for Legal Sufficiency:



City Attorney