



October 15, 2025

MEMORANDUM

TO: Planning, Housing and Economic Development Committee

VIA: Lakisha Hull, AICP, LEED AP BD+C, Planning Director

FROM: Shaquan Smith, PMP, Planner IV, Planning Director's Office

SUBJECT: **CB-75-2025**

Purpose

Section 27-3501(c)(2)(A) of the Prince George's County Zoning Ordinance states in part that "the Council's Legislative Counsel shall prepare the proposed amendment in consultation with the Planning Director,..." The Planning Department is submitting this memorandum to provide clarification and any recommendations for consideration on the proposed legislation:

CB-75-2025: AN ACT CONCERNING HOUSING AND PROPERTY STANDARDS - MODERATELY PRICED HOUSING PROGRAM for the purpose of establishing a voluntary moderately-priced dwelling unit program; identifying developments eligible to participate in the program; requiring the minimum delivery of moderately-priced units; providing for a binding agreement between participants and the County; providing for alternative methods to comply with unit delivery requirements; setting forth development incentives for program participation; specifying the eligibility requirements for households seeking to purchase moderately-priced dwelling units; establishing the limitations on the sale and resale of moderately-priced units; providing for administrative regulations governing the program; requiring annual reporting on the program; and generally relating to housing development in Prince George's County.

Policy Analysis

The stated intent of the bill is to create a voluntary program to incentivize housing developers to build more affordable single-family homes in Prince George's County. Under this program, developers commit to constructing a minimum number of homes in a proposed development that will be sold at below-market prices. In return, developers gain access to density bonuses, fee waivers, and expedited review of final plat and building permit applications. Homes will be available to qualified households who register with the Department of Housing and Community Development (DHCD) and will be sold at prices affordable to those earning between 60% and 100% of the area median income. The program also limits resale of these moderately priced homes for



thirty years. Lastly, this legislation authorizes the DHCD Director to publish regulations for the program and mandates annual reporting on the housing produced through it.

Upon receipt of CB-75-2025 on Friday, October 10, 2025, the Planning Department conducted research to determine the best course of action in accordance with reviewing proposed legislative amendments that impact areas in Prince George's County with land use authority under the adopted County Codes, ensuring that this request includes preliminary information to support the proposed amendment.

- (i) **Page 1, Lines 4 – 6**, lack clarity regarding whether the bill pertains to an Inclusionary Zoning (IZ) Ordinance, the MPDU program, or Transfer Development Rights policy. DHCD conducted a study, with HR&A serving as the primary consultant, and the conclusive findings indicated that the County would be unable to support an IZ program. Additionally, alternative compliance options are not advisable, as developers may perceive payments in lieu, contributions, and similar measures as costs. If the intent is to establish this as an IZ policy, it is recommended to proceed with an IZ text amendment rather than creating a separate program.
- (ii) **(ii) Page 2, Lines 18 – 20**, does not accurately define Planning Area. Currently, Planning Areas are established based on master or sector plans rather than housing needs. They are disjointed and do not necessarily reflect the housing requirements of specific regions. It is recommended to remove this section, as the approach is not equitable. There are currently 38 approved master, sector, and transit district development plans for Prince George's County. If the definition for Planning Area is not removed, it should be in alignment with how the State of Maryland defines Planning Area, as it is unclear what 'the earliest planning documents' means.
- (iii) **Page 2, Line 14**, should expressly identify DHCD as the program administrator if one has not been created.
- (iv) **Page 3, Lines 16 – 18**, should refer to Montgomery County, which has a standard of 12.5%.
- (v) **Page 3, Lines 20 – 21**, approves off-site allowances which may create inequitable distributions of these alternate units, and therefore should be removed.
- (vi) **Page 3, Lines 26 – 30**, prohibits the Planning Board from approving a preliminary plan of subdivision or final plat without a signed MPDU agreement with the County, and does not follow subdivision review standard procedures outlined in Section 24-3300 of the Prince George's County Subdivision Regulations.
- (vii) **Page 3, Lines 30 – 31 and Page 4, Lines 1 – 13**, propose that the MPDU agreement includes provisions that are not relevant to subdivisions and therefore should not serve as conditions for approving a Preliminary Plan Subdivision (PPS) or plat, but rather as part of a site plan or permit. More importantly, the bill grants the County Executive the authority to negotiate



agreements concerning density, floor area, architecture, and other related issues, which are currently governed by the authority of the Planning Board and the County Executive, as outlined in Subtitle 24.

- (viii) **Page 4, Lines 3 – 4**, should recommend that each single-family MPDU include one or more bedrooms to facilitate a diverse range of housing tenures, promote the development of an MPDU housing ladder, and enable the utilization of condominium construction within the County. It is advised to remove the waiver, as this legislation should aim to ensure that construction is permitted as "by-right" as possible.
- (ix) **Page 4, Lines 10 – 11**, should similarly remove discretionary approval requirements, as perceived risk may compromise voluntary contributions.
- (x) **Page 5, Lines 1 – 3**, may create equity issues and potential conflict with Federal or State directives on Fair Housing Laws, where some Planning Areas with significant development will receive more funds, and the CHOICE Special Revenue should be Countywide.
- (xi) **Page 5, Lines 4 – 23**, grants the Director of the Department of Housing and Community Development the authority to approve "alternative locations" for MPDUs without any requirements that the applicant obtain pre-approval from the Planning Department or other site development approvals.
- (xii) **Page 5, Lines 25–31**, and **Page 6, Lines 1–3**, lack clarity on which procedures of the Zoning Ordinance the bill references. Additionally, the bill grants the County Executive authority to waive zoning requirements, which are not currently outlined in Subtitle 27.
- (xiii) **Page 6, Lines 4–9**, suggests fee reductions that fund M-NCPPC's review and approval of preliminary plans, detailed site plans, and permits. The proposed bill will not decrease the expenses M-NCPPC incurs for these reviews; therefore, alternative funding will be necessary.
- (xiv) **Page 6, Lines 10 – 13**, proposes an expedited review for final plats, in which, under Section 24-3300, they are already required to be approved within 30 days of receipt of a complete application. This provision also requires the amendment of Subtitle 24 for further changes.
- (xv) **Page 7, Lines 4 – 5**, should consider households that may have gone through foreclosure.
- (xvi) **Page 9, Line 11**, should be removed as a previous MPDU owner should be able to move and purchase another MPDU unit. This requirement will decrease mobility and discourage the housing that best fits individual needs, such as a former MPDU owner of a 3-bed house who wants to downsize to a 1-bed after their family leaves. The County should seek to create a secondary market for MPDU units.



- (xvii) **Page 10, Lines 7–16**, are not recommended due to the risk of a widespread market crash; these units could be lost. The County may exercise its right of first refusal in a sale and may also accept payment to CHOICE. However, MPDU covenants should remain in effect.

The Planning Department concluded that although CB-75-2025 proposes to amend Subtitle 13, it contains provisions that would substantially amend both the Subdivision Regulations and Zoning Ordinance. These provisions will have no force and effect unless the County Council follows the procedures established in Subtitles 24 and 27 to amend the County's subdivision and zoning laws, in accordance with Maryland land use laws that are primarily regulated at the local level. Authority is delegated to counties and municipalities through state laws, where local governments enact land use and implement the policies of the General Plan through zoning ordinances and subdivision regulations. Additionally, the current proposed bill has notable flaws that render it unimplementable; therefore, it cannot align with Plan 2035 or the County's approved master, sector, and transit district development plans.

As always, the Planning Department is happy to assist with any questions or revisions the Committee may wish to discuss.