

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2025 Legislative Session**

Bill No. CB-075-2025

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Member Oriadha

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning

2           Housing and Property Standards – Moderately Priced Housing Program

3 For the purpose of establishing a voluntary moderately-priced dwelling unit program; identifying  
4 developments eligible to participate in the program; requiring the minimum delivery of  
5 moderately-priced units; providing for a binding agreement between participants and the County;  
6 providing for alternative methods to comply with unit delivery requirements; setting forth  
7 development incentives for program participation; specifying the eligibility requirements for  
8 households seeking to purchase moderately-priced dwelling units; establishing the limitations on  
9 the sale and resale of moderately-priced units; providing for administrative regulations governing  
10 the program; requiring annual reporting on the program; and generally relating to housing  
11 development in Prince George's County.

12 BY repealing and reenacting with amendments:

13                           SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

14                           Sections 13-248, 13-249, 13-250, 13-251, 13-254, 13-255, 13-256,  
15                           13-257, 13-258 and 13-259,

16                           The Prince George's County Code  
17                           (2023 Edition; 2024 Supplement).

18           SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
19 Maryland, that Sections 13-248, 13-249, 13-250, 13-251, 13-254, 13-255, 13-256, 13-257, 13-  
20 258 and 13-259 of the Prince George's County Code be and the same are hereby repealed and  
21 reenacted with the following amendments:

# SUBTITLE 13. HOUSING AND PROPERTY STANDARDS.

## DIVISION 8. MODERATELY PRICED HOUSING.

### Sec. 13-248. [Reserved] Definitions.

The following words and phrases, as used in this Division, have the following meanings:

**Affordability Period** means the time an MPDU is subject to resale price controls and owner occupancy requirements.

**Area Media Income** means the median household income for the Washington, DC metropolitan area as estimated by the U.S. Department of Housing and Urban Development.

**Consumer Price Index** means latest published version of the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or any similar index selected by the DHCD Director.

**Department** means the Department of Housing and Community Development.

**Director**, except as otherwise indicated, means the Director of the Department of Housing and Community Development.

**Moderately-priced Dwelling Unit** or MPDU means a dwelling unit which is offered for sale to eligible households through the Department and sold under this Division.

**Planning Area** means one of 37 subareas of the County defined in the earliest planning documents by the Maryland-National Capital Park and Planning Commission and whose boundaries have not changed over time.

### Sec. 13-249. [Reserved] Eligible Developments.

**(a) Eligibility Developments.** The Moderately Priced Development Unit Program shall be open to any applicant who:

(1) Submits for approval or extension of approval a preliminary plan of subdivision under Subtitle 24 of the County Code which proposes the development of a total of 10 or more single-family dwelling units at one location in one or more subdivisions, parts of subdivisions, resubdivisions, or stages of development, regardless of whether any part of the land has been transferred to another party;

(2) Submits to the Planning Director or the DPIE Director a plan of housing development for any type of site review or development approval required by law, which proposes construction or development of 10 or more single-family dwelling units at one location;

(3) Submits to the Planning Board or to the Director of Permitting Services a plan to convert an existing property from non-residential use to residential use for any type of site review or development approval required by law, which results in the development of 10 or more single-family dwelling units at one location; or

(4) With respect to land in a zone not subject to subdivision approval or site plan review, applies for a building permit to construct a total of 10 or more dwelling units at one location, including a conversion from non-residential to residential use.

**(b) Common Ownership or Control.** In calculating whether a development contains a total of ten (10) or more dwelling units for the purposes of this Division, the development shall include all land at one location in the County for building development under common ownership or control by an applicant, including land owned or controlled by separate corporations in which any stockholder or family of the stockholder owns ten percent (10%) or more of the stock.

**Sec. 13-250. [Reserved] Requirement to build MPDUs; MPDU Agreement.**

**(a) Minimum Participation.**

**(1) Minimum MPDUs.** In order to receive the optional incentives available under the MPDU Program, the applicant must agree in writing to provide a minimum number of MPDUs, calculated as ten percent (10%) of the market-rate units in a proposed development.

**(2) On-site MPDUs.** MPDUs required under this Section must be built at the same location as the proposed market-rate units, unless the Director approves an alternative location agreement.

**(3) Rounding Calculation.** When the application of the percentages set forth above result in a fractional unit of less than 0.50%, the result shall be rounded down to the next whole number, and when the result is a fractional unit of 0.50% or more, the result shall be rounded up to the next whole number.

**(b) MPDU Agreement Required.** No application for preliminary plan of subdivision, final subdivision plat or building permit may be approved for a development subject to this Division without a signed MPDU agreement with the County. The MPDU agreement shall be in a form provided by the Director and must be approved by the County Attorney. The MPDU Agreement shall include:

**(1) Details of the specific number, type and location of MPDUs to be constructed;**

(2) Staging plan for construction of all dwelling units (time schedule approved by Director) to ensure MPDUs are built at same rate as market units;

(3) Requirement that each single-family MPDU have three or more bedrooms (unless requirement waived by the Director in a subdivision with only two-bedroom market rate units);

(4) Requirement that MPDUs be of similar floor area and architecturally similar in general exterior appearance and scale with market rate units in the development;

(5) Requirement that applicant must comply with the requirements of this Division and the agreement for the occupancy period;

(6) Stipulation that the agreement runs with the land for the occupancy period;

(7) Any other information the Director determines necessary to ensure applicant's compliance; and

(8) Requirement that agreement be noted on the final subdivision plat and recorded in the land records of the County.

**Sec. 13-251. [Reserved] Alternative Compliance.**

**(a) Alternative Payment Agreement.**

**(1) Alternative Payment Authorized.** The Director may approve an alternative payment agreement that allows the applicant, instead of building some or all of the required MPDUs in a proposed subdivision, to pay to the CHOICE Special Revenue Fund an amount computed under subsection (3) below.

**(2) Required Findings.** The Director may only approve an alternative payment agreement upon finding that:

(A) accepting payment will further the objective of providing a broad range of housing opportunities throughout the County; and

(B) the required units will not be reasonably affordable to eligible purchasers under the program because of high common ownership community fees.

**(3) Alternative Payment Amount.** The amount paid to the CHOICE Special Revenue Fund pursuant to this section shall be three percent (3%) of the sale price of each market rate unit in the development. A payment made in partial satisfaction of MPDU requirements must be adjusted based on the percentage of required MPDUs provided.

**(4) Council Notification.** The Director must notify the Council in writing within ten (10) days of approving an alternative payment agreement under this Section.

**(5) Alternative Payment Uses.** A payment to the CHOICE Special Revenue Fund must only be used to buy, build, or preserve MPDUs in the same Planning Area as the development for which the payment was made.

**(b) Alternative Location Agreement.**

**(1) Alternation Location Authorized.** The Director may approve an alternative location agreement that allows the applicant, instead of building some or all of the required MPDUs on-site, to provide MPDUs at another location.

**(2) Required Findings.** The Director may approve an alternate location agreement only upon finding that:

(A) the public benefit of locating MPDUs at the proposed alternative location outweighs the value of locating MPDUs in each subdivision throughout the County;

(B) building the MPDUs at the proposed alternative location will further the objective of providing a broad range of housing opportunities throughout the County; and

(C) the alternative location agreement will increase the number of MPDUs.

**(3) Location Requirements.** The alternative location must be in the same Planning Area as the proposed market-rate units, unless the alternative location is in a Planning Area designated by the Planning Board in which at least 45% of the United States Census Tracts have a median household income of at least 150% of the County-wide median household income.

**(4) Production Schedule.** Each alternative location agreement under this Section must include a schedule, binding on the applicant, for timely completion or acquisition of the required number of MPDUs.

**(5) Council Notification.** The Director must notify the Council in writing within ten (10) days of approving an alternative location agreement under this Section.

\* \* \* \* \*

**Sec. 13-254. [Reserved] Building Incentives.**

**(a) Available Incentives.** Applicants may request in the MPDU agreement set forth in Sec. 13-250, a density bonus, impact or permit fee reduction, expedited processing, and optional zoning provisions as incentives set forth under the terms of this section, pursuant to the procedures set forth in Subtitle 27 of this Code. These incentives will only be available to applicants in the development where the MPDUs are proposed to be construction.

**(b) Density Bonus.** An applicant who agrees to comply with the requirements of the

1 MPDU Program shall be eligible for a density bonus for for-sale housing of twenty percent  
 2 above the maximum amount permitted in a zone, provided that the development complies with  
 3 all of provisions of Title 27 of the County Code.

4 **(c) Fee Reduction.** An applicant who agrees to comply with the requirements of the  
 5 MPDU Program shall be granted a waiver of up to fifty percent (50%) of all or some of the  
 6 following fees associated with the development:

- 7 (1) Detailed Site Plan Application
- 8 (2) Preliminary Plan of Subdivision Application Fee
- 9 (3) Building Permit Fee - Single Family Dwelling New Construction

10 **(d) Expedited Application Review.**

11 **(1) Final Plat Approval.** An applicant who agrees to comply with the requirements  
 12 of the MPDU Program shall receive expedited review of the associated application for final plat  
 13 approval in a manner determined by the Planning Director.

14 **(2) Building Permit Approval.** An applicant who agrees to comply with the  
 15 requirements of the MPDU Program shall receive expedited review of the associated building  
 16 permit application(s), in a manner determined by the Director of the Department of Permitting,  
 17 Inspections and Enforcement.

18 **Sec. 13-255. [Reserved] Household Eligibility and Certification; Waiting List.**

19 **(a) Eligibility Standard Setting.** The Director shall be responsible for setting and revising  
 20 standards of household eligibility to participate in the MPDU program by regulation. These  
 21 standards must specify moderate-income levels for varying sizes of households relative to the  
 22 area median income.

23 **(b) Certificate of Eligibility.**

24 **(1) Certifying Authority.** The Director may certify households eligible to participate  
 25 in the MPDU program, which shall be valid for three (3) years.

26 **(2) Eligibility Requirements.** Households seeking to purchase an MPDU shall apply  
 27 for a certificate of eligibility on a application form provided by the Director. The application  
 28 shall demonstrate:

29 (A) Household income does not exceed one hundred percent (100%) of the Area  
 30 Median Income adjusted for household size;

31 (B) Proof that the household is able to qualify for and obtain financing to

1 purchase the MPDU;

2 (C) At least one household member is a resident of the County for the at least  
3 one year prior to the date of application;

4 (D) Proof that no adult member of the household has owned any residential  
5 property during the prior three years; and

6 (E) Intent (by attestation) to occupy the MPDU as the primary residence.

7 **(3) Review Prior to Sale.** Eligibility will be reviewed within sixty (60) days before a  
8 sale of an MPDU to ensure that income eligibility guidelines continue to be met.

9 **(4) Certificate Renewal.** Prior to the expiration of the certificate of eligibility, an  
10 eligible household may have the certificate renewed for one year upon a showing that the  
11 household still meets the requirements in Subsection (2) above.

12 **(5) Continued Ownership.** A household that buys an MPDU after meeting all of the  
13 eligibility requirements may retain ownership of the MPDU even if the household ceases to meet  
14 income eligibility standards during the time that the household owns the MPDU.

15 **(c) Waiting List.** If there are more eligible households that wish to purchase an MPDU  
16 than there are available units, the Director shall establish a waiting list from which eligible  
17 households shall be selected and notified.

18 **Sec. 13-256. [Reserved] MPDU Sales.**

19 **(a) Affordability Period.**

20 **(1) Period Defined.** The affordability period for MPDUs is thirty (30) years and  
21 begins on the date of original sale. If an MPDU is sold within thirty (30) years after its original  
22 sale, the MPDU must be treated as a new sale and a new affordability period must begin on the  
23 date of the sale, unless the MPDU is bought and resold by a government agency.

24 **(2) Rentals Prohibited.** During the affordability period, an MPDU owner must not  
25 rent the MPDU to another party unless the Director finds sufficient cause to allow temporary  
26 rental of the MPDU under applicable regulations, which may include maximum rental levels.

27 **(A) Remittance of unauthorized rent.** Any rent obtained for an MPDU without  
28 the Director's authorization must be paid into the CHOICE Special Revenue Fund by the owner  
29 within ninety (90) days after the Director notifies the owner of the rental violation.

30 **(B) Remedies for late remittance.** Any amount unpaid after ninety (90) days is  
31 grounds for a lien against the MPDU. The Director may obtain judgment and record the lien or

1 may reduce the resale price of the MPDU by the amount owed to the CHOICE Special Revenue  
 2 Fund, or pursue other remedies provided by law.

3 **(3) Covenant Required.** During the control period, any deed, mortgage, or deed of  
 4 trust conveying a moderately priced dwelling unit or an interest in a moderately priced dwelling  
 5 unit shall contain a covenant running with the land declaring that use, resale, and foreclosure of  
 6 the unit is subject to the requirements of this Division and that the Director shall have the right to  
 7 enforce the covenant.

8 **(b) Initial Sale.**

9 **(1) Maximum Price.** MPDUs must not be sold at prices that exceed the maximum  
 10 prices established under this Section.

11 **(A) Annual Price Setting.** The maximum sales price for MPDUs shall be set  
 12 annually by the Director within sixty (60) days of publication of the MWSA income limits by the  
 13 U.S. Department of Housing and Urban Development.

14 **(B) Affordability Rate.** The maximum sales price of MPDUs shall be set at a  
 15 rate affordable to households earning sixty-percent (60%) to one hundred percent (100%) of the  
 16 area median income. Affordability shall be based on the appropriately sized household for a  
 17 particular MPDU assuming market rate interest with no more than thirty percent (30%) of the  
 18 annual gross household income being applied toward the cost of housing.

19 **(2) Sale to Eligible Households.** Every MPDU required under this Division must be  
 20 offered for sale solely to eligible households to be used for their primary residence.

21 **(3) Offering Notice.** Before offering any MPDU for sale, the applicant must notify  
 22 the Department of the proposed offering and the date on which the applicant will be ready to  
 23 begin marketing to eligible households. The offering notice shall include:

24 **(4) Notice of Available MPDUs.** The Department shall maintain a list of eligible  
 25 households interested in MPDUs and send written notice to solicit their interest in an MPDU  
 26 offering by electronic mail and displaying such offering on the Department's website fifteen (15)  
 27 days prior to the start of the marketing period.

28 **(5) Marketing Period.** Applicants must make a good-faith effort to enter into  
 29 contracts with eligible households during the priority marketing period and for an additional  
 30 period necessary to negotiate with eligible households who indicate a desire to buy an MPDU  
 31 during that period.



1                   (A) The marketing period shall end ninety (90) days after the Department has  
 2 forwarded to the applicant the names of all eligible households interested in the MPDU.

3                   (B) The Department shall supply the applicant with written notice of the  
 4 marketing period end date.

5                   (C) If no eligible household has entered into a contract of sale for any MPDU  
 6 offered for sale by the end of the marketing period, the Department may extend the marketing  
 7 period for an additional ninety (90) days.

8                   **(6) Sale to Certified Households.** An applicant may not sell any MPDU without first  
 9 obtaining a certificate of eligibility from the prospective buyer unless the applicant determines:

10                   (A) There is no first-time buyer qualified to buy that MPDU; and

11                   (B) The proposed buyer has not previously owned another MPDU.

12                   **(7) Certification of Primary Residence.** Each buyer of an MPDU must certify  
 13 before taking occupancy that they will occupy the MPDU as their primary residence during the  
 14 affordability period. The Director may require an owner who does not occupy the MPDU as their  
 15 primary residence to offer the MPDU for resale to an eligible household under the resale  
 16 provisions in Subsection (c) below.

17                   **(c) Resales during affordability period.** During the affordability period, no MPDU shall  
 18 be sold except as follows:

19                   **(1) Resale Price.** Any MPDU offered for sale during the affordability period must  
 20 not be sold for a price greater than the original selling price plus:

21                   (A) A percentage of the MPDU's original selling price equal to the increase in  
 22 the cost of living since the MPDU was first sold, as determined by the Consumer Price Index or  
 23 other index as identified in Department regulation;

24                   (B) An allowance for capital improvements made to the MPDU between the date  
 25 of the original sale and the date of resale, provided that the Director may disallow the value of  
 26 costs solely attributable to the maintenance and upkeep of the MPDU, or for luxury items;

27                   (C) If approved by the Director, an allowance for closing costs which were not  
 28 paid by the original seller, but which will be paid by the original buyer for the benefit of the later  
 29 buyer; and

30                   (D) A reasonable sales commission.

31                   **(2) Resale Price Adjustments.** The resale price of an MPDU may be reduced if the

1 physical condition of the unit reflects abnormal wear and tear because of neglect, abuse, or  
 2 insufficient maintenance. Any personal property transferred in connection with the resale of an  
 3 MPDU must not be included in the resale price of the MPDU.

4 **(3) New Affordability Period.** If an MPDU is resold within thirty years from the  
 5 date of its initial sale, the unit must be treated as a new MPDU and a new occupancy period  
 6 begins on the date of the resale.

7 **(d) Foreclosures and court-ordered sales.** If an MPDU is sold through a foreclosure or  
 8 other court-ordered sale, all MPDU covenants must be released, and a payment must be made to  
 9 the CHOICE Special Revenue Fund as follows:

10 (1) If the sale occurs during the affordability period, any amount of the foreclosure  
 11 sale price which exceeds the total of the approved resale price under subsection (b), reasonable  
 12 foreclosure costs, and liens recorded against the MPDU among the land records, must be paid to  
 13 the CHOICE Special Revenue Fund.

14 (2) If the sale occurs after the affordability period, the payment to the Fund must be  
 15 calculated under subsection (c), less reasonable foreclosure costs and liens recorded against the  
 16 MPDU among the land records.

17 **(e) Waivers.** The Director may waive the restrictions on resale for MPDUs if the Director  
 18 finds that the restrictions conflict with regulations of federal or state housing programs and thus  
 19 prevent eligible households from buying MPDUs.

20 **(f) Bulk Transfers.** This section does not prohibit the bulk transfer or sale of all or some  
 21 of the MPDUs in a subdivision within thirty (30) years after the original offering for sale if the  
 22 buyer is bound by all covenants and controls on MPDUs.

### 23 **Sec. 13-257. [Reserved] Regulations; Enforcement.**

24 **(a) Regulations.** The Director, in consultation with the Planning Director, shall adopt  
 25 regulations necessary to administer this Division and publish such regulations on the County  
 26 website.

### 27 **Sec. 13-258. [Reserved] Appeals.**

28 **(a) Initial Appeal.** Any person aggrieved by a denial, suspension or revocation of a  
 29 building or occupancy permit or denial, suspension or revocation of approval of a preliminary  
 30 plan of subdivision, development plan or site plan may appeal to the official, agency, board or  
 31 other entity designated by law to hear such appeal.

**(b) Final Appeal.** Any person aggrieved by a final administrative action or decision under this Division may appeal to the Circuit Court for the County in accordance with the Maryland Rules of Procedure for a review of such action or decision.

**Sec. 13-259. [Reserved] Reporting.**

Each year by July 1 the Director must report to the County Executive and the County Council, for the previous calendar year:

(a) Total number of MPDUs created, itemized by Council District and Zip Code;

(b) Total contributions to the CHOICE Special Revenue Fund under an alternative payment agreement;

(c) Total number of MPDUs provided under an alternative location agreement, itemized by Council District and Zip Code; and

(d) Total number of households on the waiting list, itemized by Council District and Zip Code.

SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect one hundred eighty (180) calendar days after it becomes law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2025.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Edward P. Burroughs III  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Aisha N. Braveboy  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

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