

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-112-2012

Chapter No. 94

Proposed and Presented by Council Member Franklin

Introduced by Council Member Franklin

Co-Sponsors _____

Date of Introduction October 23, 2012

BILL

1 AN ACT concerning

2 Five-Year Consolidated Housing and Community Development Plan

3 For the purpose of amending the provisions of the County's Five-Year Consolidated Housing
4 and Community Development and Annual Action Plans by adding requirements under Section 3
5 of the Housing and Urban Development Act of 1968, as amended; and generally relating to
6 housing and community development in the County.

7 BY repealing and reenacting:

8 **SUBTITLE 15A. CONSOLIDATED HOUSING**

9 **AND COMMUNITY DEVELOPMENT PLAN.**

10 Sections 15A-103, 15A-104, 15A-105 and 15A-106

11 The Prince George's County Code

12 (2007 Edition, 2010 Supplement).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, that Section 15A-103, 15A-104, 15A-105 and 15A-106 of the Prince George's County
15 Code be and the same is hereby repealed and reenacted:

16 **SUBTITLE 15A. CONSOLIDATED HOUSING**

17 **AND COMMUNITY DEVELOPMENT PLAN.**

18 * * * * *

1 **Sec. 15A-103. Five-Year Consolidated Housing and Community Development Plan, [and]**
 2 **Annual Action Plan and Section 3 Action Plan.**

3 (a) Pursuant to applicable Federal regulations the County Executive shall prepare on
 4 behalf of Prince George's County and submit to the County Council for approval:

5 (1) A Five-Year Consolidated Housing and Community Development Plan,
 6 commencing in July 1995 and each fifth year thereafter; and

7 (2) An annual Action Plan and Statement of Community Development Objectives
 8 and Projected Use of Funds, which shall constitute the County's Housing and Community
 9 Development Program and activities to address the needs of the homeless, and applications for
 10 securing federal funds under the terms of the Housing and Community Development Act of
 11 1974, as amended, the Cranston-Gonzalez National Affordable Housing Act of 1990, and the
 12 Stewart B. McKinney Homeless Assistance Act of 1988.

13 (3) A Section 3 Action Plan, to implement Section 3 of the Housing and Urban
 14 Development Act of 1968 as amended, (12 U.S.C. 1701u and implementing regulations at 24
 15 CFR 135), which shall establish the strategies and goals to be followed to ensure that the
 16 objectives of Section 3 are met in the use of applicable federal funds in the County, including the
 17 objectives of promoting local economic development, neighborhood economic development,
 18 local hiring and employment, local procurement opportunities and individual self-sufficiency.
 19 The purpose of Section 3 is to ensure that employment and other economic opportunities
 20 generated by certain HUD financial assistance shall, to the greatest extent feasible , and
 21 consistent with existing Federal, State and local laws and regulations, be directed to very low,
 22 low and moderate income persons living in Prince George's County, particularly those who are
 23 (1) recipient of government assistance for housing, and (2) to business concerns which provide
 24 economic opportunities to very low and low income persons. The mission of Section 3 is to
 25 utilize existing federal programs to maximize economic for very low, low and moderate income
 26 persons. A Section 3 Action Plan when properly crafted at the grantee level can help address
 27 unemployment, underemployment, and economic poverty. Section 3 as national policy addresses
 28 issues such as housing affordability, employment status, and individual earnings. Section 3
 29 requirements apply to HUD grantees and applies to all contractors and subcontractors performing
 30 work in connection with projects and activities funded by federal community development
 31 assistance covered by Section 3. The enactment of a Section 3 Action Plan is not a requirement

1 of Section 3 of the Housing and Urban Development Act of 1968, but is a tool to assist
 2 jurisdictions in facilitating its implementation.

3 **Sec. 15A-104. Consolidated Housing and Community Development Plan -- content.**

4 (a) The Five-Year Consolidated Housing and Community Development Plan shall include,
 5 but is not limited to, the following:

6 (1) A comprehensive assessment of housing and community development needs
 7 within appropriate subareas of the County (such as neighborhoods, census tracts, or other
 8 convenient statistical areas), including consideration of such factors as the distribution of
 9 residents with limited incomes (as defined by Federal regulations), over-crowded housing
 10 conditions, and substandard housing units, as well as areas of racial and ethnic concentration;
 11 and

12 (2) A comprehensive strategy for meeting the neighborhood revitalization, housing,
 13 and economic development needs including:

14 (A) A housing and homeless needs assessment that addresses the needs of
 15 households that are of low and moderate income, and homeless households and individuals with
 16 special needs;

17 (B) A housing market analysis that describes the number and type of housing
 18 units available to persons of limited income, as well as the homeless and special needs
 19 populations;

20 (C) Strategic plans for adequate housing, homeless households, persons with
 21 special needs, persons living in public housing;

22 (D) Strategic plans for community development including criteria for
 23 establishing priority needs and rationale for selecting priority projects in the areas of public
 24 facilities improvements, economic development, and public service activities; and

25 (E) The priorities for the use of federal entitlement funds under such programs
 26 as Community Development Block Grant, HOME Investment Partnerships, Emergency
 27 Solutions Grant, Housing Opportunities for Persons with Aids, Neighborhood Stabilization
 28 Grant Program, and HUD Section 108 Loan Guarantee Program.

29 (3) An identification, by name and geographical boundaries, of the areas
 30 recommended for concentrated improvement efforts, together with statements of justification for
 31 each of the areas recommended for improvement;

1 (4) Legible maps that shall show such information as:

2 (A) The distribution of low and moderate income households;

3 (B) Extent and location of households experiencing housing cost burdens;

4 (C) The location of all [proposed block grant funded] federal community
 5 development assistance projects and other federally-funded projects which show a coordinated
 6 use of federal funds;

7 (D) Geographic targeting of federal funds in neighborhood strategy areas.

8 (b) Beginning in 2015 the Five-Year Consolidated Housing and Community Development
 9 Plan shall include a Section 3 Action Plan that addresses policies and procedures for all HUD
 10 covered activities such as: (1) programs that may include multiple contracts, contacts with parts
 11 of HUD funding of public or residential construction projects; (2) services and professional
 12 services activities generated by construction, such as roads, sewers, sidewalks, community
 13 centers, etc; and (3) all public housing authority covered activities such as maintenance,
 14 development, modernization, and operations.

15 **Sec. 15A-105. Annual Housing and Community Development Action Plan -- content.**

16 (a) The annual Housing and Community Development Action Plan shall be generally
 17 consistent with the Strategic Plans contained in the Five-Year Consolidated Housing and
 18 Community Development Plan and the Annual Statement of Community Development
 19 Objectives and shall include:

20 (1) A detailed description of recommended housing and community development
 21 activities proposed for implementation during the succeeding program year;

22 (2) The estimated cost of each project proposed in the subject program year, and the
 23 total cost to bring the project to completion if it is a multiyear project, together with an
 24 identification of the sources of such funds;

25 (3) The geographical boundaries, locations, and targeting where applicable;

26 (4) Identification of the agency or combination of agencies responsible for
 27 administering and/or implementing the recommended activities;

28 (5) Identification of priority housing activities and federal resources to address the
 29 needs of low and moderate income households, as well as special needs populations;

30 (6) Identification of priority activities in areas that address underserved housing needs
 31 which include, but are not limited to: maintaining adequate housing; removing barriers to

1 adequate housing; evaluating and reducing lead-based paint hazards; reducing the number of
 2 poverty level families; developing institutional structures; enhancing coordination between
 3 public and private housing, and social services agencies; and fostering public housing
 4 improvements and resident initiatives; and

5 (7) Submission of a combined application for use of federal entitlement funds for
 6 programs such as Community Development Block Grant, HOME Investment Partnerships, and
 7 Emergency Shelter Grant, Neighborhood Stabilization Grant Program, and HUD Section 108
 8 Loan Guarantee Program.

9 **Sec. 15A-106. Review and approval of the Five-Year Consolidated Housing and**
 10 **Community Development Plan and Annual Action Plan.**

11 (a) The County Executive shall forward each proposed Five-Year Consolidated Housing
 12 and Community Development Objectives Plan, the Section 3 Action Plan, and each Annual
 13 Action Plan and Statement of Community Development Objectives to the County Council on or
 14 before March 15. Upon receipt, the County Council shall cause to be published, in the county
 15 newspapers of record, notice of one or more public hearings to be held on the proposed
 16 Consolidated Housing and Community Development Plan and each Annual Action and Section 3
 17 Action Plan. After the public hearing(s), the County Council may amend any part of the
 18 Consolidated Housing and Community Development Plan or Annual Action Plan and the Section
 19 3 Action Plan and shall act by resolution on each Consolidated Housing and Community
 20 Development Plan, each Annual Action Plan and the Section 3 Action Plan not later than sixty
 21 (60) calendar days after receipt thereof. Following approval, the County Council shall forward
 22 each approved Consolidated Housing and Community Development Plan and each approved
 23 Annual Action Plan and the Section 3 Action Plan to the County Executive who shall furnish
 24 copies thereof to all agencies of government having responsibility for administering and/or
 25 implementing activities identified therein. In submitting the annual expense budget, capital
 26 budget, and capital program to the County Council for the succeeding fiscal year following the
 27 date of approval of each Annual Action Plan, the County Executive shall state to what extent
 28 said documents implement each approved annual plan and shall identify related budgetary and
 29 capital program items.

1 (b) Upon approval of each five-year plan, each Annual Action Plan and the Section 3
2 Action Plan, the County Executive shall transmit them to the designated federal and state
3 agencies for review and approval together with other necessary documentation and certifications.

4 * * * * *

5 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby
6 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
7 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
8 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
9 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
10 Act, since the same would have been enacted without the incorporation in this Act of any such
11 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

12 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
13 calendar days after it becomes law.

Adopted this 20th day of November, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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