

# County Council Of Howard County, Maryland

2010 Legislative Session

Legislative Day No. 10

## Resolution No. 119 -2010

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Harper House Limited Partnership, a Maryland limited partnership, and Howard County, Maryland for a multi-family rental housing development known as Harper House Apartments.

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Introduced and read first time \_\_\_\_\_, 2010.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Read for a second time at a public hearing on \_\_\_\_\_, 2010.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted\_\_\_, Adopted with amendments\_\_\_, Failed\_\_\_, Withdrawn\_\_\_, by the County Council on \_\_\_\_\_, 2010.

Certified By \_\_\_\_\_  
Stephen LeGendre, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, Harper House Limited Partnership (the “Partnership”) proposes to  
2 redevelop and operate a 100-unit multi-family rental development for low and moderate income  
3 households known as “Harper House Apartments” and located on Cedar Lane in Columbia,  
4 Howard County, Maryland (the “Project”); and  
5

6           **WHEREAS**, the Partnership has applied to the Community Development  
7 Administration, an agency of the Division of Finance of the Department of Housing and  
8 Community Development of the State of Maryland for (i) tax exempt bonds in the approximate  
9 amount of \$8,505,000, (ii) a Maryland Housing Rehabilitation Loan in the approximate amount  
10 of \$900,000, and (iii) a 4% low-income housing tax credit reservation that will contribute equity  
11 in the approximate amount of \$3,930,00, (collectively, the “State financing”) to fund a portion of  
12 the acquisition and renovation costs of the Project; and  
13

14           **WHEREAS**, pursuant to the State financing programs, the Project will provide housing  
15 for low and moderate income households; and  
16

17           **WHEREAS**, the Partnership has requested that the County permit the Partnership to  
18 make payments in lieu of taxes pursuant to Section 7-505 of the Tax-Property Article of the  
19 Annotated Code of Maryland; and  
20

21           **WHEREAS**, the Partnership has demonstrated to the County that an agreement for  
22 payments in lieu of taxes is necessary to make the Project economically feasible; and  
23

24           **WHEREAS**, in order to induce the Partnership to provide affordable housing in Howard  
25 County, it is in the interest of the County to accept payments in lieu of County real property  
26 taxes subject to the terms and conditions of the Payment in Lieu of Taxes Agreement attached to  
27 this Resolution as “Exhibit 1”.

28  
29           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
30 Maryland this \_\_\_\_ day of \_\_\_\_\_, 2010, that:

- 1 (1) In accordance with Section 7-505 of the Tax-Property Article of the Annotated Code of  
2 Maryland, the County shall accept payments in lieu of County real property taxes for the  
3 Harper House Apartments rental housing development subject to the terms and  
4 conditions of the Payment in Lieu of Taxes Agreement attached to this Resolution as  
5 “Exhibit 1”.
- 6 (2) The County Executive is hereby authorized to execute and deliver the Agreement in the  
7 name and on behalf of the County in substantially the form attached hereto as “Exhibit  
8 1”.
- 9 (3) The County Executive, prior to execution and delivery of the Agreement, may make such  
10 changes or modifications to the Agreement as he deems appropriate in order to  
11 accomplish the purpose of the transactions authorized by this Resolution, provided that  
12 such changes or modifications shall be within the scope of the transactions authorized by  
13 this Resolution; and the execution of the Agreement by the County Executive shall be  
14 conclusive evidence of the approval by the County Executive of all changes or  
15 modifications to the Agreement, and the Agreement shall thereupon become binding  
16 upon the County in accordance with its terms.