UNFINISHED REVOLUTION

ADVOCACY, ACTIVISM, AND CITIZEN PARTICIPATION:

The League of Women Voters and the Moderately Priced Dwelling Unit Program

By Bianca Serbin and Ellen Stanton

MONTGOMERY HISTORY

MoCo 250 1776-2026

Montgomery County, Maryland marks its 250th anniversary on September 6, 2026. To commemorate the occasion, Montgomery History presents *Unfinished Revolution*, a project to share important stories from our past that combine to tell a more complete and inclusive history of this county. The numerous authors commissioned for this project explore topics related to the history of Montgomery County that either address events that took place from the 1960s forward or fill in gaps by addressing subjects that have been underrepresented or left out of the existing published historical narrative. In embracing the theme of an "Unfinished Revolution," we bring focus to the still-unmet promise of 1776 while rotating its vision to align with our shared journey toward the future.

Montgomery History—the county's historical society—has been serving residents and the region through its research library, adult programs, educational activities, publications, exhibits, and conferences since the organization was founded in 1944. Its mission is to collect, preserve, interpret, and share the histories of all county residents and communities.

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Cover image: Clubside townhouses in Montgomery Village, where some of the first MPDU units were sold in 1976. (Montgomery Village Foundation)

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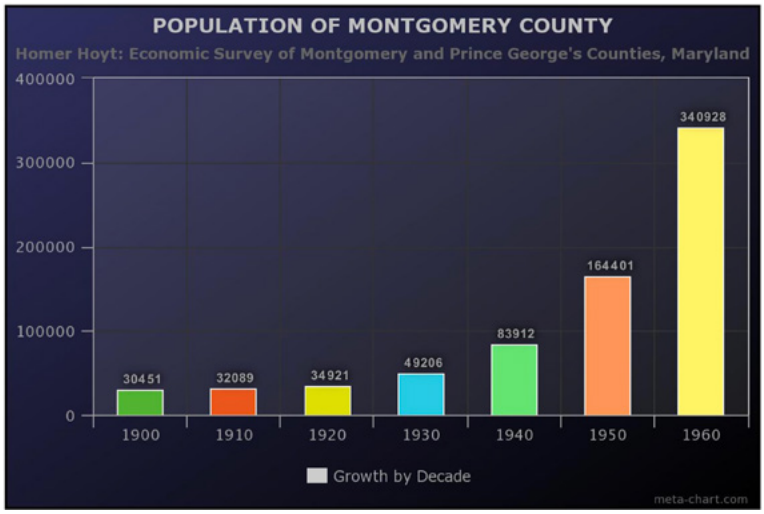
By Bianca Serbin and Ellen Stanton

Speaking before the Montgomery County Council in July 1972, Alice Rabin described herself as part of the "sometimes optimistic, sometimes frustrated, but ever persevering band who jumped at every chance to expand housing opportunities in Montgomery County for modest-income people."[1] Rabin, a member of the local chapter of the League of Women Voters (LWV), was one of the leaders of a coalition of local activists who fought to develop, pass, and implement an innovative housing policy: Montgomery County's 1973 Moderately Priced Dwelling Unit (MPDU) law. The MPDU law enacted the first inclusionary zoning program in the country, reflecting advocacy, activism, and citizen participation powered by the League of Women Voters of Montgomery County (LWVMC).

The MPDU law came about as the county began to grapple with its housing issues. Over the first half of the 20th century, Montgomery County had grown to become one of the most affluent—and, by some measures, exclusive—counties in the country. In 1970, Montgomery County had 522,000 residents—more than 94 percent of whom were white[2]—and the highest median household income in the country.[3] Restrictive housing practices prevented many Black Americans from moving to the suburbs of Washington, D.C.[4] The result was that while Montgomery County became almost exclusively white by 1970,[5] the nation's capital was a majority Black city.[6] Though many of Montgomery County's residents were wealthy, by the 1960s, it was increasingly clear that even current residents' children or elderly parents would not be able to afford housing in the county. There had been efforts to build low-cost housing in the county in the 1940s and 1950s, particularly in Rockville, where the population had nearly doubled from 1940 to 1950.[7] As its population grew, the county started to introduce more multifamily housing, but mostly it lagged behind other counties in the Washington metropolitan area in this regard, continuing to produce predominantly single-family homes.[8] In 1970, the median price of a single-family home in Montgomery County was $41,100,[9] well above the national average of $17,000.[10] How did the most affluent county in the United States become the birthplace of one of its most inclusive and innovative housing policies?

Montgomery County's proximity to Washington, D.C., made it ripe for political activism, and the issue of affordable housing was just one of many outlets for some residents' civic engagement. Many residents worked for the federal government in some capacity and the offices of many government agencies were located in the county. This meant that the county's growth was inextricably linked to that of the federal government and related industries. Largely well-educated and possessing a propensity for politics, Montgomery County residents were actively engaged in local governance. The LWVMC was an early leader of efforts to promote and codify fair housing. Throughout the 1960s, the LWVMC worked closely with Suburban Maryland Fair Housing (SMFH), a local organization founded in 1962 with the goal of achieving a racially integrated county, to pass the county's 1968 Fair Housing Law. Throughout the 1960s and 1970s, members of SMFH worked directly with minority and low-income families, helping them to find and afford

housing, and fought housing discrimination by investigating complaints by local residents.[11] SMFH members could be seen driving around the county with bumper stickers that read, "GOOD NEIGHBORS COME IN ALL COLORS," a sign of their commitment to public advocacy for racial integration.



As seen in this chart, the county's population had doubled almost every decade from the 1930s through the 1960s. (Graphic created by Robert Bachman)

As they fought for fair housing in the 1960s, Montgomery County housing activists came to realize that systemic segregation and racial covenants were not the only mechanisms of exclusion at work in the county. The high cost of housing also prevented minority and low-income people from moving in. Socioeconomic integration, activists argued, was the only way to ensure the county's continued growth and economic development. Montgomery County not only needed housing for the children and elderly parents of its current residents but also for future local and federal government employees and members of the community—including police officers, teachers, clerks, and transportation workers—who performed essential services. Beginning in 1968, the LWVMC and SMFH conducted research to substantiate the need for affordable housing, drafted the MPDU law, and worked to push it through the legislative process. By requiring that low- and moderate-income housing be built in new developments throughout the county, the law was intended to prevent such housing from being concentrated in any one area. The MPDU program was a policy crafted specifically for Montgomery County and reliant on the buy-in of local developers and the organization of the county government—all important in an era when the federal government was reducing its investment in housing programs. The MPDU law came to fruition through the efforts of many Montgomery County citizens and leaders, including members of the League and SMFH, members of the County Council, and advocates from local churches and organizations. Margaret "Peg" McRory and Thomas Schwab were the leaders of the effort to draft and pass the law.[12]

The inception of Montgomery County's inclusionary zoning program exhibits how a new generation of suburban liberal activists instigated grassroots efforts to reform social policy. Traditionally, historical accounts of desegregation have focused on "the fights of white suburban residents against rather than for fair housing legislation and integrated communities."[13] Persistent suburban racism and exclusionary housing practices—unremedied by federal housing legislation, which was largely symbolic and ineffective without local muscle—meant that many neighborhoods remained segregated beyond the 1960s.[14] The leadership of the LWVMC and SMFH exemplifies how liberals often transformed their suburban spaces into nurseries of political and social activism. The LWVMC was a gateway to political engagement and leadership for women residents, many of whom had college degrees but worked at home. In the 1970s, the League functioned not only as a lobbying organization but also as a sort of training program, where women learned the ins and outs of government and gained the skills needed to take on a role within it. Members of the League and women who collaborated with them would later rise to leadership positions throughout the county. Joyce Siegel, a member of the League who worked on the passage of the MPDU law and other housing issues, went on to work for the Montgomery County Housing Opportunities Commission (HOC).[15] Other women, including LWVMC President Julia Marsden, Rose Kramer, and Rep. Connie Morella (D-MD), would later serve in county and federal government.[16]

When the MPDU law passed in late 1973, it was due to the efforts of the LWVMC and the housing coalition to spread awareness about the county's housing problems, to convince residents that the MPDU law was part of the solution, and to gain the endorsement of the county government. The MPDU law brought national attention to Montgomery County, as it had seemingly succeeded in creating a policy that harnessed the power of local government and industry to solve an issue afflicting cities and suburbs across the United States. The leadership of the LWVMC and other housing activists made Montgomery County the birthplace of a new type of policy, one that continues to shape debates about housing today.

Exploring the Needs of the Community: The League's Efforts to Establish Housing as a Priority

After a decades-long struggle by dedicated and persistent women, the 19th Amendment to the U.S. Constitution was passed on August 18, 1920. To achieve their goal, supporters of women's suffrage marched, lobbied, lectured, wrote articles, initiated court cases, formed coalitions, and, in some cases, used confrontational tactics to convince the president, Congress, and the public that the time for women's right to vote had come.[17] The anticipated passing of the 19th Amendment sparked the national organization of the League of Women Voters.

The League of Women Voters of Montgomery County was founded in 1921 by Lavinia Hauke Engle, who became its first president, and her daughter, Lavinia M. Engle, an executive secretary of the state league who was later elected as the first female state legislator from Montgomery County.[18] They were joined by other women in the county who supported the mission of the LWV to empower voters and defend democracy by facilitating voting, influencing public policy, providing civic education, and promoting civic engagement. Since its founding, the LWV has maintained its nonpartisan stance in that the League does not endorse one candidate over another. In addition, the League's core values included grassroots decision-making and consensus-driven policy development. To achieve a consensus, small groups studied and researched an issue, producing fact sheets that were used to provide information, to educate members and the public, or to develop a position based on consensus. If a position was adopted, action and advocacy followed.[19]

In the 1960s and 1970s, the LWVMC was organized into committees, whose members became well-informed experts on issues related to their dedicated subject, and neighborhood units that met monthly at a specific day and time. A member could attend any meeting she chose, most often based on personal convenience. According to Judy Morenoff, a fifty-year member of the League, each unit consisted of a coordinator, one or more discussion leaders, and a recorder, as well as a service chair, an action chair, and a calendar chair. "For many members, their unit was their primary league connection, where they got to know well the other members. When there was an action alert—before email—the action chair called the unit members or set up a telephone tree so that all unit members were mobilized."[20] Later, as the number of units declined, they were replaced by discussion groups that similarly provided several meeting options and focused participation on specific subjects.

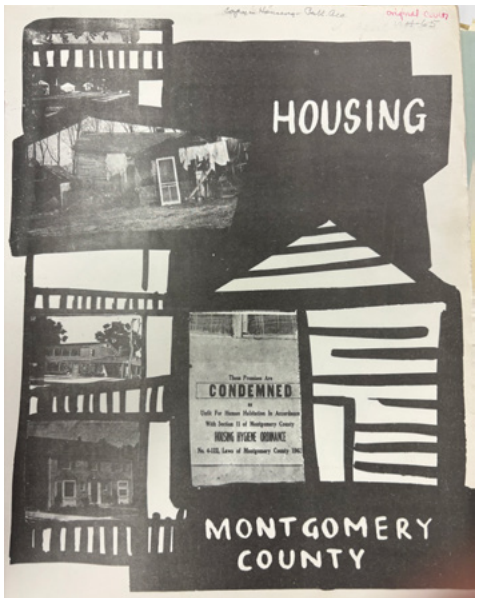
The studies, fact sheets, coalition building, and grassroots advocacy that would help produce the MPDU legislation were a result of several events that occurred in the 1960s when the county was experiencing significant growth. Passage in 1962 of the Montgomery County Housing Hygiene Ordinance created fire and health codes to protect public health and safety and welfare of housing. Efforts to pass the ordinance exposed the dreadful condition of housing for many low-income residents in several county communities.[21]

Peg McRory, an LWVMC member and activist who became president of SMFH, was moved to action by her experience as a tutor in her daughter's 4th-grade class. McRory's house backed up to the rural area of Sandy Spring, where many Black residents lived, including children she tutored in reading. She was shocked by the appalling condition of their housing, but the attitude at the time was to "grin and bear the problem as the community would be bulldozed when development came." No one asked where the residents would live after the housing was demolished. After sixty enclaves of substandard housing were identified within the county, and churches and others became involved, housing became a focus of attention among members of several communities within the county.[22] McRory's expertise and dedication to the issue led to her taking a position as housing consultant with the National Capital Area LWV, president of Suburban Maryland Fair Housing, and aide to County Councilmember Elizabeth "Betty" Scull.

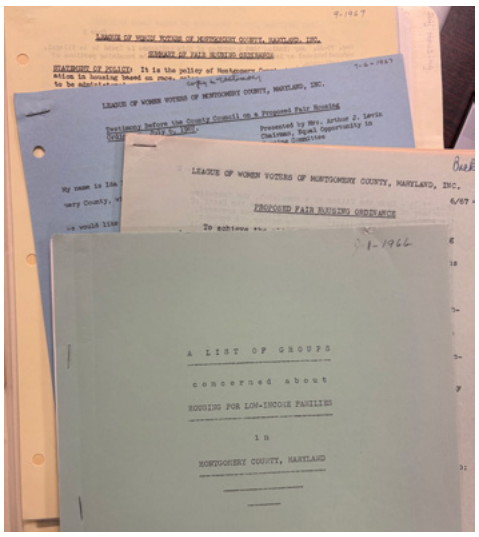
Peg McRory, portrait c.1960s (Montgomery History)

Just two years later, in 1964, the LWVMC conducted a study on racial discrimination in housing and decided to take a strong position in support of open housing, which would prohibit discriminatory rental and homeownership policies and practices. To increase the impact of their voices, the League and SMFH joined together to advocate for building an open community with equal housing opportunities for all residents. Open housing was recognized as having a critical role in providing a chance for better education for those who had been barred from living in communities like Montgomery County. Better education would in turn lead to higher-paying jobs and the ability to pay for decent housing. However, it soon became apparent to both organizations that decent housing still had to be affordable, and that affordable housing options were scarce in the county.[23]

Based on feedback gathered by its first Housing Committee, established in April 1965, the LWVMC supported a comprehensive approach both to maintain and increase the supply of affordable housing within the county. This included using private, county, and federal funds; supporting the Montgomery County Housing Opportunities Council; preserving existing communities when feasible and/or desired; and urging use of scattered sites for affordable housing.[24] The League produced several of its signature fact sheets, which proposed rehabilitating existing housing and increasing the supply of sound, low-priced housing by relying on a variety of subsidies, federal housing programs, and private builders. It also noted that low-priced housing was not "routinely open to all," thus emphasizing the dual focus on fair and affordable housing.[25] To connect with fellow advocates for their proposals, the Housing Committee collected information on thirty-nine organizations–including churches, housing authorities, nonprofits, and community associations–creating "A List of Groups Concerned About Housing for Low-Income Families in Montgomery County, Maryland," a coalition that became a strong lobby for the upcoming legislation.[26] In light of strong community turnout at hearings on the MPDU legislation, McRory would later acknowledge the broad coalition by noting the favorable testimony provided "by religious congregations and groups of congregations, by PTAs, by civic organizations, by political workers, by planners and architects, by people who need housing, [...] by the local Housing Authorities, by businessmen and government agencies, by labor leaders, and, to my great delight, by some builders."[27]



Cover, "Housing for Low-Income Families in Montgomery County," publication #65-05 by LWVMC in April, 1965 (Montgomery History)



Various documents and fact sheets produced by LWVMC related to low-income housing, 1966-1967, including "A List of Groups Concerned About Housing for Low-Income Families in Montgomery County, Maryland." (Montgomery History)

While the League was actively exploring housing issues, the federal and county governments were initiating programs and studies that served to highlight housing challenges and deficiencies. Passage of President Lyndon B. Johnson's Economic Opportunity Act of 1964 led to the creation of the Montgomery County Community Action Agency. The agency assisted residents by providing coordination for an emergency shelter and funding for a federally subsidized housing project in one of the areas of the county with the greatest need for adequate housing.[28] The County Council demonstrated its interest in housing by establishing, in 1966, the Housing Authority of Montgomery County (HAMC), led by Alexander Greene from 1967 until its restructuring into the HOC in 1974. The following year, the HAMC studied affordable housing needs in the county and recommended "a range of housing objectives beyond constructing federally funded public housing."[29]

The LWVMC closely monitored the efforts of county commissions, such as the Commission on Human Relations, and progress by the County Council on passing fair housing legislation by sending members to meetings, reporting back to units and committees, and developing relationships that would further the League's knowledge and expertise as well as expand the housing coalition.

Anticipating objections to the county fair housing ordinance, the League prepared talking points on the topic of racial integration for its members. A fact sheet prepared for its Equal Opportunity in Housing Committee in May 1967 included a list of "Myths of Racial Integration," such as that "property values go down when Negroes move into an all-white neighborhood," that "if one Negro moves into a neighborhood, a multitude will follow," and that "if Negroes move into a white neighborhood, crime and delinquency will increase."[30] As a rebuttal to the second claim, the League wrote, in colloquial language of the time, "Only a tiny fraction can afford to buy homes in suburban communities so the chances of Negroes invading suburban areas en masse are highly unlikely."[31] The LWVMC's response acts as both consolation to skeptical white residents and indictment of affordable housing options, drawing attention to the impotence of fair housing legislation. Lacking concurrent price adjustments, fair housing laws alone would not substantially alter the makeup of neighborhoods.

In her testimony before the County Council in July 1967 in support of the Fair Housing Ordinance, Ida Levin, chair of the League's Equal Opportunity in Housing Committee, noted the widespread discrimination in housing in Montgomery County despite voluntary efforts for improvement. Citing a league position paper on the "positive values" of local laws, she urged passage of a law that would be comprehensive in scope and eliminate all exemptions that some had proposed. Levin concluded by stating, "The County Council has an opportunity and obligation to further demonstrate and assert its leadership in meeting a basic human need and ensuring equal opportunity in housing, by passing such a strong and enforceable law."[32] After passage of the Fair Housing Ordinance that same month, a second fact sheet was created by the Equal Opportunity in Housing Committee. It provided additional information by updating and educating league members on the provisions of the Montgomery County Fair Housing Ordinance.[33]

Future Councilmember Idamae Garrott with U.S. Senator Joseph Tydings (D-MD) at an event on September 23, 1965. (Montgomery History)

Meanwhile, Idamae Garrott, an LWVMC president from 1963 to 1966, was elected to the Montgomery County Council in 1967. Once in office, she proposed that every new town sector or zone include a mandatory provision for low- and moderate-income housing. Having acquired the legislative authority to approve all master plans in the county, the county now had the power to make zoning decisions, including those that would enshrine the MPDU legislation. Her novel proposal "didn't get very far," as Peg McRory noted, "but members of the League and SMFH took it up and began exploring possibilities of applying the concept to various zoning categories."[34] Garrott was highly engaged in the county's housing issues. A teacher of government and history, she became council president in 1971 and later was elected to the House of Delegates (1979-1987) and Maryland Senate (1987-1994). While serving on the County Council, Garrott and fellow Councilmember Elizabeth Scull worked together, introducing the MPDU legislation and advocating for its passage.[35]

Another advocate for the MPDU legislation, Joyce Siegel, was an activist whose initial interest in housing focused on Montgomery County's Scotland community. Scotland was founded in 1880 by William Dove, a formerly enslaved farm worker who was the first Black man to own land in Potomac which at one time included

Joyce Siegel, pictured among the new townhouses in the Scotland community, c. 1970. (Montgomery History)

as many as 500 acres along Seven Locks Road. Working in partnership with the residents, she helped form Save Our Scotland, a coalition that encouraged county action to improve the area. Siegel recalled reaching out to League members for assistance in conducting a survey of the Scotland community for a grant application. They visited each household to collect the necessary information and later advocated for county services to be provided to Scotland residents.[36] The coalition's efforts resulted in a commitment from the county to rehabilitate the neighborhood, build a community center, and eventually led to the construction of 100 homes. Later, Siegel became a commissioner and director of public affairs for the Montgomery County HOC, working with neighborhood groups to gain support for affordable housing by explaining the MPDU legislation and policies.[37]

A consequential event that occurred in 1968 further influenced the effort to provide low- and moderate-priced housing in the county. The Montgomery County Council passed a broad fair housing law in August 1968, complementing the fair housing requirements outlined in the U.S. Civil Rights Act of 1968. Progress was being made both in providing open and fair housing and in creating the opportunity for local action to achieve more low- and moderate-income housing.[38]

After more than five years of study, the League believed that legislation was needed that required a minimum provision of low- and moderate-income housing in new, large county developments. In a letter to the County Council, LWVMC President Judith Heimann presented the League's endorsement supporting changes in the local zoning ordinance and requested that an amendment be drafted. As articulated by the discussion groups, there were many reasons to support such an amendment:

Judith Heimann, president of LWVMC in July of 1970 (*Montgomery County Sentinel*)

- The County Council, representatives of many industries, local organizations, and individual residents agreed that such housing was needed and a public priority.
- Incentive programs and cost reductions did not adequately address the housing problem.
- The anticipated growth of the county would only increase the need.
- Multiple-use, planned zoning categories were on the rise.
- The nature of multiple-use zones—their density, proximity to transportation centers and employment opportunities, and flexible design—complemented inclusionary zoning.[39]

As follow-up to the letter to the County Council, Heimann stated in a press release, "The League feels that the responsibility for solving the housing problem is not that of the builder alone, but, in fact, belongs to the government and the citizen. We have had a great deal of discussion, now is the time for action and, in this case, action begins with the passage of legislation."[40]

From Advocacy to Enactment: Achieving Affordable Housing Legislation

The LWVMC's consensus on an approach to housing reform that would involve zoning amendments catalyzed the formation of the housing coalition. The League and Suburban Maryland Fair Housing began to draft a legislative proposal.[41] The two organizations formed an informal housing coalition, which they referred to as the Montgomery County Project for Low- and Moderate-Income Housing.[42] Peg McRory and Tom Schwab were the leaders of this coalition and the main architects of the law. In her capacity as president of SMFH (1971-1973), McRory devoted significant energy to monitoring all progress on the legislation and attending County Council meetings and working sessions.[43] Schwab, a Harvard Law School graduate and former president of SMFH, became the "legal brain" behind the MPDU operation.[44] While McRory and Schwab were the recognized engines of the effort, members of the LWVMC did important work to spread awareness about the law. League member Alice Rabin became the campaign's coordinator, referring to her basement in Silver Spring as the "campaign coordinating office."[45] Rabin was an appointed director of SMFH from 1972-1973, evidence of the close ties that formed between the organizations.[46] League members Ruth Chertkov, Esther Delaplaine, and Sarah Morse were also engaged with the MPDU efforts.[47]

Passage of Montgomery County's fair housing law was a key legal and symbolic victory, but it would not address the county's housing shortage, which had essentially created discrimination in the form of economic exclusion. A 1968 report on housing prepared by the Washington National Council of Governments stated, "The principal housing problems are substandard housing and overcrowding, and high housing costs for families of low and moderate income. The principal housing issues are the location of multifamily housing, and housing opportunities for nonwhites."[48] Between 1965 and 1985, the Washington metropolitan area would need to add at least 540,000 units of housing to accommodate population growth, according to the report.[49]

From early 1970 to September 1971, based on predictions that the region would gain more than 1 million residents and more than 400,000 jobs before 1980, the LWVMC and the rest of the housing coalition began to draft a zoning amendment that would allow for widespread construction to accommodate this growth.[50] For the legal language needed to present a workable piece of legislation, the coalition relied on pro bono assistance from the law firm Hogan & Hartson, particularly from Vin Rocque.[51] In a letter to the County Council on behalf of the housing coalition, then-president of SMFH John deBeers suggested that "just as developers have been required to provide for roads and storm sewers, considering them to be a part of their cost of development, so they might be required, for example, in multiple-use planned unit zoning categories, to dedicate a certain amount of acreage in furtherance of the public interest to provide much-needed low or moderate income housing."[52] This nascent approach already included key elements of what would become the final MPDU law, placing the onus on developers to produce the housing. The *Montgomery County Sentinel* described the proposal as a "solid idea that deserves very serious consideration by the public and local government."[53]

Councilmembers Elizabeth Scull and Idamae Garrott, as allies of the coalition, would ultimately introduce the MPDU legislation and closely shepherd it through the council's legislative process. Throughout the drafting process, the housing coalition remained in close contact with members of the County Council. In June of 1971, Garrott testified at a U.S. Civil Rights Commission's hearing on "Housing and Employment in Suburban Areas," noting, "I understand you have asked me here today because Montgomery County has received nationwide publicity on our efforts to solve the housing problems of our low and moderate income families."[54] She referenced the quota and density provisions that had already been floated by the LWVMC and SMFH.[55]

In September 1971, the housing coalition sent the draft legislation to Garrott, Scull, and Councilmember Neal Potter.[56] The draft outlined two bills: one would codify the requirement for moderately priced units, and the other would amend the county's zoning laws to let builders to receive bonus densities—allowing them to build more on a tract of land than would have been allowed under zoning laws. The draft bills stated that the housing should be "generally dispersed among other dwelling units" and "designed to harmonize architecturally with such other units in the development"—elements of the legislation intended to promote integration.[57] The following March, Garrott and Scull introduced

the draft MPDU bills to the County Council. The legislation would require any developer building fifty or more units of housing to allocate 15 percent of the units to be moderately priced. In turn for building these lower-cost units, developers would receive a bonus density. The county executive would set maximum sales or monthly rent prices for the moderately priced units. For example, a four-bedroom, detached or semi-detached unit could not exceed $25,000 or $250 per month.[58] The HOC and other nonprofit organizations would also have the opportunity to lease or purchase up to one-third of the units for very low-income families in need of government-subsidized housing.[59] The proposed legislation also mandated a control period for all MPDUs: for a period of time after the purchase of an MPDU, it could only be sold to an MPDU certificate holder. This provision aimed to prevent people from buying lower-cost units and reselling them at market rate. The *Sentinel* described the bill's first days before the council as "off to a shaky, divided start." The legislation was "expected by all concerned to evoke a long debate."[60]

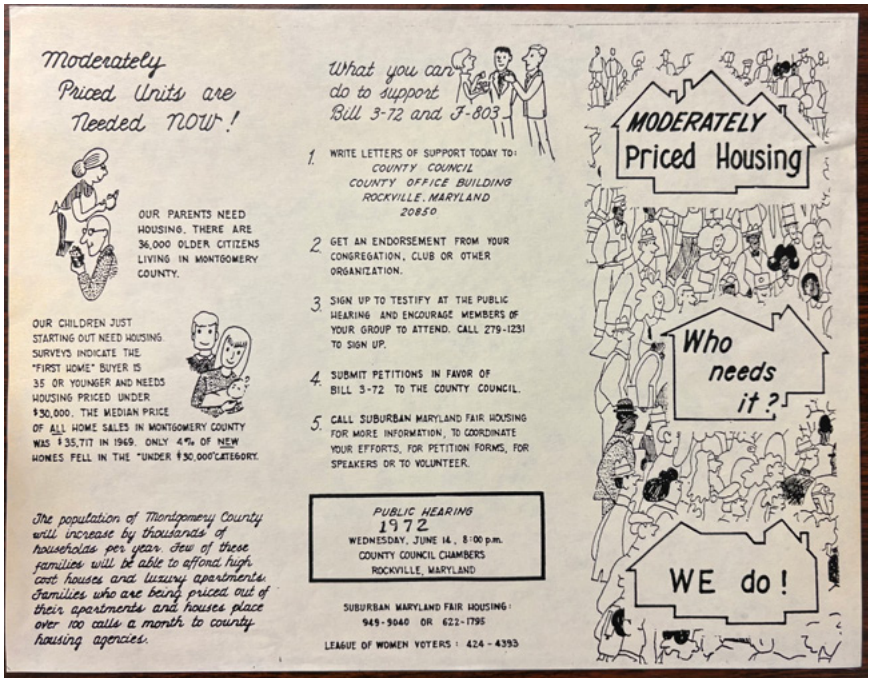
The 1970-1974 Montgomery County Council, left to right: William Sher, Elizabeth Scull, Dickran Hovsepian, William Willcox (later replaced by Norman Christeller), Idamae Garrott, Neal Potter, Sidney Kramer. (Montgomery History)

Norman Christeller in 1986, speaking as the chair of the Planning Board. (Montgomery History)

At the time, the County Council had seven Democratic members, whom the coalition hoped would be favorable to the MPDU concept. Scull and Garrott were the only two Democratic women on the County Council; the men were Potter, Dickran Y. Hovsepian, William Sher, Sidney Kramer, and William Willcox—later replaced by Norman Christeller in 1972. Christeller's ascendance to the County Council would prove to be pivotal to the passage of the law. He got his start in county government by serving on the Substandard Housing Study Committee and by helping to rebuild the Scotland Black community in Potomac.[61] Bruce Adams, a member of SMFH and the Alliance for Democratic Reform, recalled that Christeller "had the force of will to push [the law] through and make it happen."

Members of the League needed to find a way to establish the county's housing shortage as an issue residents should care about. Though there had long been demand for housing in the county,[62] the League argued that affordable housing would be requisite for its continued economic advancement. If Montgomery County hoped to continue to develop as a hub for government and industry, it would need to have an adequate supply of housing for employees and their families.[63] Economic growth would precipitate the growth of the county's industry and increase the need for schools and public services—all of which would require more housing. Among those who would benefit from more affordable housing were teachers, police, firemen, maintenance workers, clerks, and transportation workers—all of whom performed essential services for residents but typically could not afford to live in the county where they worked.[64]

Absent from the LWVMC's justifications for the legislation is an overt acknowledgment of how the law might promote racial integration and avoid further segregation through its scattered site approach. The LWVMC framed its arguments in favor of affordable housing in purely economic terms, emphasizing that it would help "low- and moderate-income



Trifold brochure prepared by LWVMC to raise interest in the public hearing on moderately priced housing units on June 4, 1972. (Montgomery History)

people" and refrained from addressing how it would also benefit people from minority groups. The LWVMC's silence on this adjacent effect suggests that members may have believed that race-related arguments would be politically unpopular and detract from efforts to promote the law.[65] A policy to promote economic growth may have been more palatable to the county's white population—even if that same law would also increase racial diversity.

The housing coalition would have its first opportunity to defend its bill and hear arguments against it during a series of public hearings scheduled before the County Council, on June 14, June 28, and July 6, 1972. The League and SMFH collected letters of support from civic and religious groups, hoping to engage with organizations that represented wide swaths of the Montgomery County population.[66] A flier distributed by the LWVMC and SMFH to county residents listed specific action items: those in support of the law could write letters to councilmembers, request endorsements of the law from community groups, testify at an upcoming hearing, and/or submit petitions directly to the council. These materials emphasized that the legislation would support not only new residents but also existing elderly and young residents who might be priced out: "Our parents need housing. [...] Our children just starting out need housing."[67]

At the hearings on the proposed legislation, there was little disagreement that Montgomery County needed to build more affordable housing. At the June 14 hearing, there was "near unanimous" support for the bill;[68] of the thirty-six citizens or civic groups that attended the hearing, thirty-five expressed support for the concept of the MPDU law.[69] Attendees of all three hearings highlighted the failure of existing legislation and zoning rules in remedying the housing shortage. Importantly, attendees testified to the ways in which the legislation would promote local industry. An employee at the National Institutes of Health (NIH), headquartered in Bethesda, stated that it was "difficult for NIH employees to obtain housing in Montgomery County. Fifty-six percent of all employees at NIH earn $10,000 a year or less... [making it] difficult in recruiting new employees to work for NIH in Montgomery County."


Edith Throckmorton, speaking at a meeting in 1977. (Montgomery History)

The topic of race also came to the fore at the hearings, where members of minority groups emphasized how the law would facilitate inclusionary practices. Edith Throckmorton, then-president of the county chapter of the NAACP, testified about how "minority groups" had trouble finding housing in the county. A representative from the Montgomery County Project spoke about how the legislation could foster not only economic and social but also racial integration.[70] A representative from the Sligo-Branview Civic Association, serving a population that lived near Silver Spring, cited the "need to provide housing for County workers, young singles and married people" and the "need to develop *balanced communities*, which MPDU legislation would

promote."[71] Members of SMFH also continued to emphasize how the legislation would affect minority members of the community, both at the MPDU hearings and in other appearances before the council. At a public hearing in September 1972, advocate Bruce Adams reiterated his support for McRory's points made at the earlier hearings but also urged the council to save several communities in the northern part of the county at risk of disappearing, including Stewartown, due to new development. Members of these communities were predominantly Black and poor, and SMFH members believed the county had an obligation to preserve them while undertaking new developments.[72]

Those who did speak out against the bill, however, represented a large and critical contingent. The League and the housing coalition faced the greatest pushback from the builders themselves. The builders' argument against the MPDU law rested on the premise that it was not fair to make them shoulder the financial burden of a countywide problem—one they believed the entire county should pay for.[73] They contended that it was not financially feasible to build units to be sold at the prices advocated for in the bill. By forcing developers to build the units at a loss, the law amounted to an unconstitutional taking of property without compensation and deprived them of equal protection.[74] The Suburban Maryland Homebuilders Association, a major opponent of the legislation, questioned whether the government had the right to tell developers where and what kinds of housing to build.[75]

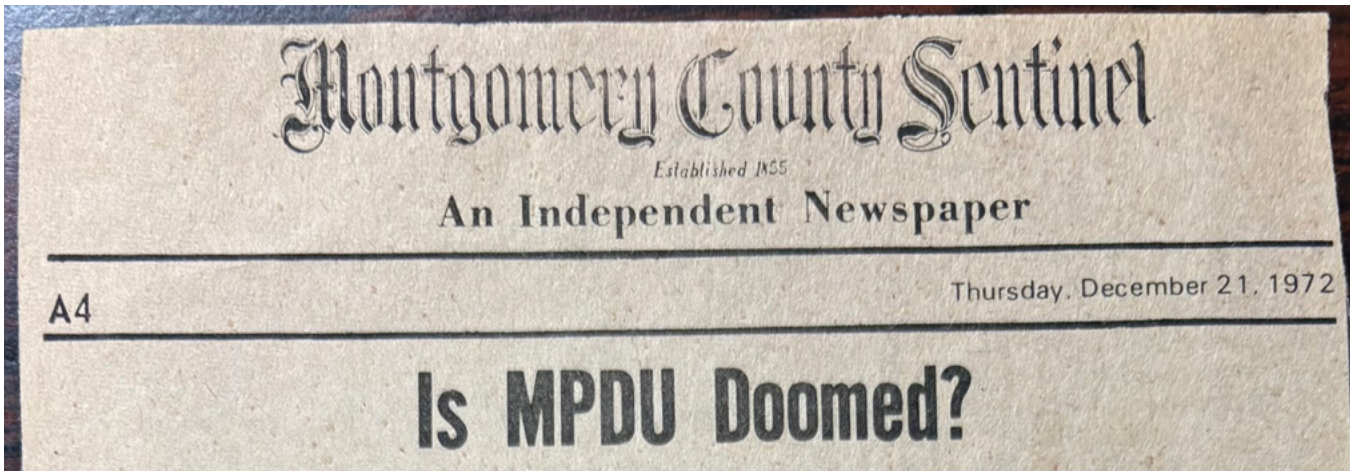
Those who did not attend the hearings could still follow the debate surrounding the MPDU legislation through the *Sentinel*, which reported in detail on the contents of the hearings and outlined the arguments for and against the bill.[76] Joyce Siegel recalled that the *Sentinel* and its coverage had significant influence in the community.[77] Though it acknowledged the importance of this attention, the LWVMC maintained that it was the grassroots efforts of the coalition that drew people to the hearings. The press had not, the League's Alice Rabin reminded the council, provided much coverage of the legislative process prior to the summer 1972 hearings.[78] After the three summer 1972 hearings on the legislation, Councilmember Scull published an article in the *Sentinel* acknowledging the opposition between resident activists on one side and builders on the other. Scull remained confident, however, that the bill would come to pass: "Out of it all, out of the discussion, the argument, the occasional clashes, will emerge a workable, helpful bill. This is 'citizen participation' at its most useful best. Although exhausting, it is pretty exciting to watch."[79] The next year, as the LWVMC and its coalition battled to get the bill passed, Councilmember Christeller published a piece in the *Sentinel*. "We must find ways to provide more housing opportunities for moderate income families as well as low income families," Christeller wrote. "The only questions remaining are 'How much?' and 'How do we do it?'"[80]

By July 1972, the coalition had already mailed information about the legislation to more than 800 local organizations, made more than 250 phone calls, and sent out more than 25,000 flyers. The LWVMC and SMFH collected upwards of 2,800 signatures in support of the legislation from both county and prospective residents.[81] In addition to garnering support from Montgomery County residents, the LWVMC and SMFH solicited information from county employers to reinforce their claims that housing would support industry. McRory reached out to a representative from IBM, who in turn wrote to Councilmember Hovsepian disclosing that many of their employees might not be able to afford to live in the county on their salaries.[82] By mobilizing actors both within and outside the county, the housing coalition hoped to demonstrate the legislation's far-reaching economic benefits. Hovsepian in turn wrote to McRory about the shared "deeply-held convictions on the need for MPDU" between the council and the housing coalition.[83]

Although the council was largely in favor of the legislation and was pushing to adopt a version with widespread support, the coalition had not convinced County Executive James P. Gleason of the program's feasibility. Gleason firmly believed that the law was unconstitutional. He had sought the advice of the county's legal advisers, who, in a ten-page opinion, described the proposed law's legal flaws. Enacting the law, wrote County Attorney Richard McKernon, would amount to a form of discrimination against developers, forcing them to "deal with the resolution of a problem common to the county as a whole for which they are no more responsible than other citizens"—a violation of equal protection.[84]

After the summer hearings, the County Council continued to host working sessions on the legislation, hoping to revise it to better address the concerns of its opponents. At one such working session in December 1972, representatives from the Apartment Houses Council and Suburban Maryland Home Builders introduced a counterproposal that

included a provision classifying MPDUs as voluntary, meaning builders would receive the bonus density only if they chose to include them. McRory, on behalf of the LWVMC and SMFH, responded forcefully: "The Council should understand that the issue is not mandatory v. voluntary. It is mandatory v. no low and moderate income housing. There is nothing in recent experience in Montgomery County or in the testimony at the hearings from representatives of the building industry to suggest that builders will take advantage of bonus provisions and voluntarily build the needed units."[85] The housing coalition also urged the council not to be discouraged by the builders' claims that the bill would be unconstitutional: "As to the threat of court action, we point out that this is always a possibility, indeed, a probability, where innovative legislation is involved, since legal precedent holding such legislation valid is seldom available."[86] The LWVMC and SMFH argued against the assumptions that MPDUs could only be built at an economic loss or that the lower-cost units would lower the value of property in the county. Fears that those buying non-MPDUs would be forced to bear some of the financial burden of the legislation were unfounded, they asserted. And even if there were some basis for these arguments, would new residents not benefit from entering a community with strong institutions—including schools, police, and fire departments—that could not exist or thrive without the provision of more affordable housing?[87]


Montgomery County Sentinel

Established 1855

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Thursday, December 21, 1972

Is MPDU Doomed?

Headline in the *Montgomery County Sentinel* reflects the changing tide for the MPDU legislation, December 1972. (Montgomery History)

However, just nine months after the legislation had been introduced, it appeared that support for MPDUs was faltering. The builders' counterproposal and the ever-increasing demand for lower-cost housing painted a bleak picture of the future of housing reform in Montgomery County. If residents couldn't agree on the solution, what could the county government do? "Is MPDU Doomed?" a *Sentinel* editorial asked. "What kind of a community will we have here in five, 10 or 20 years if only the affluent can afford to live here?"[88] In March 1973, McRory presented a cake with a sign reading "Happy Birthday MPDU" to the Montgomery County Council. It had been one year since the legislation was first introduced.[89] There was a sense among those advocating for the law that if they were to lose momentum, it would not be possible to pass the law at all. However, the council's Democratic members believed that the need for housing legislation was urgent and were favorable to the legislation.[90]

On October 23, 1973, the Montgomery County Council passed the MPDU law. Just a few days later, County Executive Gleason vetoed the legislation, citing the county attorney's opinion as justification for doing so. Gleason wrote to the County Council and encouraged them to draft a new bill that would accomplish the goals of the MPDU proposal while avoiding what he believed were the unconstitutional pitfalls of the existing legislation. He also emphasized that the council had received the county attorney's review of the law more than a year before passing it, and thus could have taken the time to revise the legislation. In Gleason's view, the council had passed the legislation "without regard to its constitutionality." Members of the County Council reacted strongly to the veto, with Councilmember Christeller writing that it showed "a callous disregard for the needs of lower income families. [91] Christeller led the council's opposition, and the council quickly overrode the veto on November 6. The MPDU law went into effect in January 1974.

Policy Into Practice: Contending with Local and Federal Opposition

The first MPDU—a two-bedroom townhouse in Gaithersburg—was sold in May 1976.[92] Just two months later, the entire first tranche of MPDUs—108 moderately priced units—had sold.[93] Commenting on the evident demand for the units in a column published in several county newspapers, Scull wrote, "How could it be otherwise, in view of the severe shortage of moderately-priced housing in the county? The median sales price of USED housing is now over $60,000, with hardly any selling for under $40,000." Scull also made sure to clarify that MPDUs were not public housing, perhaps responding to or anticipating future backlash from residents concerned about the status of those inhabiting the units.[94] In subsequent years, though, the MPDU program would produce units that the HOC, led by Bernie Tetreault, would eventually lease as public housing. Tetreault served as the executive director of the HOC for twenty-four years, during which time he helped the county institute many innovative housing policies.[95]

Over the next two decades, the MPDU program would add thousands of units of housing to Montgomery County. In 1980, 524 MPDUs went on the market for sale or for lease, more than had been offered in total during the preceding four years.[96] Overall, the 1980s witnessed a huge increase in the number of MPDUs produced and offered. During that decade, most MPDUs offered for sale were townhouses and most offered for rent were apartments.[97] In response to growing demand for more affordable units, developers began to focus on the production of townhouses, which had the effect of bolstering the supply of MPDUs.[98] In 1984, a vast increase in the number of available units for rent contributed to a spike in MPDU offerings: 1,227 MPDUs went on the market in Montgomery County that year.[99]

Despite hopes to the contrary, the MPDU program did not immediately aid efforts to introduce racial diversity in the county. Though absent from much of the public debate and commentary, the law's potential to promote racial integration was certainly important to the LWVMC and SMFH, who had spent the latter half of the 1960s advocating for fair housing. In 1984, the majority of those that qualified for MPDU eligibility were white: Of the 357 people who received an MPDU certificate of eligibility, more than 75 percent were white and only 11 percent were Black.[100] Two years later, program statistics showed little improvement in racial diversification: 76 percent of purchasers were white, a little more than 12 percent were Black, and 6 percent were Hispanic.[101] However, from 1988 to 1992, 51 percent of MPDU purchasers were from minority groups, evidence that the MPDU program was finally helping to racially integrate the county.[102]

In the decades after passage of the law, the county's efforts to produce MPDU housing were contingent on buy-in from the developers. The law was premised on the idea that contrary to their assumptions, developers would not incur financial losses by building the affordable units. Immediately after the law went into effect in 1974, the council passed an amendment to allow developers to request a waiver of the MPDU requirement.[103] Certain county restrictions on building—including those stemming from the 1970 sewer moratorium and environmental protection legislation—made it difficult to build higher density housing on certain tracts of land. Other restrictions stemmed from citizen-developed covenants. In late 1977, the Montgomery County Planning Board waived the MPDU law for the first time, allowing F.M. and D.P. Bell Builders Co. to construct seventy luxury housing units in Potomac without the inclusion of moderately-priced units. When they acquired the land in 1960, before passage of the MPDU law, the builders had entered into an agreement with the Sisters of Mercy, a group of Roman Catholic nuns, that they would build units on at least half-acre plots. Estimating a construction cost of $60,000 per house, the builders argued that they could not produce the requisite MPDUs without financial loss. Such instances also spotlighted one of the key tradeoffs of the policy: It was much cheaper to build an MPDU in Germantown than in Potomac, where the average home value was much higher. But to build only in the former so as to maximize production would betray the moral foundation of the legislation in concentrating affordable housing only in some areas. The program's goal of distributing affordable housing throughout the county was at odds with its need to significantly increase the overall supply.

Developers who did not seek formal waivers still found other ways to bypass the MPDU requirement. For example, Cowan & Hodgkin Construction Co. received approval from the Montgomery County Planning Board to build just forty-nine units in a new subdivision in the county—one unit shy of the fifty-unit minimum outlined in the MPDU law. Chet Cowan himself defended his move by arguing that the people who would want to buy homes—priced at $180,000 each—in the subdivision "wouldn't want to live near low-priced town houses. Frankly, it wouldn't be fair to the people buying the townhouses (MPDU's) either. They'd be out of place."[104] Other developers—including Columbia Homes, Pettit & Griffin, and Albert Turner—similarly received approval from the county to construct developments with only forty-eight or forty-nine units.[105] An editorial published in the *Sentinel* in 1980 summarized the conflict surrounding affordable housing: "Isn't all housing affordable to someone – the wealthy, for example? That's the problem in Montgomery County. [...] It is all well and good to come up with a formula that says a certain percentage of affordable housing should be built in Potomac or Olney, but somehow we cannot envision it ever getting done. We say this because, these days, affordable housing is running into the fiercest opposition it has ever faced."[106]

The MPDU program's mandate against the overconcentration of lower-cost housing in any particular area sought to prevent Montgomery County from being "ghettoized, economically if not racially," according to one study.[107] The MPDU program was not, on its face, a public housing program, but its units could be leased as public housing through the HOC. As a result, public housing could conceivably become available throughout the county as more MPDUs were constructed, leading to the integration of the county's lowest-income residents into all neighborhoods. Opposition to public housing demonstrated that residents did not necessarily think socioeconomic integration would be beneficial.

In early 1980, *The Washington Post* reported on the state of efforts to expand public housing. "Virtually anywhere subsidized housing is proposed in Montgomery County, there are people nearby who have reasons why it should not be built there," the paper reported.[108] Such was the case in Wheaton, where residents fought against a county plan to build seventy-two units of subsidized housing—much of which would help accommodate the growing number of low-income and minority residents moving to the middle-class neighborhood from Takoma Park and Silver Spring.[109] Public housing was not evenly distributed throughout the county: Twenty-five percent of the county's public housing was located in Gaithersburg and Silver Spring (two areas with median incomes below the county average) while wealthy Potomac had only 5.7 percent of subsidized units.[110] The year before, in 1979, the county had passed a resolution to require that public housing be interspersed throughout all neighborhoods in the county—a resolution akin to the policy it had enacted through the MPDU law. But resident and builder opposition thwarted efforts to put such commitments into practice, such as a case in the winter of 1979 where county residents fought against a plan to develop an abandoned school site into low-cost housing.[111]

Half a decade later, a similar case not involving MPDUs demonstrated how the County Council continued to face opposition to housing reform. In 1985, the county devised a plan to transform the Wheaton land once occupied by Pleasant View Elementary School, which had closed due to low enrollment, into a housing development for single-parent families, many of whom were low-income. The units would be leased to a local nonprofit, which would operate the development. Nearby residents expressed fear about what the development would do to the "character" of their neighborhood and planned to sue the County Council to stop the project. Like the MPDU program, such projects represented attempts by the local government to build what it could without much federal aid and by relying on local management. "As federal aid falls, and residential opposition to public housing projects mounts, local governments are moving toward decentralized housing, including scattered sites and small centers such as Pleasant View," the *Montgomery Journal* reported. "But by undertaking more sites, the governments often wind up fighting more neighborhoods."[112]

In the decades after it was passed, the MPDU law was amended several times. A 1981 amendment reduced the requisite number of MPDUs from 15 percent to 12.5 percent and increased the control period from five to ten years for both units for sale and for lease. The control period on rentals was later increased to twenty years by a 2001 amendment. In 1988, the County Council determined that developers could receive a bonus density of up to 22 percent if they built 15 percent MPDUs.[113] These and other amendments to the law served to maintain its integrity, demonstrating commitment from county leadership to the principles of the legislation despite pushback from both residents and builders.

Established in 1974, the Housing Opportunities Commission of Montgomery County is a quasi-governmental organization with the mission to provide people with low and moderate incomes the opportunity to live in high-quality, safe, and affordable housing in Montgomery County. (Photo from the Housing Opportunities Commission website)

Though Montgomery County had come up with an innovative solution to its housing crisis, one that combined the power of local government with the organizing and capital of the real estate development industry, its high housing prices and cost of living meant that low- and moderate-income residents were still priced out of the market. Federal funding for Section 8 programs—a source of federal rental subsidies—and public housing provided needed support for Montgomery County homeownership and rental programs. Many of those programs were operated by Montgomery County's HOC—part housing authority, part public developer, and part housing finance agency—to make MPDUs available to the lowest-income residents.[114] The HOC—a quasi-governmental organization resulting from the restructuring of the Housing Authority of Montgomery County—was founded in 1974 to help construct, manage, and finance housing for low- and moderate-income residents.[115] The HOC also oversaw the provision of Section 8 funds to the county. The MPDU law made at least one-third of the moderately priced units available to the HOC for lease or for purchase. A contract between the U.S. Department of Housing and Urban Development and the Maryland Community Development Administration enabled the HOC to apply Section 8 funds to the MPDU program.[116] The HOC also relied on county condominium transfer tax funds to purchase, manage, and rent out MPDUs.[117] The reality was, without federal subsidies and tax credits administered by the HOC, many residents would not have been able to afford rent in Montgomery County.[118]

Nevertheless, as governments at all levels continued to tout homeownership as an important goal and as an economic safeguard, the federal government was simultaneously reducing its support for the kinds of efforts that would make homeownership possible in the first place.[119] President Richard Nixon's moratorium on low-income housing, instituted in early 1973, reduced the number of government-subsidized mortgages and loans for single-family housing units in 1974. By 1975, although 63 percent of American families already owned a home, only 15 percent could afford to buy one in the current market.[120]

In early 1981, County Executive Charles Gilchrist stated that the county needed to add 8,000 more units of housing per year to keep up with demand. In 1979, the county had added only 2,700 units. Though Montgomery County was producing more housing each year, including MPDUs, the number of units it needed to accommodate its population continued to surpass production. The HOC predicted that it would only be able to provide 225 affordable units despite a waiting list of more than 5,500 families.[121] In October 1981, the County Council adopted a "Housing Policy for Montgomery County in the 1980's." This reaffirmed a commitment to producing housing for middle-income families and providing assisted housing—housing supported by county, state, or federal subsidization—in "all planning areas"; to minimizing "any potential for negative effect of overconcentration of assisted family dwelling units"; and to eliminating patterns of racial discrimination in housing. The policy recognized the need for local lobbying efforts to gain the support of the federal government. "The broad Federal powers cannot be translated into meaningful programs to cope with the unmet housing needs without local governments providing a human-scale insight into the problems," it said. In a moment when the federal government was eliminating funding for housing programs, the council broadcast that it would attempt to demonstrate how "fiscal policies, tax laws, credit policies and other actions [by the federal government] can contribute to the benefit or the misery of those who are underhoused."[122]

Over the course of the 1980s, President Ronald Reagan significantly reduced the federal government's responsibility for providing affordable housing, proclaiming that programs like Section 8 were inefficient and expensive, and directed those looking for funding toward the free market.[123] In his proposed budget for 1981, Reagan cut funding for more than 100,000 units of subsidized housing, a reduction he claimed would save the federal government $371 million by 1986.[124] He reduced federal funding for low-income housing by 60 percent during his first term,[125] introducing instead a new housing voucher program, which theoretically would provide recipients with additional funding to support their ability to rent privately owned homes. Montgomery County participated in the trial of the program, which eventually came to replace Section 8;[126] however, this solution from the federal government was entirely incompatible with the reality of Montgomery County's housing problems. In a county with a large supply of expensive units and low vacancy rates, federal rental subsidies and rental rehabilitation programs could do almost nothing to bulk up the needed inventory of housing to which they could be applied.[127]

The Montgomery County Department of Housing and Community Development (DHCD) launched a series of three reports by the county executive addressing the effects of the shrinking role of the federal government on the county's housing market. The reports—published in 1983, 1986, and 1988—reiterated the provision of the county's housing policy that emphasized collaboration between governments: "The County Government independently and in conjunction with the State and Federal Governments shall develop incentives to stimulate production of the kind of housing units not being produced, but which are needed for a healthy and balanced housing supply."[128]

The DHCD's second report on housing highlighted the "virtual cessation of Federal programs to produce additional units of assisted housing" as a new hurdle to its provision of affordable units.[129] The federal government's cancellation of the Section 8 New Construction and Substantial Rehabilitation program through Housing and Urban-Rural Recovery Act of 1983 significantly stemmed the flow of funds for building affordable housing into Montgomery County. The program had added 400 units per year to the county's housing stock from 1977 to 1983.[130] Meanwhile, there seemed to be no end to the county's housing needs. The county processed 2,900 applications for eligibility for the MPDU program in 1984 and 1,666 in the first half of 1985.[131] In May 1986, more than 3,500 families or individuals were on the HOC's waiting list for housing assistance.[132]

The years between the second and third housing reports were "boom years" for the county: Despite the federal retreat from housing construction, the county added 10,357 units in 1986.[133] The DHCD's third report outlined potential modifications to the MPDU programs, including the ability for developers to provide equivalent cash contributions to the county or to build the units on alternative sites.[134] It also predicted that the federal Tax Reform Act of 1986 would substantially limit the county's ability to produce affordable rental housing. The law had "undone the previous and long-standing housing partnership between federal and local government and [...] thrust the future affordability burden almost entirely upon the shoulders of local and state government."[135] The law limited the amount the HOC could issue for mortgage revenue bonds, affecting multifamily unit financing and single-family loans.[136] For better or worse, the Tax Reform Act set in motion another trend in the real estate industry through the creation of the low-income housing tax credit (LIHTC). The LIHTC facilitated the Montgomery Homes Limited Partnerships. A collaboration between the HOC and local corporations, these partnerships encouraged corporate investment in housing, available via the MPDU program, for those residents with an average income of only 40 percent of the area median income, with participating corporations receiving the tax credits from the federal government in exchange for their partnership.[137]

This shift foreshadowed the transformations of the 1990s and 2000s that would continue to foreground private ownership as a means of remedying social and economic inequalities[138] and introduce private equity firms as main actors in the real estate industry. Montgomery County has responded to changes in the housing industry by expanding the role of the HOC, which, in some cases, has been able to fill the role of private equity firms in financing new developments. With funds appropriated by the County Council, the HOC is able to invest in new, privately financed developments and use interest to fund lower-cost housing.[139] Montgomery County continues to provide low-cost and public housing, building off the innovative partnerships between local government and private developers that the MPDU program initiated.

Conclusion

In a 1980 editorial on the state of affordable housing in Montgomery County, the *Sentinel* reflected on past and future efforts to secure lower-cost housing for residents: "And, let's face it, this is not a life and death issue," the editorial said. "Montgomery County could become exclusively the home of the affluent, and life would go on. The people who keep the county running can always drive or take the subway here during the day, then, in the evening, go back to wherever it is they came from. In the end, there is really only one compelling argument for making Montgomery County a place in which families from all economic levels can live: It's the right and moral thing to do."[140] The MPDU program had been created for that very purpose. As Peg McRory elaborated in an outline of talking points in support of MPDU legislation, she and other housing activists believed they had a moral obligation to help those in need and those affected by decades of racial and economic discrimination in the county.[141]

Has the MPDU law—a result of the grassroots efforts led by the LWVMC, SMFH, and many other groups and individuals in the community—been a success in providing more housing opportunities for people of low and moderate incomes? When the League was studying housing issues, pursuing options, and advocating for the MPDU law in the 1960s and 1970s, the county was experiencing much greater growth than planners had anticipated. Updated statistics from the Maryland-National Capital Park and Planning Commission show that the county population grew from 340,928 in 1960 to 522,809 in 1970, at an annual average growth rate of more than 5 percent. While the rate of growth has slowed significantly since 1970, the county is now home to more than 1 million residents. Today, people of color are the majority in the county, with Hispanic and/or Latino people accounting for more than 20 percent of residents and 38 percent identifying as other races or ethnicities. As of 2022, though the median household income was $118,323, one in five households in Montgomery County had an annual income of less than $50,000.[142]

Corresponding with the rapid population increase, the number of single-family homes built in Montgomery County increased each decade through the 1980s and then decreased significantly thereafter. High-rises and multifamily options have become much more prevalent, comprising more than half of the new housing, to meet the needs of the residents as much less land is available for development.[143] Despite the increase in multifamily dwellings, housing stock in the county has not kept up with demand, particularly among low- and middle-income residents. In 2025, there were about 400 households on the MPDU waiting list who already had been issued a certificate of eligibility. Due to the high demand for MPDUs, the county conducts lotteries to select potential purchasers of the units in each offering. Priority is given to those who either live or work in the county.

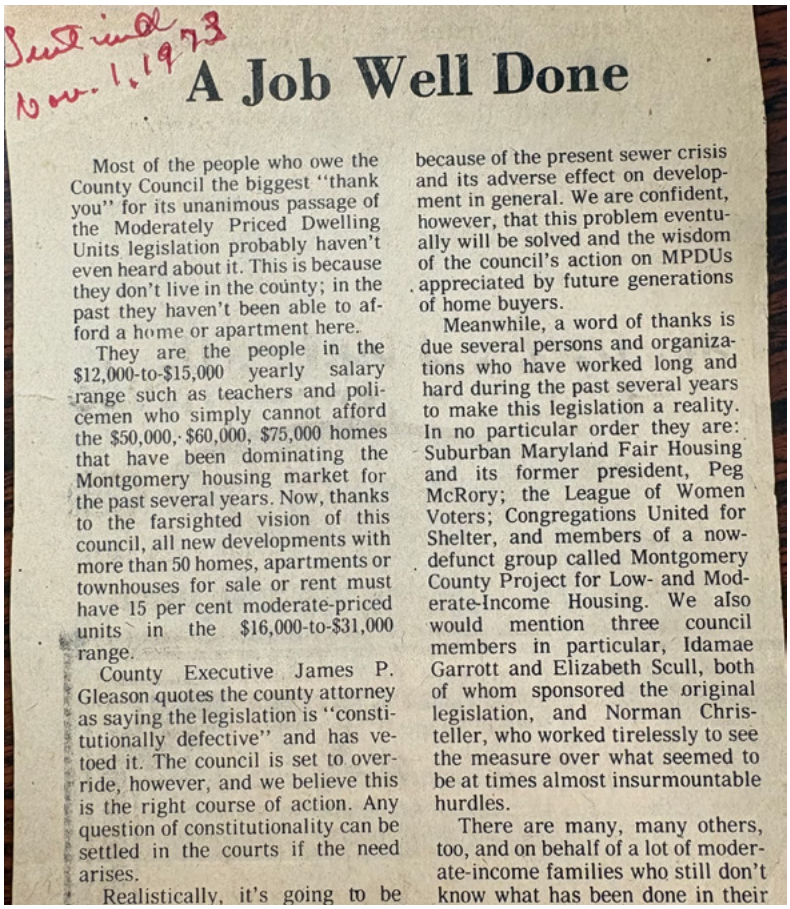
Updates on MPDU statistics are provided regularly while major reviews are conducted periodically to assess the program's effectiveness and determine whether amendments are needed. A review conducted in 1989 by a cohort including builders, planning and housing department staff, and members of the County Council resulted in major amendments to the law. One of such amendments required that on the first resale of an MPDU after the control period, the seller must pay a portion of the sales price that exceeded a resale price formula to the county's Housing Initiative Fund (HIF) to support affordable housing. In 2004, thirty years after the original MPDU law went into effect, the County Council requested a staff-led extensive review of the MPDU program. At that time, the MPDU program had produced more than 11,000 units. The 2004 report noted future challenges, made recommendations, and cited recurring themes. Of particular concern was the approaching "build out" of the county, recognizing that overall housing growth would slow "as developable land becomes increasingly scarce." Another challenge mentioned was implementing the MPDU program not only in suburban neighborhoods, but also in urban and rural locations. The report concluded by stating that the MPDU program was only one element in the county's strategy to address affordable housing and "must be coupled with other programs to comprehensively address this issue."[144] Additional guideline revisions and amendments, strengthening and clarifying the law, have followed, with the most recent amendment enacted in 2018.[145]

A 2024 review of the MPDU program produced for the Montgomery County Planning Board stated, "The program is widely recognized as the preeminent inclusionary zoning program in the country due to its success in both program longevity and production of units."[146] According to the Department of Community Affairs, from 1976 to 2024, a total

of 17,315 units have been produced by the MPDU program—10,692 for sale and 6,623 as rentals. The average annual production through 2024 was 353 units. Units are available to renters and first-time home buyers with incomes of up to 70 percent of the Washington metro area median income, which is approximately $79,500 for a family of two or $99,500 for a family of four.[147] New private developments with at least twenty units require builders to set aside a minimum of 12.5 percent, and up to 15 percent, of units as MPDUs for eligible households. Optional incentives like bonus density and additional height are offered to provide more MPDUs. Developers of residential projects that include eleven to nineteen units are not required to include MPDUs but must contribute to the county's HIF.[148]

Over the past few decades, while recognizing the achievements of the MPDU law but acknowledging its ongoing housing shortage, the Montgomery County Council has taken steps to provide additional resources and fund programs to provide low- and moderate-income housing. In 2025, the council approved appropriations for several housing initiatives including funding of $81.4 million to the Department of Housing and Community Affairs to preserve and increase the supply of affordable housing and maintain existing housing. The HIF received $58 million to finance the production, acquisition, and preservation of affordable housing and rental assistance programs for households with low incomes and for those transitioning from homelessness to permanent housing. In addition, a total of nearly $9 million in funding was granted to the HOC.[149] Other recent initiatives consist of the Attainable Housing Strategies project that focuses on increasing options for property owners to build more housing types—such as duplexes and triplexes—in the county, particularly along high-growth corridors,[150] and the Workforce Housing Program (WFH). The latter assists households with incomes that are too high to be eligible to participate in the MPDU program but do not exceed the WFH income limits.[151]

The LWVMC continues to promote discussion on efforts to alleviate the county's housing issues. The LWVMC's Trending Topics Committee hosted a webinar in December 2024 that investigated recent efforts to address the need for housing in the county from several perspectives. Presenters included a member of the County Council and county planning department as well as two representatives from area nonprofits.[152] This was followed by a webinar on the unhoused in Montgomery County, looking at how homelessness impacts businesses, residents, and public places, and assessed the adequacy of services from and collaborative efforts with the county.[153] In coordination with local leagues, the League of Women Voters of Maryland (LWVMD) is focusing on the housing crisis as well. At its biennial review of state positions, the 2025 LWVMD Convention adopted a new study on housing. This topic was recommended by local leagues, who cited the lack of affordable housing together with concerns about landlord-tenant relations, eviction policy, redlining, zoning, disability accessibility, and discrimination.[154]



Sentinel Nov. 1, 1973

A Job Well Done

Most of the people who owe the County Council the biggest "thank you" for its unanimous passage of the Moderately Priced Dwelling Units legislation probably haven't even heard about it. This is because they don't live in the county; in the past they haven't been able to afford a home or apartment here.

They are the people in the $12,000-to-$15,000 yearly salary range such as teachers and policemen who simply cannot afford the $50,000, $60,000, $75,000 homes that have been dominating the Montgomery housing market for the past several years. Now, thanks to the farsighted vision of this council, all new developments with more than 50 homes, apartments or townhouses for sale or rent must have 15 per cent moderate-priced units in the $16,000-to-$31,000 range.

County Executive James P. Gleason quotes the county attorney as saying the legislation is "constitutionally defective" and has vetoed it. The council is set to override, however, and we believe this is the right course of action. Any question of constitutionality can be settled in the courts if the need arises.

Realistically, it's going to be because of the present sewer crisis and its adverse effect on development in general. We are confident, however, that this problem eventually will be solved and the wisdom of the council's action on MPDUs appreciated by future generations of home buyers.

Meanwhile, a word of thanks is due several persons and organizations who have worked long and hard during the past several years to make this legislation a reality. In no particular order they are: Suburban Maryland Fair Housing and its former president, Peg McRory; the League of Women Voters; Congregations United for Shelter, and members of a now-defunct group called Montgomery County Project for Low- and Moderate-Income Housing. We also would mention three council members in particular, Idamae Garrott and Elizabeth Scull, both of whom sponsored the original legislation, and Norman Christeller, who worked tirelessly to see the measure over what seemed to be at times almost insurmountable hurdles.

There are many, many others, too, and on behalf of a lot of moderate-income families who still don't know what has been done in their

Editorial in the *Sentinel* praising the passage of the law, November 1, 1973 (Montgomery History)

Following passage of Montgomery County's MPDU law in late 1973, the *Sentinel* wrote an editorial with the headline, "A Job Well Done." The editorial thanked the County Council and the many people and organizations that "worked long and hard during the past several

LWVMC members at the 2025 Annual Meeting. (League of Women Voters of Montgomery County, Maryland)

years to make this legislation a reality."[155] While passage of the MPDU law was a significant achievement, it also marked the beginning of the next phase of a long journey to ensure fair housing and provide low- and middle-priced dwellings in Montgomery County. Grassroots advocates, organizations, county agencies, and the County Council continue to look for ways to address the complex issues associated with providing more housing.

It has been more than fifty years since passage of the MPDU law. The commitment of the LWVMC and other organizations to the task of making Montgomery County affordable for all continues to be steady and strong.

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Images of Peg McRory and Joyce Siegel: Montgomery County Sentinel Photograph Morgue, Collection #SC-P-00020. Series I: Photographs of Individuals. Montgomery History's Jane Sween Research Library and Special Collections, Rockville, MD.

Images of LWVMC documents and news clippings: Records of the League of Women Voters, Series VII: Subject Files, Folder titles: Public Accommodations and Fair Housing; Housing for Low-income families in Montgomery County; Moderately Priced Dwelling Units (Box 7). Montgomery History: Jane Sween Research Library and Special Collections.

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