

**HOUSE BILL 1094**  
**EMERGENCY BILL**

Unofficial Copy  
L2

2000 Regular Session  
(01r0853)

**ENROLLED BILL**

-- Commerce and Government Matters/Select Committee No. 7 --

Introduced by **Prince George's County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER 456

1 AN ACT concerning

2 **Prince George's County - Public School Facilities**  
3 **PG 416-00**

4 FOR the purpose of modifying provisions governing the authority of Prince George's  
5 County to impose a school facilities surcharge to require, rather than authorize,  
6 imposition of the surcharge; prescribing the amount of the surcharge;  
7 eliminating the authority to provide a credit against the surcharge for  
8 moderately priced dwelling units; ~~prohibiting authorizing Prince George's~~  
9 ~~County from to imposing an adequate facilities test or fee in connection with the~~  
10 ~~availability of public school facilities; providing that certain provisions may not~~  
11 ~~be construed as authorizing a public school facility test or fee in Prince George's~~  
12 ~~County an adequate public facility test or fee shall remain in effect for a certain~~  
13 ~~period of time; requiring the imposition of certain adequate public facilities~~  
14 ~~standards and requirements in Prince George's County;~~ making stylistic  
15 changes; requiring the County Executive to prepare a certain annual report for  
16 the County Council, the Prince George's County Senate Delegation, and the

1 ~~Prince George's County House Delegation; making this Act an emergency~~  
 2 ~~measure; providing that certain provisions of law do not apply to certain~~  
 3 ~~property; providing for the termination of a portion of this Act;~~ and generally  
 4 relating to development and the availability of public school facilities in Prince  
 5 George's County.

6 BY repealing and reenacting, with amendments,  
 7 The Public Local Laws of Prince George's County  
 8 Section 10-192.01  
 9 Article 17 - Public Local Laws of Maryland  
 10 (1995 Edition and 1998 Supplement, as amended)  
 11 (As enacted by Chapter 710 of the Acts of the General Assembly of 1998)

12 BY repealing and reenacting, with amendments,  
 13 Article 28 - Maryland-National Capital Park and Planning Commission  
 14 Section 7-120  
 15 Annotated Code of Maryland  
 16 (1997 Replacement Volume and 1999 Supplement)

17 BY repealing and reenacting, with amendments,  
 18 Article 66B - Zoning and Planning  
 19 Section 7.03  
 20 Annotated Code of Maryland  
 21 (1998 Replacement Volume and 1999 Supplement)

22 BY repealing and reenacting, without amendments,  
 23 Article 66B - Zoning and Planning  
 24 Section 10.01  
 25 Annotated Code of Maryland  
 26 (1998 Replacement Volume and 1999 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 28 MARYLAND, That the Laws of Maryland read as follows:

29 **Article 17 - Prince George's County**

30 10-192.01.

31 (a) [Subject to Subsection (b) of this Section, the] THE County Council, by  
 32 ordinance, [may] SHALL impose a school facilities surcharge on new residential  
 33 construction for which a building permit is applied for on or after July 1, [1996] 2000.

34 (b) (1) ~~A school facilities surcharge [may not exceed \$2,500] SHALL BE~~  
 35 ~~\$7,000 per:~~

36 (A) ~~[single family] SINGLE FAMILY, detached dwelling;~~

1                    ~~(B)~~     ~~{townhouse} TOWNHOUSE; or~~

2                    ~~(C)~~     ~~{dwelling} DWELLING unit for any other building containing~~  
3 ~~more than a single dwelling unit.~~

4        (b)        (1)     A school facilities surcharge [may not exceed \$2,500 per] IMPOSED  
5 ON A[:

6                    (A)     Single-family,] SINGLE-FAMILY detached [dwelling:

7                    (B)     Townhouse:] DWELLING, TOWNHOUSE, or

8                    [(C)     Dwelling] DWELLING unit for any other building containing  
9 more than a single dwelling unit SHALL BE IN THE FOLLOWING AMOUNTS:

10                    ~~(A)~~     ~~AMOUNT OF \$5,000 IN FISCAL YEARS 2000, 2001, 2002, 2003, AND~~  
11 ~~2004;~~

12                    ~~(B)~~     ~~\$4,000 IN FISCAL YEARS 2005, 2006, 2007, AND 2008; AND~~

13                    ~~(C)~~     ~~\$2,500 IN FISCAL YEAR 2009 AND EVERY FISCAL YEAR~~  
14 ~~THEREAFTER.~~

15                    (2)     [The County Council, by ordinance, may provide a full or partial  
16 credit against the school facilities surcharge for moderately priced dwelling units.

17                    (3)]     The school facilities surcharge does not apply to a mixed retirement  
18 development or elderly housing.

19                    (3)     THE SCHOOL FACILITIES SURCHARGE DOES NOT APPLY TO A  
20 SINGLE-FAMILY DETACHED DWELLING THAT IS TO BE BUILT OR SUBCONTRACTED  
21 BY AN INDIVIDUAL OWNER IN A MINOR SUBDIVISION AND THAT IS INTENDED TO BE  
22 USED AS THE OWNER'S PERSONAL RESIDENCE.

23        (c)        The school facilities surcharge shall be paid by the seller at the time a  
24 building permit is issued for the dwelling unit. The school facilities surcharge may not  
25 be construed to be a settlement cost.

26        (d)        {Payment of the school facilities surcharge does not eliminate any  
27 authority to apply any test concerning the adequacy of school facilities under the  
28 County's adequate public facility ordinance.

29        (e)}        Revenue collected under the school facilities surcharge shall be deposited  
30 in a separate account and may only be used to pay for:

31                    (1)     Additional or expanded public school facilities; or

32                    (2)     Debt service on bonds issued for additional or expanded public school  
33 facilities.

1    ~~{f)}~~    ~~(E)~~    Revenue collected under the school facilities surcharge is intended to  
 2 supplement funding for public school facilities and may not supplant other County or  
 3 State funding for school construction.

4    ~~(F)~~    ~~(G)~~    THE COUNTY EXECUTIVE OF PRINCE GEORGE'S COUNTY SHALL  
 5 PREPARE AN ANNUAL REPORT ON THE SCHOOL FACILITIES SURCHARGE ON OR  
 6 BEFORE AUGUST 31 OF EACH YEAR FOR THE COUNTY COUNCIL OF PRINCE GEORGE'S  
 7 COUNTY, THE PRINCE GEORGE'S COUNTY SENATE DELEGATION, AND THE PRINCE  
 8 GEORGE'S COUNTY HOUSE DELEGATION, TO INCLUDE:

9           (1)    ACCOUNTABILITY;

10          (2)    FEES COLLECTED; AND

11          (3)    ITEMIZATION OF EXPENDITURES UNDER ARTICLE 28, § 7-120(B)(2) OF  
 12 THE ANNOTATED CODE OF MARYLAND.

13    ~~(G)~~    ~~(H)~~    THIS SECTION DOES NOT APPLY TO ANY PROPERTY LOCATED IN AN  
 14 INFRASTRUCTURE FINANCE DISTRICT APPROVED BEFORE JANUARY 1, 2000.

15    SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 16 read as follows:

17                           **Article 28 - Maryland-National Capital Park and Planning Commission**

18 7-120.

19    (A)    In addition to any other authority granted by this article, the County  
 20 Council of Montgomery County ~~{and the County Council of Prince George's County}~~,  
 21 by legislation, may impose in ~~{their respective county}~~ ~~MONTGOMERY COUNTY~~  
 22 standards and requirements for the purpose of avoiding the scattered or premature  
 23 subdivision or development of land because of the inadequacy of transportation,  
 24 water, sewerage, drainage, school, or other public facilities.

25    (B)    ~~(1)    IN ADDITION TO ANY OTHER AUTHORITY GRANTED BY THIS~~  
 26 ~~ARTICLE, BUT SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY~~  
 27 ~~COUNCIL OF PRINCE GEORGE'S COUNTY, BY LEGISLATION, MAY IMPOSE IN PRINCE~~  
 28 ~~GEORGE'S COUNTY STANDARDS AND REQUIREMENTS FOR THE PURPOSE OF~~  
 29 ~~AVOIDING THE SCATTERED OR PREMATURE SUBDIVISION OR DEVELOPMENT OF~~  
 30 ~~LAND BECAUSE OF THE INADEQUACY OF TRANSPORTATION, WATER, SEWERAGE,~~  
 31 ~~DRAINAGE, OR OTHER PUBLIC FACILITIES.~~

32           (2)    ~~THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY MAY NOT~~  
 33 ~~IMPOSE AN ADEQUATE FACILITY TEST OR FEE IN CONNECTION WITH THE~~  
 34 ~~AVAILABILITY OF PUBLIC SCHOOL FACILITIES.~~

35           ~~(3)~~    IN PRINCE GEORGE'S COUNTY:

36           (1)    NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS  
 37 SECTION, THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY SHALL IMPOSE

1 ADEQUATE PUBLIC FACILITIES STANDARDS AND REQUIREMENTS UNDER  
 2 SUBSECTION (A) OF THIS SECTION WITH RESPECT TO SCHOOLS; AND

3 (2) THIS SECTION SUBSECTION DOES NOT APPLY TO ANY PROPERTY  
 4 LOCATED IN AN INFRASTRUCTURE FINANCE DISTRICT APPROVED BEFORE JANUARY  
 5 1, 2000.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 7 read as follows:

8 **Article 66B - Zoning and Planning**

9 7.03.

10 (a) Except as provided in §§ 3.05(a)(1)(iii), (v), (vi), and (viii), (4), and (b),  
 11 3.06(b) and (c), 4.01(a)(2), 4.09, 5.03(d), 7.01(c), 10.01, 11.01, 12.01, and 13.01 of this  
 12 article, and subject to subsection (b) of this section, this article does not apply to the  
 13 chartered counties of Maryland. This section supersedes § 7.02 of this article and any  
 14 inconsistent provision of Article 28 of the Code.

15 (b) (1) Section 13.01 of this article does not apply to Montgomery County or  
 16 Prince George's County.

17 (2) ~~SECTION THE ADEQUATE PUBLIC FACILITIES PROVISIONS OF § 10.01~~  
 18 ~~OF THIS ARTICLE MAY NOT BE CONSTRUED TO AUTHORIZE PRINCE GEORGE'S~~  
 19 ~~COUNTY TO IMPOSE AN ADEQUATE FACILITIES TEST OR FEE IN CONNECTION WITH~~  
 20 ~~THE AVAILABILITY OF PUBLIC SCHOOL FACILITIES DOES DO NOT APPLY TO ANY~~  
 21 ~~PROPERTY LOCATED IN AN INFRASTRUCTURE FINANCE DISTRICT IN PRINCE~~  
 22 ~~GEORGE'S COUNTY APPROVED BEFORE JANUARY 1, 2000.~~

23 10.01.

24 (a) In order to encourage the preservation of natural resources or the  
 25 provision of affordable housing and to facilitate orderly development and growth, any  
 26 county or municipal corporation, including Baltimore City, that exercises authority  
 27 granted by this article may enact and is encouraged to enact ordinances or other laws  
 28 providing for or requiring:

29 (1) The planning, staging or provision of adequate public facilities and  
 30 affordable housing;

31 (2) Off-site improvements or dedication of land for public facilities  
 32 essential for a development;

33 (3) Moderately priced dwelling unit programs;

34 (4) Mixed use developments;

35 (5) Cluster developments;

- 1 (6) Planned unit developments;
- 2 (7) Alternative subdivision requirements that meet minimum  
3 performance standards set by the county or municipal corporation and that reduce  
4 infrastructure costs;
- 5 (8) Floating zones;
- 6 (9) Incentive zoning; and
- 7 (10) Performance zoning.

8 (b) Notwithstanding any other provision of law, the legislative body of a  
9 county or municipal corporation, including Baltimore City, that exercises authority  
10 granted by this article may enact ordinances or other laws providing for the transfer  
11 of real property belonging to the county or municipal corporation, with or without  
12 consideration, to a public or private entity for use in the development or preservation  
13 of affordable housing.

14 (c) The authority provided for in this section is not intended to limit a county's  
15 or municipal corporation's authority to:

- 16 (1) Exercise any existing planning and zoning powers not expressly  
17 authorized in this section; or
- 18 (2) Adopt other methods for facilitating orderly development and growth  
19 and encouraging the preservation of natural resources or the provision of affordable  
20 housing.

21 ~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall~~  
22 ~~remain effective until the end of December 31, 2000, and, at the end of December 31,~~  
23 ~~2000, with no further action required by the General Assembly, Section 2 of this Act~~  
24 ~~shall be abrogated and of no further force and effect.~~

25 ~~SECTION 5. AND BE IT FURTHER ENACTED, That notwithstanding the~~  
26 ~~provisions of Section 4 of this Act, on or before December 31, 2000, the County Council~~  
27 ~~of Prince George's County:~~

- 28 (1) ~~shall credit any payment made under Section 1 of this Act; and~~
- 29 (2) ~~may apply any test concerning the adequacy of school facilities under~~  
30 ~~the Prince George's County Adequate Public Facilities Ordinance after considering~~  
31 ~~the recommendations of the Commission 2000 of Prince George's County.~~

32 ~~SECTION 2.6. AND BE IT FURTHER ENACTED, That this Act is an~~  
33 ~~emergency measure, is necessary for the immediate preservation of the public health~~  
34 ~~and safety, has been passed by a yea and nay vote supported by three fifths of all the~~  
35 ~~members elected to each of the two Houses of the General Assembly, and shall take~~  
36 ~~effect from the date it is enacted shall take effect July 1, 2000.~~

