

---

By: **Prince George's County Delegation**  
Introduced and read first time: February 5, 2003  
Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 18, 2003

---

CHAPTER 431

1 AN ACT concerning

2 **Prince George's County - Public School Facilities - ~~Surcharge Increase~~**  
3 **Surcharge**  
4 **PG 414-03**

5 FOR the purpose of altering the circumstances under which the County Council for  
6 Prince George's County is required to impose a public school facilities surcharge;  
7 altering the amount of the public school facilities surcharge for Prince George's  
8 County; authorizing ~~certain municipal corporations in the County Council for~~  
9 Prince George's County to impose a public school facilities surcharge in certain  
10 municipal corporations under certain circumstances; and generally relating to  
11 the public school facilities surcharge in Prince George's County.

12 BY repealing and reenacting, with amendments,  
13 The Public Local Laws of Prince George's County  
14 Section 10-192.01  
15 Article 17 - Prince George's County  
16 (1999 Edition and 2001 Supplement, as amended)  
17 (As enacted by Chapter 254 of the Acts of the General Assembly of 2002)

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

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

2 10-192.01.

3 (a) (1) The County Council, by ordinance, shall impose a school facilities  
4 surcharge on new residential construction for which a building permit is [applied for]  
5 ISSUED on or after [July 1, 2000] JULY 1, 2003.

6 (2) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS  
7 PARAGRAPH, ~~A MUNICIPAL CORPORATION IN PRINCE GEORGE'S COUNTY WITH~~  
8 ~~ZONING AUTHORITY AND THE AUTHORITY TO ISSUE BUILDING PERMITS THE~~  
9 COUNTY COUNCIL MAY IMPOSE A SCHOOL FACILITIES SURCHARGE ON A NEW  
10 RESIDENTIAL CONSTRUCTION FOR WHICH A BUILDING PERMIT IS ISSUED ON OR  
11 AFTER JULY 1, 2003, ~~BY A MUNICIPAL CORPORATION IN PRINCE GEORGE'S COUNTY~~  
12 WITH ZONING AUTHORITY AND THE AUTHORITY TO ISSUE BUILDING PERMITS.

13 (II) ~~A MUNICIPAL CORPORATION IN PRINCE GEORGE'S COUNTY THE~~  
14 COUNTY COUNCIL MAY NOT IMPOSE A SCHOOL FACILITIES SURCHARGE ON A NEW  
15 RESIDENTIAL CONSTRUCTION FOR WHICH A BUILDING PERMIT IS ISSUED BY A  
16 MUNICIPAL CORPORATION IF PRINCE GEORGE'S COUNTY HAS COLLECTED A  
17 SURCHARGE ON ISSUANCE OF A COUNTY PERMIT FOR THE SAME NEW RESIDENTIAL  
18 CONSTRUCTION.

19 (b) (1) (I) A FOR FISCAL YEAR 2004, A school facilities surcharge imposed  
20 on a single-family detached dwelling, townhouse, or dwelling unit for any other  
21 building containing more than a single dwelling unit shall be in the amount of  
22 [\$5,000];

23 1. EXCEPT AS PROVIDED IN ITEMS 2 AND 3 OF THIS  
24 SUBPARAGRAPH, \$10,000 \$12,000 FOR FISCAL YEAR 2004;

25 2. \$7,000 IF THE BUILDING IS LOCATED BETWEEN  
26 INTERSTATE HIGHWAY 495 AND THE DISTRICT OF COLUMBIA; AND

27 3. \$7,000 IF THE BUILDING IS INCLUDED WITHIN A BASIC  
28 PLAN OR CONCEPTUAL SITE PLAN THAT ABUTS AN EXISTING OR PLANNED MASS  
29 TRANSIT RAIL STATION SITE OPERATED BY THE WASHINGTON METROPOLITAN AREA  
30 TRANSIT AUTHORITY.

31 (II) FOR FISCAL YEAR 2005 AND EACH SUCCEEDING FISCAL YEAR,  
32 THE FACILITIES SURCHARGE ESTABLISHED IN SUBPARAGRAPH (I) OF THIS  
33 PARAGRAPH SHALL BE ADJUSTED FOR INFLATION IN ACCORDANCE WITH THE  
34 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE UNITED  
35 STATES DEPARTMENT OF LABOR, FOR THE FISCAL YEAR PRECEDING THE YEAR FOR  
36 WHICH THE AMOUNT IS BEING CALCULATED.

37 (2) The school facilities surcharge does not apply to a mixed retirement  
38 development or elderly housing.

1           (3)     The school facilities surcharge does not apply to a single-family  
2 detached dwelling that is to be built or subcontracted by an individual owner in a  
3 minor subdivision and that is intended to be used as the owner's personal residence.

4           (4)     The school facilities surcharge does not apply to multi-family  
5 housing designated as student housing within 1.5 miles of the University of  
6 Maryland, College Park campus. If the housing is converted from student housing to  
7 multi-family housing for the general population, the owner of the property shall pay,  
8 at the time of the conversion, the school facilities surcharge in accordance with the  
9 laws at the time of the conversion.

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

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

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

18           (1)     Additional or expanded public school facilities SUCH AS  
19 RENOVATIONS TO EXISTING SCHOOL BUILDINGS OR OTHER SYSTEMIC CHANGES; or

20           (2)     Debt service on bonds issued for additional or expanded public school  
21 facilities OR NEW SCHOOL CONSTRUCTION.

22       (f)     Revenue collected under the school facilities surcharge is intended to  
23 supplement funding for public school facilities and may not supplant other County or  
24 State funding for school construction.

25       (g)     The County Executive of Prince George's County shall prepare an annual  
26 report on the school facilities surcharge on or before August 31 of each year for the  
27 County Council of Prince George's County, the Prince George's County Senate  
28 Delegation, and the Prince George's County House Delegation, to include:

29           (1)     a detailed description of how fees were expended; and

30           (2)     the amount of fees collected.

31       (h)     This Section does not apply to any property located in an infrastructure  
32 finance district approved before January 1, 2000.

33       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 July 1, 2003.

