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By: **St. Mary's County Delegation**

Introduced and read first time: January 26, 2006

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County - Impact Fees**

3 FOR the purpose of altering certain authority for St. Mary's County to waive, defer, or  
4 amortize certain building impact fees for certain newly constructed dwellings;  
5 repealing a certain limit on the total amount of building impact fees that may be  
6 waived, deferred, or amortized in any fiscal year; providing that the county shall  
7 reflect the total amount of building impact fees waived, deferred, or amortized in  
8 the annual capital budget; repealing a provision that terminates, as of a certain  
9 date, certain authorization for the county to waive, defer, or provide for the  
10 amortization of building impact fees; and generally relating to impact fees on  
11 new construction in St. Mary's County.

12 BY repealing and reenacting, with amendments,  
13 Article 25 - County Commissioners  
14 Section 10D-1  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume)

17 BY repealing and reenacting, with amendments,  
18 Chapter 543 of the Acts of the General Assembly of 2004  
19 Section 2

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

22 **Article 25 - County Commissioners**

23 10D-1.

24 (a) The County Commissioners of St. Mary's County may raise the building  
25 permit fees up to two percent of the cost of any new construction of any living units  
26 built in St. Mary's County, or prebuilt and brought into St. Mary's County; the  
27 building permit fees shall be set by the County Commissioners in December of each  
28 year.

1 (b) (1) Subject to paragraphs (2) and (3) of this subsection, the County  
2 Commissioners of St. Mary's County may require every person, firm, partnership,  
3 corporation, or other legal entity which submits its property plans for approval to the  
4 planning commission of St. Mary's County (or the appropriate approving authority) to  
5 pay a fixed sum as set by the County Commissioners to defray the additional cost for  
6 additional public facilities as required by local ordinance or resolution.

7 (2) By ordinance, the County Commissioners of St. Mary's County may  
8 enact an exemption to the building impact fee imposed under paragraph (1) of this  
9 subsection for the first 3 lots, in a minor subdivision, that:

10 (i) Were recorded after June 1, 2000 and created from a parcel of  
11 record or a lot of record; and

12 (ii) Transferred to a natural, direct lineal descendant, or a legally  
13 adopted son, daughter, grandson, or granddaughter.

14 (3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph for each  
15 fiscal year, the County Commissioners of St. Mary's County may:

16 1. Waive the building impact fee imposed under paragraph  
17 (1) of this subsection for up to [30] 60 newly constructed living units, excluding  
18 mobile homes; and

19 2. Defer or provide for the amortization of the building  
20 impact fee for up to [50] 70 newly constructed living units, excluding mobile homes.

21 (ii) The County Commissioners may waive, defer, or amortize the  
22 building impact fee only for newly constructed living units that are deemed to be  
23 affordable for individuals whose family income in the previous fiscal year was less  
24 than [50] 60 percent of the county median family income as reported by the U.S.  
25 Department of Housing and Urban Development.

26 (iii) [1.] A waiver, deferral, or amortization shall be limited to new  
27 construction of living units not exceeding a certain square footage as determined by  
28 the County Commissioners of St. Mary's County.

29 [2. The amount of building impact fees waived, deferred, or  
30 amortized under subparagraph (i) of this paragraph may not exceed \$350,000 in any  
31 fiscal year.]

32 (iv) The total amount of building impact fees waived, deferred, or  
33 amortized shall be reflected in the St. Mary's County annual [operating] CAPITAL  
34 budget for the fiscal year in which the waiver, deferral, or amortization is granted.

35 (c) The income derived from subsections (a) and (b) shall be used to defray the  
36 additional cost to St. Mary's County for additional educational, water, sewerage, road,  
37 sanitation, solid waste, park, or similar facilities.

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**Chapter 543 of the Acts of 2004**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 July 1, 2004. [It shall remain effective for a period of 2 years and, at the end of June  
4 30, 2006, with no further action required by the General Assembly, this Act shall be  
5 abrogated and of no further force and effect.]

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 June 1, 2006.