

## Chapter 134

(House Bill 675)

AN ACT concerning

### Montgomery County – Property Tax Credit for Qualified Enterprise Zone Property – Burtonsville

MC 14–13

FOR the purpose of altering a certain definition of “qualified enterprise zone property” as it relates to a certain property tax credit granted by the governing body of Montgomery County or of a municipal corporation in Montgomery County to include certain property zoned for certain uses located in the area encompassed by the Burtonsville Crossroads Neighborhood Plan; providing for the application of this Act; and generally relating to a property tax credit granted by Montgomery County or a municipal corporation in Montgomery County against county or municipal property tax imposed on an eligible business entity on qualified enterprise zone property.

BY repealing and reenacting, with amendments,  
Article – Tax – Property  
Section 9–317(f)  
Annotated Code of Maryland  
(2012 Replacement Volume)

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

#### Article – Tax – Property

9–317.

(f) (1) (i) In this subsection the following words have the meanings indicated.

(ii) “Eligible business entity” means a person who operates or conducts a trade or business on qualified enterprise zone property but does not own the qualified enterprise zone property.

(iii) “Qualified enterprise zone property” means real property that:

1. **A.** is not used for residential purposes;

[2.] **B.** is used in a trade or business by an eligible business entity;

[3.] **C.** is located in an enterprise zone that is designated under Title 5, Subtitle 7 of the Economic Development Article; and

[4.] **D.** is eligible for the property tax credit under § 9–103 of this title; **OR**

**2. A. IS LOCATED WITHIN THE AREA ENCOMPASSED BY THE BURTONSVILLE CROSSROADS NEIGHBORHOOD PLAN DEVELOPED BY THE MONTGOMERY COUNTY PLANNING DEPARTMENT;**

**B. IS ZONED FOR COMMERCIAL OR COMMERCIAL/RESIDENTIAL MIXED USE DEVELOPMENT; AND**

**C. HAS HAD IMPROVEMENTS MADE ON IT ON OR BEFORE JANUARY 1, 2020.**

(2) Subject to paragraphs (4) and (5) of this subsection, the governing body of Montgomery County or of a municipal corporation in Montgomery County may grant, by law, a property tax credit against the county or municipal corporation property tax imposed on:

(i) improvements made by an eligible business entity to qualified enterprise zone property; and

(ii) personal property owned by an eligible business entity located on qualified enterprise zone property.

(3) (i) The governing body of Montgomery County or of a municipal corporation in Montgomery County may provide, by law, for:

1. the amount and duration of a credit under this subsection;

2. additional eligibility criteria for a credit under this subsection; and

3. any other provision necessary to carry out a credit under this subsection.

(ii) The governing body of Montgomery County or of a municipal corporation in Montgomery County shall define, by law, the improvements eligible for a credit under this subsection.

(4) The lessor of real property granted a credit under paragraph (2)(i) of this subsection shall reduce the amount of taxes for which an eligible business entity is contractually liable under the lease agreement by the amount of any credit granted under paragraph (2)(i) of this subsection for improvements made by the eligible business entity.

(5) The lessor of real property that receives a credit under § 9–103 of this title may not be granted a credit under this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013, and shall be applicable to all taxable years beginning after June 30, 2013.

**Approved by the Governor, April 9, 2013.**