

HOUSE BILL 335

Q2

3lr1501
CF 3lr2488

By: **Delegates Mitchell, Anderson, Conaway, Haynes, McIntosh, Oaks,
B. Robinson, Stukes, Tarrant, and M. Washington**

Introduced and read first time: January 24, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Community Development Projects – Payment in Lieu of**
3 **Taxes Agreements**

4 FOR the purpose of authorizing the City of Baltimore to exempt certain real estate
5 development projects that provide job opportunities and involve private
6 investment of less than specified amounts and are located outside of a specified
7 urban renewal area from Baltimore City real property tax if the owner of the
8 project and Baltimore City enter into a certain payment in lieu of taxes
9 agreement; defining a certain term; making conforming changes; providing for
10 the application of this Act; and generally relating to payment in lieu of taxes
11 agreements for certain real estate development projects in Baltimore City.

12 BY repealing and reenacting, with amendments,
13 Article – Tax – Property
14 Section 7–504.3
15 Annotated Code of Maryland
16 (2012 Replacement Volume)

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

19 **Article – Tax – Property**

20 7–504.3.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) “Economic development project” means a real estate development
23 project for which a payment in lieu of taxes agreement was entered into prior to June
24 30, 1999, in accordance with former § 7–504.1 of this subtitle as enacted by Chapter

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 403 of the Acts of 1996, or that consists of newly constructed or rehabilitated
2 commercial or multifamily residential property if the real estate development project:

3 (i) had a certificate of occupancy as of January 1, 1999 or will
4 have a certificate of occupancy issued on or after January 1, 1999;

5 (ii) is located on one or more parcels of land, all of which are
6 situated in an urban renewal area; and

7 (iii) includes at least one of the following:

8 1. a hotel that:

9 A. provides at least 100 full-time equivalent job
10 opportunities; and

11 B. has a private capital investment of equity and debt
12 combined of at least \$20,000,000;

13 2. an office building that:

14 A. provides at least 150 full-time equivalent job
15 opportunities; and

16 B. has a private capital investment of equity and debt
17 combined of at least \$20,000,000;

18 3. a retail facility that:

19 A. provides at least 100 full-time equivalent job
20 opportunities; and

21 B. has a private capital investment of equity and debt
22 combined of at least \$10,000,000;

23 4. a multifamily residential facility that has a private
24 capital investment of equity and debt combined of at least \$5,000,000;

25 5. an off-street parking facility that:

26 A. contains at least 250 parking spaces; and

27 B. has a private capital investment of equity and debt
28 combined of at least \$2,500,000; or

1 6. a mixed-use facility that contains one or more of the
2 facilities described in items 1 through 5 of this item, at least one of which satisfies the
3 minimum criteria set forth in item 1, 2, 3, 4, or 5 of this item.

4 (3) “Urban renewal area” means the following urban renewal areas so
5 designated by urban renewal ordinances enacted by the Mayor and City Council of
6 Baltimore under the Baltimore City Charter:

7 (i) Camden Station Area;

8 (ii) Charles Center;

9 (iii) Financial District;

10 (iv) Harbor Campus;

11 (v) Inner Harbor East;

12 (vi) Inner Harbor Project 1;

13 (vii) Inner Harbor West;

14 (viii) Market Center;

15 (ix) Market Center West;

16 (x) Municipal Center; and

17 (xi) Key Highway.

18 (b) An economic development project is exempt or partially exempt from
19 Baltimore City real property tax if:

20 (1) the owner or owners of the economic development project
21 demonstrate to the satisfaction of the Board of Estimates of Baltimore City:

22 (i) that the City of Baltimore or its designated agency has
23 conducted an economic analysis of the project including:

24 1. a detailed description of the project and the
25 development budget including the identification of all sources of debt and equity
26 financing;

27 2. a multiyear cash flow proforma of the project detailing
28 all incoming and outgoing cash flow including revenues, operating expenses, debt
29 service, taxes, capital expenditures and any other cash outlays;

- 1 3. the projected return on investment for the owner;
- 2 4. a determination that the project is an economic
3 development project meeting the requirements of this section; and
- 4 5. any other relevant analysis;
- 5 (ii) the public benefit that the project will provide, including:
 - 6 1. the number of jobs expected to be created, directly or
7 indirectly, as a result of the project and the percentage of those jobs expected to be
8 held by residents of Baltimore City;
 - 9 2. the wage rates and benefit packages for the jobs
10 expected to be created;
 - 11 3. other tax revenues of Baltimore City, exclusive of real
12 property taxes, that the project is expected to generate during the term of the payment
13 in lieu of taxes agreement, including admissions and amusement, personal property,
14 hotel, parking, utility, and other taxes;
 - 15 4. the encouragement of economic development;
 - 16 5. the general promotion and improvement of Baltimore
17 City and its facilities; and
 - 18 6. any other relevant benefits;
- 19 (iii) the financial necessity for an exemption as authorized under
20 this section; and
- 21 (iv) that the private capital being invested in the economic
22 development project includes an equity investment that is:
 - 23 1. commensurate with the overall undertaking; and
 - 24 2. A. at least 10% of the combined equity and debt
25 investment in the case of a hotel facility or an office building facility; or
 - 26 B. at least \$250,000 in the case of a multifamily
27 residential facility or an off-street parking facility;
- 28 (2) the Mayor and City Council of Baltimore City have authorized the
29 project by a resolution that stipulates that the project will not involve gambling
30 activities;

1 (i) beyond those gambling activities allowed by law as of
2 January 1, 1999; or

3 (ii) related to any game not authorized by the Maryland State
4 Lottery;

5 (3) the owner or owners of the economic development project and the
6 Baltimore City Board of Estimates enter into a payment in lieu of taxes agreement
7 specifying:

8 (i) an amount that the owner or owners shall pay to Baltimore
9 City each year in lieu of the payment of Baltimore City real property taxes during the
10 term of the agreement that is not less than:

11 1. except as provided in item 3 of this item, for an
12 economic development project that is newly constructed or rehabilitated commercial or
13 multifamily property, the sum of the taxes on the property before the construction or
14 rehabilitation of the project and 5% of the Baltimore City real property taxes related to
15 the economic development project that would have otherwise been due absent the
16 agreement;

17 2. except as provided in item 3 of this item, for an
18 economic development project that was the subject of a payment in lieu of taxes
19 agreement prior to June 30, 1999, in accordance with former § 7-504.1 of this subtitle
20 as enacted by Chapter 403 of the Acts of 1996, 5% of the Baltimore City real property
21 taxes related to the economic development project that would have otherwise been due
22 absent the agreement; or

23 3. for an economic development project for which a
24 building permit is issued prior to September 30, 1999, the taxes on the property before
25 the construction or rehabilitation of the project;

26 (ii) the term of the agreement, not to exceed 25 years from the
27 date a certificate of occupancy for the project is issued; and

28 (iii) that each year after the expiration of the agreement, full
29 property taxes shall be payable on the property; and

30 (4) prior to or no later than 18 months from the date of entering into
31 the payment in lieu of taxes agreement, construction of the project has commenced
32 and all conditions for the financing required for the construction of the project have
33 been satisfied or waived.

34 (c) An economic development project is exempt or partially exempt from
35 Baltimore City real property tax as the parties agree under subsection (b) of this
36 section.

1 **(D) (1) IN THIS SUBSECTION, “COMMUNITY DEVELOPMENT PROJECT”**
 2 **MEANS A REAL ESTATE DEVELOPMENT PROJECT THAT CONSISTS OF NEWLY**
 3 **CONSTRUCTED OR REHABILITATED COMMERCIAL OR MULTIFAMILY**
 4 **RESIDENTIAL PROPERTY THAT:**

5 **(I) CONTAINS ONE OR MORE OF THE FOLLOWING:**

6 **1. A HOTEL;**

7 **2. AN OFFICE BUILDING;**

8 **3. A RETAIL FACILITY;**

9 **4. A MULTIFAMILY RESIDENTIAL FACILITY; OR**

10 **5. AN OFF-STREET PARKING FACILITY;**

11 **(II) IS NOT LOCATED IN AN URBAN RENEWAL AREA;**

12 **(III) DOES NOT SATISFY ANY OF THE MINIMUM CRITERIA SET**
 13 **FORTH IN SUBSECTION (A)(2)(III)1, 2, 3, 4, OR 5 OF THIS SECTION; AND**

14 **(IV) HAS A CERTIFICATE OF OCCUPANCY.**

15 **(2) A COMMUNITY DEVELOPMENT PROJECT IS EXEMPT OR**
 16 **PARTIALLY EXEMPT FROM BALTIMORE CITY REAL PROPERTY TAX:**

17 **(I) IF ALL THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
 18 **SECTION HAVE BEEN SATISFIED, EXCEPT FOR SUBSECTION (B)(1)(IV)2 OF THIS**
 19 **SECTION; AND**

20 **(II) AS THE PARTIES AGREE UNDER SUBSECTION (B) OF**
 21 **THIS SECTION.**

22 **[(d)] (E)** On or before January 1 of each year, the City of Baltimore or its
 23 designated agency shall report to the President of the City Council of Baltimore and,
 24 subject to § 2-1246 of the State Government Article, to the General Assembly of
 25 Maryland:

26 (1) a description of each project for which the City entered into a
 27 payment in lieu of taxes agreement under this section during the prior fiscal year,
 28 including a statement of:

1 (i) the basis on which each project met the requirements set
2 forth in subsection (a)(3) of this section, **IF APPLICABLE**; and

3 (ii) the analysis of the project described in subsection (b)(1) of
4 this section; and

5 (2) for those projects that have a payment in lieu of taxes agreement
6 and for which construction or rehabilitation has been completed:

7 (i) the number and types of jobs created during the preceding
8 fiscal year and estimated to be created during the following fiscal year;

9 (ii) the total taxes that the project is estimated to have
10 generated, directly and indirectly, for the City of Baltimore during the preceding fiscal
11 year and estimated to be generated during the following fiscal year; and

12 (iii) any other economic benefits of the project.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 June 1, 2013, and shall be applicable to all taxable years beginning after June 30,
15 2013.