

SENATE BILL 318

Q1

4lr0328

By: **Senator Simonaire**

Introduced and read first time: January 17, 2014

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax – Sunshine Tax Credit Act of 2014**

3 FOR the purpose of requiring the Mayor and City Council of Baltimore City and the
4 governing body of a county or municipal corporation to grant a property tax
5 credit to offset certain stormwater remediation fees; authorizing counties and
6 municipal corporations to determine the amount of the tax credit; requiring
7 counties to provide a certain notification to municipal corporations before taking
8 certain actions; providing that certain property used for certain purposes may
9 not receive the credit; requiring a county or municipal corporation to provide
10 certain reports on the tax credit on or before certain dates; providing for the
11 application of this Act; and generally relating to property tax credits to offset
12 the costs of certain stormwater remediation fees.

13 BY repealing and reenacting, without amendments,
14 Article – Environment
15 Section 4–202.1(e)
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2013 Supplement)

18 BY adding to
19 Article – Tax – Property
20 Section 9–110
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2013 Supplement)

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

25 **Article – Environment**

26 4–202.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) (1) Except as provided in paragraph (2) of this subsection and
 2 subsection (f) of this section, a county or municipality shall establish and annually
 3 collect a stormwater remediation fee from owners of property located within the
 4 county or municipality in accordance with this section.

5 (2) Property owned by the State, a unit of State government, a county,
 6 a municipality, or a regularly organized volunteer fire department that is used for
 7 public purposes may not be charged a stormwater remediation fee under this section.

8 (3) (i) A county or municipality shall set a stormwater remediation
 9 fee for property in an amount that is based on the share of stormwater management
 10 services related to the property and provided by the county or municipality.

11 (ii) A county or municipality may set a stormwater remediation
 12 fee under this paragraph based on:

- 13 1. A flat rate;
- 14 2. An amount that is graduated, based on the amount of
 15 impervious surface on each property; or
- 16 3. Another method of calculation selected by the county
 17 or municipality.

18 (4) A stormwater remediation fee established under this section is
 19 separate from any charges that a county or municipality establishes related to
 20 stormwater management for new developments under § 4-204 of this subtitle,
 21 including fees for permitting, review of stormwater management plans, inspections, or
 22 monitoring.

23 Article – Tax – Property

24 9-110.

25 (A) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY AND THE
 26 GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION SHALL GRANT A
 27 PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY OR
 28 MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON REAL PROPERTY IN
 29 ORDER TO OFFSET IN WHOLE OR IN PART THE APPLICABLE STORMWATER
 30 REMEDIATION FEE IMPOSED UNDER § 4-202.1(E) OF THE ENVIRONMENT
 31 ARTICLE.

32 (B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY AND THE
 33 GOVERNING BODY OF A COUNTY OR OF A MUNICIPAL CORPORATION MAY
 34 DETERMINE THE AMOUNT OF A TAX CREDIT UNDER THIS SECTION, NOT TO

1 EXCEED THE FEE IMPOSED UNDER § 4-202.1(E) OF THE ENVIRONMENT
2 ARTICLE, BASED ON:

3 (1) A FLAT TAX CREDIT;

4 (2) AN AMOUNT THAT IS GRADUATED, BASED ON THE SIZE OF
5 EACH PROPERTY; OR

6 (3) ANOTHER METHOD OF CALCULATION SELECTED BY THE
7 COUNTY OR MUNICIPAL CORPORATION.

8 (C) BEFORE A COUNTY ENACTS A TAX CREDIT UNDER THIS SECTION
9 FOR PROPERTY LOCATED WITHIN A MUNICIPAL CORPORATION, THE COUNTY
10 SHALL:

11 (1) NOTIFY THE MUNICIPAL CORPORATION OF THE COUNTY'S
12 INTENT TO GRANT A TAX CREDIT ON PROPERTY LOCATED WITHIN THE
13 MUNICIPAL CORPORATION; AND

14 (2) PROVIDE THE MUNICIPAL CORPORATION REASONABLE TIME
15 TO PASS AN ORDINANCE AUTHORIZING THE CREATION OF A MUNICIPAL TAX
16 CREDIT INSTEAD OF THE COUNTY TAX CREDIT.

17 (D) PROPERTY OWNED BY THE STATE, A UNIT OF STATE GOVERNMENT,
18 BALTIMORE CITY, A COUNTY, A MUNICIPAL CORPORATION, OR A VOLUNTEER
19 FIRE DEPARTMENT THAT IS USED FOR PUBLIC PURPOSES MAY NOT BE GRANTED
20 A TAX CREDIT UNDER THIS SECTION.

21 (E) BEGINNING JANUARY 1, 2016, AND EVERY 2 YEARS THEREAFTER,
22 ANY LOCAL JURISDICTION THAT PROVIDES A TAX CREDIT UNDER THIS SECTION
23 SHALL MAKE PUBLICLY AVAILABLE A REPORT ON:

24 (1) THE NUMBER OF PROPERTIES RECEIVING THE CREDIT; AND

25 (2) THE TOTAL AMOUNT OF TAX CREDITS PROVIDED OVER THE
26 PREVIOUS 2 TAXABLE YEARS.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 June 1, 2014, and shall be applicable to all taxable years beginning after June 30,
29 2014.