

# HOUSE BILL 235

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By: **Prince George's County Delegation**

Introduced and read first time: January 18, 2018

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – School Facilities Surcharge – Affordable Housing**  
3 **Requirement**  
4 **(The Affordable Housing Act of 2018)**

5 **PG 414–18**

6 FOR the purpose of establishing that certain exemptions from and reductions of the school  
7 facilities surcharge on certain residential construction in Prince George's County do  
8 not apply unless at least a certain percentage of the construction is designated as  
9 affordable housing for residents whose income does not exceed a certain percentage  
10 of a certain area median income; and generally relating to the school facilities  
11 surcharge in Prince George's County.

12 BY repealing and reenacting, without amendments,  
13 The Public Local Laws of Prince George's County  
14 Section 10–192.01(a)(1)  
15 Article 17 – Public Local Laws of Maryland  
16 (2011 Edition, as amended)

17 BY repealing and reenacting, with amendments,  
18 The Public Local Laws of Prince George's County  
19 Section 10–192.01(b)(2)  
20 Article 17 – Public Local Laws of Maryland  
21 (2011 Edition, as amended)

22 BY repealing and reenacting, with amendments,  
23 The Public Local Laws of Prince George's County  
24 Section 10–192.01(b)(6)  
25 Article 17 – Public Local Laws of Maryland  
26 (2011 Edition, as amended)  
27 (As enacted by Chapter 637 of the Acts of the General Assembly of 2014)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 The Public Local Laws of Prince George's County  
3 Section 10-192.01(b-1)  
4 Article 17 – Public Local Laws of Maryland  
5 (2011 Edition, as amended)  
6 (As enacted by Chapter 685 of the Acts of the General Assembly of 2013, as amended  
7 by Chapter 455 of the Acts of the General Assembly of 2017)

8 BY adding to  
9 The Public Local Laws of Prince George's County  
10 Section 10-192.01(b-2)  
11 Article 17 – Public Local Laws of Maryland  
12 (2011 Edition, as amended)

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

15 **Article 17 – Prince George's County**

16 10-192.01.

17 (a) (1) The County Council, by ordinance, shall impose a school facilities  
18 surcharge on new residential construction for which a building permit is issued on or after  
19 July 1, 2003.

20 (b) (2) **[The] SUBJECT TO SUBSECTION (B-2) OF THIS SECTION, THE**  
21 school facilities surcharge does not apply to a mixed retirement development or elderly  
22 housing.

23 (6) **[The] SUBJECT TO SUBSECTION (B-2) OF THIS SECTION, THE**  
24 school facilities surcharge does not apply to a single-family attached dwelling unit if the  
25 single-family dwelling unit is:

26 (A) Located in a residential revitalization project;

27 (B) Located in the Developed Tier as defined in the Prince George's  
28 County General Plan;

29 (C) Located in a Transforming Neighborhoods Initiative (TNI) Area;

30 (D) Located on the same property as previously existing  
31 multi-family dwelling units;

32 (E) Developed at a lower density than the previously existing  
33 multi-family dwelling units;

1 (F) Offered for sale only on a fee simple basis; and

2 (G) Located on a property that is less than 6 acres in size.

3 (b-1) **SUBJECT TO SUBSECTION (B-2) OF THIS SECTION:**

4 (1) The school facilities surcharge under this section shall be reduced by  
5 50% for multifamily housing constructed:

6 (A) Within an approved transit district overlay zone;

7 (B) Where there is no approved transit district overlay zone, within  
8 one-quarter mile of a Metro station; or

9 (C) Within the Bowie State MARC Station Community Center  
10 Designation Area, as defined in the Approved Bowie State MARC Station Sector Plan and  
11 Sectional Map Amendment[.];

12 (2) The school facilities surcharge under this section does not apply to a  
13 dwelling unit that is a studio apartment or efficiency apartment if the dwelling unit is  
14 located:

15 (A) Within the county urban centers and corridors, as defined in §  
16 27A-106 of the County Code;

17 (B) Within an approved transit district overlay zone; or

18 (C) Where there is no approved transit district overlay zone, within  
19 one-quarter mile of a Metro station[.]; **AND**

20 (3) The County Council may reduce the school facilities surcharge by a  
21 percentage not exceeding 50% for dwelling units in multifamily housing constructed where  
22 there is no approved transit district overlay zone, within one-quarter mile of a Purple Line  
23 station.

24 **(B-2) THE EXEMPTION FROM OR REDUCTION OF THE SCHOOL FACILITIES**  
25 **SURCHARGE UNDER SUBSECTION (B)(2) OR (6) OR (B-1) OF THIS SECTION DOES NOT**  
26 **APPLY UNLESS AT LEAST 20% OF THE NEW RESIDENTIAL CONSTRUCTION IS**  
27 **DESIGNATED AS AFFORDABLE HOUSING FOR RESIDENTS WHOSE INCOME DOES NOT**  
28 **EXCEED 80% OF THE AREA MEDIAN INCOME FOR PRINCE GEORGE’S COUNTY**  
29 **ESTABLISHED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
31 1, 2018.