

Chapter 351

(House Bill 225)

AN ACT concerning

**Prince George's County – School Facilities ~~Surcharge~~ and Public Safety
Surcharges – ~~Exemptions – Transit Oriented Development – Workforce Housing~~
Maryland Transit Administration Station**

PG 415–19

FOR the purpose of ~~altering the exemptions from the Prince George's County school facilities surcharge to include mixed retirement development or elderly housing, single family attached dwelling units located in a certain Transforming Neighborhood Initiative area, and certain multi-family housing located within a certain distance of a Metro Station or a Purple Line station; repealing certain exemptions related to certain single family dwelling units and certain multi-family housing; adding an exemption from the Prince George's County school facilities surcharge for certain student housing designated by Bowie State University and the governing body of Prince George's County; authorizing the governing body of Prince George's County, by resolution, to exempt some or all of the school facilities surcharge under certain circumstances; authorizing the governing body of Prince George's County, by resolution, to impose a school facilities surcharge on new residential construction for which a building permit is issued on or before a certain date and a public safety surcharge on certain new residential construction for which a building permit has been issued by the county; providing that the school facilities surcharge applies to certain multi-family housing; setting the amount of the public safety surcharge in Prince George's County for certain residential housing constructed in an area included in a certain plan that abuts an existing or planned mass transit rail station operated by the Maryland Transit Administration under certain circumstances; requiring Prince George's County to study and make recommendations concerning the school facilities surcharge and the public safety surcharge and report to certain persons on or before a certain date; providing for a certain reduction in the school facilities surcharge in Prince George's County for certain residential housing that is constructed within a certain distance of a MARC station; providing for an exemption from the school facilities surcharge for certain dwelling units that are constructed within the Regional Transit Districts and Local Centers as defined in the approved Prince George's County General Plan or within a certain distance of a MARC station; providing for the termination of certain provisions of this Act; repealing obsolete provisions;~~ and generally relating to the school facilities surcharge in Prince George's County.

BY repealing and reenacting, ~~without~~ with amendments,
The Public Local Laws of Prince George's County
Section 10–192.01(a)(1) and 10–192.11(a)
Article 17 – Public Local Laws of Maryland

(2015 Edition, as amended)

~~BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10-192.01(b)(2)
Article 17 – Public Local Laws of Maryland
(2015 Edition, as amended)~~

~~BY repealing
The Public Local Laws of Prince George's County
Section 10-192.01(b)(3) and (5)
Article 17 – Public Local Laws of Maryland
(2015 Edition, as amended)~~

BY repealing *and reenacting, with amendments,*
The Public Local Laws of Prince George's County
Section ~~10-192.01(b)(4)~~ *10-192.01(b)(4)(A)*
Article 17 – Public Local Laws of Maryland
(2015 Edition, as amended)
(As enacted by Chapter 637 of the Acts of the General Assembly of 2014 and Chapter
733 of the Acts of the General Assembly of 2016)

~~BY repealing
The Public Local Laws of Prince George's County
Section 10-192.01(b)(6)
Article 17 – Public Local Laws of Maryland
(2015 Edition, as amended)
(As enacted by Chapter 637 of the Acts of the General Assembly of 2014)~~

*BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10-192.11(b)
Article 17 – Public Local Laws of Maryland
(2015 Edition, as amended)
(As enacted by Chapter 684 of the Acts of the General Assembly of 2013)*

*BY adding to
The Public Local Laws of Prince George's County
Section 10-192.01(b)(4)(D) and (b-1)
Article 17 – Public Local Laws of Maryland
(2015 Edition, as amended)*

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

Article 17 – Prince George's County

10-192.01.

(a) (1) The ~~County Council~~ **GOVERNING BODY OF PRINCE GEORGE'S COUNTY**, by ~~ordinance~~ **RESOLUTION**, shall impose a school facilities surcharge on new residential construction for which a building permit is issued on or after July 1, 2003.

(b) ~~(2) The school facilities surcharge does not apply to [a]:~~

~~(A) A mixed retirement development or elderly housing; OR~~

~~(B) A SINGLE FAMILY ATTACHED DWELLING UNIT IF THE SINGLE FAMILY DWELLING UNIT IS LOCATED IN A TRANSFORMING NEIGHBORHOOD INITIATIVE (TNI) AREA; OR~~

~~(C) MULTI FAMILY HOUSING THAT IS LOCATED WITHIN ONE QUARTER MILE OF A METRO STATION OR A PURPLE LINE STATION IF THE MULTI FAMILY HOUSING IS CONSTRUCTED UNDER A GOVERNMENT REGULATION OR BINDING AGREEMENT THAT DESIGNATES AT LEAST 25% OF THE DWELLING UNITS FOR AT LEAST 30 YEARS AS AFFORDABLE HOUSING FOR RESIDENTS WHOSE INCOME DOES NOT EXCEED 80% OF THE AREA MEDIAN INCOME FOR PRINCE GEORGE'S COUNTY ESTABLISHED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.~~

~~[(3) The school facilities surcharge does not apply to a single family detached dwelling that is to be built or subcontracted by an individual owner in a minor subdivision and that is intended to be used as the owner's personal residence.~~

(4) (A) The school facilities surcharge does not apply to multi-family housing ~~designated:~~

(I) DESIGNATED as student housing that is located in the area within the campus of Capitol Technology University located adjacent to and east of Springfield Road in Parcels 1 and 2 in the subdivision of land known as "Parcels 1 and 2, Capitol Institute of Technology", as per plat recorded in Plat Book NLP 115 at Plat 31 among the Land Records of Prince George's County, Maryland;

(II) DESIGNATED AS STUDENT HOUSING BY BOWIE STATE UNIVERSITY AND THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY THAT IS LOCATED WITHIN 1 MILE OF BOWIE STATE UNIVERSITY.

~~(B) (i) Subject to subsubparagraph (ii) of this subparagraph, the school facilities surcharge does not apply to multi-family housing that is located in the City of College Park and designated as graduate student housing by the City of College Park.~~

~~(ii) The County Council may, by Resolution, reverse a designation by the City of College Park of multi-family housing as graduate student housing within 60 days of the designation.~~

~~(C) If the housing is converted from student housing or graduate student housing to multi-family housing for the general population, the owner of the property shall pay, at the time of the conversion, the school facilities surcharge in accordance with the laws at the time of the conversion.~~

~~(5) The school facilities surcharge does not apply to a single family dwelling unit that is to be built or subcontracted by an individual owner to replace on the same lot a previously existing single family dwelling unit that was destroyed by fire, explosion, or a natural disaster if the single family dwelling unit is:~~

~~(A) Similar to the previously existing single family dwelling unit; and~~

~~(B) Owned and occupied by the same individual who owned and occupied the previously existing single family dwelling unit.~~

~~(6) The school facilities surcharge does not apply to a single family attached dwelling unit if the single family dwelling unit is:~~

~~(A) Located in a residential revitalization project;~~

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

~~(C) Located in a Transforming Neighborhood Initiative (TNI) area;~~

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

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

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

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

(D) TO PROMOTE THE GOALS OF THE UNIVERSITY DISTRICT VISION 2020, AS THAT VISION OR PLAN MAY BE AMENDED FROM TIME TO TIME, ON RECOMMENDATION OF THE CITY OF COLLEGE PARK, THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY, BY RESOLUTION, MAY EXEMPT SOME OR ALL OF THE

SCHOOL FACILITIES SURCHARGE FOR UNDERGRADUATE STUDENT HOUSING BUILT WEST OF U.S. ROUTE 1, NORTH OF KNOX ROAD, AND SOUTH OF METZEROTT ROAD.

10-192.11.

(a) The [County Council] GOVERNING BODY OF PRINCE GEORGE’S COUNTY, by [ordinance] RESOLUTION, may impose a public safety surcharge on new residential construction for which a [Preliminary Plan has been approved on or after July 1, 2005] BUILDING PERMIT IS ISSUED BY THE COUNTY.

(b) (1) Except as provided in paragraph (3) of this Subsection, a public safety surcharge imposed on a single-family detached dwelling, town house, or dwelling unit for any other building containing more than a single dwelling unit shall be in the amount of:

(A) Six Thousand Dollars (\$6,000); or

(B) Two Thousand Dollars (\$2,000) for construction in:

(i) The [Developed Tier] TRANSPORTATION SERVICE AREA 1, as defined by the Maryland-National Capital Park and Planning Commission in the Prince George’s County Approved General Plan; and

(ii) An area included in a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority OR BY THE MARYLAND TRANSIT ADMINISTRATION and complies with the requirements of any sector plan, master plan, or overlay zone approved by the Prince George’s County District Council.

(2) The public safety surcharge does not apply to a single-family detached dwelling that is to be built or subcontracted by an individual owner in a minor subdivision and that is intended to be used as the owner’s personal residence.

(3) The governing body of Prince George’s County may waive any surcharge imposed under subsection (b)(1)(B) of this Section.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 17 – Prince George’s County

10-192.01.

(B-1) (1) THE SCHOOL FACILITIES SURCHARGE UNDER THIS SECTION SHALL BE REDUCED BY 50% FOR MULTI-FAMILY HOUSING PROJECTS, WITH A BUILDING PERMIT ISSUED ON OR AFTER APRIL 1, 2019, CONSTRUCTED:

(A) WITHIN AN APPROVED TRANSIT DISTRICT OVERLAY ZONE;

OR

(B) WHERE THERE IS NO APPROVED TRANSIT DISTRICT OVERLAY ZONE, WITHIN ONE-QUARTER MILE OF A METRO STATION OR A MARC STATION.

(2) THE SCHOOL FACILITIES SURCHARGE UNDER THIS SECTION DOES NOT APPLY TO A DWELLING UNIT THAT IS A STUDIO APARTMENT OR AN EFFICIENCY APARTMENT IF THE DWELLING UNIT IS LOCATED:

(A) WITHIN THE REGIONAL TRANSIT DISTRICTS AND LOCAL CENTERS (GROWTH POLICY AREAS), AS DEFINED IN THE APPROVED PRINCE GEORGE'S COUNTY GENERAL PLAN (PLAN 2035), INCLUDING IN THE AREA OF THE APPROVED 2010 CENTRAL US 1 CORRIDOR APPROVED SECTOR PLAN AND SECTIONAL MAP AMENDMENT;

(B) WITHIN AN APPROVED TRANSIT DISTRICT OVERLAY ZONE;

OR

(C) WHERE THERE IS NO APPROVED TRANSIT DISTRICT OVERLAY ZONE, WITHIN ONE-QUARTER MILE OF A METRO STATION OR A MARC STATION.

(3) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY REDUCE THE SCHOOL FACILITIES SURCHARGE BY A PERCENTAGE NOT EXCEEDING 50% FOR DWELLING UNITS IN MULTI-FAMILY HOUSING CONSTRUCTED WHERE THERE IS NO APPROVED TRANSIT DISTRICT OVERLAY ZONE, WITHIN ONE-QUARTER MILE OF A PURPLE LINE STATION.

SECTION 3. AND BE IT FURTHER ENACTED, That Prince George's County shall:

(1) review and make recommendations on the impact of the school facilities surcharge and the public safety surcharge and the need for any changes to the surcharges, including whether changes to the school facilities surcharge and the public safety surcharge might have a positive impact on the ability to construct and maintain affordable housing; and

(2) on or before December 1, 2020, report its findings to the Prince George's County Council, the Prince George's County School Board, and, in accordance with § 2-1246 of the State Government Article, the members of the Prince George's County Delegation to the General Assembly.

SECTION ~~2~~ 4 AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. Sections 2 and 3 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 2021, Sections 2 and 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, April 30, 2019.