Unofficial Copy   2002 Regular Session
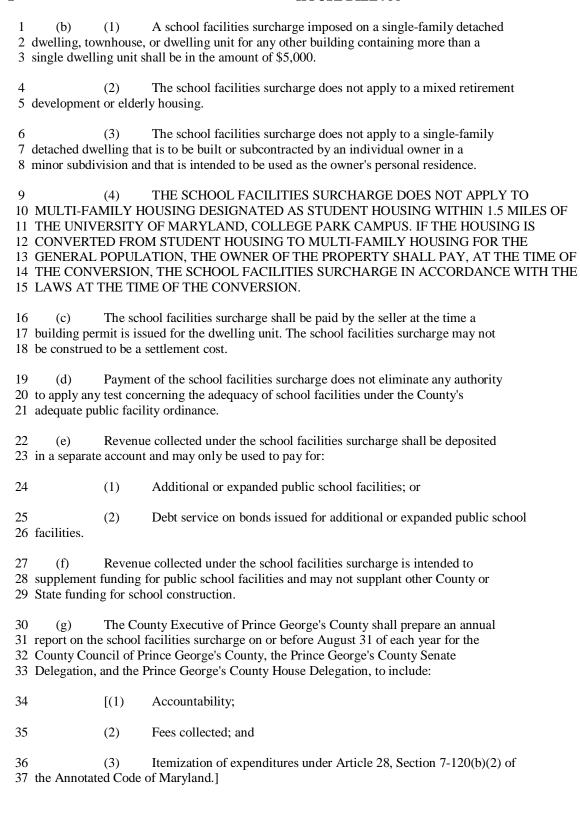F3   2lr0833

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By: **Prince George's County Delegation**
Introduced and read first time: February 8, 2002
Assigned to: Ways and Means

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Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2002

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CHAPTER_____

1 AN ACT concerning

2   **Prince George's County - School Facilities Surcharge**
3   **PG 427-02**

4 FOR the purpose of ~~altering the date of applicability for~~ exempting certain properties
5   from the imposition of a school facilities surcharge in Prince George's County;
6   ~~exempting certain properties from the surcharge;~~ making this Act an emergency
7   measure; and generally relating to the school facilities surcharge in Prince
8   George's County.

9 BY repealing and reenacting, with amendments,
10   The Public Local Laws of Prince George's County
11   Section 10-192.01
12   Article 17 - The Public Local Laws of Maryland
13   (1999 Edition and 2000 Supplement, as amended)

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

16   **Article 17 - Prince George's County**

17 10-192.01.

18   (a)   The County Council, by ordinance, shall impose a school facilities
19 surcharge on new residential construction for which a building permit is applied for
20 on or after July 1, [2000] ~~2002~~.

1   (b)   (1)   A school facilities surcharge imposed on a single-family detached
2 dwelling, townhouse, or dwelling unit for any other building containing more than a
3 single dwelling unit shall be in the amount of $5,000.

4   (2)   The school facilities surcharge does not apply to a mixed retirement
5 development or elderly housing.

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

9   (4)   THE SCHOOL FACILITIES SURCHARGE DOES NOT APPLY TO
10 MULTI-FAMILY HOUSING DESIGNATED AS STUDENT HOUSING WITHIN 1.5 MILES OF
11 THE UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS. IF THE HOUSING IS
12 CONVERTED FROM STUDENT HOUSING TO MULTI-FAMILY HOUSING FOR THE
13 GENERAL POPULATION, THE OWNER OF THE PROPERTY SHALL PAY, AT THE TIME OF
14 THE CONVERSION, THE SCHOOL FACILITIES SURCHARGE IN ACCORDANCE WITH THE
15 LAWS AT THE TIME OF THE CONVERSION.

16   (c)   The school facilities surcharge shall be paid by the seller at the time a
17 building permit is issued for the dwelling unit. The school facilities surcharge may not
18 be construed to be a settlement cost.

19   (d)   Payment of the school facilities surcharge does not eliminate any authority
20 to apply any test concerning the adequacy of school facilities under the County's
21 adequate public facility ordinance.

22   (e)   Revenue collected under the school facilities surcharge shall be deposited
23 in a separate account and may only be used to pay for:

24   (1)   Additional or expanded public school facilities; or

25   (2)   Debt service on bonds issued for additional or expanded public school
26 facilities.

27   (f)   Revenue collected under the school facilities surcharge is intended to
28 supplement funding for public school facilities and may not supplant other County or
29 State funding for school construction.

30   (g)   The County Executive of Prince George's County shall prepare an annual
31 report on the school facilities surcharge on or before August 31 of each year for the
32 County Council of Prince George's County, the Prince George's County Senate
33 Delegation, and the Prince George's County House Delegation, to include:

34   [(1)   Accountability;

35   (2)   Fees collected; and

36   (3)   Itemization of expenditures under Article 28, Section 7-120(b)(2) of
37 the Annotated Code of Maryland.]

1   (1)   A DETAILED DESCRIPTION OF HOW FEES WERE EXPENDED; AND

2   (2)   THE AMOUNT OF FEES COLLECTED.

3   (h)   This Section does not apply to any property located in an infrastructure
4 finance district approved before January 1, 2000.

5   SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
6 measure, is necessary for the immediate preservation of the public health or safety,
7 has been passed by a yea and nay vote supported by three-fifths of all the members
8 elected to each of the two Houses of the General Assembly, and shall take effect from
9 the date it is enacted.