

HOUSE BILL 1304

Unofficial Copy  
L2

2004 Regular Session  
(4r1044)

**ENROLLED BILL**

-- *Ways and Means/Education, Health, and Environmental Affairs* --

Introduced by **St. Mary's County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **St. Mary's County - Impact Fees - Exceptions**

3 FOR the purpose of authorizing the County Commissioners of St. Mary's County to  
4 waive, defer, or provide for the amortization of building impact fees under  
5 certain circumstances; limiting to a certain amount the total amount of building  
6 impact fees the county may waive, defer, or amortize in any fiscal year;  
7 providing for the termination of this Act; and generally relating to impact fees  
8 on new construction in St. Mary's County.

9 BY repealing and reenacting, with amendments,  
10 Article 25 - County Commissioners  
11 Section 10D-1  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2003 Supplement)

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

1

**Article 25 - County Commissioners**

2 10D-1.

3 (a) The County Commissioners of St. Mary's County may raise the building  
4 permit fees up to two percent of the cost of any new construction of any living units  
5 built in St. Mary's County, or prebuilt and brought into St. Mary's County; the  
6 building permit fees shall be set by the County Commissioners in December of each  
7 year.

8 (b) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection,  
9 the County Commissioners of St. Mary's County may require every person, firm,  
10 partnership, corporation, or other legal entity which submits its property plans for  
11 approval to the planning commission of St. Mary's County (or the appropriate  
12 approving authority) to pay a fixed sum as set by the County Commissioners to  
13 defray the additional cost for additional public facilities as required by local ordinance  
14 or resolution.

15 (2) By ordinance, the County Commissioners of St. Mary's County may  
16 enact an exemption to the building impact fee imposed under paragraph (1) of this  
17 subsection for the first 3 lots, in a minor subdivision, that:

18 (i) Were recorded after June 1, 2000 and created from a parcel of  
19 record or a lot of record; and

20 (ii) Transferred to a natural, direct lineal descendant, or a legally  
21 adopted son, daughter, grandson, or granddaughter.

22 (3) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS  
23 PARAGRAPH FOR EACH FISCAL YEAR, THE COUNTY COMMISSIONERS OF ST. MARY'S  
24 COUNTY MAY:

25 1. WAIVE THE BUILDING IMPACT FEE IMPOSED UNDER  
26 PARAGRAPH (1) OF THIS SUBSECTION FOR UP TO ~~50~~ 30 NEWLY CONSTRUCTED LIVING  
27 UNITS, EXCLUDING MOBILE HOMES; AND

28 2. DEFER OR PROVIDE FOR THE AMORTIZATION OF THE  
29 BUILDING IMPACT FEE FOR UP TO ~~400~~ 50 NEWLY CONSTRUCTED LIVING UNITS,  
30 EXCLUDING MOBILE HOMES.

31 (II) THE COUNTY COMMISSIONERS MAY WAIVE, DEFER, OR  
32 AMORTIZE THE BUILDING IMPACT FEE ONLY FOR NEWLY CONSTRUCTED LIVING  
33 UNITS THAT ARE DEEMED TO BE AFFORDABLE FOR INDIVIDUALS WHOSE  
34 ~~HOUSEHOLD~~ FAMILY INCOME IN THE PREVIOUS FISCAL YEAR WAS LESS THAN 50  
35 PERCENT OF THE COUNTY MEDIAN ~~HOUSEHOLD~~ FAMILY INCOME AS REPORTED BY  
36 THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

37 (III) 1. A WAIVER, DEFERRAL, OR AMORTIZATION SHALL BE  
38 LIMITED TO NEW CONSTRUCTION OF LIVING UNITS NOT EXCEEDING A CERTAIN

