Unofficial Copy L2

2004 Regular Session (4lr1044)

ENROLLED BILL

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

| Introduced by St. Mary's County Delegation | |
|--|--------------|
| Read and Examined by Proofreaders: | |
| | Proofreader. |
| Sealed with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M. | Proofreader. |
| | Speaker. |
| CHAPTER | |
| 1 AN ACT concerning | |
| 2 St. Mary's County - Impact Fees - Exceptions | |
| FOR the purpose of authorizing the County Commissioners of St. Mary's County to waive, defer, or provide for the amortization of building impact fees under certain circumstances; limiting to a certain amount the total amount of building impact fees the county may waive, defer, or amortize in any fiscal year; providing for the termination of this Act; and generally relating to impact fees 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
- (2001 Replacement Volume and 2003 Supplement) 13
- 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 15 MARYLAND, That the Laws of Maryland read as follows:

37

(III)

1

38 LIMITED TO NEW CONSTRUCTION OF LIVING UNITS NOT EXCEEDING A CERTAIN

1 **Article 25 - County Commissioners** 2 10D-1. 3 (a) The County Commissioners of St. Mary's County may raise the building 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. Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection, 8 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 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 Were recorded after June 1, 2000 and created from a parcel of 19 record or a lot of record; and 20 Transferred to a natural, direct lineal descendant, or a legally (ii) 21 adopted son, daughter, grandson, or granddaughter. SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS 22 (I) 23 PARAGRAPH FOR EACH FISCAL YEAR, THE COUNTY COMMISSIONERS OF ST. MARY'S 24 COUNTY MAY: 25 WAIVE THE BUILDING IMPACT FEE IMPOSED UNDER 1. 26 PARAGRAPH (1) OF THIS SUBSECTION FOR UP TO 50 NEWLY CONSTRUCTED LIVING 27 UNITS, EXCLUDING MOBILE HOMES; AND DEFER OR PROVIDE FOR THE AMORTIZATION OF THE 28 2. 29 BUILDING IMPACT FEE FOR UP TO 100 S0 NEWLY CONSTRUCTED LIVING UNITS, 30 EXCLUDING MOBILE HOMES. 31 THE COUNTY COMMISSIONERS MAY WAIVE, DEFER, OR (II)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.

A WAIVER, DEFERRAL, OR AMORTIZATION SHALL BE

HOUSE BILL 1304

- 1 SQUARE FOOTAGE AS DETERMINED BY THE COUNTY COMMISSIONERS OF ST. MARY'S 2 COUNTY.
- 3 2. THE AMOUNT OF BUILDING IMPACT FEES WAIVED,
- 4 DEFERRED, OR AMORTIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY
- 5 NOT EXCEED \$675,000 \$350,000 IN ANY FISCAL YEAR.
- 6 (IV) THE TOTAL AMOUNT OF BUILDING IMPACT FEES WAIVED,
- 7 DEFERRED, OR AMORTIZED SHALL BE REFLECTED IN THE ST. MARY'S COUNTY
- 8 ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR IN WHICH THE WAIVER,
- 9 DEFERRAL, OR AMORTIZATION IS GRANTED.
- 10 (c) The income derived from subsections (a) and (b) shall be used to defray the
- 11 additional cost to St. Mary's County for additional educational, water, sewerage, road,
- 12 sanitation, SOLID WASTE, PARK, or similar facilities.
- 13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 14 July 1, 2004. It shall remain effective for a period of 2 years and, at the end of June
- 15 30, 2006, with no further action required by the General Assembly, this Act shall be
- 16 abrogated and of no further force and effect.