
By: Washington County Delegation

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

Reassigned: Ways and Means, February 18, 2005

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2005

CHAPTER _____

1 AN ACT concerning

2 **Washington County Growth Management Act of 2005**

3 FOR the purpose of providing that the Washington County Board of County
4 Commissioners may collect a building excise tax on certain construction within
5 Washington County prior to a certain time; authorizing the Washington County
6 Board of County Commissioners to waive the Washington County building
7 excise tax or impose different tax rates of the Washington County building
8 excise tax on certain construction; limiting the rate of the Washington County
9 building excise tax on certain construction; authorizing the Washington County
10 Board of County Commissioners to set a building excise tax rate that exceeds
11 certain limitations under certain circumstances; providing that certain revenues
12 that are deposited in a special fund may be used in future fiscal years; providing
13 that certain revenues from the Washington County building excise tax may only
14 be used for certain purposes; requiring certain municipal corporations in
15 Washington County to assist the county in the collection of the Washington
16 County building excise tax within the municipal corporations; authorizing
17 certain municipal corporations in Washington County to retain certain revenues
18 from the Washington County building excise tax; requiring that certain
19 municipal corporations in Washington County deposit certain revenues in a
20 special fund to be used for certain purposes; requiring the Washington County
21 Board of County Commissioners to encumber certain funds for certain purposes
22 during each fiscal year; requiring the Washington County Board of County
23 Commissioners to grant a building excise tax credit against the Washington
24 County building excise tax imposed on certain residential units; requiring the
25 Washington County Board of County Commissioners to define a certain term by
26 ordinance; requiring the Washington County Board of County Commissioners to
27 set the amount and duration of a building excise tax credit; authorizing certain

1 municipal corporations within Washington County to grant a building excise tax
2 credit not to exceed a certain amount against the Washington County building
3 excise tax imposed on certain residential units; requiring the Washington
4 County Board of County Commissioners to establish an advisory School
5 Construction Review Committee; requiring the members of the advisory School
6 Construction Review Committee to review certain information and make certain
7 recommendations to the Washington County Board of County Commissioners;
8 requiring certain municipal corporations to report certain information by a
9 certain date to the Washington County Board of County Commissioners;
10 requiring the Washington County Board of County Commissioners to report
11 certain information by a certain date to the Washington County legislative
12 delegation; requiring the Washington County Board of County Commissioners to
13 adopt a certain plan by a certain date; requiring the Washington County Board
14 of County Commissioners to establish an advisory School Design Review
15 Committee; requiring the members of the review committee to review certain
16 information during a certain period of time and make certain recommendations
17 to the Washington County Board of County Commissioners and the Washington
18 County Board of Education; requiring the Washington County Board of County
19 Commissioners and the Washington County Board of Education to jointly review
20 certain records; charging the Washington County Board of County
21 Commissioners with the responsibility of determining whether certain school
22 construction projects may proceed; providing that the Washington County Board
23 of County Commissioners are not bound by certain recommendations; requiring
24 the Washington County Board of County Commissioners to analyze and study
25 certain issues with regard to property assessments, property taxes, building
26 excise taxes, and the development of workforce housing in Washington County;
27 requiring the Washington County Board of County Commissioners to hold a
28 public hearing; requiring the Washington County Board of County
29 Commissioners to issue a report to the Washington County legislative
30 delegation by a certain date; prohibiting the Washington County Board of
31 County Commissioners or any municipal corporation within Washington County
32 from collecting certain revenue prior to submitting a certain report to the
33 Washington County legislative delegation; authorizing certain refunds under
34 certain circumstances; defining certain terms; providing for the termination of
35 certain provisions of this Act; and generally relating to distributing certain
36 revenue and monitoring building development in Washington County.

37 BY repealing and reenacting, with amendments,
38 The Public Local Laws of Washington County
39 Section 2-701
40 Article 22 - Public Local Laws of Maryland
41 (1991 Edition and December 1997 Supplement, as amended)
42 (As enacted by Chapter 468 of the Acts of the General Assembly of 2003, as
43 amended by Chapter 398 of the Acts of the General Assembly of 2004)

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

Article 22 - Washington County

1 2-701.

2 (a) (1) The County Commissioners of Washington County, by ordinance, may
3 fix, impose, and collect a building excise tax on any building construction within
4 Washington County.

5 (2) THE COUNTY COMMISSIONERS MAY COLLECT A BUILDING EXCISE
6 TAX ON A BUILDING CONSTRUCTION WITHIN WASHINGTON COUNTY PRIOR TO THE
7 DATE AN INITIAL BUILDING PERMIT IS ISSUED FOR THAT BUILDING CONSTRUCTION.

8 (b) (1) The County Commissioners shall specify in the ordinance the:

9 (i) types of building construction subject to the building excise tax;

10 and

11 (ii) tax rates.

12 (2) (I) [Except as provided in paragraph (3) of this subsection] FOR
13 NONRESIDENTIAL BUILDING TYPES, the County Commissioners may impose
14 [different rates of the] A building excise tax NOT TO EXCEED \$5 PER SQUARE FOOT
15 [based on:

16 (i) the square footage of the building;

17 (ii) the housing or building type; and

18 (iii) zoning classifications consistent with goals of the
19 comprehensive plan of Washington County].

20 (II) THE COUNTY COMMISSIONERS MAY IMPOSE DIFFERENT RATES
21 OR WAIVE THE BUILDING EXCISE TAX FOR DIFFERENT NONRESIDENTIAL BUILDING
22 TYPES AND USES.

23 (3) [(i) For a fiscal year beginning after June 30, 2003, but before July
24 1, 2008] EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, FOR
25 SINGLE-FAMILY RESIDENTIAL UNITS, the County Commissioners may impose a
26 building excise tax rate not to exceed [\$1 per square foot] \$13,000 PER UNIT.

27 (4) [(ii) For any fiscal year beginning after June 30, 2008] EXCEPT AS
28 PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, FOR MULTIFAMILY RESIDENTIAL
29 UNITS, the County Commissioners may [set the] IMPOSE A building excise tax rate
30 NOT TO EXCEED \$15,500 PER UNIT.

31 ~~(5) THE COUNTY COMMISSIONERS MAY IMPOSE A BUILDING EXCISE TAX
32 RATE FOR SINGLE FAMILY RESIDENTIAL UNITS AND MULTIFAMILY RESIDENTIAL
33 UNITS THAT EXCEEDS THE LIMITATIONS SET IN PARAGRAPHS (3) AND (4) OF THIS
34 SUBSECTION IF THE NUMBER OF RESIDENTIAL UNITS DEVELOPED IN A SINGLE
35 SUBDIVISION EXCEEDS AN AMOUNT SPECIFIED BY THE COUNTY COMMISSIONERS.~~

1 (5) (I) THIS PARAGRAPH APPLIES TO THE DEVELOPMENT OF A SINGLE
 2 SUBDIVISION THAT HAS MORE THAN 25 RESIDENTIAL UNITS.

3 (II) THE COUNTY COMMISSIONERS MAY IMPOSE A BUILDING
 4 EXCISE TAX FOR SINGLE-FAMILY RESIDENTIAL UNITS AND MULTIFAMILY
 5 RESIDENTIAL UNITS DEVELOPED IN A SUBDIVISION DESCRIBED UNDER
 6 SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT DOES NOT EXCEED TWICE THE
 7 BUILDING EXCISE TAX SET UNDER PARAGRAPH (3) OR (4) OF THIS SUBSECTION, IF
 8 THE DEVELOPMENT OF THE SUBDIVISION:

9 1. IS IN A SCHOOL DISTRICT WHERE A SCHOOL IS AT OR
 10 ABOVE 85% OF THE STATE RATED SCHOOL CAPACITY;

11 2. CAUSES THE ROADS OR INTERSECTION WITHIN 1
 12 CENTERLINE MILE IN ANY DIRECTION OF ANY NEW STREET CONNECTING THE
 13 SUBDIVISION TO BE LOWER THAN A LEVEL OF SERVICE D; OR

14 3. CAUSES THE INTERSECTIONS OUTSIDE OF THE URBAN
 15 AND TOWN GROWTH AREAS TO BE LOWER THAN A LEVEL OF SERVICE C.

16 (c) (1) The County Director of Finance shall deposit the revenues from the
 17 building excise tax into a special NONLAPSING fund.

18 (2) The revenues [from] DEPOSITED IN the special fund THAT ARE
 19 GENERATED BY THE BUILDING EXCISE TAX IMPOSED ON NONRESIDENTIAL
 20 BUILDING TYPES may only be used for:

21 (i) [school renovation and construction;

22 (ii)] primary, secondary, or higher education capital expenditures;

23 [(iii)] (II) public safety capital expenditures;

24 [(iv)] (III) public infrastructure projects; and

25 [(v)] (IV) debt reduction RELATED TO CAPITAL IMPROVEMENTS
 26 EXPENDITURES.

27 (3) THE REVENUES FROM THE BUILDING EXCISE TAX IMPOSED ON
 28 SINGLE-FAMILY RESIDENTIAL UNITS OR MULTIFAMILY RESIDENTIAL UNITS MAY
 29 ONLY BE USED AS FOLLOWS:

30 (I) 70% FOR SCHOOLS;

31 (II) 23% FOR ROADS; ~~AND~~

32 (III) ~~7%~~ 2% FOR PUBLIC LIBRARIES; ~~AND~~

33 (IV) 5% FOR PARKS AND RECREATIONAL FACILITIES, PUBLIC
 34 SAFETY, WATER AND SEWER INFRASTRUCTURE, AND AGRICULTURAL LAND
 35 PRESERVATION.

1 (4) (I) THE REVENUES FROM THE BUILDING EXCISE TAX IMPOSED ON
2 SINGLE-FAMILY RESIDENTIAL UNITS AND MULTIFAMILY RESIDENTIAL UNITS USED
3 FOR ~~ROADS~~, PUBLIC LIBRARIES, WATER AND SEWER INFRASTRUCTURE, AND PARKS
4 AND RECREATION MAY ONLY BE USED FOR THE CAPITAL COSTS OF PUBLIC WORKS,
5 IMPROVEMENTS, AND FACILITIES.

6 (II) THE REVENUES FROM THE BUILDING EXCISE TAX IMPOSED ON
7 SINGLE-FAMILY RESIDENTIAL UNITS AND MULTIFAMILY RESIDENTIAL UNITS USED
8 FOR SCHOOLS MAY ONLY BE USED FOR THE CAPITAL COSTS THAT PRIMARILY
9 PROVIDE ADDITIONAL CAPACITY REQUIRED TO ACCOMMODATE NEW
10 CONSTRUCTION OR DEVELOPMENT.

11 (5) AT THE END OF A FISCAL YEAR, ANY UNSPENT OR UNENCUMBERED
12 BALANCE IN THE SPECIAL FUND SHALL REMAIN IN THE FUND AVAILABLE FOR USE
13 IN FUTURE FISCAL YEARS FOR PURPOSES SPECIFIED IN THIS SUBSECTION AND
14 DOES NOT REVERT TO THE GENERAL FUND OF WASHINGTON COUNTY.

15 (D) (1) (I) THIS PARAGRAPH APPLIES TO A MUNICIPAL CORPORATION
16 WITHIN WASHINGTON COUNTY THAT HAS NOT ADOPTED AN ADEQUATE PUBLIC
17 FACILITIES ORDINANCE WITH SCHOOL ADEQUACY TESTS SUBSTANTIALLY SIMILAR
18 TO OR MORE STRINGENT THAN THE ADEQUATE PUBLIC FACILITIES ORDINANCE
19 ADOPTED BY THE COUNTY COMMISSIONERS.

20 (II) A MUNICIPAL CORPORATION DESCRIBED IN SUBPARAGRAPH (I)
21 OF THIS PARAGRAPH SHALL ASSIST THE COUNTY COMMISSIONERS IN THE
22 COLLECTION OF THE BUILDING EXCISE TAX WITHIN THE MUNICIPAL CORPORATION
23 BY:

24 1. COLLECTING AND REMITTING THE TAX TO THE COUNTY;
25 OR

26 2. REQUIRING THE TAX TO BE PAID TO THE COUNTY
27 COMMISSIONERS IN ACCORDANCE WITH THE TERMS OF THE COUNTY ORDINANCE.

28 (2) (I) THIS PARAGRAPH APPLIES TO A MUNICIPAL CORPORATION
29 WITHIN WASHINGTON COUNTY THAT HAS ADOPTED AN ADEQUATE PUBLIC
30 FACILITIES ORDINANCE WITH SCHOOL ADEQUACY TESTS SUBSTANTIALLY SIMILAR
31 TO OR MORE STRINGENT THAN THE ADEQUATE PUBLIC FACILITIES ORDINANCE
32 ADOPTED BY THE COUNTY COMMISSIONERS.

33 (II) FOR EACH SINGLE-FAMILY RESIDENTIAL UNIT OR
34 MULTIFAMILY RESIDENTIAL UNIT THAT IS WITHIN A MUNICIPAL CORPORATION
35 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE MUNICIPAL
36 CORPORATION:

37 1. SHALL ASSIST THE COUNTY COMMISSIONERS IN THE
38 COLLECTION OF THAT PORTION OF THE BUILDING EXCISE TAX THAT IS DEDICATED
39 TO SCHOOLS AND PUBLIC LIBRARIES AS PROVIDED UNDER SUBSECTION (C)(3) OF
40 THIS SECTION, BY COLLECTING AND REMITTING THAT AMOUNT OF THE TAX TO THE
41 COUNTY; AND

1 2. MAY RETAIN THE REMAINING PORTION OF THE BUILDING
2 EXCISE TAX.

3 (III) FOR EACH NONRESIDENTIAL BUILDING TYPE THAT IS WITHIN
4 A MUNICIPAL CORPORATION OF WASHINGTON COUNTY, THE MUNICIPAL
5 CORPORATION:

6 1. SHALL ASSIST THE COUNTY COMMISSIONERS IN THE
7 COLLECTION OF 72% OF THE BUILDING EXCISE TAX ON EACH NONRESIDENTIAL
8 BUILDING TYPE BY COLLECTING AND REMITTING THAT AMOUNT OF THE TAX TO THE
9 COUNTY; AND

10 2. MAY RETAIN THE REMAINING PORTION OF THE BUILDING
11 EXCISE TAX.

12 ~~(III)~~ (IV) 1. THE MUNICIPAL CORPORATION IS NOT REQUIRED
13 TO RETAIN ANY PORTION OF THE BUILDING EXCISE TAX AS PROVIDED UNDER
14 SUBPARAGRAPH (II)2 OR (III)2 OF THIS PARAGRAPH.

15 2. ANY PORTION OF THE BUILDING EXCISE TAX NOT
16 RETAINED BY A MUNICIPAL CORPORATION UNDER ITEM 1 OF THIS SUBPARAGRAPH
17 SHALL BE REMITTED TO THE COUNTY.

18 ~~(IV)~~ (V) 1. THE DIRECTOR OF FINANCE OF A MUNICIPAL
19 CORPORATION RETAINING ANY REVENUE FROM THE BUILDING EXCISE TAX UNDER
20 SUBPARAGRAPH (II)2 OR (III)2 OF THIS PARAGRAPH SHALL DEPOSIT THE REVENUES
21 INTO A NONLAPSING SPECIAL FUND.

22 2. THE REVENUES FROM THE MUNICIPAL CORPORATION'S
23 SPECIAL FUND MAY ONLY BE USED FOR THE CAPITAL COSTS OF PUBLIC WORKS,
24 IMPROVEMENTS, AND FACILITIES REQUIRED TO ACCOMMODATE ~~NEW~~
25 ~~CONSTRUCTION OR DEVELOPMENT OF:~~

26 A. ROADS;

27 B. NEW CONSTRUCTION OR DEVELOPMENT OF PARKS AND
28 RECREATIONAL FACILITIES;

29 C. PUBLIC LIBRARIES; NEW CONSTRUCTION OR
30 DEVELOPMENT OF WATER AND SEWER INFRASTRUCTURE; AND

31 D. NEW CONSTRUCTION OR DEVELOPMENT OF PUBLIC
32 SAFETY; ~~AND~~

33 E. ~~AGRICULTURAL LAND PRESERVATION.~~

34 ~~(V)~~ (VI) AT THE END OF A FISCAL YEAR, ANY UNSPENT OR
35 UNENCUMBERED BALANCE IN THE MUNICIPAL CORPORATION'S SPECIAL FUND
36 SHALL REMAIN IN THE FUND AVAILABLE FOR USE IN FUTURE FISCAL YEARS FOR

1 PURPOSES SPECIFIED IN SUBPARAGRAPH (IV)2 OF THIS PARAGRAPH AND DOES NOT
2 REVERT TO THE GENERAL FUND OF THE MUNICIPAL CORPORATION.

3 ~~(3) FOR EACH NONRESIDENTIAL BUILDING TYPE THAT IS WITHIN A~~
4 ~~MUNICIPAL CORPORATION OF WASHINGTON COUNTY, THE MUNICIPAL~~
5 ~~CORPORATION SHALL ASSIST THE COUNTY COMMISSIONERS IN THE COLLECTION OF~~
6 ~~THE BUILDING EXCISE TAX WITHIN THE MUNICIPAL CORPORATION BY:~~

7 ~~(I) COLLECTING AND REMITTING THE TAX TO THE COUNTY; OR~~

8 ~~(II) REQUIRING THE TAX TO BE PAID TO THE COUNTY~~
9 ~~COMMISSIONERS IN ACCORDANCE WITH THE TERMS OF THE COUNTY ORDINANCE.~~

10 (E) EACH FISCAL YEAR, THE COUNTY COMMISSIONERS SHALL ENCUMBER AT
11 LEAST ~~\$1,800,000 OF FEDERAL, STATE, OR~~ \$1,000,000 OF LOCAL FUNDS FOR
12 AGRICULTURAL LAND PRESERVATION.

13 [(d)] (F) (1) The building excise tax does not apply to construction intended
14 to be actively used for farm or agricultural use so long as the construction continues
15 to be actively used for farm or agricultural use.

16 (2) The County Commissioners may provide for additional exemptions to
17 the building excise tax.

18 [(e) A municipal corporation within Washington County shall assist the County
19 Commissioners in the collection of the building excise tax within the municipal
20 corporation by:

21 (1) collecting and remitting the tax to the county; or

22 (2) requiring the tax to be paid to the County Commissioners in
23 accordance with the terms of the county ordinance.]

24 (G) (1) (I) THE COUNTY COMMISSIONERS BY ORDINANCE SHALL GRANT A
25 BUILDING EXCISE TAX CREDIT AGAINST THE WASHINGTON COUNTY BUILDING
26 EXCISE TAX IMPOSED ON SINGLE-FAMILY RESIDENTIAL UNITS AND MULTIFAMILY
27 RESIDENTIAL UNITS THAT ARE DEVELOPED AS WORKFORCE HOUSING.

28 (II) THE COUNTY COMMISSIONERS BY ORDINANCE SHALL DEFINE
29 WORKFORCE HOUSING BASED ON THE AVERAGE FAMILY MEDIAN INCOME IN
30 WASHINGTON COUNTY.

31 (2) THE COUNTY COMMISSIONERS SHALL PROVIDE, BY LAW, FOR:

32 (I) THE AMOUNT AND DURATION OF THE BUILDING EXCISE TAX
33 CREDIT UNDER THIS SECTION; AND

34 (II) ANY OTHER PROVISIONS NECESSARY TO CARRY OUT THE
35 BUILDING EXCISE TAX CREDIT UNDER THIS SUBSECTION.

1 (3) (I) A MUNICIPAL CORPORATION WITHIN WASHINGTON COUNTY
2 MAY GRANT A BUILDING EXCISE TAX CREDIT AGAINST THE WASHINGTON COUNTY
3 BUILDING EXCISE TAX IMPOSED ON SINGLE-FAMILY RESIDENTIAL UNITS AND
4 MULTIFAMILY RESIDENTIAL UNITS THAT ARE DEVELOPED WITHIN THE MUNICIPAL
5 CORPORATION AS WORKFORCE HOUSING.

6 (II) THE AMOUNT OF THE BUILDING EXCISE TAX CREDIT UNDER
7 THIS PARAGRAPH MAY NOT EXCEED THE AMOUNT RETAINED UNDER SUBSECTION
8 (D)(2)(II)2 OF THIS SECTION AND SHALL BE OFFSET AGAINST THAT AMOUNT.

9 (III) THE DURATION OF THE BUILDING EXCISE TAX CREDIT AND
10 ANY OTHER PROVISIONS NECESSARY TO CARRY OUT THE BUILDING EXCISE TAX
11 CREDIT SHALL BE IN ACCORDANCE WITH ANY ORDINANCE PASSED BY THE COUNTY
12 COMMISSIONERS UNDER PARAGRAPH (2) OF THIS SUBSECTION.

13 (H) (1) ~~THE COUNTY COMMISSIONERS SHALL ESTABLISH AN ADVISORY~~
14 ~~SCHOOL CONSTRUCTION REVIEW COMMITTEE.~~

15 (2) ~~BY SEPTEMBER 1 OF EACH YEAR, THE SCHOOL CONSTRUCTION~~
16 ~~REVIEW COMMITTEE SHALL REVIEW ANY CAPITAL REQUEST OR SCHOOL PROJECT~~
17 ~~SUBMITTED BY THE WASHINGTON COUNTY SCHOOL BOARD FOR THE SCHOOL YEAR~~
18 ~~BEGINNING IN THAT YEAR AND MAKE RECOMMENDATIONS TO THE COUNTY~~
19 ~~COMMISSIONERS.~~

20 (+) (H) (1) ON OR BEFORE SEPTEMBER 30 OF EACH YEAR, EACH
21 MUNICIPAL CORPORATION THAT RETAINS REVENUES UNDER SUBSECTION (D)(2) OF
22 THIS SECTION SHALL REPORT ANNUALLY TO THE COUNTY COMMISSIONERS:

23 (I) THE AMOUNT OF REVENUES THE MUNICIPAL CORPORATION
24 RECEIVED AND THE NUMBER OF SINGLE-FAMILY RESIDENTIAL UNITS AND
25 MULTIFAMILY RESIDENTIAL UNITS THAT GENERATED THESE REVENUES;

26 (II) THE AMOUNT OF REVENUES REMITTED TO THE COUNTY
27 COMMISSIONERS AND THE AMOUNT RETAINED BY THE MUNICIPAL CORPORATION;
28 AND

29 (III) A DETAILED ACCOUNTING OF HOW THE REVENUES THAT WERE
30 RETAINED BY THE MUNICIPAL CORPORATION WERE DISTRIBUTED AMONG THE
31 ACCEPTABLE USES SPECIFIED IN SUBSECTION (D)(2)(III) OF THIS SECTION AND THE
32 SPECIFIC PROJECTS FOR WHICH THE REVENUES WERE USED.

33 (2) THE REPORT PREPARED BY EACH MUNICIPAL CORPORATION SHALL
34 BE BASED ON THE FISCAL YEAR ENDING ON JUNE 30 OF THE YEAR THE REPORT IS
35 SUBMITTED.

36 (+) (I) (1) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE COUNTY
37 COMMISSIONERS SHALL:

38 (I) REPORT TO THE MEMBERS OF THE WASHINGTON COUNTY
39 LEGISLATIVE DELEGATION:

1 1. THE AMOUNT OF REVENUES BY SCHOOL DISTRICT THAT
2 THE COUNTY COMMISSIONERS RECEIVED FROM NONRESIDENTIAL BUILDING TYPES,
3 SINGLE-FAMILY RESIDENTIAL UNITS, AND MULTIFAMILY RESIDENTIAL UNITS, AND
4 THE NUMBER AND TYPE OF UNITS THAT GENERATED THESE REVENUES; AND

5 2. A DETAILED ACCOUNTING OF HOW THE REVENUES WERE
6 DISTRIBUTED AMONG THE ACCEPTABLE USES SPECIFIED IN SUBSECTION (C) OF
7 THIS SECTION AND THE SPECIFIC PROJECTS FOR WHICH THE REVENUES WERE
8 USED; AND

9 (II) SUBMIT TO MEMBERS OF THE WASHINGTON COUNTY
10 LEGISLATIVE DELEGATION:

11 1. THE REPORT PREPARED BY EACH MUNICIPAL
12 CORPORATION UNDER SUBSECTION (H) OF THIS SECTION; AND

13 2. A REPORT ON THE STATUS OF THE BUILDING EXCISE TAX
14 CREDIT PROVIDED UNDER SUBSECTION (F) OF THIS SECTION.

15 (2) THE REPORTS PREPARED BY THE COUNTY COMMISSIONERS SHALL
16 BE BASED ON THE FISCAL YEAR ENDING ON JUNE 30 OF THE YEAR THE REPORTS ARE
17 SUBMITTED.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Washington County
19 Board of County Commissioners shall adopt a transition policy necessary to
20 implement the provisions of this Act on or before October 1, 2005.

21 SECTION 3. AND BE IT FURTHER ENACTED, That:

22 (a) (1) In this subsection, the following words have the meanings indicated.

23 (2) "Bidding document stage" means the period of time following the
24 completion of design where all documents are compiled and made suitable for
25 advertisement and competitive bidding.

26 (3) "Committee" means the Advisory School Design Review Committee
27 established by the County Commissioners.

28 (4) "Design development stage" means the point when the overall design
29 for a school capital improvement project is approximately 60% complete.

30 (b) The Washington County Board of County Commissioners shall establish
31 an Advisory School Design Review Committee.

32 (c) The Committee shall:

33 (1) review all construction plans for school capital improvement projects
34 that exceed \$2,000,000; and

1 (2) ensure that the construction and operational and maintenance
2 efficiencies for each capital improvement project provide an effective educational
3 environment in a cost efficient manner.

4 (d) The school design review committee shall begin its duties specified in
5 paragraph (3) of this subsection at the design development stage for each capital
6 improvement project and conclude its review at the bidding document stage of each
7 capital improvement project.

8 (e) At the conclusion of the Committee's review of a project, the Committee
9 shall prepare a report summarizing its findings and making recommendations
10 regarding the capital improvement project to the Washington County Board of County
11 Commissioners and the Washington County Board of Education.

12 (f) Prior to advertisement for competitive bids, the Washington County Board
13 of County Commissioners and the Washington County Board of Education shall
14 jointly review the recommendations of the Committee.

15 (g) The Washington County Board of County Commissioners shall have the
16 responsibility of determining whether a capital improvement project may proceed to
17 the bidding document stage.

18 (h) The Washington County Board of County Commissioners are not bound by
19 the recommendations submitted by the Committee.

20 SECTION 4. AND BE IT FURTHER ENACTED, That:

21 (a) The Washington County Board of County Commissioners shall:

22 (1) analyze and study how the population growth rate in Washington
23 County is impacting property assessments on the taxpayers of Washington County;

24 (2) analyze and study the impact of the Washington County property tax
25 on the availability of workforce housing, senior citizens, and urban revitalization;

26 (3) analyze and study the anticipated impact of the Washington County
27 building excise tax on workforce housing;

28 (4) consider various means of encouraging the development of workforce
29 housing in Washington County, including the use of:

30 (i) tax credits;

31 (ii) in-fill development;

32 (iii) inclusionary zoning;

33 (iv) moderately priced dwelling units;

34 (v) bonus density for workforce housing;

- 1 (vi) tiered tax rates;
- 2 (vii) tax rebates; and
- 3 (viii) a "fair share" excise tax as developed in Charles County by
- 4 Chapter 586 of the Acts of 2002; and

5 (5) review various options to decrease the property tax burden on the
6 taxpayers of Washington County, including:

- 7 (i) maintaining the constant yield rate;
- 8 (ii) placing a cap on property assessments;
- 9 (iii) expanding the Washington County homestead tax credit; and
- 10 (iv) providing a tax credit program for senior citizens.

11 (b) (1) The Washington County Board of County Commissioners shall hold
12 at least one public hearing at which the public shall have the opportunity to speak to
13 the issues the Washington County Board of County Commissioners is charged with
14 studying under subsection (a) of this section.

15 (2) At least 10 days before the public hearing provided for in paragraph
16 (1) of this subsection, the Washington County Board of County Commissioners shall
17 publish notice of the time and place of the public hearing with a summary of the
18 issues the Washington County Board of County Commissioners is charged with
19 studying, in at least one newspaper of general circulation in Washington County.

20 (c) The Washington County Board of County Commissioners shall submit a
21 final report of its findings and recommendations to the Washington County
22 legislative delegation in the General Assembly on or before November 1, 2005.

23 SECTION 5. AND BE IT FURTHER ENACTED, That:

24 (a) If before July 1, 2006, the Board of County Commissioners for Washington
25 County enacts or amends a building excise tax credit for the Washington County
26 building excise tax, the Board of County Commissioners may provide a refund, as
27 provided in subsection (b) of this section, to any individual who on or after July 1,
28 2005 and before the date the building excise tax credit is enacted or amended
29 constructs workforce housing within Washington County.

30 (b) (1) If an individual constructs workforce housing within Washington
31 County prior to the Board of County Commissioners enacting a building excise tax
32 credit for the construction of workforce housing, the Board of County Commissioners
33 may reimburse the individual the amount of money equal to the building excise tax
34 credit.

35 (2) If an individual constructs workforce housing within Washington
36 County after the Board of County Commissioners enacts a building excise tax credit

1 for the construction of workforce housing but prior to the Board of County
2 Commissioners amending the building excise tax credit and the amended building
3 excise tax credit is greater than the original building excise tax credit, the Board of
4 County Commissioners may reimburse the individual the amount of money equal to
5 the difference between the amended building excise tax credit and the original
6 building excise tax credit.

7 (c) Any refund that the Board of County Commissioners for Washington
8 County makes under subsection (b) of this section shall be made on or before June 30,
9 2006.

10 SECTION ~~3-~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect July 1, 2005. Section 3 shall remain effective for a period of 6 years and, at the
12 end of June 30, 2011, with no further action required by the General Assembly, this
13 Act shall be abrogated and of no further force and effect. Section 5 shall remain
14 effective for a period of 1 year and, at the end of June 30, 2006, with no further action
15 required by the General Assembly, this Act shall be abrogated and of no further force
16 and effect.