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By: **St. Mary's County Delegation**

Introduced and read first time: January 27, 2006

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County - Impact Fees - Repeal of Sunset**

3 FOR the purpose of repealing a termination provision for certain authorization for the  
4 County Commissioners of St. Mary's County to waive, defer, or provide for the  
5 amortization of building impact fees under certain circumstances; and generally  
6 relating to impact fees on new construction in St. Mary's County.

7 BY repealing and reenacting, without amendments,  
8 Article 25 - County Commissioners  
9 Section 10D-1  
10 Annotated Code of Maryland  
11 (2005 Replacement Volume)

12 BY repealing and reenacting, with amendments,  
13 Chapter 543 of the Acts of the General Assembly of 2004  
14 Section 2

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

17 **Article 25 - County Commissioners**

18 10D-1.

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

24 (b) (1) Subject to paragraphs (2) and (3) of this subsection, the County  
25 Commissioners of St. Mary's County may require every person, firm, partnership,  
26 corporation, or other legal entity which submits its property plans for approval to the  
27 planning commission of St. Mary's County (or the appropriate approving authority) to

1 pay a fixed sum as set by the County Commissioners to defray the additional cost for  
2 additional public facilities as required by local ordinance or resolution.

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

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

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

10 (3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph for each  
11 fiscal year, the County Commissioners of St. Mary's County may:

12 1. Waive the building impact fee imposed under paragraph  
13 (1) of this subsection for up to 30 newly constructed living units, excluding mobile  
14 homes; and

15 2. Defer or provide for the amortization of the building  
16 impact fee for up to 50 newly constructed living units, excluding mobile homes.

17 (ii) The County Commissioners may waive, defer, or amortize the  
18 building impact fee only for newly constructed living units that are deemed to be  
19 affordable for individuals whose family income in the previous fiscal year was less  
20 than 50 percent of the county median family income as reported by the U.S.  
21 Department of Housing and Urban Development.

22 (iii) 1. A waiver, deferral, or amortization shall be limited to new  
23 construction of living units not exceeding a certain square footage as determined by  
24 the County Commissioners of St. Mary's County.

25 2. The amount of building impact fees waived, deferred, or  
26 amortized under subparagraph (i) of this paragraph may not exceed \$350,000 in any  
27 fiscal year.

28 (iv) The total amount of building impact fees waived, deferred, or  
29 amortized shall be reflected in the St. Mary's County annual operating budget for the  
30 fiscal year in which the waiver, deferral, or amortization is granted.

31 (c) The income derived from subsections (a) and (b) shall be used to defray the  
32 additional cost to St. Mary's County for additional educational, water, sewerage, road,  
33 sanitation, solid waste, park, or similar facilities.

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#### Chapter 543 of the Acts of 2004

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 July 1, 2004. [It shall remain effective for a period of 2 years and, at the end of June

1 30, 2006, with no further action required by the General Assembly, this Act shall be  
2 abrogated and of no further force and effect.]

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 June 1, 2006.