

# HOUSE BILL 669

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By: **Montgomery County Delegation and Prince George's County Delegation**  
Introduced and read first time: February 8, 2007  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – System Development Charge –**  
3 **Assessment and Definitions**

4 **MC/PG 110-07**

5 FOR the purpose of defining a certain term and altering a certain term in the laws  
6 relating to system development charges that may be imposed by the  
7 Washington Suburban Sanitary Commission; clarifying that certain types of  
8 dwelling units shall be assessed a system development charge under certain  
9 rates; and generally relating to the system development charges and the  
10 Washington Suburban Sanitary Commission.

11 BY repealing and reenacting, with amendments,  
12 Article 29 – Washington Suburban Sanitary District  
13 Section 6-113(a) and (c)  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume and 2006 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article 29 – Washington Suburban Sanitary District  
18 Section 6-113(b) and (d)  
19 Annotated Code of Maryland  
20 (2003 Replacement Volume and 2006 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **Article 29 – Washington Suburban Sanitary District**

2   6–113.

3           (a)   (1)   In this section the following words have the meanings indicated.

4                   **(2)   (I)   “APARTMENT UNIT” MEANS A SINGLE FAMILY HOUSING**  
5 **UNIT THAT:**

6                                   **1.   IS ONE OF SEVERAL UNITS WITHIN ONE BUILDING;**

7                                   **2.   CONTAINS AT LEAST ONE FULL BATH AND**  
8 **KITCHEN; AND**

9                                   **3.   DOES NOT CONTAIN MORE THAN TWO TOILETS.**

10                                   **(II)   “APARTMENT UNIT” DOES NOT INCLUDE ANY DWELLING**  
11 **UNIT IN A BUILDING THAT ACCOMMODATES SEVERAL DWELLING UNITS ON A**  
12 **LATERAL BASIS ONLY, INCLUDING SEMIATTACHED HOUSES, ROW HOUSES, AND**  
13 **TOWNHOUSES.**

14                   **[(2)] (3)   “Fixture unit”** means the assigned value for a particular  
15 plumbing fixture, or group of plumbing fixtures, as set forth in the WSSC plumbing  
16 and gas fitting regulations, standardized with a common lavatory having an assigned  
17 value of 1 based on its probable discharge into the drainage system or hydraulic  
18 demand on the water supply.

19                   **[(3)] (4)   “New service”** means:

20                                   (i)   A first time connection of a property to the WSSC water or  
21 sewer system, **INCLUDING A DIRECT CONNECTION OF AN IMPROVEMENT OR**  
22 **BUILDING ON A LOT OR PARCEL OF LAND, CONNECTION THROUGH AN EXISTING**  
23 **ON-SITE SYSTEM, OR BOTH; or**

24                                   (ii)   A new connection or increased water meter size for a  
25 property previously or currently served by the WSSC if the new connection or  
26 increased meter size is needed because of a change in the use of the property or an  
27 increase in demand for service at the property.

1            [(4)] (5)        “Toilet” means a water closet, as set forth in the WSSC  
2 plumbing and gas fitting regulations.

3            (b)    (1)        Subject to the provisions of this section, in addition to any other  
4 charges authorized under this article, the WSSC may impose a system development  
5 charge that shall be paid by an applicant for new service.

6            (2)        The system development charge shall be paid as follows:

7                    (i)        For residential properties:

8                            1.        50% at the time the application is filed; and

9                            2.        50% within 12 months after the date on which a  
10 plumbing permit application is filed with the Commission or on transfer of title to the  
11 property, whichever occurs first; and

12                    (ii)        For other properties, 100% at the time the plumbing permit  
13 application is filed.

14            (3)        At the time of the filing of the plumbing permit application, the  
15 applicant shall deposit with the WSSC security in the form of an irrevocable letter of  
16 credit or a financial guaranty bond or in a form established and approved by the  
17 WSSC under its rules and regulations.

18            (c)    (1)        (i)        The Montgomery County Council and the Prince George’s  
19 County Council shall meet annually to discuss and approve the amount of the system  
20 development charge.

21                    (ii)        The amount of the charge for a particular property:

22                            1.        Shall be based on the number of plumbing fixtures  
23 and the assigned values for those fixtures as set forth in the WSSC plumbing and gas  
24 fitting regulations;

25                            2.        Except as provided in item 3 of this subparagraph, on  
26 or after July 1, 1998, may not exceed \$200 per fixture unit;

27                            3.        For residential properties with five or fewer toilets,  
28 shall be based on the number of toilets per dwelling unit and:

29                            A.        For each apartment unit, may not exceed \$2,000;

1 B. For dwellings with one or two toilets, may not exceed  
2 \$3,000;

3 C. For dwellings with three to four toilets, may not  
4 exceed \$5,000; or

5 D. For dwellings with five toilets, may not exceed \$7,000;  
6 and

7 4. For dwellings with more than five toilets, shall be  
8 calculated on a fixture unit basis.

9 (iii) **ANY DWELLING UNIT THAT CONTAINS MORE THAN TWO**  
10 **TOILETS, OR ANY DWELLING UNIT IN A BUILDING THAT ACCOMMODATES**  
11 **SEVERAL DWELLING UNITS ON A LATERAL BASIS ONLY, INCLUDING**  
12 **SEMIATTACHED HOUSES, ROW HOUSES, AND TOWNHOUSES, SHALL BE ASSESSED**  
13 **A SYSTEM DEVELOPMENT CHARGE AS A “DWELLING” IN ACCORDANCE WITH**  
14 **SUBPARAGRAPH (II)3 OR 4 OF THIS PARAGRAPH, DEPENDING ON THE NUMBER**  
15 **OF TOILETS.**

16 (IV) When establishing the charge under this section, the County  
17 Councils shall identify and consider the actual cost of construction of WSSC facilities.

18 [(iv)] (V) When establishing the charge under this section,  
19 under criteria established jointly and agreed to by the County Councils, the County  
20 Councils:

21 1. Shall grant a full or partial exemption from the  
22 charge for public sponsored or affordable housing as jointly defined and agreed upon  
23 by the County Councils;

24 2. May grant a full or partial exemption from the charge  
25 for revitalization projects; and

26 3. May grant a full or partial exemption from the charge,  
27 under conditions prescribed by the County Councils, for:

28 A. Residential property located in a mixed retirement  
29 development as defined in the zoning ordinance of Prince George’s County;

1                   B. Residential property located in a planned retirement  
2 community as defined in the zoning ordinance of Montgomery County;

3                   C. Other elderly housing; or

4                   D. Properties used for biotechnology research and  
5 development, or manufacturing.

6                   [(v)] (VI) On July 1, 1999, and July 1 of each succeeding year,  
7 the maximum charge, as established in subparagraph (ii) of this paragraph, may be  
8 changed by an amount equal to the prior calendar year's change in the consumer price  
9 index published by the Bureau of Labor Statistics of the United States Department of  
10 Labor for urban wage earners and clerical workers for all items for the Washington,  
11 D.C. metropolitan area, or the successor index.

12                   (2) If the charge established by the County Councils is less than the  
13 amount necessary to recover the full cost of constructing growth related facilities, the  
14 WSSC shall identify the portion of the cost of that growth that will be paid by current  
15 ratepayers as:

16                   (i) A percentage of any rate increase; and

17                   (ii) The annual monetary amount on a typical residential  
18 customer's annual water and sewer bill.

19                   (3) If the County Councils do not agree on the amount of the charge,  
20 the charge imposed during the previous year shall continue in effect for the following  
21 fiscal year.

22                   (4) If the County Councils have not previously agreed on any system  
23 development charge, a system development charge may not be imposed during that  
24 fiscal year.

25                   (5) (i) Before July 1, 1994, the WSSC may not impose a system  
26 development charge in an amount greater than 50% of the charge established by the  
27 County Councils under this subsection.

28                   (ii) Before July 1, 1995, the WSSC may not impose a system  
29 development charge greater than 75% of the charge established by the County  
30 Councils under this subsection.

1           (d)   (1)   (i)   The WSSC shall deposit all funds collected under the system  
2 development charge into the system development charge fund.

3                           (ii)   The system development charge fund is a special fund which  
4 may not revert to general funds of the WSSC.

5           (2)   The WSSC may only use the funds collected under the system  
6 development charge to:

7                           (i)   Pay for new treatment, transmission, and collection  
8 facilities, the need for which is directly attributable to the addition of new service, and  
9 the construction of which began after July 1, 1993; or

10                           (ii)   Amortize any bond that is issued in connection with the  
11 construction of those new facilities.

12           (3)   Other costs of enhancement, maintenance, or environmental  
13 regulation on existing or new systems shall be borne equally by all ratepayers.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2007.