

HOUSE BILL 698

L2

71r0602

By: **Prince George's County Delegation**

Introduced and read first time: February 8, 2007

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2007

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - Public School Facilities Surcharge**

3 **PG 420-07**

4 FOR the purpose of altering the description of a certain area in Prince George's
5 County that is subject to the imposition of a lesser public school facilities
6 surcharge; increasing the public school facilities surcharge amounts to reflect
7 certain Prince George's County Council resolutions; altering certain dates
8 applicable to the public school facilities surcharge; and generally relating to the
9 public school facilities surcharge in Prince George's County.

10 BY repealing and reenacting, with amendments,
11 The Public Local Laws of Prince George's County
12 Section 10-192.01
13 Article 17 - Public Local Laws of Maryland
14 (2003 Edition, as amended)
15 (As enacted by Chapter 431 of the Acts of the General Assembly of 2003)

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

18 **Article 17 - Prince George's County**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 10-192.01.

2 (a) (1) The County Council, by ordinance, shall impose a school facilities
3 surcharge on new residential construction for which a building permit is issued on or
4 after July 1, 2003.

5 (2) (i) Except as provided under subparagraph (ii) of this
6 paragraph, the County Council may impose a school facilities surcharge on new
7 residential construction for which a building permit is issued on or after July 1, 2003,
8 by a municipal corporation in Prince George's County with zoning authority and the
9 authority to issue building permits.

10 (ii) The County Council may not impose a school facilities
11 surcharge on new residential construction for which a building permit is issued by a
12 municipal corporation if Prince George's County has collected a surcharge on issuance
13 of a County permit for the same new residential construction.

14 (b) (1) (i) For Fiscal Year [2004] **2007**, a school facilities surcharge
15 imposed on a single-family detached dwelling, townhouse, or dwelling unit for any
16 other building containing more than a single dwelling unit shall be in the amount of:

17 1. Except as provided in items 2 and 3 of this
18 subparagraph, [**\$12,000**] **THIRTEEN THOUSAND ONE HUNDRED FIFTY-ONE**
19 **DOLLARS (\$13,151);**

20 2. [**\$7,000**] **SEVEN THOUSAND SIX HUNDRED**
21 **SEVENTY-ONE DOLLARS (\$7,671)** if the building is located [between Interstate
22 Highway 495 and the District of Columbia] **IN THE DEVELOPED TIER, AS DEFINED**
23 **BY THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN**
24 **THE 2002 PRINCE GEORGE'S COUNTY APPROVED GENERAL PLAN;** and

25 3. [**\$7,000**] **SEVEN THOUSAND SIX HUNDRED**
26 **SEVENTY-ONE DOLLARS (\$7,671)** if the building is included within a Basic Plan or
27 Conceptual Site Plan that abuts an existing or planned mass transit rail station site
28 operated by the Washington Metropolitan Area Transit Authority.

29 (ii) For Fiscal Year [2005] **2008** and each succeeding fiscal year,
30 the facilities surcharge established in subparagraph (i) of this paragraph shall be
31 adjusted for inflation in accordance with the Consumer Price Index for all urban
32 consumers published by the United States Department of Labor, for the fiscal year
33 preceding the year for which the amount is being calculated.

1 (2) The school facilities surcharge does not apply to a mixed
2 retirement development or elderly housing.

3 (3) The school facilities surcharge does not apply to a single-family
4 detached dwelling that is to be built or subcontracted by an individual owner in a
5 minor subdivision and that is intended to be used as the owner's personal residence.

6 (4) The school facilities surcharge does not apply to multi-family
7 housing designated as student housing within 1.5 miles of the University of Maryland,
8 College Park Campus. If the housing is converted from student housing to
9 multi-family housing for the general population, the owner of the property shall pay,
10 at the time of the conversion, the school facilities surcharge in accordance with the
11 laws at the time of the conversion.

12 (c) The school facilities surcharge shall be paid by the seller at the time a
13 building permit is issued for the dwelling unit. The school facilities surcharge may not
14 be construed to be a settlement cost.

15 (d) Payment of the school facilities surcharge does not eliminate any
16 authority to apply any test concerning the adequacy of school facilities under the
17 County's adequate public facility ordinance.

18 (e) Revenue collected under the school facilities surcharge shall be deposited
19 in a separate account and may only be used to pay for:

20 (1) Additional or expanded public school facilities such as renovations
21 to existing school buildings or other systemic changes; or

22 (2) Debt service on bonds issued for additional or expanded public
23 school facilities or new school construction.

24 (f) Revenue collected under the school facilities surcharge is intended to
25 supplement funding for public school facilities and may not supplant other County or
26 State funding for school construction.

27 (g) The County Executive of Prince George's County shall prepare an annual
28 report on the school facilities surcharge on or before August 31 of each year for the
29 County Council of Prince George's County, the Prince George's County Senate
30 Delegation, and the Prince George's County House Delegation, to include:

31 (1) a detailed description of how fees were expended; and

1 (2) the amount of fees collected.

2 (h) This Section does not apply to any property located in an infrastructure
3 finance district approved before January 1, 2000.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.