

# HOUSE BILL 1011

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

Introduced and read first time: February 7, 2008

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2008

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George's County School Facilities Surcharge – Exemption**

3 **PG 414-08**

4 FOR the purpose of authorizing an exemption from the school facilities surcharge in  
5 Prince George's County for construction of a single-family dwelling unit that is  
6 to replace on the same lot a previously existing single-family dwelling unit  
7 destroyed by certain causes under certain circumstances; and generally relating  
8 to an exemption from the school facilities surcharge in Prince George's County.

9 BY repealing and reenacting, with amendments,  
10 The Public Local Laws of Prince George's County  
11 Section 10-192.01  
12 Article 17 – Public Local Laws of Maryland  
13 (2003 Edition and 2005 Supplement, as amended)  
14 (As enacted by Chapter 431 of the Acts of the General Assembly of 2003 and  
15 Chapter 166 of the Acts of the General Assembly of 2007)

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**

19 10-192.01.

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

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

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

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

16 [1.] (I) Except as provided in items [2] (II) and [3]  
17 (III) of this subparagraph, **TWELVE THOUSAND DOLLARS (\$12,000)**;

18 [2.] (II) **SEVEN THOUSAND DOLLARS (\$7,000)** if the  
19 building is located between Interstate Highway 495 and the District of Columbia; and

20 [3.] (III) **SEVEN THOUSAND DOLLARS (\$7,000)** if the  
21 building is included within a basic plan or conceptual site plan that abuts an existing  
22 or planned mass transit rail station site operated by the Washington Metropolitan  
23 Area Transit Authority.

24 [(ii)] (B) For Fiscal Year 2005 and each succeeding fiscal year,  
25 the facilities surcharge established in subparagraph [(i)] (A) of this paragraph shall  
26 be adjusted for inflation in accordance with the Consumer Price Index for all urban  
27 consumers published by the United States Department of Labor, for the fiscal year  
28 preceding the year for which the amount is being calculated.

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

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

34 (4) [(i)] (A) The school facilities surcharge does not apply to  
35 multi-family housing designated as student housing that is located in:

1 [1.] (I) The area bounded by Maryland Route 193 to  
2 the west and north, U.S. Route 1 to the east, and the southern boundary of the City of  
3 College Park to the south;

4 [2.] (II) The area bounded by U.S. Route 1 to the west,  
5 Berwyn House Road to the north, Rhode Island Avenue to the east, and Lakeland  
6 Road to the south;

7 [3.] (III) The area bounded by U.S. Route 1 to the west,  
8 Paint Branch Parkway to the north and east, Rhode Island Avenue to the east, and  
9 College Avenue to the south;

10 [4.] (IV) The area bounded by University Boulevard to  
11 the north, Adelphi Road to the east, Stanford Street to the south, and University Hills  
12 Park to the west;

13 [5.] (V) The area bounded by the eastern boundary of  
14 Paint Branch Stream Valley Park to the west, Park Road and a line extending from  
15 the western end of Park Road directly west to Paint Branch Stream Valley Park to the  
16 north, U.S. Route 1 to the east, and Erie Street and a line extending from the western  
17 end of Erie Street directly west to Paint Branch Stream Valley Park to the south;

18 [6.] (VI) The area bounded by Autoville Drive and a line  
19 extending from the southern end of Autoville Drive directly south to Maryland Route  
20 193 to the west, Erie Street to the north, U.S. Route 1 to the east, and Maryland Route  
21 193 to the south; or

22 [7.] (VII) The area bounded by U.S. Route 1 to the west,  
23 Maryland Route 193 to the north, 48th Avenue to the east, and Greenbelt Road to the  
24 south.

25 [(ii)] (B) Subject to the approval of the County Council and the  
26 municipality where the multi-family housing is located, the school facilities surcharge  
27 does not apply to multi-family housing designated as student housing for any areas  
28 not listed under subparagraph [(i)] (A) of this paragraph in the City of College Park,  
29 the City of Hyattsville, and the Town of Riverdale Park.

30 [(iii)] (C) If the housing is converted from student housing to  
31 multi-family housing for the general population, the owner of the property shall pay,  
32 at the time of the conversion, the school facilities surcharge in accordance with the  
33 laws at the time of the conversion.

34 (5) **THE SCHOOL FACILITIES SURCHARGE DOES NOT APPLY TO A**  
35 **SINGLE-FAMILY DWELLING UNIT THAT IS TO BE BUILT OR SUBCONTRACTED BY**  
36 **AN INDIVIDUAL OWNER TO REPLACE ON THE SAME LOT A PREVIOUSLY EXISTING**

1 SINGLE-FAMILY DWELLING UNIT THAT WAS DESTROYED BY FIRE, EXPLOSION,  
2 OR A NATURAL DISASTER IF THE SINGLE-FAMILY DWELLING UNIT IS ~~SIMILAR:~~

3 (I) SIMILAR TO THE PREVIOUSLY EXISTING  
4 SINGLE-FAMILY DWELLING UNIT; AND

5 (II) OWNED AND OCCUPIED BY THE SAME INDIVIDUAL WHO  
6 OWNED AND OCCUPIED THE PREVIOUSLY EXISTING SINGLE-FAMILY DWELLING  
7 UNIT.

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

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

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

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

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

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

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

27 (1) A detailed description of how fees were expended; and

28 (2) The amount of fees collected.

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2008.