

HOUSE BILL 1105

L2

11r0487

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

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2011

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – School Facilities ~~Surcharge for~~ Surcharge –**
3 **Replacement of Existing Single-Family Dwelling Unit**

4 **PG 408-11**

5 FOR the purpose of ~~altering~~ repealing certain conditions on the applicability of the
6 Prince George's County school facilities surcharge exemption for a replacement
7 single-family dwelling unit built on the same lot as a previously existing
8 single-family dwelling unit ~~by repealing provisions limiting the exemption to~~
9 ~~dwelling destroyed by fire, explosion, or natural disaster; providing for the~~
10 ~~retroactive application of this Act; defining a certain term; and generally~~
11 relating to the applicability of the school facilities surcharge in Prince George's
12 County.

13 BY repealing and reenacting, with amendments,
14 The Public Local Laws of Prince George's County
15 Section 10-192.01
16 Article 17 – Public Local Laws of Maryland
17 (2003 Edition and 2005 Supplement, as amended)
18 (As enacted by Chapter 431 of the Acts of the General Assembly of 2003,
19 Chapter 166 of the Acts of the General Assembly of 2007, and Chapter
20 108 of the Acts of the General Assembly of 2008)

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

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 **Article 17 – Prince George’s County**

2 10–192.01.

3 **(A) IN THIS SECTION, “NEW RESIDENTIAL CONSTRUCTION” DOES NOT**
 4 **INCLUDE THE IMPROVEMENT, RENOVATION, OR EXPANSION OF:**

5 **(1) AN EXISTING DWELLING; OR**

6 **(2) AN EXISTING DWELLING UNIT.**

7 ~~(B)~~ (1) The County Council, by ordinance, shall impose a school
 8 facilities surcharge on new residential construction for which a building permit is
 9 issued on or after July 1, 2003.

10 (2) (A) Except as provided under subparagraph (B) of this
 11 paragraph, the County Council may impose a school facilities surcharge on new
 12 residential construction for which a building permit is issued on or after July 1, 2003,
 13 by a municipal corporation in Prince George’s County with zoning authority and the
 14 authority to issue building permits.

15 (B) The County Council may not impose a school facilities
 16 surcharge on new residential construction for which a building permit is issued by a
 17 municipal corporation if Prince George’s County has collected a surcharge on issuance
 18 of a County permit for the same new residential construction.

19 ~~(C)~~ (1) (A) For Fiscal Year 2004, a school facilities surcharge
 20 imposed on a single-family detached dwelling, townhouse, or dwelling unit for any
 21 other building containing more than a single dwelling unit shall be in the amount of:

22 (i) Except as provided in items (ii) and (iii) of this
 23 subparagraph, Twelve Thousand Dollars (\$12,000);

24 (ii) Seven Thousand Dollars (\$7,000) if the building is
 25 located between Interstate Highway 495 and the District of Columbia; and

26 (iii) Seven Thousand Dollars (\$7,000) if the building is
 27 included within a basic plan or conceptual site plan that abuts an existing or planned
 28 mass transit rail station site operated by the Washington Metropolitan Area Transit
 29 Authority.

30 (B) For Fiscal Year 2005 and each succeeding fiscal year, the
 31 facilities surcharge established in subparagraph (A) of this paragraph shall be
 32 adjusted for inflation in accordance with the Consumer Price Index for all urban

1 consumers published by the United States Department of Labor, for the fiscal year
2 preceding the year for which the amount is being calculated.

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

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

8 (4) (A) The school facilities surcharge does not apply to
9 multi-family housing designated as student housing that is located in:

10 (i) The area bounded by Maryland Route 193 to the west
11 and north, U.S. Route 1 to the east, and the southern boundary of the City of College
12 Park to the south;

13 (ii) The area bounded by U.S. Route 1 to the west,
14 Berwyn House Road to the north, Rhode Island Avenue to the east, and Lakeland
15 Road to the south;

16 (iii) The area bounded by U.S. Route 1 to the west, Paint
17 Branch Parkway to the north and east, Rhode Island Avenue to the east, and College
18 Avenue to the south;

19 (iv) The area bounded by University Boulevard to the
20 north, Adelphi Road to the east, Stanford Street to the south, and University Hills
21 Park to the west;

22 (v) The area bounded by the eastern boundary of Paint
23 Branch Stream Valley Park to the west, Park Road and a line extending from the
24 western end of Park Road directly west to Paint Branch Stream Valley Park to the
25 north, U.S. Route 1 to the east, and Erie Street and a line extending from the western
26 end of Erie Street directly west to Paint Branch Stream Valley Park to the south;

27 (vi) The area bounded by Autoville Drive and a line
28 extending from the southern end of Autoville Drive directly south to Maryland Route
29 193 to the west, Erie Street to the north, U.S. Route 1 to the east, and Maryland Route
30 193 to the south; or

31 (vii) The area bounded by U.S. Route 1 to the west,
32 Maryland Route 193 to the north, 48th Avenue to the east, and Greenbelt Road to the
33 south.

34 (B) Subject to the approval of the County Council and the
35 municipality where the multi-family housing is located, the school facilities surcharge
36 does not apply to multi-family housing designated as student housing for any areas

1 not listed under subparagraph (A) of this paragraph in the City of College Park, the
2 City of Hyattsville, and the Town of Riverdale Park.

3 (C) If the housing is converted from student housing to
4 multi-family housing for the general population, the owner of the property shall pay,
5 at the time of the conversion, the school facilities surcharge in accordance with the
6 laws at the time of the conversion.

7 (5) The school facilities surcharge does not apply to a single-family
8 dwelling unit that is to be built or subcontracted by an individual owner to replace on
9 the same lot a previously existing single-family dwelling unit [that was destroyed by
10 fire, explosion, or a natural disaster] if the single-family dwelling unit is:

11 ~~(i) (A) Similar to the previously existing single-family dwelling~~
12 ~~unit; and~~

13 ~~(ii) (B) Owned~~ **OWNED** and occupied by the same individual who
14 owned and occupied the previously existing single-family dwelling unit.

15 ~~(e) (D)~~ The school facilities surcharge shall be paid by the seller at the
16 time a building permit is issued for the dwelling unit. The school facilities surcharge
17 may not be construed to be a settlement cost.

18 ~~(d) (E)~~ Payment of the school facilities surcharge does not eliminate any
19 authority to apply any test concerning the adequacy of school facilities under the
20 County's adequate public facility ordinance.

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

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

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

27 ~~(f) (G)~~ Revenue collected under the school facilities surcharge is intended
28 to supplement funding for public school facilities and may not supplant other County
29 or State funding for school construction.

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

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

1 (2) The amount of fees collected.

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

4 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~
5 ~~construed to apply retroactively and shall be applied to and interpreted to affect any~~
6 ~~certificate of sale or assignment of certificate of sale recorded on or after January 1,~~
7 ~~2009.~~

8 SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect June 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.