

HOUSE BILL 555

L2

3lr1941

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

Introduced and read first time: January 30, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County – Building Impact Fees – Deferrals**

3 FOR the purpose of authorizing the County Commissioners of St. Mary's County to
4 defer the building impact fee imposed on certain newly constructed living units
5 for a certain period of time; and generally relating to the authority of the
6 County Commissioners of St. Mary's County to defer building impact fees.

7 BY repealing and reenacting, with amendments,
8 Article 25 – County Commissioners
9 Section 10D–1
10 Annotated Code of Maryland
11 (2011 Replacement Volume and 2012 Supplement)

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

14 **Article 25 – County Commissioners**

15 10D–1.

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

21 (b) (1) Subject to paragraphs [(2) and (3)] **(2), (3), AND (4)** of this
22 subsection, the County Commissioners of St. Mary's County may require every person,
23 firm, partnership, corporation, or other legal entity which submits its property plans
24 for approval to the planning commission of St. Mary's County (or the appropriate

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

13 1. Waive the building impact fee imposed under
14 paragraph (1) of this subsection for up to 60 newly constructed living units, excluding
15 mobile homes; and

16 2. Defer or provide for the amortization of the building
17 impact fee for up to 70 newly constructed living units, excluding mobile homes.

18 (ii) The County Commissioners may waive, defer, or amortize
19 the building impact fee only for newly constructed living units that are deemed to be
20 affordable for individuals whose family income in the previous fiscal year was less
21 than 60 percent of the county median family income as reported by the U.S.
22 Department of Housing and Urban Development.

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

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

29 **(4) THE COUNTY COMMISSIONERS MAY DEFER THE BUILDING**
30 **IMPACT FEE IMPOSED ON A NEWLY CONSTRUCTED LIVING UNIT CONSTRUCTED**
31 **IN ACCORDANCE WITH A BUILDING TRADES PROGRAM APPROVED BY THE ST.**
32 **MARY'S COUNTY BOARD OF EDUCATION UNTIL THE EARLIER OF:**

33 **(I) ONE YEAR FROM THE TIME THE FEE WOULD OTHERWISE**
34 **HAVE BEEN PAYABLE; OR**

1 **(II) THE TIME THE LIVING UNIT IS SOLD AND CONVEYED.**

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2013.