

HOUSE BILL 1636

L2

(7lr2379)

ENROLLED BILL

— Environment and Transportation/Education, Health, and Environmental Affairs —

Introduced by **Prince George’s County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o’clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Prince George’s County – School Facilities and Public Safety Surcharges –**
3 **Maryland Transit Administration Station**

4 **PG 430–17**

5 FOR the purpose of establishing ~~reductions from~~ *a certain cap on* the school facilities
6 surcharge ~~and the public safety surcharge~~ in Prince George’s County for certain
7 residential construction that abuts an existing or planned mass transit rail station
8 site operated by the Maryland Transit Administration ~~and from the school facilities~~
9 ~~surcharge for certain multifamily housing constructed within a certain distance of a~~
10 ~~Purple Line station under certain circumstances; establishing an exemption from the~~
11 ~~school facilities surcharge for certain dwelling units that are located within a certain~~
12 ~~distance of a Purple Line station under certain circumstances; *authorizing the Prince*~~
13 ~~*George’s County Council to reduce the school facilities surcharge by a percentage not*~~
14 ~~*exceeding a certain percent for dwelling units in certain housing constructed within*~~

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.

Italics indicate opposite chamber/conference committee amendments.



1 a certain distance of a Purple Line station; establishing the Prince George's County
 2 Surcharge Exemptions for Projects Near Transit Properties Workgroup; providing for
 3 the composition, chair, and staffing of the Workgroup; prohibiting a member of the
 4 Workgroup from receiving certain compensation, but authorizing the reimbursement
 5 of certain expenses; requiring the Workgroup to study and make recommendations
 6 regarding certain matters; requiring the Workgroup to report its findings and
 7 recommendations to the Prince George's County Council, the Prince George's County
 8 School Board, and the members of the Prince George's County delegation to the
 9 General Assembly on or before a certain date; providing for the termination of certain
 10 provisions of this Act; extending the termination date of certain provisions of law
 11 that reduce the school facilities surcharge for certain multifamily housing and
 12 exempt certain dwelling units from the school facilities surcharge; and generally
 13 relating to ~~the applicability and amount~~ of the school facilities surcharge and the
 14 public safety surcharge in Prince George's County.

15 BY repealing and reenacting, without amendments,
 16 The Public Local Laws of Prince George's County
 17 Section 10-192.01(a)(1) ~~and 10-192.11(a)~~
 18 Article 17 – Public Local Laws of Maryland
 19 (2011 Edition, as amended)

20 BY repealing and reenacting, with amendments,
 21 The Public Local Laws of Prince George's County
 22 Section 10-192.01(b)(1)
 23 Article 17 – Public Local Laws of Maryland
 24 (2011 Edition, as amended)

25 BY repealing and reenacting, with amendments,
 26 The Public Local Laws of Prince George's County
 27 Section 10-192.01(b-1)
 28 Article 17 – Public Local Laws of Maryland
 29 (2011 Edition, as amended)
 30 (As enacted by Chapter 685 of the Acts of the General Assembly of 2013)

31 ~~BY repealing and reenacting, with amendments,~~
 32 ~~The Public Local Laws of Prince George's County~~
 33 ~~Section 10-192.11(b)~~
 34 ~~Article 17 – Public Local Laws of Maryland~~
 35 ~~(2011 Edition, as amended)~~
 36 ~~(As enacted by Chapter 684 of the Acts of the General Assembly of 2013)~~

37 ~~BY repealing and reenacting, with amendments,~~
 38 ~~Chapter 685 of the Acts of the General Assembly of 2013~~
 39 ~~Section 2~~

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

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

2 10–192.01.

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

6 (b) (1) (A) For Fiscal Year 2004, a school facilities surcharge imposed on a
7 single–family detached dwelling, townhouse, or dwelling unit for any other building
8 containing more than a single dwelling unit shall be in the amount of:

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

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

13 (iii) Seven Thousand Dollars (\$7,000) if the building is
14 included within a Basic Plan or Conceptual Site Plan that abuts an existing or planned
15 mass transit rail station site operated by the Washington Metropolitan Area Transit
16 Authority **OR BY THE MARYLAND TRANSIT ADMINISTRATION.**

17 (B) For Fiscal Year 2005 and each succeeding fiscal year, the
18 facilities surcharge established in subparagraph (A) of this paragraph shall be adjusted for
19 inflation in accordance with the Consumer Price Index for all urban consumers published
20 by the United States Department of Labor, for the fiscal year preceding the year for which
21 the amount is being calculated.

22 (b–1) (1) The school facilities surcharge under this section shall be reduced by
23 50% for multifamily housing constructed:

24 (A) Within an approved transit district overlay zone;

25 (B) Where there is no approved transit district overlay zone, within
26 one–quarter mile of a Metro station ~~OR A PURPLE LINE STATION~~; or

27 (C) Within the Bowie State MARC Station Community Center
28 Designation Area, as defined in the Approved Bowie State MARC Station Sector Plan and
29 Sectional Map Amendment.

30 (2) The school facilities surcharge under this section does not apply to a
31 dwelling unit that is a studio apartment or efficiency apartment if the dwelling unit is
32 located:

1 (A) Within the county urban centers and corridors, as defined in §
2 27A-106 of the County Code;

3 (B) Within an approved transit district overlay zone; or

4 (C) Where there is no approved transit district overlay zone, within
5 one-quarter mile of a Metro station ~~OR A PURPLE LINE STATION.~~

6 **(3) THE COUNTY COUNCIL MAY REDUCE THE SCHOOL FACILITIES**
7 **SURCHARGE BY A PERCENTAGE NOT EXCEEDING 50% FOR DWELLING UNITS IN**
8 **MULTIFAMILY HOUSING CONSTRUCTED WHERE THERE IS NO APPROVED TRANSIT**
9 **DISTRICT OVERLAY ZONE, WITHIN ONE-QUARTER MILE OF A PURPLE LINE STATION.**

10 ~~10-192.11.~~

11 ~~(a) The County Council, by ordinance, may impose a public safety surcharge on~~
12 ~~new residential construction for which a Preliminary Plan has been approved on or after~~
13 ~~July 1, 2005.~~

14 ~~(b) (1) Except as provided in paragraph (3) of this Subsection, a public safety~~
15 ~~surcharge imposed on a single-family detached dwelling, town house, or dwelling unit for~~
16 ~~any other building containing more than a single dwelling unit shall be in the amount of:~~

17 ~~(A) Six Thousand Dollars (\$6,000); or~~

18 ~~(B) Two Thousand Dollars (\$2,000) for construction in:~~

19 ~~(i) The Developed Tier, as defined by the Maryland National~~
20 ~~Capital Park and Planning Commission in the Prince George's County approved General~~
21 ~~Plan; and~~

22 ~~(ii) An area included in a basic plan or conceptual site plan~~
23 ~~that abuts an existing or planned mass transit rail station site operated by the Washington~~
24 ~~Metropolitan Area Transit Authority OR BY THE MARYLAND TRANSIT~~
25 ~~ADMINISTRATION and complies with the requirements of any sector plan, master plan, or~~
26 ~~overlay zone approved by the Prince George's County District Council.~~

27 ~~(2) The public safety surcharge does not apply to a single-family detached~~
28 ~~dwelling that is to be built or subcontracted by an individual owner in a minor subdivision~~
29 ~~and that is intended to be used as the owner's personal residence.~~

30 ~~(3) The governing body of Prince George's County may waive any~~
31 ~~surcharge imposed under subsection (b)(1)(B) of this Section.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013. It shall remain effective for a period of [5] 8 years and, at the end of September 30, [2018] 2021, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Prince George's County Surcharge Exemptions for Projects Near Transit Properties Workgroup.

(b) The Workgroup consists of the following members:

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) one member of the Prince George's County Council, appointed by the Chair of the County Council;

(4) one member of the Prince George's County School Board, appointed by the Chair of the School Board;

(5) one representative of the Prince George's County Office of the County Executive, appointed by the County Executive;

(6) one member of the public, appointed by the President of the Senate;

(7) one member of the public, appointed by the Speaker of the House of Delegates;

(8) one member of the public, appointed by the Chair of the Prince George's County School Board; and

(9) one member of the public, appointed by the Chair of the Prince George's County Council.

(c) The members of the Workgroup shall select the chair of the Workgroup.

(d) The Maryland-National Capital Park and Planning Commission shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

1 (2) is entitled to reimbursement for expenses under the Standard State
2 Travel Regulations, as provided in the State budget.

3 (f) The Workgroup shall:

4 (1) gather data related to persons who have benefited from:

5 (i) reductions in or exemptions from the school facilities surcharge
6 under § 10-192.01(b-1) of the Public Local Laws of Prince George's County; or

7 (ii) a waiver of the public safety surcharge under § 10-192.11(b)(3) of
8 the Public Local Laws of Prince George's County;

9 (2) study the potential development and fiscal impact of:

10 (i) retaining existing exemptions from the school facilities surcharge
11 or the public safety surcharge for transit-related development; and

12 (ii) expanding exemptions from the school facilities surcharge or the
13 public safety surcharge to development related to Purple Line stations or MARC stations;

14 (3) evaluate the potential value and cost of increasing, decreasing, or
15 otherwise changing the amount and the availability of school facilities surcharge exemptions
16 and public safety surcharge exemptions for transit-related development; and

17 (4) make any necessary recommendations regarding the findings of the
18 Workgroup.

19 (g) On or before December 31, 2017, the Workgroup shall report its findings and
20 recommendations to the Prince George's County Council, the Prince George's County School
21 Board, and, in accordance with § 2-1246 of the State Government Article, the members of
22 the Prince George's County delegation to the General Assembly.

23 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 ~~October~~ June 1, 2017. Section 2 of this Act shall remain effective for a period of 1 year and
25 1 month and, at the end of June 30, 2018, with no further action required by the General
26 Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.