

# HOUSE BILL 977

L6

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

Introduced and read first time: February 5, 2021

Assigned to: Environment and Transportation

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Committee Report: Favorable

House action: Adopted

Read second time: March 9, 2021

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

1 AN ACT concerning

2 **Prince George's County – Public Safety and Behavioral Health**  
3 **Surcharges – Behavioral Health Programs**

4 **PG 414–21**

5 FOR the purpose of renaming the Public Safety and Behavioral Health Surcharge in Prince  
6 George's County imposed for certain residential construction; providing for an  
7 exemption to the public safety and behavioral health surcharge; making conforming  
8 changes; and generally relating to the public safety surcharge in Prince George's  
9 County.

10 BY repealing and reenacting, with amendments,  
11 The Public Local Laws of Prince George's County  
12 Section 10–192.11(a) to be under the amended subdivision “Subdivision 4. Public  
13 Safety and Behavioral Health Surcharge”  
14 Article 17 – Public Local Laws of Maryland  
15 (2015 Edition and 2017 Supplement, as amended)  
16 (As enacted by Chapter 351 of the Acts of the General Assembly of 2019)

17 BY repealing and reenacting, with amendments,  
18 The Public Local Laws of Prince George's County  
19 Section 10–192.11(b) and (c) through (g)  
20 Article 17 – Public Local Laws of Maryland  
21 (2015 Edition and 2017 Supplement, as amended)

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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.



(As enacted by Chapter 684 of the Acts of the General Assembly of 2013)

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

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

Subdivision 4. Public Safety **AND BEHAVIORAL HEALTH** Surcharge.

10–192.11.

(a) The Governing Body of Prince George’s County, by resolution, may impose a public safety **AND BEHAVIORAL HEALTH** surcharge on new residential construction for which a building permit is issued by the County **UNLESS A PRELIMINARY PLAN FOR THE RESIDENTIAL DEVELOPMENT WAS APPROVED ON OR BEFORE JULY 1, 2005**.

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

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

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

(i) The developed tier, as defined by the Maryland – national capital park and planning commission in the Prince George’s county approved general plan; and

(ii) An area included in a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington metropolitan area transit authority and complies with the requirements of any sector plan, master plan, or overlay zone approved by the Prince George’s County District Council.

(2) The public safety **AND BEHAVIORAL HEALTH** surcharge does not apply to a single–family detached dwelling that is to be built or subcontracted by an individual owner in a minor subdivision and that is intended to be used as the owner’s personal residence.

(3) The governing body of Prince George’s County may waive any surcharge imposed under Subsection (b)(1)(B) of this Section.

(c) The public safety **AND BEHAVIORAL HEALTH** surcharge shall be paid by the seller at the time a building permit is issued for the dwelling unit. The public safety surcharge may not be construed to be a settlement cost.

1 (d) (1) (A) Subject to subparagraph (B) of this paragraph, payment of the  
2 public safety **AND BEHAVIORAL HEALTH** surcharge requires that any test concerning the  
3 adequacy of the County's police facilities under the County's adequate public facility  
4 ordinance shall be based on the County police response time applied:

5 (i) In the vicinity of the property that is the subject of a  
6 Preliminary Subdivision Plan application; and

7 (ii) In areas that are within reasonable proximity of the  
8 property.

9 (B) If the property that is the subject of a Preliminary Subdivision  
10 Plan application is located in the Rural Tier, payment of the public safety **AND**  
11 **BEHAVIORAL HEALTH** surcharge requires that any test concerning the adequacy of the  
12 County's police facilities be based on response times from within the Rural Tier.

13 (2) Payment of the public facilities surcharge requires that any test  
14 concerning the adequacy of the County's fire and emergency medical services:

15 (A) Be based solely on a response time for the first due station in the  
16 vicinity of the property that is the subject of a Preliminary Subdivision Plan; and

17 (B) May not require less than seven (7) minutes travel time as  
18 determined by the County Fire Chief.

19 (e) (1) Subject to paragraphs (2) and (3) of this Subsection, revenue collected  
20 under the public safety **AND BEHAVIORAL HEALTH** surcharge shall be distributed by the  
21 governing body of Prince George's County to police, fire, **[and]** emergency medical services,  
22 **AND BEHAVIORAL HEALTH PROGRAMS** in the County.

23 (2) (A) At least twenty-five percent (25%) of the revenue collected from  
24 a surcharge imposed on construction that is located in a municipal corporation that  
25 maintains a police department shall be distributed to that municipal corporation's police  
26 department.

27 (B) The revenue collected from a surcharge imposed on construction  
28 that is located in the City of Laurel shall be distributed as follows:

29 (i) Fifty percent (50%) to Prince George's County fire and  
30 rescue services; and

31 (ii) Fifty percent (50%) to the Laurel police department for the  
32 construction or rehabilitation of public safety facilities or the purchase of equipment or  
33 communications devices used in connection with law enforcement.

34 (3) Revenue collected under this Section may be used only for:

1 (A) The construction or rehabilitation of public safety facilities; [or]

2 (B) The purchase of equipment or communications devices used in  
3 connection with law enforcement, fire fighting, or emergency services activities, including  
4 protective body armor, surveillance devices, weapons, ladder trucks, ambulances, police  
5 cruisers, and rescue vehicles;

6 (C) THE OPERATION OF BEHAVIORAL HEALTH PROGRAMS  
7 OFFERED BY THE COUNTY; OR

8 (D) THE CONSTRUCTION OR REHABILITATION OF BEHAVIORAL  
9 HEALTH PROGRAM FACILITIES IN THE COUNTY.

10 (f) Revenue collected under the public safety AND BEHAVIORAL HEALTH  
11 surcharge is intended to supplement funding for public safety facilities and equipment and  
12 may not supplant other County or State funding for public safety facilities and equipment.

13 (g) The County Executive of Prince George’s County shall prepare an annual  
14 report on the public safety AND BEHAVIORAL HEALTH surcharge on or before March 1 of  
15 each year for the County Council of Prince George’s County, the Prince George’s County  
16 Senate Delegation, and the Prince George’s County House Delegation, to include:

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

18 (2) The amount of fees collected.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
20 1, 2021.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.