



Bill No. 20-03  
Concerning: Providing Additional Support for  
Agricultural Preservation by Increasing the  
Recordation Tax Rate and Reallocating  
Recordation Tax Revenues  
Introduced: February 18, 2020  
Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_  
Enacted: March 17, 2020  
Effective: October 1, 2020  
Expires: May 18, 2020  
Frederick County Code, Chapter 1-8  
Section(s) 51

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Members Michael Blue, Jerry Donald, Kai Hagen and Steve McKay on behalf of County Executive Jan Gardner

**AN ACT** to: Provide additional support for agricultural preservation by increasing the recordation tax rate and reallocating recordation tax revenues, including dedicating a portion of the new tax revenues to: 1) agriculture diversification economic development grants; 2) rural historic preservation; and 3) first-time homebuyer assistance.

Executive: Jan H. Gardner Date Received: 3/20/2020  
Approved: \_\_\_\_\_ Date: 3/23/2020  
Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

By amending:

Frederick County Code, Chapter, 1-8 Section(s) 51

Other: \_\_\_\_\_

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*Heading or defined term.*  
*Added to existing law.*  
*Deleted from existing law.*  
*Existing law unaffected by bill.*



Bill No. 20-03

Investment in agricultural preservation ensures a legacy of agriculture for the future of Frederick County. The Livable Frederick Master Plan includes an agricultural goal to support and protect Frederick County's agriculture land to ensure the economic vitality of the agriculture industry. Increasing the current recordation tax rate by \$1.00 from \$6.00 to \$7.00 per \$500 of consideration will support an increased investment in agricultural preservation to accelerate progress toward permanently preserving 100,000 acres of farmland by 2040.

Additionally, it is proposed that the first \$500,000 of revenue resulting from the \$1.00 change to the existing tax rate be set aside annually for three related purposes: 1) agriculture diversification economic development grants; 2) rural historic preservation; and, 3) first-time homebuyer assistance. Amounts allotted to each purpose will be established annually in the budget.

NOW, THEREFORE, the County Council of Frederick County, Maryland, finds it necessary and appropriate to amend Chapter 1-8 of the Frederick County Code to increase and reallocate recordation tax revenues.

BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code is hereby amended as shown on the attached Exhibit 1.

  
M.C. Keegan-Ayer, President  
County Council of Frederick County,  
Maryland 

**ARTICLE III.A: RECORDATION TAX**

**§ 1-8-51. RECORDATION TAX RATE AND ALLOCATION OF PROCEEDS.**

(A) *Definitions.* In this section, the following terms shall have the meanings indicated.

**AG.** The Agriculture Article of the Maryland Code Annotated.

**CODE.** The Frederick County Code.

**COUNTY.** Frederick County, Maryland.

**CRITICAL FARMS PROGRAM.** The Frederick County Critical Farms Program, created by Ord. 94-02-097, codified at § 1-13-34 of the Code.

**FREDERICK COUNTY AGRICULTURAL LAND PRESERVATION PROGRAM.** The Frederick County Agricultural Land Preservation Program created on May 28, 1991, pursuant to the provisions of AG § 2-512.

**HOUSING INITIATIVE FUND.** A fund established by the county to facilitate affordable housing. See § 1-6A-3 of the Code.

**INSTRUMENT OF WRITING.** The meaning set forth in TP § 12-101(c).

**MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION PROGRAM.** The Maryland Agricultural Land Preservation Foundation Program established and codified in AG §§ 2-501 *et seq.*

**NR.** The Natural Resources Article of the Maryland Code Annotated.

**PROCEEDS FROM THE RECORDATION TAX.** The proceeds the County receives from the recordation tax after any payment required by law to the State of Maryland.

**RECORDATION TAX.** The recordation tax authorized by TP §§ 12-102 *et seq.*

**RURAL LEGACY PROGRAM.** The Rural Legacy Program established and codified in NR §§ 5-9A-01 *et seq.*

**TP.** The Tax-Property Article of the Maryland Code Annotated.

(B) *Recordation tax rate.* Pursuant to TP § 12-103(B)(1), the county hereby sets the recordation tax rate at ~~[\$6]~~ \$7 for each \$500 or fraction of \$500 of consideration payable or of the principal amount of the debt secured for an instrument of writing. The consideration includes the amount of any mortgage or deed of trust assumed by the grantee(s).

(C) *Allocation of unrestricted proceeds from the recordation tax.* For Fiscal Year 2021 ~~[56.833%]~~ 48.710%, For Fiscal Year 2022 ~~[56.333]~~ 48.290% and for Fiscal Year 2023 and thereafter ~~[55.833%]~~ 47.860% of the proceeds from the recordation tax shall be unrestricted and shall go to the County General Fund.

(D) *Allocation of restricted proceeds from the recordation tax.* The county hereby restricts for Fiscal Year 2021 [43.167%] 51.290%, For Fiscal Year 2022 51.710% and for

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Underlining indicates matter added to existing law.

[Single boldface brackets] indicates matter deleted from existing law.

\*\*\* - indicates existing law unaffected by bill.

Fiscal Year 2023 and thereafter 52.140% of the proceeds from the recordation tax. The use of the funds from the ~~[43.167%]~~ restricted portion of the proceeds from the recordation tax is limited as follows.

(1) ~~[12.5%]~~ 25.000% of the proceeds from the recordation tax shall be used for:

(a) The County's matching contribution toward the purchases of agricultural land preservation easements under the Maryland Agricultural Land Preservation Fund Program as set forth in AG §§ 2-501 *et seq.*;

(b) The purchase of development rights and to guarantee loans that are collateralized by development rights for agricultural lands under the Frederick County Agricultural Land Preservation Program pursuant to AG § 2-512(E)(2);

(c) The purchase of options to purchase development rights easements pursuant to § 1-13-34(H) of the Critical Farms Program and to purchase development rights easements pursuant to § 1-13-34(I) of the Critical Farms Program;

(d) The purchase of development rights, easements, or fee estates under the Rural Legacy Program;

(e) Other agricultural land preservation programs approved by the county; or

(f) Some combination of the above programs including: setting aside \$500,000 annually for 1) agriculture diversification economic development grants; 2) rural historic preservation; and, 3) first-time homebuyer assistance. Amounts allotted to each purpose will be established annually in the budget.

(2) ~~[12.5%]~~ 10.710% of the proceeds from the recordation tax shall be used for the County's acquisition and development of recreational and open space land.

(3) ~~[16.667%]~~ 14.290% of the proceeds from the recordation tax shall be used to support school construction to include, but not be limited to, payment of debt service on general obligation debt issued to fund school construction.

(4) For Fiscal Year 2021 ~~[4.5%]~~ 1.290%, For Fiscal Year 2022 ~~[2.0%]~~ 1.710% and for Fiscal Year 2023 and thereafter ~~[2.5%]~~ 2.140% of the proceeds from the recordation tax shall be deposited into the Housing Initiative Fund and used to facilitate affordable housing in the county.

And be it further enacted, that this act shall take effect October 1, 2020. \*

\*It is intended that this provision not be codified with the remainder of the Bill.

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