COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2025, Legislative Day No. 20

Bill No. 93-25

Mr. Mike Ertel, Councilman

By the County Council, December 1, 2025

A BILL
ENTITLED

AN ACT concerning

Development Impact Fees and Surcharges – Exemptions for Affordable Housing

FOR the purpose of establishing an exemption from the County's development impact surcharge and development impact fee for affordable housing developments that ~~receive County financial support or~~ that have been awarded an allocation of federal low-income housing tax credits pursuant to Section 42 of the Internal Revenue Code from the State of Maryland; and generally relating to development impact surcharges and fees.

BY adding

Section 11-4-303(i)
Article 11 – Taxation
Title 4 – Various Taxes
Subtitle 3 – Development Impact Surcharge
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY repealing and re-enacting, with amendments

Section 32-6-111(g)(5)-(6)
Article 32 – Planning, Zoning, and Subdivision Control
Title 6 – Adequate Public Facilities
Baltimore County Code, 2015

BY adding

Section 32-6-111(h)(11)
Article 32 – Planning, Zoning, and Subdivision Control
Title 6 – Adequate Public Facilities
Baltimore County Code, 2015

WHEREAS, Baltimore County established development impact fees and development impact surcharges in 2019; and

WHEREAS, Baltimore County adjusted the payment rate for development impact fees in 2024; and

WHEREAS, the Baltimore County Code provides exemptions from the development impact fees and surcharges, including for age-restricted housing, hospital redevelopment, State-designated transit-oriented development, enterprise zones, opportunity zones and Commercial Revitalization Districts; and

WHEREAS, Baltimore County seeks to prioritize the development of affordable housing; and

WHEREAS, Baltimore County provides discretionary and codified financial incentives to residential and mixed-use developments that include affordable housing; and

WHEREAS, the County’s development impact fee and surcharge offsets the County’s incentives, making the incentives economically inefficient; now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

ARTICLE 11 – TAXATION

Title 4 – Various Taxes

Subtitle 3 – Development Impact Surcharge

§ 11-4-303. Inapplicability.

The development impact surcharge shall not apply to:

(I) A DEVELOPMENT THAT~~:~~

~~(1) INCLUDES AFFORDABLE HOUSING AND RECEIVES COUNTY FINANCIAL SUPPORT, WHICH MAY INCLUDES TAX CREDITS, LOANS, GRANTS, PAYMENTS IN LIEU OF TAXES, OR~~

~~(2)~~ HAS BEEN AWARDED AN ALLOCATION OF FEDERAL LOW INCOME HOUSING TAX CREDITS PURSUANT TO SECTION 42 OF THE INTERNAL REVENUE CODE FROM THE STATE OF MARYLAND.

ARTICLE 32 – PLANNING, ZONING, AND SUBDIVISION CONTROL

Title 6 – Adequate Public Facilities

§ 32-6-111. Development Impact Fee.

(g) [(5) A development containing affordable housing may receive a credit of 35 percent of the development impact fee imposed for each affordable housing unit.] <u>(5) A 35%</u>

CREDIT MAY BE APPLIED TO AFFORDABLE HOUSING UNITS PRESERVED AT 60% OF THE AREA MEDIAN INCOME.

~~[~~(6)~~] (5)~~ Impact fee credits are not transferable or assignable unless expressly permitted in an impact fee credit agreement. Unused or unclaimed credits may not be refunded.

(h) (11) NO DEVELOPMENT IMPACT FEE SHALL BE IMPOSED ON A DEVELOPMENT THAT~~:~~

~~(I) INCLUDES AFFORDABLE HOUSING AND RECEIVES COUNTY FINANCIAL SUPPORT, WHICH MAY INCLUDE TAX CREDITS, LOANS, GRANTS, PAYMENTS IN LIEU OF TAXES; OR~~

~~(II)~~ HAS BEEN AWARDED AN ALLOCATION OF FEDERAL LOW INCOME HOUSING TAX CREDITS PURSUANT TO SECTION 42 OF THE INTERNAL REVENUE CODE FROM THE STATE OF MARYLAND.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect 14 days after its enactment.

LEGISLATION DETAIL

LEGISLATION	BILL 93-25
DISPOSITION	PASSED AS AMENDED
ENACTED	01/22/26
EFFECTIVE	02/05/26
AMENDMENTS	YES (1)

ROLL CALL - BILL

MOTION ERTEL SECOND YOUNG

AYE	NAY	
✔		Councilman Young
✔		Councilman Patoka
✔		Councilman Kach
✔		Councilman Jones
	✔	Councilman Marks
✔		Councilman Ertel
	✔	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION ERTEL SECOND PATOKA

AYE	NAY	
✔		Councilman Young
✔		Councilman Patoka
	✔	Councilman Kach
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ROLL CALL - AMENDMENTS

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ROLL CALL - AMENDMENTS

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