

County Council Of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 6

Resolution No. 82 -2019

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION amending the fee process for requests to establish Tax Increment Financing Districts and establishing a fee for certain Special Taxing Districts.

Introduced and read first time May 6, 2019.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on May 20, 2019.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on May 29, 2019.

Certified By Jessica Feldmark
Jessica Feldmark, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Howard County requires applicants for approval of a Tax Increment
2 Financing (TIF) District or a Special Taxing District (STD) to agree to pay all costs incurred by
3 the County associated with processing such request including, without limitation, costs of
4 consultants' review of financial data, outside legal counsel and administrative expenses in
5 reviewing the TIF or STD proposal; and
6

7 **WHEREAS**, fees were last adopted by the passage of Council Resolution No. 76-2008
8 and the County has had significant experience processing requests for Tax Increment Financing
9 and Special Taxing Districts since 2008 and, accordingly, the timing related to when fees are
10 accessed needs to be adjusted; and
11

12 **WHEREAS**, it is desirable to collect these fees when the applicant submits their Letter
13 of Intent to ensure that these fees are fully paid; and
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15 **WHEREAS**, there may be instances where a Letter of Intent is submitted only for the
16 creation of a STD, and not a STD coupled with a TIF; and
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18 **WHEREAS**, accordingly, fees need to be established for such STDs.
19

20 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
21 Maryland this 29th day of May, 2019, that it adopts the attached schedule of fees
22 for processing TIF and/or STD requests; and
23

24 **BE IT FURTHER RESOLVED** that these fee schedules shall be effective on July 1,
25 2019 and shall continue in effect until changed or repealed by subsequent resolution of the
26 County Council.

**TAX INCREMENT FINANCING [[APPLICATION]]OR
SPECIAL TAXING DISTRICT FEE**

Those persons who apply to the County for approval of a Tax Increment Financing (TIF) District, authorized by the Maryland TIF Act codified at [[Section 14-201, et seq. of Article 41]]TITLE 12, SUBTITLE 2 OF THE ECONOMIC DEVELOPMENT ARTICLE of the Annotated Code of Maryland, AND/OR OF A SPECIAL TAXING DISTRICT (STD), AUTHORIZED BY TITLE 21, SUBTITLE 5 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, agree to pay the costs incurred by the County associated with processing [[the TIF Application]]SUCH REQUESTS including, without limitation, costs of consultants' review of the financial data, outside legal counsel and Administrative expenses in reviewing [[the TIF Application]]SUCH PROPOSAL.

PRE-APPLICATION SCREENING FEE: \$2,500 per proposal to cover the costs of outside professional services and staff time required to make a preliminary assessment as to the viability of the project.

[[APPLICATION]] LETTER OF INTENT FEE: \$50,000 to be paid at the time [[of]] the COUNTY AND THE APPLICANT SIGN A LETTER OF INTENT [[application, and agreement, via signed letter of intent, to cover]] OUTLINING THE TERMS RELATED TO COVERING the County's associated costs and expenses incurred in addition to the Pre-Application Screening Fee.

TOTAL FEE: All amounts incurred by the County for financial, legal, and other consultants related to review of A TIF OR STD REQUEST [[the Application]], and all administrative expenses actually incurred by the County in processing [[the Application]] SUCH REQUESTS, INCLUDING FINALIZING AN APPLICATION RELATED TO SAME. [[Administrative expenses include County staff time expended in reviewing the Application, which shall be billed at the individual staff person's hourly rate.]] Costs and expenses which exceed the [[Application]]LETTER OF INTENT Fee shall be billed and paid BY THE APPLICANT as they are incurred, but shall be fully paid prior to the introduction of the legislation to establish the development [[and]]AND/OR special taxing districts and authorize the issuance of the [[TIF Debt]]DEBT.

REFUND: If the [[Application]] Fee collected exceeds the actual costs and administrative expenses associated with the review of the [[Application]]TIF AND/OR STD PROPOSAL, the excess shall be refunded to the Applicant.