

Introduced 5/1/17
Public Hearing 5/15/17
Council Action 6/5/17
Executive Action 6/9/17
Effective Date 6/9/17

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 7

Bill No. 33-2017

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

AN ACT amending an uncodified section in Council Bill No. 9-2014 in order to extend the Renovated, Upgraded, or Rehabilitated Property Adjacent to Route 1 tax credit; providing that applications for the credit received by a certain date will be eligible to receive the credit the full four years of the credit; and declaring this Act to be an emergency measure.

Introduced and read first time May 1, 2017. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on May 15, 2017.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on June 5, 2017 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for his approval this 6th day of June, 2017 at 4 a.m. (p.m.)

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive June 9, 2017.

Allan H. Kittleman
Allan H. Kittleman, County Executive

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**, on or about April 8, 2014, the County Council of Howard County
2 adopted Council Bill No. 9-2014 (“CB 9”); and

3
4 **WHEREAS**, CB 9 was signed by the County Executive and became effective on
5 June 9, 2014; and

6
7 **WHEREAS**, CB 9 established a tax credit against County real property tax imposed
8 on certain property located adjacent to Route 1 (the “Route 1 Tax Credit”), under certain
9 conditions; and

10
11 **WHEREAS**, Section 6 of CB 9 provides that the tax credit would be effective for
12 48 months, and at the end of that period, with no further action required by the County
13 Council, would be abrogated and of no further force and effect; and

14
15 **WHEREAS**, Section 6 of CB 9 essentially “sunsets” the Route 1 tax credit as of the
16 taxable year ending June 30, 2018; and

17
18 **WHEREAS**, in order to qualify for the credit, an applicant should have applied by
19 April 1, 2017; and

20
21 **WHEREAS**, the County Executive is considering a study to evaluate the current
22 economic, market, land use, and transportation realities along the Route 1 corridor and
23 wishes to extend the Route 1 tax credit for another 24 months, pending the outcome of that
24 study; and

25
26 **WHEREAS**, in consideration of the extension of the credit, property owners should
27 be allowed to continue to apply for the credit; and

28
29 **WHEREAS**, the County Executive also wishes to clarify that credits will be paid
30 beyond the termination of the credit for applications that have already been granted; and

1 **WHEREAS**, Section 209(d) of the Howard County Charter provides that the
2 County Council may pass an emergency bill to meet an immediate emergency affecting the
3 public health, safety, or welfare; and

4
5 **WHEREAS**, in this instance an emergency exists because applications for the credit
6 can no longer be accepted without the extension authorized by this Act.

7
8 **NOW, THEREFORE,**

9
10 ***Section 1. Be it Enacted by the County Council of Howard County, Maryland, that Section***
11 ***6 of Council Bill No. 9-2014, as enacted on April 9, 2014, is amended as follows:***

12
13 ***“Section 6. And Be It Further Enacted by the County Council of Howard County,***
14 ***Maryland that tax credits authorized by this Act shall remain effective [[for a period of 48***
15 ***months]] THROUGH THE TAXABLE YEAR ENDING JUNE 30, 2020 and, at the end of that period,***
16 ***with no further action required by the County Council, this Act shall be abrogated and of no***
17 ***further force and effect.”***

18
19 ***Section 2. And Be It Further Enacted by the County Council of Howard County,***
20 ***Maryland, that the Howard County Code is amended as follows:***

21
22 *By amending Title 20 “Taxes, Charges, and Fees”*
23 *Section 20.129D “Renovated, upgraded, or rehabilitated property adjacent to Route*
24 *1.”.*

25
26 **Title 20. Taxes, Charges, and Fees.**

27 **Subtitle 1. Real Property Tax; Administration, Credits, And Enforcement.**

28 **Part III. State-Authorized Howard County Tax Credits.**

29
30 **Section 20.129D. Renovated, upgraded, or rehabilitated property adjacent to Route 1.**

31 (a) *Establishment of Tax Credit for Renovated, Upgraded, or Rehabilitated Property:*

1 (1) In accordance with § 9-315(d) of the Tax-Property Article of the Annotated Code of
2 Maryland, there is a Howard County property tax credit against the County real
3 property tax on commercial or industrial property that qualifies under this section.

4 (2) The Department of Finance shall administer the credit.

5 (b) *Definitions.* In this section the following terms have the meanings indicated:

6 (1) *Certificate of eligibility* means an order issued by the County to the owner of an
7 eligible property, which authorizes the Department of Finance to apply a credit to
8 the eligible property.

9 (2) *Eligible property* means commercial or industrial real property that is less than ten
10 acres, includes no residential component, and:

11 (i) Directly fronts Route 1; ~~or~~

12 (ii) Is readily visible from the nearest road edge on Route 1 and adjoins a parcel
13 that fronts Route 1; OR

14 (III) IS A TAX PARCEL CONTAINED WITHIN THE PERIMETER ON THE “20.129D MAP”.

15 (3) *Eligible work:*

16 (i) Means work done:

17 a. On an eligible property;

18 b. In compliance with the Route 1 Design Manual; and

19 c. Is readily visible from the nearest road edge of Route 1.

20 (ii) Includes:

21 a. The renovation, upgrade or rehabilitation of a property, which shall
22 include the repair, replacement, expansion, or enhancement of the
23 property; and

24 b. Work that is necessary to maintain the physical integrity of the property
25 with regard to safety, durability, or weatherproofing.

26 (iii) Does not include:

27 a. Interior finish work that is not necessary to maintain the structural
28 integrity of the building; or

29 b. Routine landscape or property maintenance.

30 (4) *Verified expenses* means the amount of money paid:

- 1 (i) By the owner of an eligible property to a licensed contractor, architect, or
2 consultant for:
- 3 a. Eligible work; or
4 b. Materials used to do eligible work;
- 5 (ii) Verified expenses shall be incurred within 12 months prior to the application
6 for a tax credit under this section.
- 7 (c) *Eligibility*. The owner of commercial or industrial property may qualify for a tax credit
8 under this section for eligible work done on eligible property.
- 9 (d) *Approval by Agencies*. A request for a tax credit under this section must be approved by
10 the County Executive, upon the advice of the Economic Development Authority, the
11 Department of Planning and Zoning, and the Department of Finance.
- 12 (e) *Amount of Credit*. The tax credit shall be granted in an amount of 125 percent of the
13 verified expenses but for no more than \$100,000.00.
- 14 (f) *Procedures*:
- 15 (1) The Economic Development Authority, Department of Planning and Zoning, and
16 Department of Finance shall develop an application form.
- 17 (2) The County, through the Economic Development Authority, Department of
18 Planning and Zoning, and Department of Finance shall give initial approval of a
19 certificate of eligibility:
- 20 (i) If it determines the property to be an eligible property; and
21 (ii) If it determines that the proposed work is eligible work;
- 22 (3) The owner of an eligible property shall apply to the Department of Finance for a
23 credit based on verified expenses.
- 24 (4) Upon completion of the work:
- 25 (i) The owner shall submit documentation to the Department of Finance:
- 26 a. No later than April 1 prior to the first tax year for which the credit is being
27 requested;
- 28 b. That shows the work was done in accordance with the initial approval of the
29 certificate of eligibility; and
30 c. That shall include all verified expenses;

1 (ii) The County, through the Economic Development Authority, Department of
2 Planning and Zoning, and Department of Finance, shall:

- 3 a. Review the application, the initial approval, and the documentation; and
- 4 b. Give final approval of the certificate of eligibility based on a consideration
5 of consistency with:
 - 6 i. The Route 1 Manual; and
 - 7 ii. Any subarea plans;
- 8 c. Determine:
 - 9 i. What work is eligible work; and
 - 10 ii. The dollar amount of qualified expenses for the work; and

11 (iii) The owner shall enter into an agreement in accordance with subsection (j) of this
12 section.

13 (5) The dollar amount of qualified expenses and the amount of the tax credit shall be
14 entered on the certificate of eligibility.

15 (g) *Year Granted.* The Department of Finance shall grant the tax credit for the tax year
16 immediately following the year in which the certificate of eligibility receives final approval.

17 (h) *Exceeding the Amount of Tax.* A TAX CREDIT GRANTED UNDER THIS SECTION SHALL BE
18 PAID IN MORE THAN ONE FISCAL YEAR IF: [[A property owner may receive a tax credit in
19 more than one fiscal year]]:

20 (1) [[If the]] THE amount of the tax credit under this section exceeds the amount of the
21 Howard County real property tax, THEN, IN THIS INSTANCE, any unused portion of
22 the tax credit shall be carried forward for up to four tax years IF:

23 (I) THE PROPERTY MEETS THE ELIGIBILITY REQUIREMENT OF THIS SECTION; AND

24 (II) THE PROPERTY OWNER APPLIED FOR THE CREDIT ON OR BEFORE APRIL 1, 2019; or

25 (2) [[If]] REQUIRED [[required]] by the amount of the credit or limitations set forth in
26 the annual Budget and Appropriation Ordinance[[, a property owner may receive
27 parts of the credit in more than one fiscal year]].

28 (i) *Certificate Runs with Property.* A certificate of eligibility runs with the property and a
29 change in ownership does not result in the lapse of a tax credit granted under this section.

1 (j) *Agreement to Implement Credit.* The recipient of a tax credit under this section shall
2 enter into a contract with the County that may include, without limitation, conditions
3 regarding maintenance of the property.

4 (k) *Annual Report:*

5 (1) The Economic Development Authority, Department of Planning and Zoning, and
6 Department of Finance shall report annually to the County Executive and the
7 County Council concerning the implementation of the tax credit under this section.

8 (2) The report under this subsection shall:

9 (i) Be submitted no later than September first of each year;

10 (ii) Include, for each recipient of a credit under this section during the previous
11 fiscal year:

12 a. The name of the recipient; and

13 b. The amount of the credit granted;

14 (iii) Include an evaluation of the program and any recommended changes; and

15 (iv) Be presented in a public meeting with the Council.

16 (l) *Annual Limit.*

17 (1) During a fiscal year, the total of all tax credits budgeted for under this section shall
18 not exceed \$500,000.00.

19 (2) A complete application that, if granted, would cause the limit set forth in paragraph
20 (1) of this subsection to be exceeded, shall be granted in the next fiscal year or years
21 and in the order received.

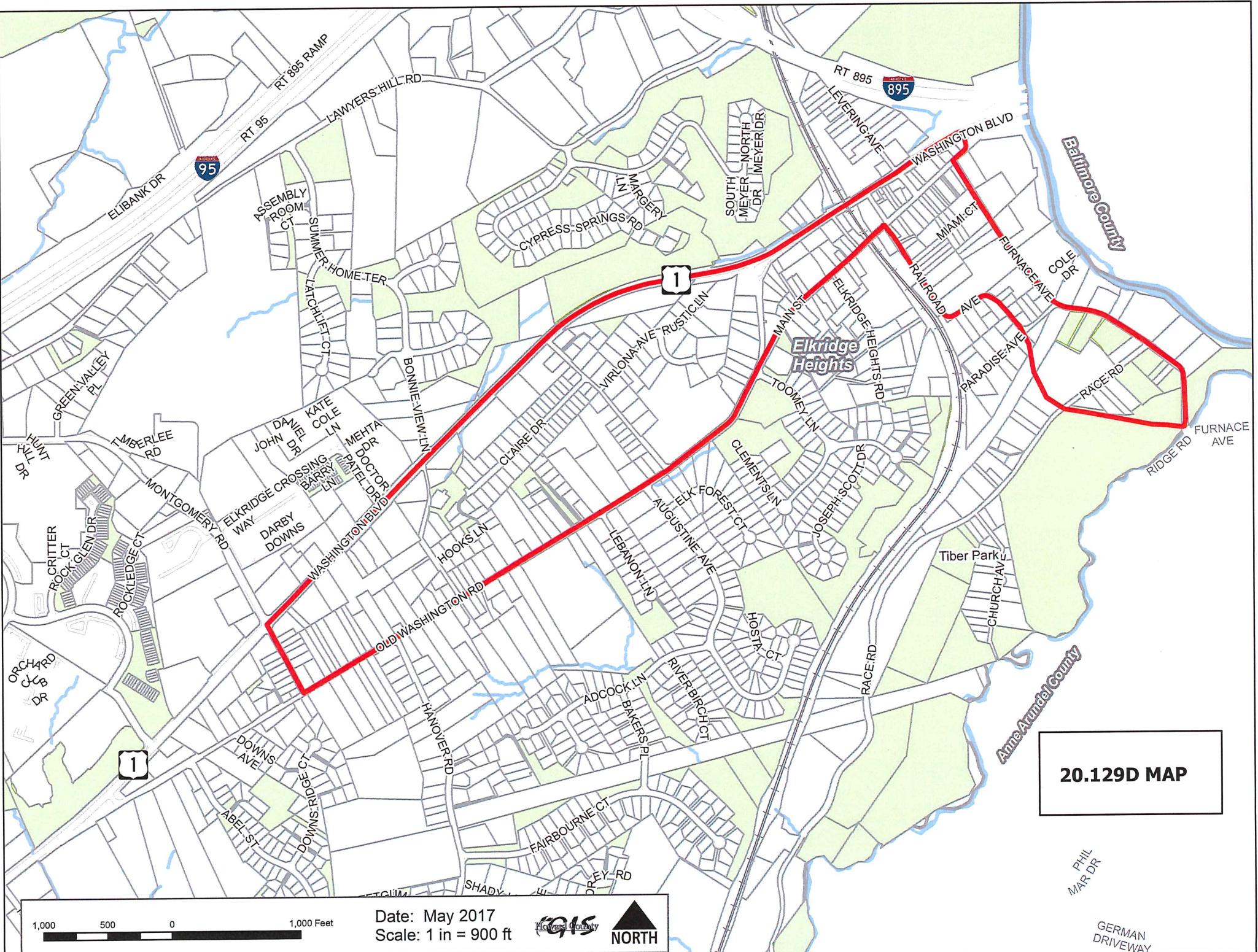
22
23 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County,
24 Maryland that, notwithstanding any other law, including but not limited to Section 6 of
25 County Council Bill 9-2014 as amended by this Act, if a person's application for a tax
26 credit under Section 20.129D of the Howard County Code is submitted to the County on or
27 before April 1, 2019, and if the person is required by operation of Section 20.129D(h) of
28 the Howard County Code to receive all or part of the credit after June 30, 2020, the County
29 is authorized to provide all or part of the credit to the person after June 30, 2020, as if
30 Section 20.129D(h) remained in effect.

31

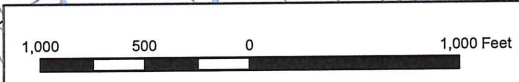
1 **Section 4. And Be It Further Enacted** by the County Council of Howard County,
2 Maryland that the 20.129D Map of eligible tax parcels is attached to this bill and
3 incorporated herein by reference. The Department of Finance shall make the “20.129D
4 Map” publicly available.

5
6 **Section 5. And Be It Further Enacted** by the County Council of Howard County,
7 Maryland that this Act is hereby declared to be an emergency measure and necessary to
8 meet an immediate emergency affecting the public health, safety, or welfare because,
9 without the amendment authorized by this Act, applicants will not be able to apply for the
10 tax credit and, having been passed by the affirmative vote of two-thirds of the members of
11 the Council, shall be effective upon its enactment.

12



20.129D MAP



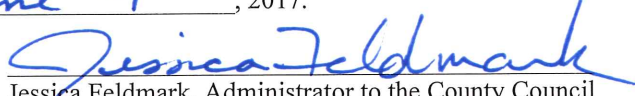
Date: May 2017
 Scale: 1 in = 900 ft



PHIL MAR DR
 GERMAN DRIVEWAY

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on June 9, 2017.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2017.

Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill No. 33- 2017

BY: Jon Weinstein

Legislative Day No. 9

Date: 6/5/17

Amendment No. 1

(This amendment expands the definition of eligible property to include specified additional locations.)

1 On page 3, in line 11, strike “or” and in line 13, before the period insert:

2 “; OR

3 (III) IS A TAX PARCEL CONTAINED WITHIN THE PERIMETER ON THE “20.129D MAP”.

4

5 On page 6, in line 28, after “Section 4.” insert “***And Be It Further Enacted by the County***

6 *Council of Howard County, Maryland that the 20.129D Map of eligible tax parcels is attached to*

7 *this bill and incorporated herein by reference. The Department of Finance shall make the*

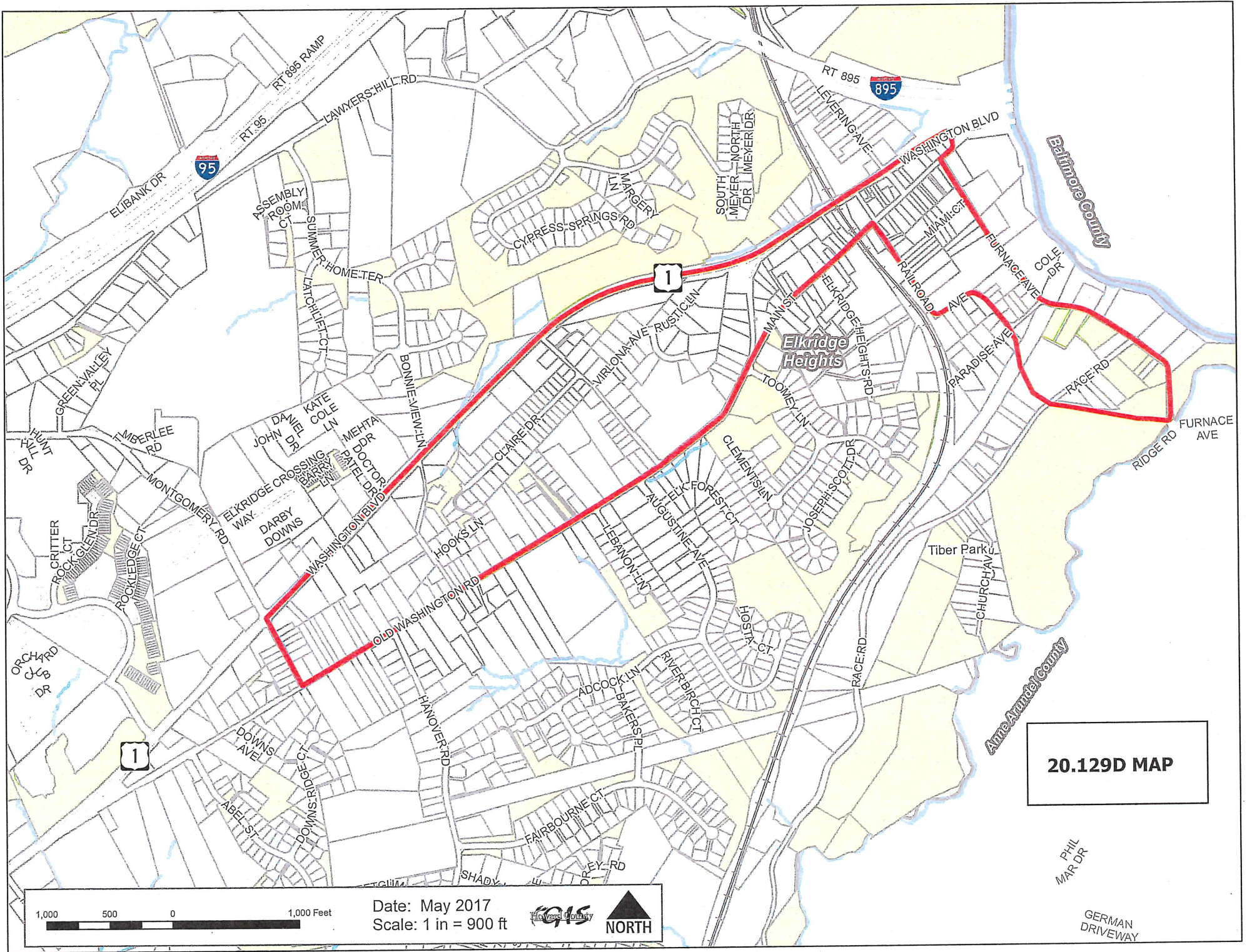
8 *“20.129D Map” publicly available”.*

9 *Section 5.*”.

10

11 Attach to the Bill, the 20.129D Map that is attached to this Amendment.

ADOPTED _____
FAILED _____
SIGNATURE _____



20.129D MAP



Date: May 2017
 Scale: 1 in = 900 ft



PHIL MAR DR
 GERMAN DRIVEWAY