

Introduced 6/3/2013
Public Hearing 6/17/2013
Council Action 7/1/2013
Executive Action 7/2/2013
Effective Date 9/1/2013

County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No.

Bill No. 36-2013

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

AN ACT increasing the amount of the tax credit available for the restoration and preservation of certain eligible historic properties; increasing the number of years that any unused portion of the tax credit may be carried forward; providing for the application of this Act; and generally related to Howard County tax credits.

Introduced and read first time June 3, 2013. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver
Sheila M. Tolliver, 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 June 17, 2013.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

This Bill was read the third time on July 1, 2013 and Passed ☒ Passed with amendments ☐ Failed ☐

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2nd day of July, 2013 at 4:30 a.m./p.m.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Approved by the County Executive July 2, 2013

Ken Ulman
Ken Ulman, 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 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Code is amended as follows:

3 By amending:

4 Title 20. Taxes, charges and fees.

5 Subtitle 1. Real property tax; administration, credits, and enforcement.

6 Part II. Statewide tax credits.

7 Section 20.112. Historically valuable, architecturally valuable, or architecturally
8 compatible structures.

9 Subsections (a) and (c).

10
11 **Title 20. Taxes, charges and fees.**

12 **Subtitle 1. Real property tax; administration, credits, and enforcement.**

13 **Part II. Statewide tax credits**

14
15 **Section 20.112. Historically valuable, architecturally valuable, or architecturally**
16 **compatible structures.**

17 (a) *Establishment of Historic Tax Credit Program for Qualified Expenses.* In accordance
18 with section 9-204 of the Tax-Property Article, Annotated Code of Maryland, there is a
19 Howard County Property Tax Credit in the amount of ~~[[ten]]~~ TWENTY-FIVE percent of the
20 qualified expenses used for the restoration and preservation of an eligible historic
21 property.

22 (c) *Procedures:*

23 (1) The owner of an eligible property may apply to the Commission for a
24 historic tax credit for qualified expenses. The application shall be in the
25 form and accompanied by additional information that the Commission, by
26 rule, requires.

27 (2) The Commission shall give initial approval of a certificate of eligibility:

28 (i) If it determines the property to be an eligible property;

29 (ii) If it determines that the proposed work is eligible work; and

(iii) If the eligible property is within a historic district, any required certificate of approval under section 16.603 of the County Code has been issued for the work.

(3) Upon completion of the work, the owner shall submit to the Commission documentation that the work was done in accordance with the initial approval of the certificate of eligibility and shall document all qualified expenses.

(4) The Commission shall review the application, the initial approval, and the documentation.

(5) At a public hearing, the Commission shall give final approval of the certificate of eligibility and shall determine:

(i) What work is eligible work; and

(ii) The dollar amount of qualified expenses for the work.

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

(7) An owner who is denied all or part of a tax credit by the Commission may appeal the denial to the circuit court of Howard County.

(8) After final approval by the Commission, the Commission shall forward the certificate of eligibility to the Department of Finance.

(9) (i) The Department of Finance shall grant the tax credit for the tax year immediately following the year in which the certificate of eligibility is received by the Department.

(ii) If the amount of the tax credit under this section exceeds the amount of the Howard County Real Property Tax, any unused portion of the tax credit MAY BE APPLIED TO ANY PROPERTY TAX ON THE STRUCTURE FOR UP TO FIVE SUBSEQUENT [[shall be carried forward for up to four]] tax years.

Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that the Historic District Commission may accept applications for property tax credits for qualified expenses used for the restoration and preservation of an eligible

1 *historic property on or after the effective date of this Act and tax credits authorized by*
2 *this Act may be granted in taxable years beginning after June 30, 2014.*

3

4 ***Section 3. And Be It Further Enacted*** *by the County Council of Howard County,*
5 *Maryland, that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

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

July 2, 2013.

Sheila M. Tolliver
Sheila M. Tolliver, 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 _____, 2013.

Sheila M. Tolliver, 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 _____, 2013.

Sheila M. Tolliver, 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 _____, 2013.

Sheila M. Tolliver, 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 _____, 2013.

Sheila M. Tolliver, 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 _____, 2013.

Sheila M. Tolliver, Administrator to the County Council

