

Amendment 1 to Council Bill No. 42-2019

**BY: Deb Jung and
Christiana Mercer Rigby**

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 1

(This Amendment alters the rate for certain moderate income housing units.)

1 On page 6, in line 24, after “(3)” insert “(1)”.

2 Also on page 6, after line 26, insert:

3 “(1) 1. IN THIS PARAGRAPH, “DOWNTOWN COLUMBIA DEVELOPMENT DISTRICT” HAS THE MEANING
4 PROVIDED FOR THE TERM “DEVELOPMENT DISTRICT” IN COUNCIL RESOLUTION 105-2016.

5 2. OUTSIDE THE DOWNTOWN COLUMBIA DEVELOPMENT DISTRICT, THE SURCHARGE IS THE
6 GREATER OF \$1.32 OR ONE-THIRD THE RATE SET UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A
7 MODERATE INCOME HOUSING UNIT THAT IS BUILT ONSITE BEYOND THE NUMBER OF MODERATE
8 INCOME HOUSING UNITS REQUIRED FOR THE DEVELOPMENT BY TITLE 13, SUBTITLE 4 OF THIS
9 CODE.”.

10 3. IN THE DOWNTOWN COLUMBIA DEVELOPMENT DISTRICT, THE SURCHARGE ON RESIDENTIAL
11 NEW CONSTRUCTION THAT IS AN AFFORDABLE UNIT IS A RATE OF:

12 A. \$1.32 PER SQUARE FOOT OF OCCUPIABLE AREA; PLUS

13 B. ONE-HALF OF THE DIFFERENCE BETWEEN \$1.32 AND THE RATE THAT WOULD BE
14 APPLICABLE TO THE RESIDENTIAL NEW CONSTRUCTION IF IT WAS LOCATED OUTSIDE THE DOWNTOWN
15 COLUMBIA DEVELOPMENT DISTRICT.

ADOPTED 11/4/2019 enrolled
FAILED _____
SIGNATURE Diane Jones

Amendment 1 to Amendment 1 to Council Bill No. 42-2019

**BY: Christiana Mercer Rigby
and Opel Jones**

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 1 to Amendment 1

(This Amendment allows a reduced rate for certain projects in Downtown Columbia.)

1 On page 1, in line 3, strike the first "THE" and substitute:

2 "1. IN THIS PARAGRAPH, "DOWNTOWN COLUMBIA DEVELOPMENT DISTRICT" HAS THE
3 MEANING PROVIDED FOR THE TERM "DEVELOPMENT DISTRICT" IN COUNCIL RESOLUTION 105-2016.
4 2. OUTSIDE THE DOWNTOWN COLUMBIA DEVELOPMENT DISTRICT,".

5

6 Also on page 1, after line 6, insert:

7 "3. IN THE DOWNTOWN COLUMBIA DEVELOPMENT DISTRICT, THE SURCHARGE ON RESIDENTIAL
8 NEW CONSTRUCTION THAT IS AN AFFORDABLE UNIT IS A RATE OF:
9 A. \$1.32 PER SQUARE FOOT OF OCCUPIABLE AREA; PLUS
10 B. ONE-HALF OF THE DIFFERENCE BETWEEN \$1.32 AND THE RATE THAT WOULD BE
11 APPLICABLE TO THE RESIDENTIAL NEW CONSTRUCTION IF IT WAS LOCATED OUTSIDE THE DOWNTOWN
12 COLUMBIA DEVELOPMENT DISTRICT."

~~ADOPTED~~ November 4, 2019
~~FAILED~~
SIGNATURE Opel Jones

Amendment 1 to Council Bill No. 42-2019

BY: Deb Jung and
Christiana Mercer Rigby

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 1

(This Amendment alters the rate for certain moderate income housing units.)

1 On page 6, in line 24, after “(3)” insert “(1)”.
2

3 Also on page 6, after line 26, insert:
4

5 “(II) THE SURCHARGE IS THE GREATER OF \$1.32 OR ONE-THIRD THE RATE SET UNDER PARAGRAPH
6 (2) OF THIS SUBSECTION FOR A MODERATE INCOME HOUSING UNIT THAT IS BUILT ONSITE BEYOND
7 THE NUMBER OF MODERATE INCOME HOUSING UNITS REQUIRED FOR THE DEVELOPMENT BY TITLE
8 13, SUBTITLE 4 OF THIS CODE.”.

ADOPTED as amended by Cmtd. 1

FAILED

SIGNATURE Deane A. Jones

Amendment 2 to Council Bill No. 42-2019

**BY: Deb Jung and
Christiana Mercer Rigby**

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 2

(This Amendment alters the rate for certain affordable housing projects.)

1 On page 6, in line 24, after “(3)” insert “(1)”.

2 Also on page 6, after line 26, insert:

3 “(1) THE SURCHARGE IS ONE-THIRD OF THE RATE SET UNDER PARAGRAPH (2) OF THIS SUBSECTION
4 FOR NON-SENIOR RESIDENTIAL NEW CONSTRUCTION PROJECTS THAT HAVE ~~APPLIED FOR OR~~
5 RECEIVED FUNDING FROM THE STATE OF MARYLAND OR FROM THE COUNTY AS AN AFFORDABLE
6 HOUSING PROJECT AFTER DECEMBER 31, 2020.”.

7

ADOPTED 11/4/2019 enrolled
FAILED _____
SIGNATURE Deane Jones

Amendment 2 to Amendment 2 to Council Bill No. 42-2019

BY: Liz Walsh

Legislative Day No. 13

Date: November 4, 2019

Amendment 2 to Amendment 2

(This Amendment helps to ensure that the revenues from the surcharge are not diminished in total by reducing rates for certain projects.)

- 1 On page 1, before line 1, insert:
- 2
- 3 "On page 6, in line 23, strike "\$6.80" and substitute "\$6.87"."

~~ADOPTED~~

~~FAILED~~

November 4, 2019

~~SIGNATURE~~

Deane J. Jones

Amendment 1 to Amendment 2 to Council Bill No. 42-2019

BY: Christiana Mercer Rigby

Legislative Day No. 13

Date: November 4, 2019

Amendment 1 to Amendment 2

(This Amendment eliminates certain projects from the reduced rate.)

- 1 On page 1, in line 4, strike "APPLIED FOR OR".

ADOPTED November 4, 2019
FAILED _____
SIGNATURE Deanae Jones

Amendment 2 to Council Bill No. 42-2019

**BY: Deb Jung and
Christiana Mercer Rigby**

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 2

(This Amendment alters the rate for certain affordable housing projects.)

1 On page 6, in line 24, after “(3)” insert “(1)”.

2 Also on page 6, after line 26, insert:

3 “(II) THE SURCHARGE IS ONE-THIRD OF THE RATE SET UNDER PARAGRAPH (2) OF THIS SUBSECTION
4 FOR NON-SENIOR RESIDENTIAL NEW CONSTRUCTION PROJECTS THAT HAVE APPLIED FOR OR
5 RECEIVED FUNDING FROM THE STATE OF MARYLAND OR FROM THE COUNTY AS AN AFFORDABLE
6 HOUSING PROJECT AFTER DECEMBER 31, 2020.”.

7

ADOPTED November 4, 2019
as amended by amendment 1

FAILED _____
SIGNATURE Diane S. Jones

Amendment 3 to Council Bill No. 42-2019

**BY: Deb Jung and
Christiana Mercer Rigby**

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 3

(This Amendment alters the rate for certain affordable housing projects.)

1 On page 7, before line 1, insert:

2 “Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland
3 that notwithstanding the school facility surcharge rates established in Section 1 of this Act, the
4 school facility surcharge rate shall be \$1.32 per square foot for non-senior residential new
5 construction projects that have ~~applied for or~~ received funding from the State of Maryland or
6 from the County as an affordable housing project on or before December 31, 2020.”.

7
8 Also on page 7, in line 1, strike “Section 2” and substitute “Section 3”.

ADOPTED 11/4/2019 enrolled

FAILED _____

SIGNATURE Diana Jones

Amendment 1 to Amendment 3 to Council Bill No. 42-2019

BY: Christiana Mercer Rigby

Legislative Day No. 13

Date: November 4, 2019

Amendment 1 to Amendment 3

(This Amendment eliminates certain projects from the reduced rate.)

1 On page 1, in line 5, strike "applied for or".

ADOPTED November 4, 2019
FAILED _____
SIGNATURE Daniel Jones

Amendment 2 to Amendment 3 to Council Bill No. 42-2019

BY: Liz Walsh

Legislative Day No. 13

Date: November 4, 2019

Amendment 2 to Amendment 3

(This Amendment helps to ensure that the revenues from the surcharge are not diminished in total by reducing rates for certain projects.)

1 On page 1, before line 1, insert:

2

3 "On page 6, in line 23, strike "\$6.80" and substitute "\$6.95"."

~~ADOPTED~~
~~FAILED November 4, 2019~~
~~SIGNATURE *A. Lane J. Gore*~~

Amendment 3 to Council Bill No. 42-2019

BY: Deb Jung and
Christiana Mercer Rigby

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 3

(This Amendment alters the rate for certain affordable housing projects.)

1 On page 7, before line 1, insert:

2 “Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland
3 that notwithstanding the school facility surcharge rates established in Section 1 of this Act, the
4 school facility surcharge rate shall be \$1.32 per square foot for non-senior residential new
5 construction projects that have applied for or received funding from the State of Maryland or
6 from the County as an affordable housing project on or before December 31, 2020.”.

7
8 Also on page 7, in line 1, strike “Section 2” and substitute “Section 3”.

ADOPTED as amended by Amend 4.1 November 4, 2019

FAILED

SIGNATURE

Diana A. Jones

Amendment 1 to Amendment 4 to Council Bill No. 42-2019

BY: Liz Walsh

Legislative Day No. 13

Date: November 4, 2019

Amendment 1 to Amendment 4

(This Amendment helps to ensure that the revenues from the surcharge are not diminished in total by reducing rates for certain projects.)

- 1 On page 1, before line 1, insert:
- 2
- 3 "On page 6, in line 23, strike "\$6.80" and substitute "\$7.16"."

~~ADOPTED~~

~~FAILED~~

November 4, 2019

~~SIGNATURE~~

Deanne St. Jones

Amendment 4 to Council Bill No. 42-2019

BY: Opel Jones

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 4

(This Amendment alters the rate for certain housing units in Downtown Columbia.)

1 On page 6, in line 24, after “(3)” insert “(1)”.

2 Also on page 6, after line 26, insert:

3 “(1) THE SURCHARGE ON RESIDENTIAL NEW CONSTRUCTION IN THE DOWNTOWN COLUMBIA
4 DEVELOPMENT DISTRICT, AS DEFINED IN COUNCIL RESOLUTION 105-2016, IS A RATE OF:

5 1. \$1.32 PER SQUARE FOOT OF OCCUPIABLE AREA; PLUS

6 2. ONE-HALF OF THE DIFFERENCE BETWEEN \$1.32 AND THE RATE THAT WOULD BE APPLICABLE
7 TO THE RESIDENTIAL NEW CONSTRUCTION IF IT WAS LOCATED OUTSIDE THE DOWNTOWN
8 COLUMBIA DEVELOPMENT DISTRICT.”.

9

ADOPTED _____
FAILED November 4, 2019
SIGNATURE Opel Jones

Amendment 5 to Council Bill No. 42-2019

BY: David Yungmann

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 5

(This Amendment provides for a phase in of the surcharge.)

1 On page 6 in line 23, after “is” insert:

2 “:

3 (i) \$4.08 per square foot of occupiable area in residential new construction through
4 December 31, 2020;

5 (ii) \$5.44 per square foot of occupiable area in residential new construction through
6 December 31, 2021; and

7 (iii)”

8 Also on page 6, at the end of line 23 before the period, insert “thereafter”.

9 On page 6, strike line 23, and substitute:

10 “IS:

11 (I) \$4.75 PER SQUARE FOOT OF OCCUPIABLE AREA IN RESIDENTIAL NEW CONSTRUCTION
12 THROUGH DECEMBER 31, 2020;

13 (II) \$6.25 PER SQUARE FOOT OF OCCUPIABLE AREA IN RESIDENTIAL NEW CONSTRUCTION
14 THROUGH 5 DECEMBER 31, 2021; AND

15 (III) \$7.50 PER SQUARE FOOT OF OCCUPIABLE AREA IN RESIDENTIAL NEW CONSTRUCTION
16 THEREAFTER.”

ADOPTED 11/4/2019 enrolled
FAILED
SIGNATURE Dianna J. Jones

Amendment 1 to Amendment 5 to Council Bill No. 42-2019

BY: David Yungmann

Legislative Day No. 13

Date: November 4, 2019

Amendment 1 to Amendment 5

(This Amendment alters the phase-in rates and the final rate.)

1 On page 1, strike lines 1 through 8 in their entirety and substitute:

2 “On page 6, strike line 23, and substitute:

3 “IS:

4 (I) \$4.75 PER SQUARE FOOT OF OCCUPIABLE AREA IN RESIDENTIAL NEW CONSTRUCTION

5 THROUGH DECEMBER 31, 2020;

6 (II) \$6.25 PER SQUARE FOOT OF OCCUPIABLE AREA IN RESIDENTIAL NEW CONSTRUCTION

7 THROUGH 5 DECEMBER 31, 2021; AND

8 (III) \$7.50 PER SQUARE FOOT OF OCCUPIABLE AREA IN RESIDENTIAL NEW CONSTRUCTION

9 THEREAFTER.””

ADOPTED November 4, 2019

FAILED _____

SIGNATURE Diana Jones

Amendment 5 to Council Bill No. 42-2019

BY: David Yungmann

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 5

(This Amendment provides for a phase in of the surcharge.)

1 On page 6 in line 23, after “is” insert:

2 “:

3 (i) \$4.08 per square foot of occupiable area in residential new construction through
4 December 31, 2020;

5 (ii) \$5.44 per square foot of occupiable area in residential new construction through
6 December 31, 2021; and

7 (iii)”

8 Also on page 6, at the end of line 23 before the period, insert “thereafter”.

9

~~ADOPTED~~ as amended by Amdn 7.1 November 4, 2019
~~FAILED~~
~~SIGNATURE~~ Deane A. Jones

Amendment 6 to Council Bill No. 42-2019

BY: David Yungmann

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 6

(This Amendment alters the rate for housing projects that have reached specified stages of development and sunsets that rate.)

1 On page 7, before line 1, insert:

2 “Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland
3 that:

4 (a) Notwithstanding the school facility surcharge rates established in Section 1 of this Act, the
5 school facility surcharge rate shall be \$1.32 per square foot for non-senior residential new
6 construction projects that have, on or before the effective date of this Act:

7 (1) an approved preliminary plan original signature or preliminary equivalent sketch plan;

8 (2) a final plan approval letter for a minor subdivision or resubdivision;

9 (3) an approved site development plan; or

10 (4) (i) on file with the Department of Planning and Zoning a final development plan for a
11 project in the Downtown Columbia Development District; and

12 (ii) posted a notice of the filing on the property before the day that the surcharge is
13 assessed.

14 (1) within the Planned Service Area, a signed Site Development Plan; or

15 (2) outside of the Planned Service Area, a technically complete Final Plan; at record plat of
16 phase one for a phased project; or

17 (3) a final plan approval letter for a minor subdivision.

18 (b) The rates provided for in this Section 2 shall only apply to construction for which the
19 surcharge is collected on or before the day that is 2 years after the effective date of this Act.”.

ADOPTED 11/4/2019 enrolled
FAILED _____
SIGNATURE Diane Jones

Amendment 1 to Amendment 6 to Council Bill No. 42-2019

BY: Liz Walsh

Legislative Day No. 13

Date: November 4, 2019

Amendment 1 to Amendment 6

(This Amendment helps to ensure that the revenues from the surcharge are not diminished in total by reducing rates for certain projects.)

- 1 On page 1, before line 1, insert:
- 2
- 3 "On page 6, in line 23, strike "\$6.80" and substitute "\$7.30"."

~~ADOPTED~~

~~FAILED~~

~~November 4, 2019~~

~~SIGNATURE~~

~~Deane St. Jones~~

Amendment 2 to Amendment 6 to Council Bill No. 42-2019

BY: David Yungmann

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 2 to Amendment 6

(This Amendment alters the projects that are grandfathered at the existing rate.)

- 1 On page 1, strike lines 7 through 9 and substitute:
2 “(1) within the Planned Service Area, a Site Development Plan that has been accepted by
3 Department of Planning and Zoning; or
4 (2) outside of the Planned Service Area, a technically complete Final Plan; at record plat of
5 phase one for a phased project; or
6 (3) a final plan approval letter for a minor subdivision; or”.

ADOPTED

FAILED

SIGNATURE

*Withdrawn
Nov. 4, 2019*
Diane J. Jones

Amendment 3 to Amendment 6 to Council Bill No. 42-2019

BY: Christiana Mercer Rigby

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 3 to Amendment 6

(This Amendment reduces the kinds of projects that are grandfathered at the existing rate.)

- 1 On page 1, in line 6, strike beginning with the colon down through and including line 13 and
2 substitute "an approved site development plan.".

ADOPTED _____

FAILED _____

SIGNATURE _____

*Withdrawn
November 4, 2019
Diana A. Jones*

Amendment 4 to Amendment 6 to Council Bill No. 42-2019

BY: Christiana Mercer Rigby
And David Yungmann

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 4 to Amendment 6

(This Amendment alters the projects that are grandfathered at the existing rate.)

- 1 On page 1, strike lines 7 through 13 and substitute:
2 “(1) within the Planned Service Area, a signed Site Development Plan; or
3 (2) outside of the Planned Service Area, a technically complete Final Plan; at record plat of
4 phase one for a phased project; or
5 (3) a final plan approval letter for a minor subdivision.”.

ADOPTED November 4, 2019
FAILED _____
SIGNATURE Diana Jones

Amendment 6 to Council Bill No. 42-2019

BY: David Yungmann

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 6

(This Amendment alters the rate for housing projects that have reached specified stages of development and sunsets that rate.)

1 On page 7, before line 1, insert:

2 “Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland
3 that:

4 (a) Notwithstanding the school facility surcharge rates established in Section 1 of this Act, the
5 school facility surcharge rate shall be \$1.32 per square foot for non-senior residential new
6 construction projects that have, on or before the effective date of this Act:

7 (1) an approved preliminary plan original signature or preliminary equivalent sketch plan;

8 (2) a final plan approval letter for a minor subdivision or resubdivision;

9 (3) an approved site development plan; or

10 (4) (i) on file with the Department of Planning and Zoning a final development plan for a
11 project in the Downtown Columbia Development District; and

12 (ii) posted a notice of the filing on the property before the day that the surcharge is
13 assessed.

14 (b) The rates provided for in this Section 2 shall only apply to construction for which the
15 surcharge is collected on or before the day that is 2 years after the effective date of this Act.”.

16
17 Also on page 7, in line 1, strike “Section 2” and substitute “Section 3”.

ADOPTED as amended by Amend 4 to Amend 4.6
November 4, 2019

FAILED _____
SIGNATURE Deane A. Jones

Amendment 7 to Council Bill No. 42-2019

BY: Deb Jung

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 7

(This Amendment provides for an annual adjustment of the rate.)

1 On page 6, in line 22, strike “PARAGRAPH (3)” and substitute “PARAGRAPHS (3) AND (4)”.

2

3 Also on page 6, after line 26, insert:

4 “(4) THE RATE ESTABLISHED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE ADJUSTED FOR

5 INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS

6 PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, FOR THE FISCAL YEAR PRECEDING

7 THE YEAR FOR WHICH THE AMOUNT IS BEING CALCULATED. THE ADJUSTMENT MAY NOT REDUCE

8 THE RATE BELOW \$1.32.”.

ADOPTED November 4, 2019

FAILED

SIGNATURE

Diane A. Jones

Amendment 8 to Council Bill No. 42-2019

**BY: The Chairperson
at the request of the
County Attorney**

Legislative Day No. 13

Date: November 4, 2019

Amendment No. 8

(This technical Amendment deletes language that has already been enacted by Chapter 744 of the Acts of the General Assembly of 2019.)

- 1 On page 1, in line 19, strike “*Sections 20.142. - [Surcharge enacted.] and.*” and substitute
- 2 “*Section*”.
- 3
- 4 Beginning on page 1, strike line 25 down through and including line 4 on page 6.

ADOPTED November 4, 2019
FAILED _____
SIGNATURE Dianna J. Jones