

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 13

Bill No. 58 -2022

Introduced by: Liz Walsh

AN ACT to set the rate of the Public School Facilities Surcharge for certain addition construction; and generally relating to the public school facilities surcharge.

Introduced and read first time _____, 2022. Ordered posted and hearing scheduled.

By order _____
Michelle R. Harrod, 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 _____, 2022.

By order _____
Michelle R. Harrod, Administrator

This Bill was read the third time on _____, 2022 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2022 at ____ a.m./p.m.

By order _____
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2022

Calvin Ball, 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 Howard County
2 Code is hereby amended as follows:

3 By amending:

4 Title 20 – Taxes, Charges, and Fees

5 Subtitle 1. – Real Property Tax; Administration, Credits, and Enforcement.

6 Section 20.142. – [Surcharge enacted.]

7

8

HOWARD COUNTY CODE

9

Title 20 – Taxes, Charges, and Fees

10

Subtitle 1 – Real Property Tax; Administration, Credits, and Enforcement

11

Sec. 20.143. Surcharge imposed.

12

(a) Chapter 744 of the Acts of the General Assembly of 2019, set forth in section 20.142 of the
13 Howard County Code, requires that the County Council impose a school facilities surcharge
14 on residential new construction for which a building permit is issued on or after July 1,
15 2004, with the revenue from the surcharge to be used to pay for additional or expanded
16 public school facilities such as renovations to existing school buildings or other systemic
17 changes, debt service on bonds issued for additional or expanded public school facilities, or
18 new school construction.

19

(b) (1) In accordance with Chapter 744 of the Acts of the General Assembly of 2019, there is a
20 public school facilities surcharge imposed on residential new construction for which a
21 building permit is issued on or after July 1, 2004, other than residential new construction
22 that is both:

23

(i) Classified as senior housing; and

24

(ii) An affordable housing unit, as defined in section 28.116 of the County

25

Code.

26

(2) Except as provided in paragraphs (3) and (4) of this subsection, the surcharge is:

27

(i) \$4.75 per square foot of occupiable area in residential new construction

28

through December 31, 2020;

1 (ii) \$6.25 per square foot of occupiable area in residential new construction
2 through December 31, 2021; and

3 (iii) \$7.50 per square foot of occupiable area in residential new construction
4 thereafter.

5 (3) (i) The surcharge is \$1.32 per square foot of occupiable area in residential new
6 construction that is:

7 1. classified as senior housing under 42 U.S.C. § 3607(b); OR

8 2. ADDITION CONSTRUCTION, MEANING CONSTRUCTION OF AN ADDITION TO
9 A BUILDING WHERE THE WORK REQUIRES A HOWARD COUNTY BUILDING PERMIT AND WHERE
10 THE ADDITION EITHER:

11 A. INCREASES THE NUMBER OF GROSS SQUARE FEET OF OCCUPIABLE
12 NONRESIDENTIAL STRUCTURE ON THE PROPERTY; OR

13 B. INCREASES THE NUMBER OF GROSS SQUARE FEET OF OCCUPIABLE
14 RESIDENTIAL STRUCTURE ON THE PROPERTY.

15 (ii) 1. In this paragraph, "Downtown Columbia Development District" has the meaning
16 provided for the term "Development District" in Council Resolution 105-2016.

17 2. Outside the Downtown Columbia Development District, surcharge
18 is the greater of \$1.32 or one-third the rate set under paragraph (2) of this subsection for a
19 moderate income housing unit that is built onsite beyond the number of moderate income
20 housing units required for the development by title 13, subtitle 4 of this Code.

21 3. In the Downtown Columbia Development District, the surcharge
22 on residential new construction that is an affordable unit is a rate of:

23 A. \$1.32 per square foot of occupiable area; plus

24 B. One-half of the difference between \$1.32 and the rate that
25 would be applicable to the residential new construction if it was located outside the
26 Downtown Columbia Development District.

27 (iii) The surcharge is one-third of the rate set under paragraph (2) of this subsection
28 for non-senior residential new construction projects that have received funding from the

1 State of Maryland or from the County as an affordable housing project after December 31,
2 2020.

3 (4) The rate established in paragraph (2) of this subsection shall be adjusted for
4 inflation in accordance with the Consumer Price Index for All Urban Consumers published
5 by the United States Department of Labor, for the fiscal year preceding the year for which
6 the amount is being calculated. The adjustment may not reduce the rate below \$1.32.

7 (c) The amount and terms of the surcharge, and the use of the revenue collected under the
8 surcharge, shall be as required by section 20.142 of the Howard County Code, as enacted by
9 Chapter 744 of the Acts of the General Assembly of 2019.

10

11 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall be*
12 *constructed to apply retroactively and shall be applied to and affect any residential new construction*
13 *for which the applicant filed the application for the building permit on or after January 1, 2022.*

14 *Section 3. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall*
15 *become effective 61 days after its enactment.*