

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2024 Legislative Session

Legislative Day No. **7**

### Bill No. 37 -2024

Introduced by: Christiana Rigby

SHORT TITLE: School facilities surcharge amendment for single family detached dwellings.

AN ACT to alter the school facilities surcharge for single-family detached dwelling in accordance with Chapter 744 of the Acts of the General Assembly of 2019; and generally relating to the school facilities surcharge.

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Introduced and read first time \_\_\_\_\_, 2024. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Michelle 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 \_\_\_\_\_, 2024.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2024 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Michelle Harrod, Administrator

Approved by the County Executive \_\_\_\_\_, 2024

\_\_\_\_\_  
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 **WHEREAS**, the County Council has considered the following issues when determining the amount of  
2 the school facilities surcharge:

- 3 (i) The capital costs for the construction of new public schools and additions  
4 to existing public schools;
- 5 (ii) The anticipated amount of the state contribution for school construction  
6 funding;
- 7 (iii) The average percentage of student enrollments that will be generated by  
8 the residential new construction;
- 9 (iv) The impact of school redistricting by the Howard County Board of  
10 Education;
- 11 (v) The potential for charging different amounts for differently sized  
12 residential new construction units;
- 13 (vi) The effect on affordable housing units; and
- 14 (vii) Sources of tax and fee revenue for the County, including the transfer tax.

15  
16 **Now, therefor,**

17  
18 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the Howard County  
19 Code is amended as follows:

20 *By amending:*

21 *Title 20 - Taxes, Charges, and Fees*

22 *Part vi. Public School Facilities Surcharge*

23 *Sec. 20.143. Surcharge imposed.*

24  
25 **HOWARD COUNTY CODE**

26  
27 **Title 20 - Taxes, Charges, and Fees**

28 **Part vi. Public School Facilities Surcharge**

29 **Sec. 20.143. Surcharge imposed.**

30 (a) Chapter 744 of the Acts of the General Assembly of 2019, set forth in section 20.142 of the  
31 Howard County Code, requires that the County Council impose a school facilities surcharge

1 on residential new construction for which a building permit is issued on or after July 1,  
2 2004, with the revenue from the surcharge to be used to pay for additional or expanded  
3 public school facilities such as renovations to existing school buildings or other systemic  
4 changes, debt service on bonds issued for additional or expanded public school facilities, or  
5 new school construction.

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

10 (i) Classified as senior housing; and

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

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

13 (i) \$4.75 per square foot of occupiable area in residential new construction through  
14 December 31, 2020;

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

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

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

20 1. Classified as senior housing under 42 U.S.C. § 3607(b); [[or]]

21 2. Addition construction, meaning construction of an addition to a building  
22 where the work requires a Howard County building permit and where the  
23 addition either:

24 A. Increases the number of gross square feet of occupiable  
25 nonresidential structure on the property; or

26 B. Increases the number of gross square feet of occupiable residential  
27 structure on the property by 2,000 square feet or less and addition  
28 construction of more than 2,000 square feet shall be assessed a rate

1 under subsection (b)(2) of this section for the square feet of the  
2 addition that is more than 2,000 square feet; OR

3 3. A SINGLE-FAMILY DETACHED DWELLING WHICH IS:

4 A. BUILT BY AN INDIVIDUAL WHO OWNED THE LOT BEFORE THE  
5 SUBMISSION OF A BUILDING PERMIT APPLICATION AND INTENDS TO  
6 USE THE DWELLING AS THEIR PRIMARY RESIDENCE; AND

7 B. NOT BUILT BY A DEVELOPER, BUILDER, GROUP, OR INDIVIDUAL WHO  
8 DOES NOT MEET THE CRITERIA IN SUBPARAGRAPH A OF THIS  
9 PARAGRAPH.

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

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

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

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

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

23 (iii) The surcharge is one-third of the rate set under paragraph (2) of this subsection for  
24 non-senior residential new construction projects that have received funding from  
25 the State of Maryland or from the County as an affordable housing project after  
26 December 31, 2020.

27 (4) The rate established in paragraph (2) of this subsection shall be adjusted for inflation in  
28 accordance with the Consumer Price Index for All Urban Consumers published by the

1 United States Department of Labor, for the fiscal year preceding the year for which the  
2 amount is being calculated. The adjustment may not reduce the rate below \$1.32.

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

6  
7  
8 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that this Act  
9 *shall become effective 61 days after its enactment.*

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