

Introduced	<u>07.07.2025</u>
Public Hearing	<u>07.21.2025</u>
Council Action	<u>07.30.2025</u>
Executive Action	<u>07.31.2025</u>
Effective Date	<u>09.30.2025</u>

County Council of Howard County, Maryland

2025 Legislative Session

Legislative Day No. 10

Bill No. 54-2025

Introduced by: Christiana Rigby

SHORT TITLE: Building Excise Tax - New Construction – Definition

AN ACT amends the Howard County Code to amend the definition of new construction as it relates to the building excise tax; and generally relating to the building excise tax.

Introduced and read first time July 7, 2025. Ordered posted and hearing scheduled.
By order Michelle Harrod
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 July 21, 2025.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on July 30, 2025 and Passed ☒, Passed with amendments _____, Failed _____.

By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 31 day of July, 2025 at 5⁰⁰ a.m./p.m.

By order Michelle Harrod
Michelle Harrod, Administrator

Approved by the County Executive July 31, 2025

Calvin Ball
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.

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

By amending:

Title 20.- "Taxes, Charges, and Fees"

Subtitle 5. 'Building Excise Tax"

Section 20.502. "Definitions"

Title 20. - Taxes, Charges, And Fees

SUBTITLE 5. BUILDING EXCISE TAX

Sec. 20.502. Definitions.

Words and phrases used in this subtitle shall have their usual meaning, unless otherwise defined in this section or the Howard County Building Code.

(a) *Addition construction* means construction of an addition to a building where the work requires a Howard County building permit and where the addition either:

(1) Increases the number of gross square feet of occupiable nonresidential structure on the property; or

(2) Increases the number of gross square feet of occupiable residential structure on the property by more than 100 square feet.

(b) *Applicant* means the individual, partnership, corporation or other legal entity whose signature appears on the building permit application.

(c) *Building* means any structure utilized or intended for supporting or sheltering any occupancy. *Building* does not include a temporary structure, as defined in the building code.

(d) *Capital projects for additional or expanded road facilities* means all capital projects for roads, bridges and intersection improvements in the Howard County capital budget.

(e) *Construction costs* means the costs of construction, based on 1913 U.S. Average Equals 100, reported in "ENR, Engineering News Record" Construction Cost Index for the Baltimore Region.

- (f) *Distribution and manufacturing* refers to the use of a building for warehousing, distribution, packaging, processing, manufacturing, storage of construction equipment or supplies, and similar uses, including but not limited to parking garages and parking facilities, or other like structures.
- (g) *Institutional and other*:
- (1) Religious activities.
 - (2) Nonprofit clubs, lodges or community halls.
 - (3) Day care centers, nursery schools and private academic schools.
 - (4) Hospitals, nursing homes and group care facilities.
 - (5) Recreational facilities or retreat centers operated by nonprofit organizations.
 - (6) Funeral homes and mausoleums.
 - (7) Public utility substations and similar uses.
 - (8) Other noncommercial uses similar to those listed in this definition or which do not meet the definitions for residential, office and retail, or distribution and manufacturing uses.
- (h) *New construction* means construction of a building which requires a Howard County building permit. Where the building replaces an existing building, *new construction* does not include replacement of a building due to casualty, [[or]] loss, OR DEMOLITION within three years of that casualty, [[or]] loss, OR DEMOLITION, or replacement of a mobile home on a site, except to the extent that the gross square footage of the replacement building or replacement mobile home exceeds the gross square footage of the building or mobile home being replaced.
- (i) *Occupiable* means designed for human occupancy in which individuals may congregate for amusement, educational or similar purposes or in which occupants are engaged at labor, and which is equipped with *means of egress* and light and code-compliant ventilation, regardless of whether natural or mechanical.
- (j) *Office and retail* refers to the use of a building, other than as an accessory use to a residence, for:

1 (1) Business or professional offices.

2 (2) The sale or rental of merchandise, materials or services, including stores, personal
3 service establishments, service agencies, commercial recreation facilities, hotels
4 and conference centers, restaurants, theaters, banks and other financial
5 institutions, trade schools and similar commercially operated schools, motor
6 vehicle or appliance repair facilities and similar uses.

7 (3) Research laboratories.

8 (k) *Residential* refers to a building which contains one or more dwelling units, including
9 boarding houses but not including transient accommodations such as hotels, country
10 inns or bed and breakfast inns. *Residential* includes all areas that are contained within a
11 residential building such as attached garages or home occupations, but does not include
12 nonresidential uses in mixed use structures. *Residential* does not include detached
13 accessory buildings such as detached garages or sheds which do not contain any living
14 quarters.

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17 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
18 *this Act shall become effective 61 days after its enactment.*
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BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 31, 2025.

Michelle R. Harrod
Michelle R. Harrod, 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 _____, 2025.

Michelle R. Harrod, 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 _____, 2025.

Michelle R. Harrod, 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 _____, 2025.

Michelle R. Harrod, 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 _____, 2025.

Michelle R. Harrod, 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 _____, 2025.

Michelle R. Harrod, Administrator to the County Council