

Chapter 612

(House Bill 1105)

AN ACT concerning

**Prince George's County – School Facilities ~~Surcharge for Surcharge~~
Exemption – Replacement of Existing Single-Family Dwelling Unit *in the Rural Tier***

PG 408-11

FOR the purpose of ~~altering, repealing certain conditions on the applicability of establishing an exemption to the~~ Prince George's County school facilities surcharge ~~exemption~~ for a replacement single-family dwelling unit built on the same lot as a previously existing single-family dwelling unit *in the Rural Tier of Prince George's County; requiring the County Executive of Prince George's County to include in a certain report certain information about any exemptions granted to the school facilities surcharge by repealing provisions limiting the exemption to dwellings destroyed by fire, explosion, or natural disaster; providing for the retroactive application of this Act; defining a certain term; providing for the termination of this Act;* and generally relating to the applicability of the school facilities surcharge in Prince George's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10-192.01
Article 17 – Public Local Laws of Maryland
(2003 Edition and 2005 Supplement, as amended)
(As enacted by Chapter 431 of the Acts of the General Assembly of 2003,
Chapter 166 of the Acts of the General Assembly of 2007, and Chapter
108 of the Acts of the General Assembly of 2008)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 17 – Prince George's County

10-192.01.

(A) IN THIS SECTION, "NEW RESIDENTIAL CONSTRUCTION" DOES NOT INCLUDE THE IMPROVEMENT, RENOVATION, OR EXPANSION OF:

(1) AN EXISTING DWELLING; OR

(2) AN EXISTING DWELLING UNIT.

~~(a)~~ **(B)** (1) The County Council, by ordinance, shall impose a school facilities surcharge on new residential construction for which a building permit is issued on or after July 1, 2003.

(2) (A) Except as provided under subparagraph (B) of this paragraph, the County Council may impose a school facilities surcharge on new residential construction for which a building permit is issued on or after July 1, 2003, by a municipal corporation in Prince George's County with zoning authority and the authority to issue building permits.

(B) The County Council may not impose a school facilities surcharge on new residential construction for which a building permit is issued by a municipal corporation if Prince George's County has collected a surcharge on issuance of a County permit for the same new residential construction.

~~(b)~~ **(C)** (1) (A) For Fiscal Year 2004, a school facilities surcharge imposed on a single-family detached dwelling, townhouse, or dwelling unit for any other building containing more than a single dwelling unit shall be in the amount of:

(i) Except as provided in items (ii) and (iii) of this subparagraph, Twelve Thousand Dollars (\$12,000);

(ii) Seven Thousand Dollars (\$7,000) if the building is located between Interstate Highway 495 and the District of Columbia; and

(iii) Seven Thousand Dollars (\$7,000) if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority.

(B) For Fiscal Year 2005 and each succeeding fiscal year, the facilities surcharge established in subparagraph (A) of this paragraph shall be adjusted for inflation in accordance with the Consumer Price Index for all urban consumers published by the United States Department of Labor, for the fiscal year preceding the year for which the amount is being calculated.

(2) The school facilities surcharge does not apply to a mixed retirement development or elderly housing.

(3) The school facilities surcharge does not apply to a single-family detached dwelling that is to be built or subcontracted by an individual owner in a minor subdivision and that is intended to be used as the owner's personal residence.

(4) (A) The school facilities surcharge does not apply to multi-family housing designated as student housing that is located in:

(i) The area bounded by Maryland Route 193 to the west and north, U.S. Route 1 to the east, and the southern boundary of the City of College Park to the south;

(ii) The area bounded by U.S. Route 1 to the west, Berwyn House Road to the north, Rhode Island Avenue to the east, and Lakeland Road to the south;

(iii) The area bounded by U.S. Route 1 to the west, Paint Branch Parkway to the north and east, Rhode Island Avenue to the east, and College Avenue to the south;

(iv) The area bounded by University Boulevard to the north, Adelphi Road to the east, Stanford Street to the south, and University Hills Park to the west;

(v) The area bounded by the eastern boundary of Paint Branch Stream Valley Park to the west, Park Road and a line extending from the western end of Park Road directly west to Paint Branch Stream Valley Park to the north, U.S. Route 1 to the east, and Erie Street and a line extending from the western end of Erie Street directly west to Paint Branch Stream Valley Park to the south;

(vi) The area bounded by Autoville Drive and a line extending from the southern end of Autoville Drive directly south to Maryland Route 193 to the west, Erie Street to the north, U.S. Route 1 to the east, and Maryland Route 193 to the south; or

(vii) The area bounded by U.S. Route 1 to the west, Maryland Route 193 to the north, 48th Avenue to the east, and Greenbelt Road to the south.

(B) Subject to the approval of the County Council and the municipality where the multi-family housing is located, the school facilities surcharge does not apply to multi-family housing designated as student housing for any areas not listed under subparagraph (A) of this paragraph in the City of College Park, the City of Hyattsville, and the Town of Riverdale Park.

(C) If the housing is converted from student housing to multi-family housing for the general population, the owner of the property shall pay, at the time of the conversion, the school facilities surcharge in accordance with the laws at the time of the conversion.

(5) ~~(A)~~ The school facilities surcharge does not apply to a single-family dwelling unit that is to be built or subcontracted by an individual owner to replace on the same lot a previously existing single-family dwelling unit ~~that was destroyed by fire, explosion, or a natural disaster~~ if the single-family dwelling unit is:

~~(I) SIMILAR TO THE PREVIOUSLY EXISTING SINGLE-FAMILY DWELLING UNIT; AND~~

~~(II)~~

~~(i) (A) Similar to the previously existing single-family dwelling unit; and~~

~~(ii) (B) Owned~~ **OWNED OWNED** and occupied by the same individual who owned and occupied the previously existing single-family dwelling unit.

(B) IN THE RURAL TIER, AS DEFINED BY THE PRINCE GEORGE'S COUNTY APPROVED GENERAL PLAN, AS AMENDED, THE SCHOOL FACILITIES SURCHARGE DOES NOT APPLY TO A SINGLE-FAMILY DWELLING UNIT THAT IS TO BE BUILT OR SUBCONTRACTED BY AN INDIVIDUAL OWNER TO REPLACE ON THE SAME LOT A PREVIOUSLY EXISTING SINGLE-FAMILY DWELLING UNIT IF THE SINGLE-FAMILY DWELLING UNIT IS OWNED AND OCCUPIED BY THE SAME INDIVIDUAL WHO OWNED AND OCCUPIED THE PREVIOUSLY EXISTING SINGLE-FAMILY DWELLING UNIT.

~~(D)~~ **(D)** The school facilities surcharge shall be paid by the seller at the time a building permit is issued for the dwelling unit. The school facilities surcharge may not be construed to be a settlement cost.

~~(E)~~ **(E)** Payment of the school facilities surcharge does not eliminate any authority to apply any test concerning the adequacy of school facilities under the County's adequate public facility ordinance.

~~(F)~~ **(F)** Revenue collected under the school facilities surcharge shall be deposited in a separate account and may only be used to pay for:

(1) Additional or expanded public school facilities such as renovations to existing school buildings or other systemic changes; or

(2) Debt service on bonds issued for additional or expanded public school facilities or new school construction.

~~(G)~~ **(G)** Revenue collected under the school facilities surcharge is intended to supplement funding for public school facilities and may not supplant other County or State funding for school construction.

~~(H)~~ **(H)** The County Executive of Prince George's County shall prepare an annual report on the school facilities surcharge on or before August 31 of each year for the County Council of Prince George's County, the Prince George's County Senate Delegation, and the Prince George's County House Delegation, to include:

- (1) A detailed description of how fees were expended; ~~and~~
- (2) The amount of fees collected; AND

(3) REGARDING AN EXEMPTION FROM THE PAYMENT OF THE SCHOOL FACILITIES SURCHARGE:

(A) THE NUMBER OF PROPERTIES FOR WHICH AN EXEMPTION WAS GRANTED UNDER THIS SECTION;

(B) THE TYPE OF EXEMPTION GRANTED; AND

(C) FOR EACH TYPE OF EXEMPTION, THE AMOUNT THAT WOULD HAVE BEEN PAID IF AN EXEMPTION HAD NOT BEEN GRANTED.

~~(I)~~ **(I)** This Section does not apply to any property located in an infrastructure finance district approved before January 1, 2000.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any certificate of sale or assignment of certificate of sale recorded on or after January 1, 2000.~~

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011. It shall remain effective for a period of 2 years and, at the end of May 31, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 19, 2011.