

HOUSE BILL 135

Q8

5lr0530

By: **Charles County Delegation**

Introduced and read first time: January 27, 2015

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2015

CHAPTER _____

1 AN ACT concerning

2 **Charles County – School Construction Excise Tax Rates**

3 FOR the purpose of authorizing the County Commissioners of Charles County to alter the
4 school construction excise tax base rates on certain types of dwellings in certain fiscal
5 years in a certain manner; providing that the school construction excise tax rates
6 may not increase in certain fiscal years by more than the percentage change in the
7 average statewide school building cost as calculated by the Interagency Committee
8 on School Construction; and generally relating to the Charles County school
9 construction excise tax rates.

10 BY repealing and reenacting, with amendments,
11 Article – Local Government
12 Section 20–804
13 Annotated Code of Maryland
14 (2013 Volume and 2014 Supplement)

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

17 **Article – Local Government**

18 20–804.

19 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) "Dwelling type" means a single family detached home, town house, or
2 multifamily housing unit.

3 (3) "New residential development" means the development of land that
4 results in the issuance of a use and occupancy permit for a residential dwelling unit.

5 (4) "New school capacity construction bonds" means 10-year bonds issued
6 by the County Commissioners of Charles County under § 19-616 of this article.

7 (b) (1) By local law, the County Commissioners of Charles County may impose
8 a fair share school construction excise tax against the owner of real property that is
9 improved by new residential development.

10 (2) Before enacting a local law under this section, the county
11 commissioners shall hold a public hearing and provide reasonable notice of the hearing.

12 (c) (1) (i) For fiscal year 2003, the tax may not exceed:

13 1. for a single-family detached home, \$9,700;

14 2. for a town house, \$9,200; and

15 3. for a multifamily housing unit, \$7,000.

16 (ii) For [each] fiscal year [after fiscal year 2003] **2004 THROUGH**
17 **FISCAL YEAR 2015**, the tax may not exceed the limits set forth in subparagraph (i) of this
18 paragraph altered by the same percentage as the change in the producer price index for the
19 materials and components for construction, as reported by the United States Department
20 of Labor, for the fiscal year preceding the year for which the amount is being calculated.

21 **(III) THE COUNTY COMMISSIONERS MAY ALTER THE BASE TAX**
22 **RATES FOR EACH DWELLING TYPE FOR FISCAL YEAR 2016 AND FOR EVERY FOURTH**
23 **FISCAL YEAR THEREAFTER TO REFLECT THE NUMBER OF STUDENTS GENERATED BY**
24 **EACH DWELLING TYPE AND THE COST OF SCHOOL CONSTRUCTION IN THE COUNTY.**

25 **(IV) FOR EACH FISCAL YEAR AFTER FISCAL YEAR 2016 IN WHICH**
26 **THE BASE TAX RATES ARE NOT ADJUSTED UNDER SUBPARAGRAPH (III) OF THIS**
27 **PARAGRAPH, THE TAX RATES MAY NOT EXCEED THE RATES IMPOSED IN THE**
28 **PRECEDING FISCAL YEAR ALTERED BY THE SAME PERCENTAGE AS THE CHANGE IN**
29 **THE AVERAGE STATEWIDE PER-SQUARE-FOOT SCHOOL BUILDING COST AS**
30 **CALCULATED BY THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION IN**
31 **THE CALENDAR YEAR PRECEDING THE YEAR FOR WHICH THE AMOUNT IS BEING**
32 **CALCULATED.**

33 (2) Before setting the rate of the tax for each fiscal year, the County
34 Commissioners of Charles County shall conduct a study to determine:

1 (i) the current amount of total costs incurred to construct new
2 capacity for public elementary, middle, and high school facilities in the county, including:

3 1. costs for land acquisition, architectural and engineering
4 design, infrastructure, new classrooms, equipment, interest on bond principal, and bond
5 issuance; and

6 2. an amount equal to the total square footage of new public
7 elementary, middle, and high school facilities in the county multiplied by the State square
8 foot construction allowance, less the State funding share; and

9 (ii) the current average number of students in the county by dwelling
10 type.

11 (d) (1) The tax:

12 (i) shall be collected and secured in the same manner as general ad
13 valorem taxes unless otherwise provided by local law; and

14 (ii) is subject to the same penalties and the same procedure, sale,
15 and lien priority in case of delinquency as provided for general ad valorem taxes.

16 (2) (i) The tax shall be collected annually over a period of 10 years at
17 level amortized payments of principal and interest.

18 (ii) The rate of interest payable by a property owner shall be set at
19 the rate of interest paid by the county on the new school capacity construction bonds issued
20 in the first year the tax is imposed on that property owner.

21 (3) The tax shall constitute a lien on all taxable real or personal property
22 of the taxpayer for a period of 10 years or until the lien is satisfied by repayment.

23 (4) Prior to the sale or transfer of real property in Charles County that is
24 improved by new residential development, the seller or transferor shall provide notice to
25 the buyer or transferee that includes:

26 (i) a statement that the tax may be imposed on the property; and

27 (ii) the amount of the tax for the dwelling type on the property.

28 (e) The revenues from the tax shall be used to pay the principal and interest on
29 the new school capacity construction bonds as they become due.

30 (f) (1) On or before August 1 each year, the County Commissioners of Charles
31 County shall report to the General Assembly, subject to § 2-1246 of the State Government
32 Article, covering the preceding fiscal year.

1 (2) The report shall include:

2 (i) the amount of the tax set by the county commissioners for each
3 dwelling type;

4 (ii) the amount of proceeds derived from the issuance and sale of the
5 county's new school capacity construction bonds;

6 (iii) the number of parcels of real property improved by new
7 residential development in Charles County; and

8 (iv) the number of square feet of new public school capacity approved
9 for construction in Charles County by the Interagency Committee on School Construction.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
11 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.