

HOUSE BILL 423

L2

3lr1934

By: **St. Mary's County Delegation**

Introduced and read first time: January 28, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County – Building Impact Fees**

3 FOR the purpose of altering the authorization for the County Commissioners of St.
4 Mary's County to impose building impact fees to authorize the County
5 Commissioners to require certain persons or entities that apply for a building
6 permit for new construction of a living unit to pay a building impact fee of either
7 a fixed sum or an amount per square foot set by the County Commissioners;
8 altering a certain authorized exemption from the building impact fee to apply to
9 building permits for new construction of a living unit on a certain number of lots
10 in a minor subdivision under certain circumstances; and generally relating to
11 building impact fees in St. Mary's County.

12 BY repealing and reenacting, with amendments,
13 Article 25 – County Commissioners
14 Section 10D–1
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2012 Supplement)

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

19 **Article 25 – County Commissioners**

20 10D–1.

21 (a) The County Commissioners of St. Mary's County may raise the building
22 permit fees up to two percent of the cost of any new construction of any living units
23 built in St. Mary's County, or prebuilt and brought into St. Mary's County; the
24 building permit fees shall be set by the County Commissioners in December of each
25 year.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) Subject to paragraphs (2) and (3) of this subsection, the County
2 Commissioners of St. Mary's County may require every person, firm, partnership,
3 corporation, or other legal entity which [submits its property plans for approval to the
4 planning commission of St. Mary's County (or the appropriate approving authority) to
5 pay a fixed sum as set by the County Commissioners] **APPLIES FOR A BUILDING
6 PERMIT FOR NEW CONSTRUCTION OF A LIVING UNIT TO PAY EITHER A FIXED
7 SUM OR AN AMOUNT PER SQUARE FOOT SET BY THE COUNTY COMMISSIONERS**
8 to defray the additional cost for additional public facilities as required by local
9 ordinance or resolution.

10 (2) By ordinance, the County Commissioners of St. Mary's County may
11 enact an exemption [to] **FROM** the building impact fee imposed under paragraph (1) of
12 this subsection for [the first] **BUILDING PERMITS FOR NEW CONSTRUCTION OF A
13 LIVING UNIT ON 3** lots, in a minor subdivision, that:

14 (i) Were recorded after June 1, 2000 and created from a parcel
15 of record or a lot of record; and

16 (ii) Transferred to a natural, direct lineal descendant, or a
17 legally adopted son, daughter, grandson, or granddaughter.

18 (3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph for
19 each fiscal year, the County Commissioners of St. Mary's County may:

20 1. Waive the building impact fee imposed under
21 paragraph (1) of this subsection for up to 60 newly constructed living units, excluding
22 mobile homes; and

23 2. Defer or provide for the amortization of the building
24 impact fee for up to 70 newly constructed living units, excluding mobile homes.

25 (ii) The County Commissioners may waive, defer, or amortize
26 the building impact fee only for newly constructed living units that are deemed to be
27 affordable for individuals whose family income in the previous fiscal year was less
28 than 60 percent of the county median family income as reported by the U.S.
29 Department of Housing and Urban Development.

30 (iii) A waiver, deferral, or amortization shall be limited to new
31 construction of living units not exceeding a certain square footage as determined by
32 the County Commissioners of St. Mary's County.

33 (iv) The total amount of building impact fees waived, deferred,
34 or amortized shall be reflected in the St. Mary's County annual capital budget for the
35 fiscal year in which the waiver, deferral, or amortization is granted.

1 (c) The income derived from subsections (a) and (b) of this section shall be
2 used to defray the additional cost to St. Mary's County for additional educational,
3 water, sewerage, road, sanitation, solid waste, park, or similar facilities.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2013.