

CHAPTER 277

(House Bill 1355)

AN ACT concerning

Washington County – Building Excise Tax

FOR the purpose of altering certain authority for the Washington County Board of County Commissioners to impose a building excise tax on certain construction for a certain period of time; requiring the Washington County Board of County Commissioners to create a task force to study the Washington County building excise tax; requiring the task force to submit findings and recommendations to the Washington County Board of County Commissioners and the Washington County Delegation by a certain date; defining a certain term; providing for the termination of this Act; and generally relating to the Washington County building excise tax.

BY repealing and reenacting, without amendments,
The Public Local Laws of Washington County
Section 2–701(a) and (b)
Article 22 – Public Local Laws of Maryland
(1991 Edition and December 1997 Supplement, as amended)
(As enacted by Chapter 468 of the Acts of the General Assembly of 2003, as amended by Chapter 598 of the Acts of the General Assembly of 2005)

BY adding to
The Public Local Laws of Washington County
Section 2–701(b–1)
Article 22 – Public Local Laws of Maryland
(1991 Edition and December 1997 Supplement, as amended)

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

Article 22 – Washington County

2–701.

(a) (1) The County Commissioners of Washington County, by ordinance, may fix, impose, and collect a building excise tax on any building construction within Washington County.

(2) The County Commissioners may collect a building excise tax on building construction within Washington County prior to the date an initial building permit is issued for that building construction.

(b) (1) The County Commissioners shall specify in the ordinance the:

(i) Types of building construction subject to the building excise tax; and

(ii) Tax rates.

(2) (i) For nonresidential building types, the County Commissioners may impose a building excise tax not to exceed \$5 per square foot.

(ii) The County Commissioners may impose different rates or waive the building excise tax for different nonresidential building types and uses.

(3) Except as provided in paragraph (5) of this subsection, for single-family residential units, the County Commissioners may impose a building excise tax rate not to exceed \$13,000 per unit.

(4) Except as provided in paragraph (5) of this subsection, for multifamily residential units, the County Commissioners may impose a building excise tax rate not to exceed \$15,500 per unit.

(5) (i) This paragraph applies to the development of a single subdivision that has more than 25 residential units.

(ii) The County Commissioners may impose a building excise tax for single-family residential units and multifamily residential units developed in a subdivision described under subparagraph (i) of this paragraph that does not exceed twice the building excise tax set under paragraph (3) or (4) of this subsection, if the development of the subdivision:

1. Is in a school district where a school is at or above 85% of the State rated school capacity;

2. Causes the roads or intersection within 1 centerline mile in any direction of any new street connecting the subdivision to be lower than a level of service D; or

3. Causes the intersections outside of the urban and town growth areas to be lower than a level of service C.

(B-1) FOR FISCAL YEAR 2008 ONLY:

(1) THE LIMITATIONS ON THE BUILDING EXCISE TAX UNDER SUBSECTIONS (B)(2), (3), (4), AND (5) OF THIS SECTION DO NOT APPLY; AND

(2) ANY EXCISE TAX IMPOSED BY THE COUNTY COMMISSIONERS:

(I) MAY BE BASED ON THE SQUARE FOOTAGE OF CONSTRUCTION; AND

(II) MAY BE IMPOSED BASED ON INCREASING GRADUATED RATES FOR INCREASED SQUARE FOOTAGE OF CONSTRUCTION.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) In this section, "Washington County Delegation" means the Senators and Delegates who are elected from Washington County or any portion of Washington County.

(b) The Washington County Board of County Commissioners shall appoint a task force to study and make recommendations concerning the building excise tax rate and structure for residential development in Washington County.

(c) The task force created under this section shall submit its findings and recommendations to the Washington County Board of County Commissioners and the Washington County Delegation on or before September 30, 2007.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007. It shall remain effective for a period of 1 year and, at the end of June 30, 2008, 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, April 24, 2007.