

Bill No. 8-15  
Concerning: Taxation - Development  
Impact Tax - Exemptions  
Revised: 6-25-15 Draft No. 2  
Introduced: February 3, 2015  
Enacted: July 14, 2015  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council Vice-President Floreen;  
Co-Sponsors Councilmembers Riemer, Rice, Katz and Navarro

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**AN ACT** to:

- (1) exempt certain housing units from certain development impact taxes; and
- (2) generally amend the law governing development impact taxes.

By amending

Montgomery County Code  
Chapter 52, Taxation  
Sections 52-49 and 52-89

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Section 1. Sections 52-49 and 52-89 are amended as follows:**

**52-49. Imposition and applicability of development impact taxes.**

\* \* \*

(g) A development impact tax must not be imposed on:

- (1) any Moderately Priced Dwelling Unit built under Chapter 25A or any similar program enacted by either Gaithersburg or Rockville;
- (2) any other dwelling unit built under a government regulation or binding agreement that limits for at least 15 years the price or rent charged for the unit in order to make the unit affordable to households earning less than 60% of the area median income, adjusted for family size;
- (3) any Personal Living Quarters unit built under Sec. 59-A-6.15, which meets the price or rent eligibility standards for a moderately priced dwelling unit under Chapter 25A;
- (4) any dwelling unit in an Opportunity Housing Project built under Sections 56-28 through 56-32, which meets the price or rent eligibility standards for a moderately priced dwelling unit under Chapter 25A;
- (5) any non-exempt [[rental]] dwelling unit in a development in which at least 25% of the dwelling units are exempt under paragraph (1), (2), (3), or (4), or any combination of them [[, if:
  - (A) the development is not located on publicly-owned land or land that was publicly-owned when the development was proposed; and ]]
  - [[B) the development has not received other benefits under Chapter 59 because the development includes more than the minimum required affordable housing]]]; and

28                    [(5)] (6) any development located in an enterprise zone designated by  
29                    the State or in an area previously designated as an enterprise  
30                    zone.

31                    \*       \*       \*

32       **52-89. Imposition and applicability of tax.**

33                    \*       \*       \*

34            (c)    The tax under this Article must not be imposed on:

35                    (1)    any Moderately Priced Dwelling Unit built under Chapter 25A  
36                    or any similar program enacted by either Gaithersburg or  
37                    Rockville;

38                    (2)    any other dwelling unit built under a government regulation or  
39                    binding agreement that limits for at least 15 years the price or  
40                    rent charged for the unit in order to make the unit affordable to  
41                    households earning less than 60% of the area median income,  
42                    adjusted for family size;

43                    (3)    any Personal Living Quarters unit built under Sec. 59-A-6.15,  
44                    which meets the price or rent eligibility standards for a  
45                    moderately priced dwelling unit under Chapter 25A;

46                    (4)    any dwelling unit in an Opportunity Housing Project built under  
47                    Sections 56-28 through 56-32, which meets the price or rent  
48                    eligibility standards for a moderately priced dwelling unit under  
49                    Chapter 25A;

50                    (5)    any non-exempt [[rental]] dwelling unit in a development in  
51                    which at least 25% of the dwelling units are exempt under  
52                    paragraph (1), (2), (3), or (4), or any combination of them [, if:

53                    (A)    the development is not located on publicly-owned land or  
54                    land that was publicly-owned when the development was

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proposed; and ]]

~~[(B) the development has not received other benefits under Chapter 59 because the development includes more than the minimum required affordable housing]]~~; and

[(5)] (6) any development located in an enterprise zone designated by the State or in an area previously designated as an enterprise zone.

\* \* \*

**Section 2. Applicability.** County Code Section 52-49(g)(5) and Section 52-89(c)(5), both inserted by Section 1 of this Act, do not apply to any development which received preliminary subdivision plan approval or site plan approval (or a similar approval in a municipality) before this Act took effect.

**Section 3. Reporting.** When a development proposes at least 25 percent affordable dwelling units under Section 52-49(c)5 and Section 52-89(c)5, the Department of Housing and Community Affairs must report to the Council the location of the development, the total number of units in the development, and the number of affordable units within 30 days from the date of the agreement to build MPDUs. If a development with 25 percent of affordable dwelling units does not obtain an agreement to build MPDUs with the Department of Housing and Community Affairs, then the Department of Permitting Services must report to the Council the use of any impact tax exemption under Section 52-49(c)5 and Section 52-89(c)5 within 30 days from the date the exemption is granted.

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79 *Approved:*

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*George Leventhal*

*7/16/15*

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George Leventhal, President, County Council

Date

81 *Approved:*

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Isiah Leggett, County Executive

Date

83 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date