

Expedited Bill No. 51-16  
Concerning: Taxation – Development  
Impact Tax – Local Area  
Transportation Review Mitigation  
Payment - Established  
Revised: February 9, 2017 Draft No. 5  
Introduced: December 13, 2016  
Enacted: February 14, 2017  
Executive: February 23, 2017  
Effective: March 1, 2017  
Sunset Date: None  
Ch. 4, Laws of Mont. Co. 2017

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Berliner

### AN EXPEDITED ACT to:

- (1) establish a local area transportation review mitigation payment;
- (2) authorize the Council to set the rates by resolution after a public hearing;
- (3) authorize a credit against the local area transportation review mitigation payment for the cost of certain improvements; and
- [[ (3) ] (4) amend the law concerning the development impact tax for transportation improvements.

By amending

Montgomery County Code  
Chapter 52, Taxation  
[[Section]] Sections 52-47 and 52-51

<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:*

Sec. 1. ~~[[Section]] Sections 52-47 and 52-51~~ ~~[[is]] are~~ amended as follows:

52-47. Credits

\* \* \*

(b) Except as provided in subsection (l), a [[A]] property owner must receive a credit for constructing or contributing to an improvement of the type listed in Section 52-50 if the improvement reduces traffic demand or provides additional transportation capacity, including the cost of an improvement in an Urban Mobility Program or the White Oak Local Area Transportation Improvement Program to the extent it exceeds the listed cost of the improvement in that program ~~[[However, the Department must not certify a credit for any improvement in the right-of-way of a State road, except a transit or trip reduction program that operates on or relieves traffic on a State road or an improvement to a State road that is included in a memorandum of understanding between the County and either Rockville or Gaithersburg]]~~.

\* \* \*

(l) the Department must not certify a credit for:

(1) the cost of a project in an Urban Mobility Program or the White Oak Local Area Transportation Improvement Program up to the listed cost of the improvement in that program; or

(2) any improvement in the right-of-way of a State road, except:

(A) a transit program that operates on or relieves traffic on a State road or an improvement to a State road that is included in a memorandum of understanding between the County and either Rockville or Gaithersburg; or

(B) the cost of an improvement in an Urban Mobility Program or the White Oak Local Area Transportation Improvement

Program to the extent it exceeds the listed cost of the  
improvement in that program.

**52-51. [Reserved] Local Area Transportation Review Mitigation Payment.**

- (a) In addition to the tax due under this Article, an applicant for a building permit for any building [[on which an impact tax is imposed under this Article]] must pay to the Department of Finance a Mitigation Payment if this payment is required for a building included in a preliminary plan of subdivision that was approved under the Local Area Transportation Review provisions in the County Subdivision Staging Policy.
- (b) The Council, by resolution after a public hearing advertised at least 15 days in advance, must establish the rates for the Mitigation Payment required in this Section.
- (c) The Payment must be paid at the same time and in the same manner as the tax under this Article, and is subject to all provisions of this Article for administering and collecting the tax.
- (d) The Department of Finance must retain funds collected under this Section in an account to be appropriated for transportation improvements that result in added transportation capacity or improved mobility in the area where the development for which the funds were paid is located.
- (e) A property owner must receive a credit against the Local Area Transportation Review Mitigation Payment authorized by this Section for the cost of constructing or contributing to an improvement listed in a Unified Mobility Program for that area or for the White Oak Local Area Transportation Improvement Program up to the cost of the improvement listed in that program.

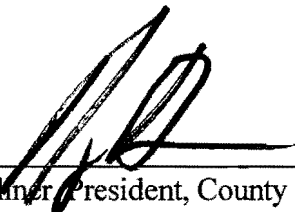
**Sec. 2. Expedited Effective Date.**

The Council declares that this legislation is necessary for the immediate

55 protection of the public interest. This Act takes effect on March 1, 2017.

56 *Approved:*

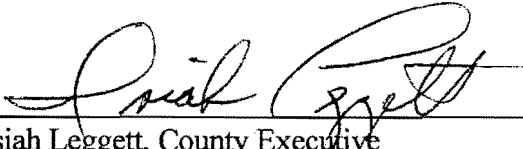
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Roger Berliner, President, County Council

  
Date

58 *Approved:*

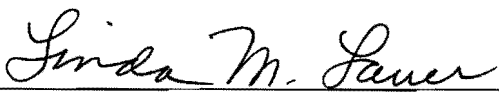
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Isiah Leggett, County Executive

  
Date

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

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Linda M. Lauer, Clerk of the Council

  
Date