

Agenda Item 5A
February 6, 2018
Action
Addendum

MEMORANDUM

February 5, 2018

TO: County Council

FROM: Jeffrey L. Zyontz, ^{JZ} Senior Legislative Analyst

SUBJECT: **Action:** Expedited Bill 36-17, Taxation – Development Impact Tax – Exemptions
– Amendments

The Bill attached to the Council packet for action included the Bill as introduced.

The attached Bill is the Bill recommended by the Committee.

Expedited Bill No. 36-17
Concerning: Taxation – Development
Impact Tax – Exemptions –
Amendments
Revised: January 18, 2018 Draft No. 6
Introduced: October 31, 2017
Expires: May 1, 2019
Enacted: [date]
Executive: [date signed]
Effective: [date takes effect]
Sunset Date: None
Ch. [#], Laws of Mont. Co. [year]

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Floreen

AN EXPEDITED ACT to:

- (1) amend the applicability provision of certain development impact taxes; and
- (2) generally amend the law governing development impact taxes.

By amending

2015 Laws of Montgomery County, Chapter 37

Boldface	<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:

1 **Sec. 1. Section 2 of Chapter 37 of the 2015 Laws of Montgomery County**
 2 **is amended as follows:**

3 **Sec. 2. Applicability.**

4 (a) Except as provided in paragraph (b) or (c), County Code Section 52-
 5 41(g)(5), formerly 52-49(g)(5), and Section 52-54(c)(5), formerly 52-
 6 89(c)(5), both inserted by Section 1 of this Act, do not apply to any
 7 development which received preliminary subdivision plan approval or
 8 site plan approval (or a similar approval in a municipality) before [[this
 9 Act took effect]] October 22, 2015.

10 (b) If [[an approved]] a development approved before October 22, 2015 is
 11 amended any time thereafter to include additional dwelling units and at
 12 least 25% of the additional dwelling units are exempt under paragraph
 13 (1), (2), (3), or (4) of Section 52-54(c), or any combination of them, then
 14 Section 52-41(g)(5) and Section 52-54(c)(5), apply to the additional
 15 units.

16 (c) If the relevant preliminary subdivision plan was approved before January
 17 1, 2008, Sections 52-41(g)(5) and 52-54(c) apply to building permit
 18 applications for the unbuilt portion of the development.

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

20 The Council declares that this legislation is necessary for the immediate
 21 protection of the public interest. This Act takes effect on the date on which it becomes
 22 law.

23 *Approved:*

24 _____
 Hans D. Riemer, President, County Council

_____ Date