Expedited Bill No. 36-17

Concerning: Taxation – Development Impact Tax – Exemptions - Amendments

Revised: January 18, 2018 Draft No. 6

Introduced: October 31, 2017

Enacted: February 6, 2018

Executive: February 15, 2018

Effective: February 15, 2018

Sunset Date: None

Ch. 2 , Laws of Mont. Co. 2018

**County Council**

**For Montgomery County, Maryland**

Lead Sponsor: Councilmember Floreen

Co-Sponsors: Councilmembers Katz

**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** *Heading or defined term.*

Underlining *Added to existing law by original bill.*

**[**Single boldface brackets**]** *Deleted from existing law by original bill.*

Double underlining *Added by amendment.*

**[[**Double boldface brackets**]]** *Deleted from existing law or the bill by amendment.*

\* \* \* *Existing law unaffected by bill.*

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

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

**Sec. 2.** **Applicability.**

(a) Except as provided in paragraph (b) or (c), County Code Section 52-41(g)(5), formerly 52-49(g)(5), and Section 52-54(c)(5), formerly 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**]]** October 22, 2015.

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

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

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

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

*Approved:*

/s/ 2/7/18

Hans D. Riemer, President, County Council Date

*Approved:*

/s/ 2/15/18

Isiah Leggett, County Executive Date

*This is a correct copy of Council action.*

/s/ 2/21/18

Megan Davey Limarzi, Esq., Clerk of the Council Date