

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2022 Legislative Session

Bill No. CB-62-2022

Chapter No. 62

Proposed and Presented by Council Members Franklin, Hawkins, Harrison, Burroughs, Glaros, Ivey, Medlock, Streeter and Taveras

Introduced by Council Members Franklin, Hawkins, Harrison, Burroughs, Glaros, Ivey, Medlock, Streeter, Taveras and Dernoga

Co-Sponsors

Date of Introduction September 27, 2022

BILL

1 AN ACT concerning

2 The Prince George's County Small Business Capital and Growth Stimulus Program
3 For the purpose of establishing a Prince George's County Small Business Capital and Growth
4 Stimulus Program to increase growth and access to capital for Prince George's County's small
5 business community.

6 BY adding:

7 SUBTITLE 10. FINANCE AND TAXATION.
8 Section 10-336
9 The Prince George's County Code
10 (2019 Edition; 2021 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 10-336 of the Prince George's County Code be and the same is hereby
13 added:

14 SUBTITLE 10. FINANCE AND TAXATION.

15 DIVISION 29. PRINCE GEORGE'S COUNTY SMALL BUSINESS CAPITAL AND
16 GROWTH STIMULUS PROGRAM.

17 Sec. 10-336. Prince George's County Small Business Capital and Growth Stimulus
18 Program Established.

19 There is a Prince George's County Small Business Capital and Growth Stimulus Program

1 consisting of the Prince George’s County Small Business Capital and Growth Stimulus Fund and
 2 the programs set forth under this Section. All funding set forth under this Section is limited to
 3 monies appropriated in the County Budget. Total assistance from the Prince George’s County
 4 Small Business Capital and Growth Stimulus Fund in any fiscal year for a business shall not
 5 exceed \$250,000 and any award is a non-renewable award.

6
 7 (a) Prince George’s County Business Expansion and Start-Up Grant Program.

8 (1) The Prince George’s County Business Expansion and Start-Up Grant Program is
 9 hereby established as a program in which the County shall annually award grants to Locally
 10 Owned and Operated Businesses for the purposes of the following activities occurring in Prince
 11 George’s County:

12 (A) Business expansion, business capacity-building, and business retention,

13 (B) Job creation and job retention, and

14 (C) Business start-ups and early-stage business growth.

15 (2) At least 30% of the annual awards from the Prince George’s County Business
 16 Expansion and Start-Up Grant Program shall be reserved for Local Start-Up Businesses.

17 (3) The maximum annual grant award from this program shall be \$250,000;

18 (4) Priority Industry Sectors. The County Council, by resolution, with the
 19 concurrence of the County Executive, may establish priority industry sectors for awards from
 20 this grant program, including the proportion of the annual awards that shall be reserved for such
 21 priority industry sectors. At a minimum, the priority sectors will include businesses:

22 (A) located within the beltway (the area in the County between the border with the
 23 District of Columbia and the Capital Beltway); or

24 (B) within one-quarter mile of a transit station; or

25 (C) within one of the primary or secondary growth sectors outlined in the
 26 Approved Economic Development Strategic Action Plan for Prince George’s County.

27 (5) Any recipient of an award under this Subsection shall:

28 (A) be a registered business in good standing with the State of Maryland and
 29 County at the time of award; and

30 (B) Remain a County-based business for at least the next sixty (60) months of the
 31 business’s existence after receipt of the award, as a written condition of acceptance of the award.

1 (6) Definitions.

2 (A) **Locally-Owned and Operated Business**, in this Subtitle, means a County-
 3 based business that is also a County resident-owned business as defined in Subtitle 10A of the
 4 Code.

5 (B) **Local Start-Up Business** in this Subtitle means a business based in Prince
 6 George’s County and in operation for 36 months or less.

7 (b) Prince George’s County Business Expansion and Start-Up Loan Program.

8 (1) The Prince George’s County Business Expansion and Start-Up Loan Program is
 9 hereby established as a program in which the County shall annually award no-interest loans to
 10 Locally-Owned and Operated Businesses for the purposes of the following activities occurring in
 11 Prince George’s County:

12 (A) Business expansion, business capacity-building, and business retention;

13 (B) Job creation and job retention; and

14 (C) Business start-ups and early-stage business growth.

15 (2) At least 30% of the annual awards from the Prince George’s County Business
 16 Expansion and Start-Up Loan Program shall be reserved for Local Start-Up Businesses.

17 (3) The maximum annual loan award from this program shall be \$250,000.

18 (4) Loan repayment shall include zero percent (0%) interest and a twelve (12) month
 19 deferment between the remittance of the loan funds to the business and the date of the first
 20 repayment.

21 (5) Any recipient of a loan award under this Subsection shall:

22 (A) be a registered business in good standing with the State of Maryland and
 23 County; and

24 (B) Remain a County-based business for at least the next sixty (60) months of the
 25 business’s existence after receipt of the loan, as a written condition of accepting the loan.

26 (6) Priority Industry Sectors. The County Council, by resolution, with the
 27 concurrence of the County Executive, may establish priority industry sectors for awards from
 28 this Program, including the proportion of the annual awards that shall be reserved for such
 29 priority industry sectors. At a minimum, the priority sectors will include businesses:

30 (A) located within the beltway (the area in the County between the border with the
 31 District of Columbia and the Capital Beltway); or

1 (B) within one-quarter mile of a transit station; or

2 (C) within one of the primary or secondary growth sectors outlined in the
3 Approved Economic Development Strategic Action Plan for Prince George’s County.

4 (c) Prince George’s County Technology Incentive Program

5 (1) There is a Prince George’s County Technology Incentive Program, which
6 includes a Prince George’s County Biosciences Supplemental Incentive Program and Prince
7 George’s County New Technologies Incentive Program.

8 (2) The Prince George’s County Biosciences Supplemental Incentive Program is
9 hereby established as a program in which the County shall annually provide matching grant
10 funds to County-based businesses that receive the Maryland Biotechnology Investment Tax
11 Credit for investment made in Prince George’s County up to \$250,000 per year for an eligible
12 firm, provided that, as a written condition of award acceptance, the firm remains a County-based
13 business for at least the next sixty (60) months of the business’s existence after the receipt of an
14 award from the Prince George’s County Biosciences Supplemental Incentive Program.

15
16 (3) The Prince George’s County New Technologies Incentive Program. The Prince
17 George’s County New Technologies Incentive Program is hereby established as a program in
18 which the County shall annually award grants to businesses located in Prince George’s County in
19 the sectors of quantum computing, bioscience, artificial intelligence, and cybersecurity for the
20 purposes of the following activities occurring in Prince George’s County:

21 (A) Business expansion, business capacity-building, and business retention;

22 (B) Job creation and job retention; and

23 (C) Business start-ups and early-stage business growth.

24 (4) The maximum annual grant award from this program shall be \$250,000.

25 (5) A recipient business shall remain located in Prince George’s County for at least
26 five (5) years (60 months) of the business’s existence after receipt of an award from the Prince
27 George’s County New Technologies Incentive Fund, as a written condition of award acceptance.

28 (6) The County Council, by resolution, with the concurrence of the County
29 Executive, may modify the eligible industry sectors to this program.

30 (d) Prince George’s County Small Business Accelerator Program.

31 (1) The Prince George’s County Small Business Accelerator Program is hereby

1 established as a program in which the County shall make grant awards to foster the expansion or
2 establishment of small and minority business capacity accelerator programs located in the
3 County (hereinafter “Accelerator Grants”).

4 (2) Only entities based in Prince George’s County shall be eligible to receive
5 Accelerator Grants.

6 (3) Only County-based Small Businesses, County-based Minority Business
7 Enterprises, and Locally-Owned and Operated Businesses are eligible to participate in
8 acceleration activities or services funded by Accelerator Grants.

9 (e) Prince George’s County Small Business Capital and Growth Stimulus Fund is hereby
10 established as a non-lapsing fund from which the County shall provide funding for the programs
11 authorized under this section. The Fund shall be administered in accordance with Subsection (f),
12 below.

13 (f) Fund Management of the Prince George’s County Small Business Capital and
14 Growth Stimulus Program.

15 (1) FSC FIRST, in conjunction with one or more entities, if designated by the County
16 Executive, shall administer the Prince George’s County Small Business Capital and Growth
17 Stimulus Program and the Prince George’s County Small Business Capital and Growth Stimulus
18 Fund, established under this section, provided that:

19 (A) The entities are governmental or quasi-governmental entities, County-based
20 small businesses or, if nonprofits, nonprofits based in Prince George’s County,

21 (B) The entities administering the Prince George’s County Small Business Capital
22 and Growth Stimulus Fund are authorized to create and amend rules and regulations for the
23 administration of the funds (“Fund Rules and Regulations”), subject to the approval of the
24 County MBE Compliance Manager,

25 (C) The total annual administrative costs of administering the Prince George’s
26 County Small Business Capital and Growth Stimulus Fund and allocated from the funds shall not
27 exceed 5% of the total combined dollars annually allocated to the Prince George’s County Small
28 Business Capital and Growth Stimulus Fund, and

29 (D) At least twenty percent (20%) of any fee paid to an entity administering the
30 Prince George’s County Small Business Capital and Growth Stimulus Fund shall be structured as
31 an incentive payment based on the success in fully distributing the funds to eligible firms

1 annually.

2 (2) Prince George’s County Small Business Capital and Growth Stimulus Fund shall
 3 be structured by the County such that it may be used as leverage to receive funds from other
 4 public or private entities.

5 (3) Prince George’s County Small Business Capital and Growth Stimulus Fund shall
 6 only be awarded in the form of the following:

7 (A) grants; or

8 (B) conditional loans; or

9 (C) direct loans, provided that direct loans do not comprise more than 50% of
 10 annual Prince George’s County Small Business Capital and Growth Stimulus Fund awards.

11 (4) Any award from the Prince George’s County Small Business Capital and Growth
 12 Stimulus Fund shall be approved in advance by the County MBE Compliance Manager. Written
 13 notification of awards from a fund established under this Section shall be sent to the Office of the
 14 County Executive and the Clerk of the County Council (for dissemination to the members of the
 15 County Council and the County Auditor), within 14 days after remittance of the award funds to
 16 the recipient.

17 (5) Information about the Prince George’s County Small Business Capital and
 18 Growth Stimulus Fund, including information about fund recipients, shall be considered to be
 19 public information for the purposes of the Maryland Public Information Act, excluding
 20 proprietary business information.

21 (6) No determination of award from the Prince George’s County Small Business
 22 Capital and Growth Stimulus Fund shall utilize a minimum FICO credit score of higher than 570
 23 in evaluating potential recipients.

24 (7) Each award from the Prince George’s County Small Business Capital and Growth
 25 Stimulus Fund shall include a clawback provision as a written condition of the award if a
 26 recipient fails to meet the requirements of this Section.

27 (8) Public reporting. Any entity administering the Prince George’s County Small
 28 Business Capital and Growth Stimulus Fund shall submit a written quarterly report to the Office
 29 of the County Executive, the Clerk of the County Council (for dissemination to the members of
 30 the County Council and the County Auditor), and the County MBE Compliance Manager on the
 31 funds’ activities in a structure and format approved by the County MBE Compliance Manager.

1 The report shall, at a minimum, detail the fund awards and recipients for the previous quarter,
2 year-to-date, and program-to-date for the fund and be made publicly available on a website
3 designated by the County MBE Compliance Manager.

4 * * * * *

5 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
6 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
7 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
8 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
9 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
10 Act, since the same would have been enacted without the incorporation in this Act of any such
11 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
12 or section.

13 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
14 calendar days after it becomes law.

Adopted this 24th day of October, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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