

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

**Meeting Date:** 10/24/95

**Reference No.:** CB-83-1995

**Proposer:** Russell

**Draft No.:** 2

**Sponsors:** Russell, Del Giudice

**Item Title:** An Act concerning School Facilities Surcharge for the purpose of establishing the School Facilities Surcharge and related administrative provisions

**Drafter:** Mary Lane  
PZ&ED Committee Director

**Resource Personnel:** Dawn DeWitt  
Legislative Aide

**LEGISLATIVE HISTORY:**

<b>Date Presented:</b>	9/26/95	<b>Executive Action:</b>	12/6/95	S
<b>Committee Referral:</b> (1)	9/26/95 HEHS	<b>Effective Date:</b>	1/22/96	
<b>Committee Action:</b> (1)	10/11/95 FAV (A)			
<b>Date Introduced:</b>	10/24/95			
<b>Pub. Hearing Date:</b> (1)	11/21/95 10:30 AM			

**Council Action:** (1) 11/21/95 ENACTED

**Council Votes:** AMc:A, DB:A, SD:A, JE:A, IG:A, WM:N, RVR:A, AS:A, MW:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

**HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE**

DATE: 10/11/95

Committee Vote: Favorable 3-1 (In favor: Council Members Russell, Estep and Wilson. Opposed: Council Member Scott)

This bill provides for a School Facilities Surcharge to be collected on any residential building permit applied for after June 30, 1996. This surcharge is in lieu of an Adequate Public Facilities (APF) test for schools which the companion bill, CB-84-1995, eliminates from the Zoning Ordinance. Funds collected may only be used to pay for additional or expanded school facilities or debt service on bonds for these facilities. The surcharge does not apply to a dwelling unit on property for which a valid preliminary plat of subdivision was originally approved before October 1, 1995.

CB-83-1995 was designed to provide additional funding to impact the aging infrastructure of the County schools. Funds will address the burden of increased density, projected enrollment increases and the costs of repairs or replacements of school facilities. This bill is consistent with a School Facilities Task Force recommendation and is subsequent to enabling legislation (HB460) passed by the General Assembly in 1995.

The bill was amended in Committee to require an impact study in consideration of APF be done within six months with recommendations for County Council or General Assembly action. Also two technical amendments were added in order to mirror the State legislation. On page 2, line 12, the word "valid" was inserted before the word "preliminary"; and on line 13, the word "originally" was inserted before the word "approved".

Committee discussion centered on the ineffectiveness and lack of consistent enforcement of the current APF test for schools. Concern was expressed regarding the current overcapacity in the school system and the formula for determining this capacity. A desire was expressed to assure that the monies collected from CB-84 be directed to and used for the area where the need is being created by new development. The Committee plans to comprehensively review the Adequate Public Facilities Tests.

CB-83 is in proper legislative and legal form. Audits and Investigations finds there would be some positive fiscal impact on the County as a result of adopting CB-83; but could not determine the amount due to the unpredictability of future events. The Office of Management and Budget has submitted comments detailing significant positive fiscal impact which may be realized as a result of adopting CB-83. M-NCPPC points out that the Council may want to specify the appropriate staff agencies to conduct the study.

Council Member Walter Maloney spoke against the bill and submitted a letter from the Prince George's County Civic Federation in opposition to CB-83. Chuck Renninger spoke on behalf of the Largo Civic Association in support of this bill. Hamer Campbell of the Suburban Maryland Building Industry (SMBIA) spoke in support and informed the Committee that similar impact fees are collected by neighboring jurisdictions such as Calvert, Charles and Anne Arundel Counties; in some instances along with an APF test. The Prince George's Chamber of Commerce submitted comments in support of CB-83. After considerable discussion, the Committee voted for a favorable report on CB-83-1995 as amended.

### **BACKGROUND INFORMATION/FISCAL IMPACT**

(Includes reason for proposal, as well as any unique statutory requirements)

During the 1995 legislative session, the General Assembly adopted legislation (HB 460) authorizing Prince George's County to impose a school facilities surcharge in lieu of an adequate public schools facilities test, on new residential construction. The surcharge may not exceed \$1,500 per single-family detached dwelling, \$800 per townhouse, or \$400 per any other multifamily dwelling. Funds

collected may only be used to pay for additional or expanded school facilities, or debt service on the bonds for these facilities. This legislation will require the fee to be collected on any residential building permit applied for after June 30, 1996.

**CODE INDEX TOPICS:**