

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2025 Legislative Session

Resolution No. CR-097-2025
Proposed by Council Members Ivey and Fisher
Introduced by _____
Co-Sponsors _____
Date of Introduction _____

RESOLUTION

1 A RESOLUTION concerning
2 Deferred Collection of Development Impact Fees
3 For the purpose of requesting the Maryland General Assembly to amend statutory provisions
4 governing development impact fees to authorize the deferral of development impact fee
5 payments until the issuance of Use and Occupancy Permits.

6 WHEREAS, the Maryland Department of Legislative Services Office of Public Analysis
7 defines development impact fees as a regulatory measure designed to fund facilities specifically
8 required by new development projects in order to mitigate the impact of such development on
9 infrastructure or public facilities; and

10 WHEREAS, Md. Ann. Code, Art. 17, § 10-192.01 creates a school facilities surcharge for
11 Prince George’s County to be imposed on new residential construction for which a building
12 permit is issued on or after July 1, 2003; and

13 WHEREAS, Md. Ann. Code, Art. 17, § 10-192.01(d) requires the seller of the development
14 to pay the school facilities surcharge at the time a building permit is issued for the dwelling unit;
15 and

16 WHEREAS, Md. Ann. Code, Art. 17, § 10-192.11 creates a public safety and behavioral
17 health surcharge for Prince George’s County to be imposed on a single-family detached
18 dwelling, townhouse, or dwelling unit for any other building containing more than a single
19 dwelling unit being built in Prince George’s County; and

20 WHEREAS, Md. Ann. Code, Art. 17, § 10-192.11(c) requires the seller of the
21 development to pay the public safety and behavioral health surcharge at the time a building
22 permit is issued for the dwelling unit; and

1 WHEREAS, Prince George's County Housing Opportunities For All (HOFA) workgroup
2 reported that the county should strive to add 26,000 housing units by 2030. Only 6,889 multi-
3 family units have been built since 2020, leaving a 74% gap with only five years remaining in the
4 HOFA workgroup's recommendation; and

5 WHEREAS, the UCLA Lewis Center for Regional Policy Studies reports that fee deferral
6 programs can efficiently reduce costs and increase the viability of housing production, and they
7 can do so without asking local governments to forfeit any revenue; and

8 WHEREAS, the Montgomery County Chamber of Commerce reports that deferral of
9 development impact taxes may address the rising cost of new development and make housing
10 more attainable; and

11 WHEREAS, Section 52-54 of the Montgomery County code enables Montgomery
12 County to defer development impact fee payments until the final inspection of the building by
13 the Montgomery County Department of Permitting Services; and

14 WHEREAS, the City of Folsom, Cal., Municipal Code § 16.60.040 permits a qualified
15 residential project to file an application requesting a deferral of development impact fees, subject
16 to the approval of the Folsom City Council; and

17 WHEREAS, Section 82.02.050 of the Washington State Code permits local jurisdictions in
18 the State of Washington to defer collection of the impact fee payment until final inspection, until
19 certificate of occupancy or equivalent certification, or deferring collection of the impact fee
20 payment until the time of closing of the first sale of the property occurring after the issuance of
21 the applicable building permit; and

22 WHEREAS, the Washington State Legislative Audit and Review Committee reported that
23 in 2018 and 2019, ninety-eight (98) local governments implemented a development impact fee
24 deferral program; crucially, out of the \$11 million deferred under this program, 99.9% of the \$11
25 million was repaid on or before the deferred deadline.

26 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
27 County, Maryland, that the council urges the Maryland General Assembly to amend Md. Ann.
28 Code, Art. 17 § 10-192.01(d) and § 10-192.11(c) by allowing the governing body of Prince
29 George's County to defer development impact fee payments until final inspection, until the
30 issuance of use and occupancy permit, or until the time of closing of the first sale of the property
31 occurring after the issuance of the applicable building permit.

Adopted this ____ day of _____, 2025.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Edward P. Burroughs III
Chair

ATTEST:

Donna J. Brown
Clerk of the Council