

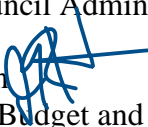



April 12, 2023

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

William M. Hunt
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Lavinia A. Baxter 
Senior Legislative Budget and Policy Analyst

RE: Policy and Fiscal Impact Statement
CB-036-2023/CR-017-2023 After Hours Permit Fees

CB-036-2023 (*Proposed and Presented by*): The Chair on behalf of the County Executive

CR-017-2023 (*Proposed and Introduced by*): The Chair on behalf of the County Executive

Assigned to the Transportation, Infrastructure, Energy and Environment (TIEE) Committee

AN ACT CONCERNING The Building Code for the purpose of extending the permit application time from six (6) months to twelve (12) months and to establish a fee for the review and issuance of an After-Hours Permit.

Fiscal Summary

Direct Impact:

Expenditures: No additional expenditures likely.

Revenues: Increased revenues likely.

Indirect Impact:

Likely favorable indirect impact.

Legislative Summary:

CB-036-2023¹ and the accompanying resolution CR-017-2023² were presented and introduced, respectively, by the Chair at the request of the County Executive on March 14, 2023, and referred to Transportation Housing Energy and Environment (TIEE) Committee. The bill would add language to County Code §4-111, amending §105.3.2 of the Building Code to extend the expiration date for After-Hours Permits from six (6) months to twelve (12) months for permits issued by the Department of Permitting Inspections and Enforcement (DPIE).

The bill would amend §105.1.3 of the Building Code, implementing an After- Hours Permit fee to the fee schedule³ established in §2-253 of the Prince George’s County Code for the review and issuance of these permits. CR-017-2023 would amend the fee schedule to add the permit fee for an After-Hours Permit, setting it at sixty dollars (\$60) plus a 5% technology fee. The Council must hold a public hearing prior to the adoption of CR-017-2023.

With the extension of the review time-frame from six (6) month to twelve months, DPIE staff, as well as the applicant, will have more flexibility to properly have applications vetted, processed and issued without the need for waivers or abandonment.

Current Law/Background:

In Building Code § 105.3.2, as amended in County Code §4-111, current law stipulates for permit applications to expire (abandonment) after six (6) months from the date of filing. The law does allow for extensions or waivers as granted by the Director or a designee if deemed appropriate.

Building Code §105.1.3 outlines that permits should not be issued with hours of operation from 9:00 p.m. and 7:00 a.m. However, after-hours permits, requested by application and as outlined in §105.10 allow for work outside of permitted construction hours in accordance with noise regulations and the fee schedule in County Code §2-253.63.

¹ [Prince George's County Council - Reference No. CB-036-2023 \(legistar.com\)](https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule-PDF?bidId=)

² [Prince George's County Council - Reference No. CR-017-2023 \(legistar.com\)](https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule-PDF?bidId=) CR-017-2023 is sponsored by Council Chair Dernoga and Council Members Harrison, Watson, Hawkins, Fisher and Franklin.

³ DPIE Fee Schedule - <https://www.princegeorgescountymd.gov/DocumentCenter/View/23559/DPIE-Fee-Schedule-PDF?bidId=>

Resource Personnel:

- Lori Parris, Senior Advisor to the Director, DPIE
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Discussion/Policy Analysis:

After-Hours Permits

An After-Hours Permit is a specialized permit issued by Department of Permitting Inspections and Enforcement which allows for work beyond the authorized construction hours of Monday through Saturday 7:00am – 7:00pm. They are usually issued for 30-day periods and include work within public spaces authorized by DPIE.

Currently, applicants are often unable to complete the review process and obtain permits within a six-month time period, as an application needs to be reviewed by various agencies including Washington Suburban Sanitary Commission, Soil Conservation District, and Health Department, in addition to the DPIE Building Plan and Site Road Divisions. This sequence of reviews causes applicants to request waivers which triggers a renewal fee. With the proposed change to twelve months, it is anticipated that waiver requests will decrease. Additionally, this change was proposed in response to the industry’s challenges with current permitting policy and practices.

The proposed legislation also includes a new permit category, After-Hours Permit fee adopted in 2020, for which there was no prior associated fee. The proposed fee is now \$60.00 plus the 5% technology fee which is in alignment with other permitting fees. In fiscal year 2022, DPIE had approximately 4,500 abandoned permit applications. In 2023, DPIE has only issued one After-Hours Permit.

Fiscal Impact:

Direct Impact

Enactment of CB-036-2023 and adoption of CR-017-2023 are likely to have a favorable fiscal impact on the County since there would be a fee associated with the permit. This will allow the County to capture revenues from this permit category which was not captured in previous years.

Indirect Impact

Enactment of CB-036-2023 and adoption of CR-017-2023 may result in the County realizing increased indirect revenue associated with increased permit activity as more permits are reviewed, processed and issued thereby enabling increased economic activity.

Appropriated in the Current Fiscal Year Budget

No.

Effective Date of Proposed Legislation:

CB-036-2023 will take effect forty-five (45) calendar days after it becomes law; CR-017-2023 takes effect on the date of adoption.

If you require additional information, or have questions about this fiscal impact statement, please call me.