

SENATE BILL 431

C8, L4

0lr1325
CF HB 345

By: **Charles County Senators**

Introduced and read first time: January 27, 2020

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Charles County – Tax Increment Financing and Special Taxing Districts**

3 FOR the purpose of authorizing Charles County to use the proceeds from the issuance of
4 certain tax increment financing bonds for certain purposes; authorizing Charles
5 County to establish a special taxing district, impose ad valorem or special taxes, and
6 issue bonds to provide financing, refinancing, or reimbursement for certain costs;
7 and generally relating to tax increment financing and special taxing districts in
8 Charles County.

9 BY repealing and reenacting, without amendments,
10 Article – Economic Development
11 Section 12–203(a), 12–204(a), 12–207(a), and 12–209(a)
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

14 BY adding to
15 Article – Economic Development
16 Section 12–207(g)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2019 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Local Government
21 Section 21–503(a) and 21–504(a)
22 Annotated Code of Maryland
23 (2013 Volume and 2019 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Local Government
26 Section 21–521
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2013 Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Economic Development

12–203.

(a) Before issuing bonds, the governing body of the political subdivision shall:

(1) by resolution:

(i) designate a contiguous area within its jurisdiction as a
development district;

(ii) identify an area that has been designated a sustainable
community; or

(iii) identify an area that has been designated a RISE zone;

(2) receive from the Supervisor of Assessments a certification of the
amount of the original base, or if applicable, the adjusted assessable base; and

(3) pledge that until the bonds are fully paid, or a longer period, the real
property taxes in the development district, a RISE zone, or a sustainable community shall
be divided as follows:

(i) the portion of the taxes that would be produced at the current tax
rate on the original taxable value base shall be paid to the respective taxing authorities in
the same manner as taxes on other property are paid; and

(ii) the portion of the taxes on the tax increment that normally would
be paid into the general fund of the political subdivision shall be paid into the special fund
established under § 12–208 of this subtitle and applied in accordance with § 12–209 of this
subtitle.

12–204.

(a) Notwithstanding any limitation of law, an issuer may issue bonds from time
to time to finance the development of an industrial, commercial, or residential area.

12–207.

(a) Except as provided in subsections (b) and (e) of this section, bond proceeds
may be used only:

(1) to buy, lease, condemn, or otherwise acquire property, or an interest in property:

(i) in the development district, a RISE zone, or a sustainable community; or

(ii) needed for a right-of-way or other easement to or from the development district, a RISE zone, or a sustainable community;

(2) for site removal;

(3) for surveys and studies;

(4) to relocate businesses or residents;

(5) to install utilities, construct parks and playgrounds, and for other needed improvements including:

(i) roads to, from, or in the development district;

(ii) parking; and

(iii) lighting;

(6) to construct or rehabilitate buildings for a governmental purpose or use;

(7) for reserves or capitalized interest;

(8) for necessary costs to issue bonds; and

(9) to pay the principal of and interest on loans, advances, or indebtedness that a political subdivision incurs for a purpose specified in this section.

(G) IN ADDITION TO THE PURPOSES LISTED IN SUBSECTION (A) OF THIS SECTION, THE PROCEEDS FROM BONDS ISSUED BY CHARLES COUNTY MAY BE USED:

(1) FOR CONVENTION CENTERS, CONFERENCE CENTERS, OR VISITORS' CENTERS;

(2) TO MAINTAIN INFRASTRUCTURE IMPROVEMENTS, CONVENTION CENTERS, CONFERENCE CENTERS, OR VISITORS' CENTERS; AND

(3) TO MARKET DEVELOPMENT DISTRICT FACILITIES AND OTHER IMPROVEMENTS.

(a) Subject to subsection (c) of this section, the special fund for the development district, the RISE zone, or the sustainable community may be used for any of the following purposes as determined by the governing body of the political subdivision:

(1) a purpose specified in § 12–207 of this subtitle;

(2) accumulated to pay debt service on bonds to be issued later;

(3) payment or reimbursement of debt service, or payments under an agreement described in subsection (b) of this section, that the political subdivision is obliged under a general or limited obligation to pay, or has paid, on or relating to bonds issued by the State, a political subdivision, or the revenue authority of Prince George’s County if the proceeds were used for a purpose specified in § 12–207 of this subtitle; or

(4) payment to the political subdivision for any other legal purpose.

Article – Local Government

21–503.

(a) For any purpose stated in § 21–504(a)(1) of this subtitle, a county may:

(1) establish a special taxing district;

(2) impose ad valorem or special taxes; and

(3) issue bonds.

21–504.

(a) The purpose of the authority granted under this subtitle is to:

(1) finance, refinance, or reimburse the cost of establishing, acquiring, designing, constructing, altering, or extending adequate infrastructure improvements as necessary for the development and use of land in any defined geographic region in the county, including storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, sidewalks, lighting, parking, parks and recreation facilities, libraries, schools, transit facilities, and solid waste facilities; and

(2) provide a source of funding for payment of costs of:

(i) infrastructure improvements located in or supporting a transit-oriented development or a State hospital redevelopment; and

(ii) operating and maintaining infrastructure improvements located in or supporting a transit-oriented development or a State hospital redevelopment.

1 21-521.

2 (a) Charles County may exercise the authority granted under this subtitle to
3 provide financing, refinancing, or reimbursement of costs for the purposes under §
4 21-504(a) of this subtitle relating to the development of resort hotels and conference centers
5 in a waterfront planned community.

6 (b) (1) In addition to imposing ad valorem or special taxes under this subtitle,
7 Charles County may impose a hotel rental tax in a special taxing district to provide
8 financing, refinancing, or reimbursement of costs for the purposes under § 21-504(a) of this
9 subtitle relating to the development of resort hotels and conference centers in a waterfront
10 planned community.

11 (2) The taxes provided under this subtitle for payment of bonds and
12 pledged to the special fund may include the hotel rental tax authorized under this
13 subsection.

14 (3) The hotel rental tax authorized under this subsection is in addition to
15 the hotel rental tax authorized under Title 20, Subtitle 4 of this article.

16 (4) The rate of the hotel rental tax authorized under this subsection may
17 not exceed the rate of the hotel rental tax imposed under Title 20, Subtitle 4 of this article
18 in effect on the day the governing body of Charles County establishes a special taxing
19 district under this subtitle.

20 (5) The proceeds from the hotel rental tax authorized under this subsection
21 may be used only for the purposes authorized under this subtitle.

22 (6) Charles County may not impose the hotel rental tax authorized under
23 this subsection outside a special taxing district established under this subtitle.

24 (C) **CHARLES COUNTY MAY EXERCISE THE AUTHORITY GRANTED UNDER**
25 **THIS SUBTITLE TO PROVIDE FINANCING, REFINANCING, OR REIMBURSEMENT FOR**
26 **THE COST OF:**

27 (1) **CONVENTION CENTERS, CONFERENCE CENTERS, AND VISITORS'**
28 **CENTERS;**

29 (2) **MAINTAINING INFRASTRUCTURE IMPROVEMENTS, CONVENTION**
30 **CENTERS, CONFERENCE CENTERS, AND VISITORS' CENTERS; AND**

31 (3) **MARKETING SPECIAL TAXING DISTRICT FACILITIES AND OTHER**
32 **IMPROVEMENTS.**

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July

1 1, 2020.