

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 11

Bill No. 54-23

Introduced by Ms. Hummer, Ms. Pickard, Ms. Rodvien, and Mr. Smith

By the County Council, June 5, 2023

Introduced and first read on June 5, 2023
Public Hearing set for and held on July 3, 2023
Public Hearing on AMENDED bill set for and held on July 17, 2023
Bill Expires on September 8, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Real Property Taxes –
2 Credits – High Performance Buildings

3
4 FOR the purpose of amending the definition of “high performance dwelling” to allow a
5 real property tax credit for high performance buildings that meet national green
6 building standards; adding the methods for calculating the real property tax credit for
7 high performance buildings; amending the requirement for the form of the application
8 for the tax credit; and generally related to finance, taxation, and budget.

9
10 BY repealing and reenacting, with amendments: § 4-2-311
11 Anne Arundel County Code (2005, as amended)

12
13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
14 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

15
16 **ARTICLE 4. FINANCE, TAXATION, AND BUDGET**

17
18 **TITLE 2. REAL PROPERTY TAXES**

19
20 **4-2-311. High performance buildings.**

21
22 (a) **Definitions.** In this section “high performance ~~[[dwelling]]~~ BUILDING” means a
23 ~~[[principal residential structure]]~~ BUILDING OR BUILDINGS ON REAL PROPERTY that meets

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment.

1 or exceeds a Silver rating ~~[[in the current version]]~~ of the U.S. Green Building Council's
2 Leadership in Energy and Environmental Design (LEED) Green Building Rating System
3 for homes or a Silver rating of the International Code Council's 700 National Green
4 Building Standard (NGBS).

5
6 (b) **Creation.** There is a tax credit from County real property taxes on high performance
7 ~~[[dwellings]]~~ BUILDINGS as authorized by § 9-242 of the Tax-Property Article of the State
8 Code.

9
10 (c) **Eligibility and duration.** A qualified ~~[[property]]~~ HIGH PERFORMANCE BUILDING
11 is eligible for the credit for each year for a period of five taxable years beginning in the
12 year in which the application is approved, provided the credit is not combined with other
13 optional property tax credits as permitted under Title 9 of the Tax-Property Article of the
14 State Code or this title, and the property meets the requirements of this section.

15
16 (d) **Time for filing of application.** Application for the tax credit created by this section
17 shall be filed on or before June 1 immediately before the taxable year for which the tax
18 credit is first sought. If the application is filed after June 1, the credit shall be disallowed
19 that year but shall be treated as an application for a tax credit for the next succeeding
20 taxable year.

21
22 (e) **Credit against taxes levied on residential high performance buildings;**
23 **calculation.** The tax credit shall be credited from the taxes levied on ~~[[the dwelling]]~~ A
24 HIGH PERFORMANCE BUILDING ASSESSED AS RESIDENTIAL BY THE MARYLAND
25 DEPARTMENT OF ASSESSMENTS AND TAXATION, and may not be credited from the taxes
26 levied on the land. The total tax credit allowed under this ~~[[section]]~~ SUBSECTION shall be
27 a percentage of the total County property tax assessed based on the ~~[[LEED]]~~
28 high performance ~~[[dwelling]]~~ BUILDING as follows:

29
30 (1) for ~~[[dwellings]]~~ BUILDINGS rated LEED Silver or NGBS Silver - 40%, not to
31 exceed \$1,000 FOR EACH INDIVIDUAL CERTIFIED BUILDING;

32
33 (2) for ~~[[dwellings]]~~ BUILDINGS rated LEED Gold or NGBS Gold - 60%, not to
34 exceed \$2,000 FOR EACH INDIVIDUAL CERTIFIED BUILDING; and

35
36 (3) for ~~[[dwellings]]~~ BUILDINGS rated LEED Platinum or NGBS Emerald - 80%,
37 not to exceed \$3,000 FOR EACH INDIVIDUAL CERTIFIED BUILDING.

38
39 (F) **Credits against taxes levied on commercial high performance buildings;**
40 **calculation.** THE TAX CREDIT SHALL BE CREDITED FROM THE TAXES LEVIED ON A HIGH
41 PERFORMANCE BUILDING ASSESSED AS COMMERCIAL BY THE MARYLAND DEPARTMENT
42 OF ASSESSMENTS AND TAXATION, AND MAY NOT BE CREDITED FROM THE TAXES LEVIED
43 ON THE LAND. THE TOTAL TAX CREDIT ALLOWED UNDER THIS SUBSECTION SHALL BE A
44 PERCENTAGE OF THE TOTAL COUNTY PROPERTY TAX ASSESSED BASED ON THE RATING
45 OF THE HIGH PERFORMANCE BUILDING AS FOLLOWS:

46
47 (1) FOR BUILDINGS RATED LEED SILVER OR NGBS SILVER - 40%, NOT TO EXCEED
48 \$20,000 FOR EACH INDIVIDUAL CERTIFIED BUILDING;

49
50 (2) FOR BUILDINGS RATED LEED GOLD OR NGBS GOLD - 60%, NOT TO EXCEED
51 ~~\$30,000~~ \$40,000 FOR EACH INDIVIDUAL CERTIFIED BUILDING; AND

1 (3) FOR BUILDINGS RATED LEED PLATINUM OR NGBS EMERALD - 80%, NOT TO
2 EXCEED ~~\$40,000~~ \$60,000 FOR EACH INDIVIDUAL CERTIFIED BUILDING.
3

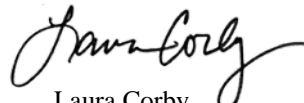
4 **[[f)] (G) Form of application.** An application for a high performance **[[dwelling]]**
5 BUILDING credit shall be made to the Controller on a form provided by the Controller's
6 Office and shall include documentation~~[[, reviewed and approved by a professional~~
7 certified in the applicable building standard employed or engaged by the County,]]
8 demonstrating the **[[property]]** BUILDING was built to achieve a standard listed in
9 **[[subsection]]** SUBSECTIONS (e) OR (F); a statement made under the penalties of perjury as
10 stated in § 1-201 of the Tax-Property Article of the State Code that the **[[dwelling]]**
11 BUILDING and systems are regularly maintained to comply with the applicable standard; a
12 statement acknowledging officers and employees of the County may enter onto the site of
13 the improvements for the purpose of making inspection in furtherance of this section; and
14 any additional information the Controller believes to be necessary to determine if the
15 taxpayer is eligible to receive the credit.
16

17 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
18 from the date it becomes law.


AMENDMENTS ADOPTED: July 3, 2023

READ AND PASSED this 17th day of July, 2023


By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 18th day of July, 2023


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 28th day of July, 2023


Steuart Pittman
County Executive

EFFECTIVE DATE: September 11, 2023

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I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 54-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is fluid and cursive, with the first name "Laura" and last name "Corby" clearly distinguishable.

Laura Corby
Administrative Officer