

(2) By ordinance, the County Commissioners of St. Mary's County may enact an exemption to the building impact fee imposed under paragraph (1) of this subsection for the first 3 lots, in a minor subdivision, that:

(i) Were recorded after June 1, 2000 and created from a parcel of record or a lot of record; and

(ii) Transferred to a natural, direct lineal descendant, or a legally adopted son, daughter, grandson, or granddaughter.

(3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph for each fiscal year, the County Commissioners of St. Mary's County may:

1. Waive the building impact fee imposed under paragraph (1) of this subsection for up to [30] 60 newly constructed living units, excluding mobile homes; and

2. Defer or provide for the amortization of the building impact fee for up to [50] 70 newly constructed living units, excluding mobile homes.

(ii) The County Commissioners may waive, defer, or amortize the building impact fee only for newly constructed living units that are deemed to be affordable for individuals whose family income in the previous fiscal year was less than [50] 60 percent of the county median family income as reported by the U.S. Department of Housing and Urban Development.

(iii) [1.] A waiver, deferral, or amortization shall be limited to new construction of living units not exceeding a certain square footage as determined by the County Commissioners of St. Mary's County.

[2. The amount of building impact fees waived, deferred, or amortized under subparagraph (i) of this paragraph may not exceed \$350,000 in any fiscal year.]

(iv) The total amount of building impact fees waived, deferred, or amortized shall be reflected in the St. Mary's County annual [operating] CAPITAL budget for the fiscal year in which the waiver, deferral, or amortization is granted.

(c) The income derived from subsections (a) and (b) shall be used to defray the additional cost to St. Mary's County for additional educational, water, sewerage, road, sanitation, solid waste, park, or similar facilities.

Chapter 543 of the Acts of 2004

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2004. [It shall remain effective for a period of 2 years and, at the end of June 30, 2006, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2006.

Approved May 2, 2006.