

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

Article 17 - Prince George's County

SUBDIVISION 2. SCHOOL FACILITIES SURCHARGE.

10-192.1.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COUNTY COUNCIL, BY ORDINANCE, MAY IMPOSE A SCHOOL FACILITIES SURCHARGE ON NEW RESIDENTIAL CONSTRUCTION FOR WHICH A BUILDING PERMIT IS APPLIED FOR ON OR AFTER JULY 1, 1996.

(B) (1) A SCHOOL FACILITIES SURCHARGE MAY NOT EXCEED:

(I) \$1,500 PER SINGLE-FAMILY, DETACHED DWELLING;

(II) \$800 PER TOWNHOUSE; OR

(III) \$400 PER DWELLING UNIT FOR ANY OTHER BUILDING CONTAINING MORE THAN A SINGLE DWELLING UNIT.

(2) THE COUNTY COUNCIL, BY ORDINANCE, MAY PROVIDE A FULL OR PARTIAL CREDIT AGAINST THE SCHOOL FACILITIES SURCHARGE FOR MODERATELY PRICED DWELLING UNITS.

(3) THE SCHOOL FACILITIES SURCHARGE DOES NOT APPLY TO A DWELLING UNIT ON PROPERTY FOR WHICH A VALID PRELIMINARY PLAN OF SUBDIVISION WAS ORIGINALLY APPROVED BEFORE OCTOBER 1, 1995.

(C) THE SCHOOL FACILITIES SURCHARGE SHALL BE PAID:

~~(1) IN THE CASE OF A TRANSFER OF TITLE TO THE PROPERTY BEFORE THE DWELLING UNIT IS OCCUPIED, BY THE SELLER AT THE TIME OF SETTLEMENT; OR~~

~~(2) IN ANY OTHER SITUATION, BY THE OWNER OF THE PROPERTY BEFORE INITIAL OCCUPANCY OF THE DWELLING UNIT BY THE SELLER AT THE TIME A BUILDING PERMIT IS ISSUED FOR THE DWELLING UNIT. THE SCHOOL FACILITIES SURCHARGE MAY NOT BE CONSTRUED TO BE A SETTLEMENT COST.~~

(D) PAYMENT OF THE SCHOOL FACILITIES SURCHARGE SHALL ELIMINATE THE APPLICATION OF ANY TEST CONCERNING THE ADEQUACY OF SCHOOL FACILITIES UNDER THE COUNTY'S ADEQUATE PUBLIC FACILITY ORDINANCE.

(E) REVENUE COLLECTED UNDER THE SCHOOL FACILITIES SURCHARGE SHALL BE DEPOSITED IN A SEPARATE ACCOUNT AND MAY ONLY BE USED TO PAY FOR:

(1) ADDITIONAL OR EXPANDED PUBLIC SCHOOL FACILITIES; OR