

Introduced 04.03.2023
Public Hearing 04.18.2023
Council Action 05.01.2023
Executive Action 05.04.2023
Effective Date 07.04.2023

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 4

Bill No. 12-2023

Introduced by: The Chairperson at the request of the County Executive

AN ACT removing an application fee for credits against the Watershed Protection and Restoration Fee and generally relating to the Watershed Protection and Restoration Fee.

Introduced and read first time April 3, 2023. Ordered posted and hearing scheduled.

By order

Michelle Harrod
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on April 18, 2023.

By order

Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on May 1, 2023 and Passed . Passed with amendments _____, Failed _____.

By order

Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 2 day of May, 2023 at 2:00 a.m./p.m.

By order

Michelle Harrod
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive May 4, 2023

Calvin Ball
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Code is amended as follows:

3 By amending:

4 Title 20. Taxes, charges and fees.

5 Subtitle 11. Watershed Protection and Restoration

6 Section 20.1105 "Credits"

7

8 **Title 20. Taxes, charges and fees.**

9 **Subtitle 11. Watershed Protection and Restoration.**

10

11 **Section 20.1105. Credits.**

12 (a) *Authority.* The fee assessment may be adjusted through the use of credits.

13 (b) *Eligibility.* An owner of a property subject to the fee may be eligible for an annual
14 credit in the form of an annual reduction of the fee if the owner makes an investment in a
15 stormwater best management practice as defined in the Maryland Stormwater Design
16 Manual published by the Maryland Department of the Environment.

17 (c) *Ineligibility.* A credit may not be awarded:

18 (1) To a property owner who provides only aesthetic maintenance of a stormwater
19 management facility, which for purposes of this section includes maintenance
20 activities that are not essential to the proper operation or function of the facility;
21 or

22 (2) For stormwater management facilities that are not functioning properly or as
23 intended.

24 (d) *Application Requirements and Certification Reports.* An application for a credit shall:

25 (1) Be made to the Office on forms prescribed by it;

26 (2) Be made on or before a date set by the Office; AND

27 (3) Include information and documentation to allow the Office to evaluate the
28 eligibility of the applicant and the stormwater best management practice[[]; and

29 (4) Be accompanied by an application fee of \$75.00]].

30 (e) *Amount of Credit.*

1 (1) Upon a determination of eligibility, the County shall provide a credit as set forth
2 in a rate schedule adopted by Resolution of the County Council and the
3 application fee shall either be applied towards the Applicant's tax account or
4 refunded.

5 (2) If the County Executive determines that the balance in the County's Watershed
6 Protection and Restoration Fund is sufficient to cover the costs that are reasonably
7 expected during the current and following fiscal year, the County Council may
8 authorize, at the request of the County Executive, an additional credit of up to 100
9 percent of the Watershed Protection and Restoration Fee for each property that is
10 subject to the fee.

11 (f) *Credit Recertification for Continued Credit.* In order to remain eligible for a credit, a
12 property owner shall submit a recertification application:

- 13 (1) Every three years; AND
- 14 (2) [[At the owner's expense; and
- 15 (3)]] To the Office on a form provided by it.

16 (g) *Inspections.* The Department, or its designee, may enter upon any property to inspect
17 stormwater best management practices for which a credit is awarded. Credits may not be
18 awarded if a property owner refuses to permit an inspection.

19 (h) *Proration.* The fee shall not be prorated for a credit approved by the County during
20 the billing year and any approved credits shall be applied to the next billing cycle.

21 (i) *Nonprofit Entities.* A nonprofit entity that qualifies as not for profit under the Internal
22 Revenue Code may receive a credit for stormwater treated on its property under one of
23 the two following options:

- 24 (1) Equivalent percentage. The nonprofit entity may receive a credit that is equivalent
25 to the percentage of stormwater treated onsite; or
- 26 (2) Maximum percentage.

27 (i) A nonprofit entity may receive a credit of up to 100 percent of the fee if the
28 nonprofit entity:

- 29 a. Allows the County to enter onto its property to assess the property and to
30 advise the nonprofit entity of ways to treat stormwater to the maximum
31 extent practicable; and

- 1 b. Implements the improvements recommended by the County.
- 2 (ii) County assistance. The County may:
- 3 a. Award grants to nonprofit entities to assist with the payment for
- 4 improvements to treat stormwater to the maximum extent practicable; or
- 5 b. Waive the fee until work is completed and the credit is awarded.

6

7 ***Section 2. And Be It Further Enacted by the County Council of Howard County,***
8 ***Maryland, that this Act shall become effective 61 days after its enactment.***



Howard County

Internal Memorandum

Subject: Testimony on Council Bill No. xxx-2023, an act removing an application fee for credits against the Watershed Protection and Restoration Fee

To: Brandee Ganz, Chief Administrative Officer

From: Lindsay DeMarzo,
Lindsay DeMarzo

Date: March 9, 2023

Summary

Bill xxx-2023 removes a \$75 application fee for credit against the Watershed Protection and Restoration Fee, which is part of our continued effort to make programs more equitable and streamlined.

Background

In 2013, at the creation of the Watershed Protection and Restoration Fee, Howard County implemented a \$75 application fee for anyone applying for a credit against their Watershed Fee. This was done largely to avoid an influx of irrelevant applicants hoping to receive credit without providing appropriate stormwater treatment on site. As it turned out, applicants were more enticed by the one-time reimbursement payment toward the installation of a practice, than the credit alone. Therefore, when they applied and were approved for reimbursement, Howard County automatically awarded them the appropriate credit on their Watershed Fee without an additional application. Moving forward we anticipate receiving credit-only applications from residents participating in the Columbia Association reimbursement program and then applying for Watershed Fee credit with Howard County.

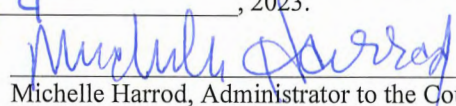
The main reason for removing the \$75 application fee is equity. The application fee is an additional cost burden to residents to merely request a credit. The fee is also an additional burden on staff time in several departments and an additional processing hinderance. Therefore, in an effort continually make our programs more equitable and streamlined, we request the removal of the \$75 application fee for Watershed credits.

Fiscal Impact

We have not collected this fee in the past because of the lack of individual credit applications to date, however we anticipate receiving residential credit-only applications in the next year to which this fee would apply.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on May 4, 2023.


Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2023.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2023.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2023.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2023.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2023.

Michelle Harrod, Administrator to the County Council