

Chapter 567

(House Bill 977)

AN ACT concerning

**Prince George's County – Public Safety and Behavioral Health
Surcharges – Behavioral Health Programs**

PG 414–21

FOR the purpose of renaming the Public Safety and Behavioral Health Surcharge in Prince George's County imposed for certain residential construction; providing for an exemption to the public safety and behavioral health surcharge; making conforming changes; and generally relating to the public safety surcharge in Prince George's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–192.11(a) to be under the amended subdivision “Subdivision 4. Public
Safety and Behavioral Health Surcharge”
Article 17 – Public Local Laws of Maryland
(2015 Edition and 2017 Supplement, as amended)
(As enacted by Chapter 351 of the Acts of the General Assembly of 2019)

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–192.11(b) and (c) through (g)
Article 17 – Public Local Laws of Maryland
(2015 Edition and 2017 Supplement, as amended)
(As enacted by Chapter 684 of the Acts of the General Assembly of 2013)

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 4. Public Safety **AND BEHAVIORAL HEALTH** Surcharge.

10–192.11.

(a) The Governing Body of Prince George's County, by resolution, may impose a public safety **AND BEHAVIORAL HEALTH** surcharge on new residential construction for which a building permit is issued by the County **UNLESS A PRELIMINARY PLAN FOR THE RESIDENTIAL DEVELOPMENT WAS APPROVED ON OR BEFORE JULY 1, 2005.**

(b) (1) Except as provided in paragraph (3) of this Subsection, a public safety **AND BEHAVIORAL HEALTH** surcharge imposed on a single-family detached dwelling, town house, or dwelling unit for any other building containing more than a single dwelling unit shall be in the amount of:

(A) Six Thousand Dollars (\$6,000); or

(B) Two Thousand Dollars (\$2,000) for construction in:

(i) The developed tier, as defined by the Maryland – national capital park and planning commission in the Prince George’s county approved general plan; and

(ii) An area included in a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington metropolitan area transit authority and complies with the requirements of any sector plan, master plan, or overlay zone approved by the Prince George’s County District Council.

(2) The public safety **AND BEHAVIORAL HEALTH** surcharge does not apply to a single-family detached dwelling that is to be built or subcontracted by an individual owner in a minor subdivision and that is intended to be used as the owner’s personal residence.

(3) The governing body of Prince George’s County may waive any surcharge imposed under Subsection (b)(1)(B) of this Section.

(c) The public safety **AND BEHAVIORAL HEALTH** surcharge shall be paid by the seller at the time a building permit is issued for the dwelling unit. The public safety surcharge may not be construed to be a settlement cost.

(d) (1) (A) Subject to subparagraph (B) of this paragraph, payment of the public safety **AND BEHAVIORAL HEALTH** surcharge requires that any test concerning the adequacy of the County’s police facilities under the County’s adequate public facility ordinance shall be based on the County police response time applied:

(i) In the vicinity of the property that is the subject of a Preliminary Subdivision Plan application; and

(ii) In areas that are within reasonable proximity of the property.

(B) If the property that is the subject of a Preliminary Subdivision Plan application is located in the Rural Tier, payment of the public safety **AND BEHAVIORAL HEALTH** surcharge requires that any test concerning the adequacy of the County’s police facilities be based on response times from within the Rural Tier.

(2) Payment of the public facilities surcharge requires that any test concerning the adequacy of the County's fire and emergency medical services:

(A) Be based solely on a response time for the first due station in the vicinity of the property that is the subject of a Preliminary Subdivision Plan; and

(B) May not require less than seven (7) minutes travel time as determined by the County Fire Chief.

(e) (1) Subject to paragraphs (2) and (3) of this Subsection, revenue collected under the public safety **AND BEHAVIORAL HEALTH** surcharge shall be distributed by the governing body of Prince George's County to police, fire, [and] emergency medical services, **AND BEHAVIORAL HEALTH PROGRAMS** in the County.

(2) (A) At least twenty-five percent (25%) of the revenue collected from a surcharge imposed on construction that is located in a municipal corporation that maintains a police department shall be distributed to that municipal corporation's police department.

(B) The revenue collected from a surcharge imposed on construction that is located in the City of Laurel shall be distributed as follows:

(i) Fifty percent (50%) to Prince George's County fire and rescue services; and

(ii) Fifty percent (50%) to the Laurel police department for the construction or rehabilitation of public safety facilities or the purchase of equipment or communications devices used in connection with law enforcement.

(3) Revenue collected under this Section may be used only for:

(A) The construction or rehabilitation of public safety facilities; [or]

(B) The purchase of equipment or communications devices used in connection with law enforcement, fire fighting, or emergency services activities, including protective body armor, surveillance devices, weapons, ladder trucks, ambulances, police cruisers, and rescue vehicles;

(C) THE OPERATION OF BEHAVIORAL HEALTH PROGRAMS OFFERED BY THE COUNTY; OR

(D) THE CONSTRUCTION OR REHABILITATION OF BEHAVIORAL HEALTH PROGRAM FACILITIES IN THE COUNTY.

(f) Revenue collected under the public safety **AND BEHAVIORAL HEALTH**

surcharge is intended to supplement funding for public safety facilities and equipment and may not supplant other County or State funding for public safety facilities and equipment.

(g) The County Executive of Prince George’s County shall prepare an annual report on the public safety **AND BEHAVIORAL HEALTH** surcharge on or before March 1 of each year for the County Council of Prince George’s County, the Prince George’s County Senate Delegation, and the Prince George’s County House Delegation, to include:

- (1) A detailed description of how the fees were expended; and
- (2) The amount of fees collected.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.