

Chapter 732

(House Bill 478)

AN ACT concerning

Economic Development – Enterprise Zone Program – Alterations

FOR the purpose of establishing the purpose of the Enterprise Zone Program; ~~altering the circumstances under which the Secretary of Commerce may designate an area as an enterprise zone or a focus area; prohibiting the Secretary from designating a new enterprise zone or granting an expansion of an existing enterprise zone under certain circumstances;~~ altering a certain limitation on the expansion of an existing enterprise zone during a single calendar year; altering the circumstances under which the Secretary may grant an extraordinary expansion of an enterprise zone; altering the State agencies responsible for assessing the effectiveness of certain tax credits provided to certain business entities in enterprise zones; requiring the State Department of Assessments and Taxation and the Comptroller to submit to the Department of Commerce a certain report; requiring each county within which an enterprise zone is located to submit to the Department of Commerce a certain report; requiring the Department of Commerce to provide certain notification to a county under certain circumstances; requiring the Department of Commerce to develop certain metrics and a framework for analyzing certain matters; altering the definitions of certain employees for purposes of determining eligibility for a certain credit against the State income tax; ~~limiting the amount of a certain credit against the State income tax that may be claimed by a business entity each taxable year; limiting the total amount of credits against the State income tax that certain business entities may claim each taxable year; providing that, for any taxable year, the amount of a certain credit against the property tax imposed on certain qualified property may not exceed a certain amount; providing for the termination of the Enterprise Zone Program and, except under certain circumstances, eligibility for certain tax credits provided under the Program;~~ and generally relating to the Enterprise Zone Program.

BY repealing and reenacting, with amendments,

Article – Economic Development

Section 5-702, ~~5-704(a)(2) and (4) and (b) 5-704(a)(4), 5-705, 5-706, 5-707(d),~~ and 5-709

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Economic Development

Section 5-704(a)(1) and 5-707(a) ~~and (d) and (d)~~

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

~~BY adding to~~

~~Article – Economic Development~~

~~Section 5–710~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2021 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Tax – General

Section 10–702

Annotated Code of Maryland

(2016 Replacement Volume and 2021 Supplement)

~~BY repealing and reenacting, without amendments,~~

~~Article – Tax – Property~~

~~Section 9–103(b)(1)~~

~~Annotated Code of Maryland~~

~~(2019 Replacement Volume and 2021 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Tax – Property~~

~~Section 9–103(d)~~

~~Annotated Code of Maryland~~

~~(2019 Replacement Volume and 2021 Supplement)~~

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

Article – Economic Development

5–702.

(A) THE PURPOSE OF THE ENTERPRISE ZONES AUTHORIZED UNDER THIS SUBTITLE IS TO ATTRACT, RETAIN, AND ENCOURAGE COMMERCIAL DEVELOPMENT IN ECONOMICALLY DISTRESSED AREAS OF THE STATE, IN PARTNERSHIP WITH POLITICAL SUBDIVISIONS, BY INCENTIVIZING CAPITAL INVESTMENT AND JOB CREATION THROUGH REAL PROPERTY AND INCOME TAX CREDITS.

(B) Subject to § 9–103 of the Tax – Property Article, a business entity that owns, operates, develops, constructs, or rehabilitates property intended for use primarily as single or multifamily residential property located in an enterprise zone may not benefit from an incentive or initiative under this subtitle.

5–704.

(a) (1) The Secretary may only designate an area as an enterprise zone if the area:

(i) in a priority funding area or in a qualified opportunity zone under § 1400Z-1 of the Internal Revenue Code in Allegany County, Garrett County, Somerset County, or Wicomico County or meets an exception under Title 5, Subtitle 7B of the State Finance and Procurement Article; and

(ii) satisfies at least one of the requirements specified in paragraph (2) of this subsection.

~~(2) An area may be designated as an enterprise zone if:~~

~~(i) the average rate of unemployment in EACH CENSUS TRACT WITHIN the area, or within a reasonable proximity to the area but in the same county IF FEWER THAN 1,500 INDIVIDUALS RESIDE IN THE CENSUS TRACT, for the most recent 18-month period for which data are available is at least 150% of the greater of the average rate of unemployment in either the State or the United States during that period;~~

~~(ii) the population in EACH CENSUS TRACT WITHIN the area, or within a reasonable proximity to the area but in the same county IF FEWER THAN 1,500 INDIVIDUALS RESIDE IN THE CENSUS TRACT, qualifies the area as a low-income poverty area;~~

~~(iii) at least 70% of the families in EACH CENSUS TRACT WITHIN the area, or within a reasonable proximity to the area but in the same county IF FEWER THAN 1,500 INDIVIDUALS RESIDE IN THE CENSUS TRACT, have incomes that are less than 80% of the median family income in the political subdivision that contains the area;~~
~~or~~

~~(iv) the population in EACH CENSUS TRACT WITHIN the area, or within a reasonable proximity to the area but in the same county IF FEWER THAN 1,500 INDIVIDUALS RESIDE IN THE CENSUS TRACT, decreased by 10% between the most recent two censuses, and the political subdivision can demonstrate to the Secretary's satisfaction that:~~

~~1. chronic abandonment or demolition of property is occurring in the area; or~~

~~2. substantial property tax arrearages exist in the area.~~

(4) The Secretary:

(I) SHALL ADOPT REGULATIONS GOVERNING THE EVALUATION AND PRIORITIZATION OF APPLICATIONS FOR THE DESIGNATION OF NEW ENTERPRISE ZONES UNDER THIS SECTION AND THE EXPANSION OF EXISTING ENTERPRISE ZONES UNDER § 5-705 OF THIS SUBTITLE; AND

(II) may [establish by regulation any other requirements] **ADOPT REGULATIONS** necessary and appropriate to carry out this subtitle.

~~(b) (1) Within 60 days after a submission date, the Secretary may designate one or more enterprise zones from among the areas described in the applications timely submitted.~~

~~(2) The designation of an area as an enterprise zone is effective for 10 years.~~

~~(3) The Secretary may not designate more than six enterprise zones in a calendar year.~~

~~(4) IF THE SECRETARY REASONABLY ANTICIPATES THAT THE AGGREGATE AMOUNT OF PROPERTY TAX CREDITS CLAIMED UNDER § 9-103 OF THE TAX PROPERTY ARTICLE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR MAY EXCEED \$60,000,000, THE SECRETARY MAY NOT DESIGNATE A NEW ENTERPRISE ZONE DURING THE CURRENT FISCAL YEAR.~~

~~[(4)] (5) A county may not receive more than two enterprise zones in a calendar year.~~

5-705.

(a) (1) A political subdivision may apply to the Secretary to expand an existing enterprise zone in the same manner as the political subdivision would apply to designate a new enterprise zone.

(2) ~~[The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE~~ Secretary may grant an expansion of an enterprise zone into an area that meets the requirements of § 5-704 of this subtitle.

(3) For purposes of § 5-704(b) of this subtitle, an expansion of an enterprise zone that does not exceed [50%] **25%** of the existing geographic area of the enterprise zone does not count towards the limit on the number of enterprise zones that:

- (i) the Secretary may designate in a calendar year; or
- (ii) a county may receive in a calendar year.

(b) (1) The Secretary may grant one extraordinary expansion of an enterprise zone in the State each calendar year for an area that:

- (i) meets the requirements of § 5-704 of this subtitle; and

(ii) in the determination of the Secretary, has suffered a significant loss of economic base **OR MERITS INCLUSION IN AN ENTERPRISE ZONE FOR A COMPELLING ECONOMIC REASON.**

(2) For purposes of § 5-704(b) of this subtitle, an extraordinary expansion of an enterprise zone ~~IS NOT SUBJECT TO THE LIMITATION UNDER SUBSECTION (C) OF THIS SECTION AND~~ does not count towards the limit on the number of enterprise zones that:

- (i) the Secretary may designate in a calendar year; or
- (ii) a county may receive in a calendar year.

~~(C) IF THE SECRETARY REASONABLY ANTICIPATES THAT THE AGGREGATE AMOUNT OF PROPERTY TAX CREDITS CLAIMED UNDER § 9-103 OF THE TAX PROPERTY ARTICLE FOR THE IMMEDIATELY PRECEDING FISCAL YEAR MAY EXCEED \$60,000,000, THE SECRETARY MAY NOT GRANT AN EXPANSION OF AN EXISTING ENTERPRISE ZONE DURING THE CURRENT FISCAL YEAR.~~

~~5-706.~~

~~(a) A political subdivision may request the Secretary to designate all or part of an enterprise zone as a focus area for the lesser of:~~

- ~~(1) 5 years; or~~
- ~~(2) the remainder of the 10-year term of the applicable enterprise zone.~~

~~(b) The request may be made on or before a submission date when the political subdivision applies for the designation of a new enterprise zone or after the Secretary has designated an enterprise zone.~~

~~(c) The Secretary may grant the request if the area is located in an enterprise zone and meets at least three of the following criteria:~~

~~(1) the average unemployment rate in EACH CENSUS TRACT WITHIN the area, or within a reasonable proximity to the area but in the same county IF FEWER THAN 1,500 INDIVIDUALS RESIDE IN THE CENSUS TRACT, for the most recent 18-month period for which data are available is at least 150% of the greater of the average rate of unemployment in either the State or the United States during that same period;~~

~~(2) the population in EACH CENSUS TRACT WITHIN the area, or within a reasonable proximity to the area but in the same county IF FEWER THAN 1,500~~

~~INDIVIDUALS RESIDE IN THE CENSUS TRACT, has an incidence of poverty that is at least 150% of the national average;~~

~~(3) the crime rate in EACH CENSUS TRACT WITHIN the area, or within a reasonable proximity to the area but in the same county IF FEWER THAN 1,500 INDIVIDUALS RESIDE IN THE CENSUS TRACT, is at least 150% of the crime rate in the political subdivision where the area is located;~~

~~(4) the percentage of substandard housing in EACH CENSUS TRACT WITHIN the area, or within a reasonable proximity to the area but in the same county IF FEWER THAN 1,500 INDIVIDUALS RESIDE IN THE CENSUS TRACT, is at least 200% of the percentage of housing units in the State that are substandard, according to data from the United States Bureau of the Census or other State or federal government data the Secretary considers appropriate; or~~

~~(5) at least 20% of the square footage of commercial property in EACH CENSUS TRACT WITHIN the area, or within a reasonable proximity to the area but within the same county IF FEWER THAN 1,500 INDIVIDUALS RESIDE IN THE CENSUS TRACT, is vacant, according to data from the United States Bureau of the Census or other State or federal government data the Secretary considers appropriate.~~

5-707.

(a) To the extent provided for in this section, a business entity is entitled to:

- (1) the special property tax credit in § 9-103 of the Tax – Property Article;
- (2) the income tax credits in § 10-702 of the Tax – General Article; and
- (3) consideration for financial assistance from programs in Subtitle 1 of this title.

(d) (1) Except as provided in § 10-702 of the Tax – General Article and § 9-103 of the Tax – Property Article, the incentives and initiatives set forth in this section are available for 10 years after the date that an area is designated an enterprise zone.

(2) ~~(H)~~ A law enacted after the enactment of this section that eliminates or reduces the benefits available to a business entity under this section does not apply to a business entity that was in an enterprise zone before the effective date of the law.

~~(H) A BUSINESS ENTITY THAT LOCATES IN AN ENTERPRISE ZONE BEFORE THE TERMINATION DATE OF THIS SUBTITLE PROVIDED UNDER § 5-710 OF THIS SUBTITLE REMAINS ELIGIBLE FOR THE BENEFITS AVAILABLE TO A BUSINESS ENTITY UNDER THIS SECTION, PROVIDED THAT THE BUSINESS ENTITY~~

~~MEETS THE REQUIREMENTS AND CONDITIONS OF THE CODE SECTION APPLICABLE TO THE BENEFIT.~~

5-709.

(a) The Department [and the Comptroller jointly] shall assess each year the effectiveness of the tax credits provided to business entities in enterprise zones and focus areas in enterprise zones, including:

(1) the number and amounts of credits granted each year; and

(2) the success of the tax credits in attracting and retaining business entities in enterprise zones and focus areas.

(B) (1) ON OR BEFORE SEPTEMBER 15 EACH YEAR, THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL SUBMIT TO THE DEPARTMENT A REPORT THAT INCLUDES THE FOLLOWING INFORMATION FOR THE IMMEDIATELY PRECEDING TAXABLE YEAR:

(I) THE NUMBER OF PROPERTIES CLAIMING A PROPERTY TAX CREDIT UNDER § 9-103 OF THE TAX – PROPERTY ARTICLE CALCULATED IN ACCORDANCE WITH § 9-103(D)(1) OF THE TAX – PROPERTY ARTICLE;

(II) THE NUMBER OF PROPERTIES CLAIMING A PROPERTY TAX CREDIT UNDER § 9-103 OF THE TAX – PROPERTY ARTICLE CALCULATED IN ACCORDANCE WITH § 9-103(D)(4) OF THE TAX – PROPERTY ARTICLE;

(III) THE NUMBER OF PROPERTIES NEWLY CERTIFIED AS QUALIFIED PROPERTIES ~~BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION~~ AS ELIGIBLE FOR THE PROPERTY TAX CREDIT UNDER § 9-103 OF THE TAX – PROPERTY ARTICLE; AND

(IV) FOR EACH TAXPAYER CLAIMING OR RECEIVING A PROPERTY TAX CREDIT UNDER § 9-103 OF THE TAX – PROPERTY ARTICLE:

1. THE NAME OF THE TAXPAYER;

2. THE LOCATION OF THE QUALIFIED PROPERTY FOR WHICH THE CREDIT WAS CLAIMED; AND

3. THE AMOUNT OF TAX SAVINGS RECEIVED BY EACH QUALIFIED PROPERTY.

(2) ON OR BEFORE SEPTEMBER 15 EACH YEAR, THE COMPTROLLER SHALL SUBMIT TO THE DEPARTMENT A REPORT THAT INCLUDES THE FOLLOWING INFORMATION FOR THE IMMEDIATELY PRECEDING TAXABLE YEAR:

(I) THE NAME AND ADDRESS OF EACH BUSINESS ENTITY THAT CLAIMED AN INCOME TAX CREDIT UNDER § 10-702 OF THE TAX – GENERAL ARTICLE;

(II) THE BUSINESS ACTIVITY CODE OR NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE OF THE BUSINESS ENTITY;

(III) THE NUMBER OF QUALIFIED EMPLOYEES AND FOCUS AREA EMPLOYEES EMPLOYED BY THE BUSINESS ENTITY;

(IV) THE NUMBER OF ECONOMICALLY DISADVANTAGED INDIVIDUALS EMPLOYED BY THE BUSINESS ENTITY AND THE NUMBER OF YEARS FOR WHICH THOSE ECONOMICALLY DISADVANTAGED INDIVIDUALS HAVE BEEN EMPLOYED BY THE BUSINESS ENTITY; AND

(V) THE TOTAL AMOUNT OF THE INCOME TAX CREDIT CLAIMED BY THE BUSINESS ENTITY.

(c) (1) (I) ON OR BEFORE SEPTEMBER 15 EACH YEAR, EACH COUNTY WITHIN WHICH AN ENTERPRISE ZONE IS LOCATED SHALL SUBMIT TO THE DEPARTMENT A DETAILED REPORT ON EACH ENTERPRISE ZONE IN THE COUNTY TO ASSIST THE DEPARTMENT IN THE ASSESSMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(II) THE COUNTY SHALL INCLUDE IN THE REPORT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THE FOLLOWING INFORMATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR:

1. THE NUMBER OF PROPERTIES NEWLY CERTIFIED AS QUALIFIED PROPERTIES;

~~1.~~ 2. NOTABLE EXAMPLES OF REDEVELOPMENT OR NEW BUSINESSES RELOCATING OR EXPANDING IN THE ENTERPRISE ZONE DUE TO THE TAX CREDITS PROVIDED UNDER THIS SUBTITLE; AND

~~2.~~ 3. A DESCRIPTION OF FUTURE ECONOMIC DEVELOPMENT PROJECTS THAT MIGHT CLAIM A TAX CREDIT PROVIDED UNDER THIS SUBTITLE, INCLUDING WITH RESPECT TO EACH PROJECT:

A. WHETHER THE PROJECT IS LOCATED WITHIN A FOCUS AREA;

B. WHETHER THE PROJECT MAY QUALIFY FOR A CREDIT UNDER THIS SUBTITLE AGAINST THE TAX IMPOSED ON REAL PROPERTY, PERSONAL PROPERTY, OR INCOME; AND

C. ANTICIPATED CAPITAL OR PERSONAL PROPERTY EXPENDITURES FOR THE PROJECT.

(2) (I) IF A COUNTY FAILS TO PROVIDE THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL NOTIFY THE COUNTY THAT THE REPORT IS DUE.

(II) IF, AFTER THE DEPARTMENT HAS PROVIDED A COUNTY THE NOTICE DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY FAILS TO PROMPTLY PROVIDE THE OVERDUE REPORT, THE SECRETARY MAY NOT DESIGNATE A NEW ENTERPRISE ZONE IN THE COUNTY OR GRANT THE EXPANSION OF AN EXISTING ENTERPRISE ZONE IN THE COUNTY UNTIL THE REPORT IS RECEIVED BY THE DEPARTMENT.

(D) THE DEPARTMENT SHALL DEVELOP FORMAL METRICS AND A FRAMEWORK FOR ANALYZING:

(1) THE COST-EFFECTIVENESS OF EACH ENTERPRISE ZONE; AND

(2) THE EFFECTIVENESS OF EACH ENTERPRISE ZONE IN ATTRACTING BUSINESSES AND INCREASING EMPLOYMENT.

[(b)] (E) On or before December 15 [of] each year, the Department [and the Comptroller] shall submit to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly a report outlining the findings of the Department [and the Comptroller] and any other information of value in determining the effectiveness of the tax credits provided under § 5-707(b) of this subtitle.

~~**5-710.**~~

~~**THIS SUBTITLE AND, EXCEPT AS PROVIDED IN § 5-707(D)(2) OF THIS SUBTITLE, ELIGIBILITY FOR THE TAX CREDITS PROVIDED UNDER § 5-707(A) OF THIS SUBTITLE SHALL TERMINATE ON JANUARY 1, 2030.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Tax – General

10–702.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Business entity” means:

1. a person conducting or operating a trade or business; or
2. an organization that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code.

(ii) “Business entity” does not include a person owning, operating, developing, constructing, or rehabilitating property intended for use primarily as single or multifamily residential property located within the enterprise zone.

(3) “Economically disadvantaged individual” means an individual who is certified by provisions that the Maryland Department of Labor adopts as an individual who, before becoming employed by a business entity in an enterprise zone:

(i) was both unemployed for at least 30 consecutive days and qualified to participate in training activities for the economically disadvantaged under the federal Workforce Innovation and Opportunity Act or its successor; or

(ii) in the absence of an applicable federal act, met the criteria for an economically disadvantaged individual that the Secretary of Labor sets.

(4) (i) “Enterprise zone” has the meaning stated in § 5–701 of the Economic Development Article.

(ii) “Enterprise zone” includes a Regional Institution Strategic Enterprise zone established under Title 5, Subtitle 14 of the Economic Development Article.

(5) “Focus area” has the meaning stated in § 5–701 of the Economic Development Article.

(6) “Focus area employee” means an individual who:

(i) is a new employee or an employee rehired after being laid off for more than 1 year by a business entity;

(ii) is employed by a business entity at least 35 hours each week for at least 12 months before or during the taxable year for which the entity claims a credit;

(iii) spends at least **[50 percent] 50%** of the hours under item (ii) of this paragraph either in the focus area or on activities of the business entity resulting directly from its location in the focus area;

(iv) is hired by the business entity after the later of:

1. the date on which the focus area is designated; or
2. The date on which the business entity located in the focus

area; and

(v) earns at least **[150 percent] 120%** of the **[federal] STATE** minimum wage.

(7) “Qualified employee” means an individual who:

(i) is **[a new employee] HIRED TO FILL A NEWLY CREATED POSITION** or **[an employee rehired after being laid off for more than 1 year by a business entity], IF THE INDIVIDUAL IS AN ECONOMICALLY DISADVANTAGED INDIVIDUAL, IS HIRED TO FILL A POSITION PREVIOUSLY HELD BY ANOTHER ECONOMICALLY DISADVANTAGED INDIVIDUAL;**

(ii) is employed by a business entity at least 35 hours each week for at least 6 months before or during the taxable year for which the entity claims a credit;

(iii) spends at least 50% of the hours under item (ii) of this paragraph, either in the enterprise zone or on activities of the business entity resulting directly from its location in the enterprise zone;

(iv) earns at least **[150%] 120%** of the **[federal] STATE** minimum wage; and

(v) is hired by the business entity after the later of:

1. the date on which the enterprise zone is designated; or
2. the date on which the business entity locates in the

enterprise zone.

(b) (1) ~~**[Any] SUBJECT TO THE LIMITATIONS OF THIS SECTION, ANY**~~ business entity that is located in an enterprise zone and satisfies the requirements of § 5–707 of the Economic Development Article may claim a credit only against the State income tax for the wages specified in subsections (c) and (d) of this section that are paid in the taxable year for which the entity claims the credit.

(2) ~~[A] SUBJECT TO THE LIMITATIONS OF THIS SECTION, A~~ business entity that is located in a focus area and satisfies the requirements of § 5–707 of the Economic Development Article may claim a credit only against the State income tax for the wages specified in subsection (e) of this section that are paid to a focus area employee in the taxable year for which the entity claims the credit.

(3) An organization that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code may apply the credit under this section as a credit against income tax due on unrelated business taxable income as provided under §§ 10–304 and 10–812 of this title.

(c) If a business entity does not claim an enhanced tax credit under subsection (e) of this section for a focus area employee, for the taxable year in which a business entity satisfies the requirements of § 5–707 or § 5–1406 of the Economic Development Article, a credit is allowed that equals:

- (1) up to \$3,000 of the wages paid to each qualified employee who:
 - (i) is an economically disadvantaged individual; and
 - (ii) is not hired to replace an individual whom the business entity employed in that or any of the 3 preceding taxable years; and
- (2) up to \$1,000 of the wages paid to each qualified employee who:
 - (i) is not an economically disadvantaged individual; and
 - (ii) is not hired to replace an individual whom the business entity employed in that or any of the 3 preceding taxable years.

(d) (1) If a business entity does not claim an enhanced tax credit under subsection (e) of this section for a focus area employee, for each taxable year after the taxable year described in subsection (c) of this section, while the area is designated an enterprise zone, a credit is allowed that equals:

- (i) up to \$3,000 of the wages paid to each qualified employee who:
 1. is an economically disadvantaged individual;
 2. became a qualified employee during the taxable year to which the credit applies; and
 3. is not hired to replace an individual whom the business entity employed in that or any of the 3 preceding taxable years;

(ii) up to \$2,000 of the wages paid to each qualified employee who is an economically disadvantaged individual, if the business entity received a credit under subsection (c)(1) of this section for the qualified employee in the immediately preceding taxable year; and

(iii) up to \$1,000 of the wages paid to each qualified employee who is not hired to replace an individual whom the business entity employed in that or any of the 3 preceding taxable years if the qualified employee:

1. is an economically disadvantaged individual for whom the business entity received a credit under subsection (c)(1) of this section or item (i) of this paragraph and a credit under item (ii) of this paragraph in the 2 immediately preceding taxable years; or

2. is not an economically disadvantaged individual but became a qualified employee during the taxable year to which the credit applies.

(2) A business entity that hires a qualified employee to replace another qualified employee for whom the business entity received a credit under subsection (c)(1) of this section and paragraph (1)(ii) of this subsection in the immediately preceding taxable year may treat the new qualified employee as the replacement for the other qualified employee to determine any credit that may be available to the business entity under paragraph (1)(ii) or (iii) of this subsection.

(e) (1) For the taxable year in which a business entity satisfies the requirements of §§ 5-706 and 5-707 or § 5-1406 of the Economic Development Article, a credit is allowed that equals:

(i) up to \$4,500 of the wages paid to each focus area employee who:

1. is an economically disadvantaged individual; and

2. is not hired to replace an individual whom the business entity employed in that year or any of the 3 preceding taxable years; and

(ii) up to \$1,500 of the wages paid to each focus area employee who:

1. is not an economically disadvantaged individual; and

2. is not hired to replace an individual whom the business entity employed in that year or any of the 3 preceding taxable years.

(2) For each taxable year after the taxable year described in paragraph (1) of this subsection, while the area is designated a focus area, a credit is allowed that equals:

(i) up to \$4,500 of the wages paid to each focus area employee who:

1. is an economically disadvantaged individual;
2. became a focus area employee during the taxable year to which the credit applies; and
3. is not hired to replace an individual whom the business entity employed in that year or any of the 3 preceding taxable years;

(ii) up to \$3,000 of the wages paid to each focus area employee who is an economically disadvantaged individual, if the business entity received a credit under paragraph (1)(i) of this subsection for the focus area employee in the immediately preceding taxable year; and

(iii) up to \$1,500 of the wages paid to each focus area employee who is not hired to replace an individual whom the business entity employed in that year or any of the 3 preceding taxable years if the focus area employee:

1. is an economically disadvantaged individual for whom the business entity received a credit under item (ii) of this paragraph in the 2 immediately preceding taxable years and under:

- A. paragraph (1)(i) of this subsection; or
- B. item (i) of this paragraph; or

2. is not an economically disadvantaged individual but became a focus area employee during the taxable year to which the credit applies.

(3) A business entity that hires a focus area employee to replace another focus area employee for whom the business entity received a credit under paragraph (1)(i) of this subsection and paragraph (2)(ii) of this subsection in the immediately preceding taxable year may treat the focus area employee as the replacement for the other focus area employee to determine any credit that may be available to the business entity under paragraph (2)(ii) or (iii) of this subsection.

~~(F) (1) THE CREDIT ALLOWED UNDER THIS SECTION SHALL BE CLAIMED ON A FIRST-COME, FIRST-SERVED BASIS.~~

~~(2) FOR ANY TAXABLE YEAR:~~

~~(i) THE CREDIT ALLOWED UNDER THIS SECTION MAY NOT EXCEED \$250,000; AND~~

~~(H) THE TOTAL AMOUNT OF CREDITS CLAIMED BY BUSINESS ENTITIES MAY NOT EXCEED \$2,000,000.~~

~~[(f)] (G)~~ If the credit allowed under this section in any taxable year exceeds the State income tax for that taxable year, a business entity may apply the excess as a credit against the State income tax for succeeding taxable years until the earlier of:

- (1) the full amount of the excess is used; or
- (2) the expiration of the 5th taxable year from the date on which the business entity hired the qualified employee to whom the credit first applies.

~~[(g)] (H)~~ If a credit is claimed under this section, the claimant must make the addition required in § 10-205, § 10-206, or § 10-306 of this title.

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article Tax Property~~

~~9-103.~~

~~(b) (1) The governing body of a county or of a municipal corporation shall grant a tax credit under this section against the property tax imposed on the eligible assessment of qualified property.~~

~~(d) (1) [The] SUBJECT TO THE LIMITATION UNDER PARAGRAPH (5) OF THIS SUBSECTION, THE appropriate governing body shall calculate the amount of the tax credit under this section equal to a percentage of the amount of property tax imposed on the eligible assessment of the qualified property, as follows:~~

~~(i) 80% in each of the 1st 5 taxable years following the calendar year in which the property initially becomes a qualified property;~~

~~(ii) 70% in the 6th taxable year;~~

~~(iii) 60% in the 7th taxable year;~~

~~(iv) 50% in the 8th taxable year;~~

~~(v) 40% in the 9th taxable year; and~~

~~(vi) 30% in the 10th taxable year.~~

~~(2) The Department shall allocate the eligible assessment to the nonresidential part of the qualified property at the same percentage as the square footage of the nonresidential part is to the total square footage of the building.~~

~~(3) For purposes of calculating the amount of the credit allowed under this section, the amount of property tax imposed on the eligible assessment shall be calculated without reduction for any credits allowed under this title.~~

~~(4) For qualified property located in a focus area, the appropriate governing body shall calculate the amount of the tax credit under this section equal to 80% of the amount of property tax imposed on the eligible assessment of the qualified property for each of the 10 taxable years following the calendar year in which the property initially becomes a qualified property.~~

~~**(5) FOR ANY TAXABLE YEAR, THE AMOUNT OF A PROPERTY TAX CREDIT GRANTED UNDER THIS SECTION TO A QUALIFIED PROPERTY MAY NOT EXCEED \$500,000.**~~

SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2021.

~~SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall be applicable to all taxable years beginning after June 30, 2022.~~

SECTION ~~6~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.