

**CITY OF BALTIMORE
COUNCIL BILL 12-0082
(First Reader)**

Introduced by: Councilmembers Stokes, Branch

Introduced and read first time: May 7, 2012

Assigned to: Taxation, Finance and Economic Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Baltimore Development Corporation,
Baltimore City Public School System, Health Department, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Bed Capacity Fee**

3 FOR the purpose of imposing a fee on the overnight bed capacity of certain institutions not subject
4 to property taxation; providing for the administration and collection of the fee; stating the
5 intended use for the fee; defining certain terms; imposing certain penalties; providing for a
6 special effective date; and generally relating to overnight bed capacity in institutions not
7 subject to the City property tax.

8 BY authority of
9 Article II - General Powers
10 Section(s) (40) and (47)
11 Baltimore City Charter
12 (1996 Edition)

13 BY adding
14 Article 28 - Taxes
15 Section(s) 30-1 to 30 -13 to be under the new subtitle,
16 "Subtitle 30. Bed Capacity Fee"
17 Baltimore City Code
18 (Edition 2000)

19 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
20 Laws of Baltimore City read as follows:

21 **Baltimore City Code**

22 **Article 28. Taxes**

23 **SUBTITLE 30. BED CAPACITY FEE**

24 **§ 30-1. DEFINITIONS.**

25 (A) *IN GENERAL.*

26 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 12-0082

1 (B) *BED CAPACITY UNIT.*

2 “BED CAPACITY UNIT” MEANS:

3 (1) AN OVERNIGHT ACCOMMODATION MADE AVAILABLE TO A STUDENT BY A PRIVATE,
4 POST-SECONDARY EDUCATIONAL INSTITUTION THAT IS NOT SUBJECT TO CITY
5 PROPERTY TAXES; OR

6 (2) A BED LICENSED UNDER TITLE 19 OF THE STATE HEALTH GENERAL ARTICLE TO A
7 HOSPITAL THAT IS NOT SUBJECT TO CITY PROPERTY TAXES.

8 (C) *DIRECTOR.*

9 “DIRECTOR” MEANS THE DIRECTOR OF FINANCE OR A DESIGNEE OF THE DIRECTOR OF
10 FINANCE.

11 **§ 30-2. FEE IMPOSED.**

12 A FEE IS IMPOSED ON EVERY BED CAPACITY UNIT IN THE CITY AT AN INSTITUTION EXEMPT FROM
13 PROPERTY TAXES UNDER STATE TAX-PROPERTY ARTICLE § 7-202.

14 **§ 30-3. AMOUNT OF FEE.**

15 THE AMOUNT OF THE FEE IMPOSED IS \$500 A YEAR PER BED CAPACITY UNIT.

16 **§ 30-4. RULES AND REGULATIONS.**

17 (A) *DIRECTOR MAY ADOPT.*

18 THE DIRECTOR MAY ADOPT RULES AND REGULATIONS AS NECESSARY OR APPROPRIATE TO:

19 (1) GOVERN THE PAYMENT, COLLECTION, AND ACCOUNTING OF THE FEE IMPOSED BY
20 THIS SUBTITLE;

21 (2) DEFINE ANY TERMS USED IN CONNECTION WITH THE IMPOSITION AND COLLECTION
22 OF THE FEE IMPOSED UNDER THIS SUBTITLE;

23 (3) PROVIDE FOR THE REFUND OF ANY FEE, INTEREST, OR PENALTY ERRONEOUSLY OR
24 ILLEGALLY PAID; AND

25 (4) OTHERWISE ADMINISTER, ENFORCE, AND CARRY OUT THIS SUBTITLE.

26 (B) *COPIES TO BE FILED WITH LEGISLATIVE REFERENCE.*

27 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE FILED
28 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

Council Bill 12-0082

§ 30-5. USE OF FEES.

SUBJECT TO APPROPRIATION, REVENUE DERIVED FROM BED CAPACITY FEES MUST BE DEPOSITED IN THE PUBLIC SCHOOL CONSTRUCTION AND RENOVATION SPECIAL FUND AND MAY BE USED ONLY FOR THE PURPOSES SPECIFIED IN CITY CODE ARTICLE 5, § 8-1(C).

§ 30-6. ANNUAL REPORTS; PAYMENT OF FEE.

(A) REPORT.

(1) EACH INSTITUTION WITH BED CAPACITY UNITS SUBJECT TO THIS SUBTITLE MUST FILE A REPORT WITH THE DIRECTOR ON OR BEFORE NOVEMBER 1 OF EACH YEAR.

(2) THE REPORT MUST:

(I) SPECIFY THE MAXIMUM NUMBER OF BED CAPACITY UNITS AT THE INSTITUTION AT ANY TIME DURING THE PRECEDING MONTHS OF AUGUST AND SEPTEMBER;

(II) BE IN A FORM THE DIRECTOR APPROVES; AND

(III) CONTAIN ANY ADDITIONAL INFORMATION REQUIRED BY THE DIRECTOR.

(B) PAYMENT DUE WITH REPORT.

THE FEE IMPOSED BY THIS SUBTITLE IS DUE AT THE TIME THE REPORT IS FILED.

§ 30-7. INTEREST AND CIVIL PENALTIES.

IF AN INSTITUTION FAILS TO PAY THE FEE IMPOSED BY THIS SUBTITLE WHEN DUE, THE INSTITUTION MUST PAY THE DIRECTOR, IN ADDITION TO THE FEE DUE:

(1) INTEREST AT THE RATE OF 1% FOR EACH MONTH OR FRACTION OF A MONTH THAT THE FEE IS OVERDUE; AND

(2) A PENALTY OF 10% OF THE AMOUNT OF THE FEE DUE.

§ 30-8. FEE DETERMINATION BY DIRECTOR.

(A) DIRECTOR TO OBTAIN INFORMATION.

IF ANY INSTITUTION FAILS TO MAKE THE REPORT AND REMIT THE FEE WHEN DUE THE DIRECTOR OF FINANCE MAY ATTEMPT TO OBTAIN OTHER AVAILABLE INFORMATION ON WHICH TO BASE AN ESTIMATE OF THE FEE DUE.

(B) DIRECTOR TO ESTIMATE FEE.

AS SOON AS THE DIRECTOR OBTAINS THIS INFORMATION, THE DIRECTOR MAY PROCEED TO DETERMINE THE FEE DUE AND ASSESS THAT FEE, PLUS INTEREST AND PENALTIES, AGAINST THE INSTITUTION LIABLE FOR THE FEE.

Council Bill 12-0082

1 (C) *NOTICE AND PAYMENT.*

2 (1) THE DIRECTOR MAY THEN NOTIFY THE INSTITUTION BY MAIL, SENT TO THAT
3 INSTITUTION'S LAST KNOWN ADDRESS, OF THE TOTAL AMOUNT OF THE FEE, INTEREST,
4 AND PENALTIES.

5 (2) THE TOTAL AMOUNT IS PAYABLE WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE.

6 **§ 30-9. CESSATION OF OPERATIONS .**

7 IF AN INSTITUTION REQUIRED TO PAY A FEE UNDER THIS SUBTITLE CEASES TO OPERATE OR DO
8 BUSINESS:

9 (1) ANY FEE PAYABLE UNDER THIS SUBTITLE BECOMES IMMEDIATELY DUE AND PAYABLE; AND

10 (2) WITHIN 3 DAYS OF THE CESSATION OF OPERATIONS OR BUSINESS, THAT INSTITUTION
11 MUST SUBMIT THE REQUIRED REPORT AND REMIT THE TOTAL AMOUNT OF THE FEE DUE.

12 **§ 30-10. LIEN ON PROPERTY.**

13 THE FEE, INTEREST, AND PENALTIES IMPOSED BY THIS SUBTITLE ARE A LIEN ON ALL PROPERTY,
14 REAL AND PERSONAL, OF ANY INSTITUTION LIABLE FOR THEIR PAYMENT.

15 **§§ 30-11 TO 30-12. {RESERVED}**

16 **§ 30-13. PENALTIES.**

17 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR REGULATION
18 ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT
19 TO A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN 12 MONTHS
20 OR TO BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
22 are not law and may not be considered to have been enacted as a part of this or any prior
23 Ordinance.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on August 1,
25 2013.