

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

The Honorable President and  
Members of the Baltimore  
City Council  
c/o Karen Randle, Executive Secretary  
409 City Hall  
Baltimore, MD 21202

RE: City Council Bill 08-0106 – Brownfields – Tax Credit

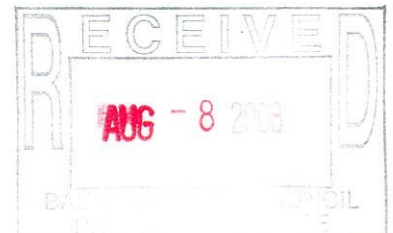
Dear President and Members:

You have requested the advice of the Law Department regarding City Council Bil 08-0106. City Council Bill 08-0106 is for the purpose of modifying the criteria for an additional credit against a Brownfields site's property tax liability. The bill provides for stricter criteria for eligibility for the 10 year credit by raising the threshold for the cost of the property and the value of the corrective plan to \$1,000,000. The bill also provides for an additional 20% tax credit if the site achieves a gold-level rating or higher in the appropriate LEED rating system or energy or environmental design standards that the City building official identifies as equivalent.

Section 9-229(d) (1) and (2) of the Maryland Ann. Code Tax-Property Article grants authority to Baltimore City to enact a Brownfields tax credit. That section states that

A taxing jurisdiction may grant a property tax credit against the property tax imposed on a qualified brownfields site in addition to the credit granted under subsection (c) of this section.

- (2) Subject to the limitation in paragraph (3) of this subsection, a taxing jurisdiction may:
- (i) vary the percentage of the additional property tax credit granted under this subsection; and
  - (ii) establish additional eligibility criteria for any additional property tax credit granted.
- (3) The total additional property tax credit granted under this subsection may not exceed an additional 20% of the remaining property tax attributable to the increase in the assessment of the qualified brownfields site including improvements added to the site over the assessment of the qualified brownfields site before the voluntary cleanup.



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City Council Bill 08-0106 is consistent with the authority granted under the Maryland Ann. Code Tax Property Article, Section 9-229(d). The Law Department therefore approves the bill for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro  
Assistant Solicitor

cc: Honorable Stephanie Rawlings-Blake  
Angela Gibson, City Council Liaison  
George A. Nilson, City Solicitor  
Linda C. Barclay, Chief Solicitor  
Deepa Bhattacharyya, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor  
Hilary Rules, Assistant Solicitor