

ENROLLED

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 14-0359**

Introduced by: The Council President
At the request of: The Administration (Baltimore Development Corporation)
Introduced and read first time: April 7, 2014
Assigned to: Taxation, Finance and Economic Development Committee

Committee Report: Favorable
Council action: Adopted
Read second time: June 23, 2014

AN ORDINANCE CONCERNING

Tax Credits – Citywide High-Performance Market-Rate Rental Housing

FOR the purpose of providing a Citywide property tax credit for certain newly constructed or converted high-performance market-rate rental housing projects; imposing certain limitations, conditions, and qualifications; providing for the administration of the credit; defining certain terms; setting a date for termination of the program; and generally relating to property tax credits.

BY authority of
Article - Tax-Property
Section 9-242
Annotated Code of Maryland

BY recaptioning
Article 28 - Taxes
Section 10-17 {“High-Performance Market-Rate Rental Housing”}
to be
Section 10-17 {“High-Performance Market-Rate Rental Housing – Targeted Areas”}
Baltimore City Code
(Edition 2000)

BY adding
Article 28 - Taxes
Section(s) 10-18
Baltimore City Code
(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.
Underlined italics indicate matter added to the bill by amendment after printing for third reading.

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

Baltimore City Code

Article 28. Taxes

Subtitle 10. Credits

§ 10-17. High-performance market-rate rental housing - TARGETED AREAS.

.....

§ 10-18. HIGH-PERFORMANCE MARKET-RATE RENTAL HOUSING - CITYWIDE.

(A) DEFINITIONS.

(1) IN GENERAL.

IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) HIGH-PERFORMANCE.

“HIGH-PERFORMANCE” MEANS A HIGH PERFORMANCE BUILDING AS DEFINED IN STATE TAX-PROPERTY ARTICLE § 9-242.

(3) MARKET-RATE RENTAL HOUSING PROJECT.

“MARKET-RATE RENTAL HOUSING PROJECT” MEANS A MULTI-FAMILY DWELLING:

(I) THAT CONTAINS 20 OR MORE RENTAL UNITS; AND

(II) IN WHICH DWELLING, EXCEPT TO THE EXTENT SPECIFICALLY REQUIRED BY CITY CODE ARTICLE 13, SUBTITLE 2B {“INCLUSIONARY HOUSING REQUIREMENTS”}, NONE OF THE RENTAL UNITS ARE SUBJECT TO GOVERNMENTAL RESTRICTIONS ON THE AMOUNT OF RENT CHARGED OR ON THE TENANT’S INCOME LEVEL.

(4) NEWLY CONSTRUCTED OR CONVERTED.

“NEWLY CONSTRUCTED OR CONVERTED” MEANS A HIGH-PERFORMANCE MARKET-RATE RENTAL HOUSING PROJECT THAT:

(I) WAS EITHER:

(A) NEWLY CONSTRUCTED ON A VACANT LOT, CLEARED SITE, OR PARKING LOT; ~~OR~~

(B) CONVERTED FROM A NON-RESIDENTIAL USE; ~~AND~~ OR

(C) A WHOLLY RENOVATED STRUCTURE; AND

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1 (II) FOR WHICH:

2 (A) THE COST OF THE CONSTRUCTION OR CONVERSION EXCEEDS \$60,000 PER
3 RENTAL UNIT; AND

4 (B) A FIRST OCCUPANCY PERMIT FOLLOWING SUBSTANTIAL COMPLETION OF
5 THE CONSTRUCTION OR CONVERSION IS ISSUED AFTER JANUARY 1, 2014,
6 AND ON OR BEFORE JUNE 30, 2019.

7 (B) *PROGRAM GOAL.*

8 THE GOAL OF THIS PROGRAM IS TO HELP GROW BALTIMORE'S RESIDENTIAL POPULATION IN
9 AN ENVIRONMENTALLY SENSITIVE MANNER, BY ENCOURAGING THE CONSTRUCTION OR
10 CONVERSION OF NEW HIGH-PERFORMANCE MARKET-RATE RENTAL HOUSING PROJECTS.

11 (C) *CREDIT GRANTED.*

12 IN ACCORDANCE WITH STATE TAX-PROPERTY ARTICLE § 9-242, A HIGH-PERFORMANCE
13 MARKET-RATE RENTAL HOUSING TAX CREDIT IS GRANTED AGAINST THE CITY PROPERTY
14 TAX IMPOSED ON ELIGIBLE NEWLY CONSTRUCTED OR CONVERTED HIGH-PERFORMANCE
15 MARKET-RATE RENTAL HOUSING PROJECTS.

16 (D) *AMOUNT OF CREDIT.*

17 (1) THE AMOUNT OF THE CREDIT SHALL EQUAL A PERCENTAGE, AS SPECIFIED IN PARAGRAPH
18 (2) OF THIS SUBSECTION, OF THE DIFFERENCE BETWEEN:

19 (I) THE PROPERTY TAX LIABILITY THAT, BUT FOR THE TAX CREDIT, WOULD BE OWED
20 FOR THE FIRST FULL TAX YEAR ON THE FIRST ASSESSMENT AFTER ISSUANCE OF AN
21 OCCUPANCY PERMIT FOR THE COMPLETED PROJECT; AND

22 (II) THE PROPERTY TAX LIABILITY THAT WOULD HAVE BEEN OWED IF THE PROJECT HAD
23 NOT BEEN UNDERTAKEN.

24 (2) THE CREDIT IS LIMITED TO THE FOLLOWING PERCENTAGES OF THE AMOUNT COMPUTED
25 UNDER PARAGRAPH (1) OF THIS SUBSECTION:

26 (I) IN YEARS 1 THROUGH 5 - 80%

27 (II) IN YEAR 6 - 70%

28 (III) IN YEAR 7 - 60%

29 (IV) IN YEAR 8 - 50%

30 (V) IN YEAR 9 - 40%

31 (VI) IN YEAR 10 - 30%

32 (VII) IN YEARS 11 AND AFTER - 0%

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1 (3) IN NO EVENT, HOWEVER, MAY THE TAX CREDIT GRANTED UNDER THIS SECTION, ALONE OR
2 COMBINED WITH THE STATE ENTERPRISE ZONE TAX CREDIT, EXCEED THE AMOUNT OF
3 THE PROPERTY TAX IMPOSED ON THE PROPERTY.

4 (E) *INELIGIBILITY OF CERTAIN PROJECTS INVOLVING HISTORIC PROPERTY.*

5 THE TAX CREDIT GRANTED UNDER THIS SECTION DOES NOT APPLY TO:

6 (1) ANY PROJECT THAT INVOLVES IMPROVEMENTS ELIGIBLE FOR A TAX CREDIT UNDER §
7 10-8 {"HISTORIC RESTORATIONS AND REHABILITATIONS"} OF THIS SUBTITLE; OR

8 (2) ANY PROJECT THAT INVOLVES MODIFICATIONS TO OR AFFECTING A PROPERTY LISTED
9 INDIVIDUALLY ON THE NATIONAL REGISTER OF HISTORIC PLACES OR LOCATED
10 WITHIN A NATIONAL REGISTER HISTORIC DISTRICT, IF THE CITY'S COMMISSION FOR
11 HISTORICAL AND ARCHITECTURAL PRESERVATION DETERMINES THAT THE
12 MODIFICATIONS ARE INCOMPATIBLE WITH LOCAL HISTORIC PRESERVATION
13 STANDARDS.

14 (F) *ADDITIONAL REQUIREMENTS.*

15 A PROPERTY TAX CREDIT GRANTED UNDER THIS SECTION SHALL:

16 (1) BE SUBJECT TO ELIGIBILITY REQUIREMENTS NO LESS STRINGENT THAN THOSE
17 APPLICABLE TO CREDITS AUTHORIZED UNDER STATE TAX-PROPERTY ARTICLE
18 § 9-242;

19 (2) BE FOR A PERIOD OF 10 YEARS FOR EACH PROPERTY, STARTING WITH THE FIRST
20 ASSESSMENT AFTER ISSUANCE OF AN OCCUPANCY PERMIT FOR THE COMPLETED
21 PROJECT;

22 (3) BE FULLY TRANSFERRABLE TO A NEW OWNER FOR THE REMAINING LIFE OF THE
23 CREDIT; AND

24 (4) TERMINATE IF, DURING THE CREDIT PERIOD, THE PROJECT:

25 (I) FAILS TO MAINTAIN ITS HIGH-PERFORMANCE RATING; OR

26 (II) NO LONGER QUALIFIES AS A MARKET-RATE RENTAL HOUSING PROJECT, AS
27 DEFINED IN THIS SECTION.

28 (G) *CONTINUING ELIGIBILITY.*

29 (1) THE PROPERTY OWNER SHALL ENSURE THAT, DURING THE CREDIT PERIOD, THE PROJECT
30 FOR WHICH THE CREDIT WAS GRANTED IS:

31 (I) IN FULL COMPLIANCE WITH THE BUILDING, FIRE, AND RELATED CODES OF
32 BALTIMORE CITY;

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1 (II) MAINTAINS ITS HIGH-PERFORMANCE RATING; AND

2 (III) CONTINUES TO BE USED FOR MARKET-RATE RENTAL HOUSING.

3 (2) AT THE TIME OF APPLICATION FOR THE CREDIT, THE PROPERTY OWNER MUST SUBMIT A
4 STATEMENT OF PROJECTED ECONOMIC IMPACT AND PUBLIC BENEFITS FOR THE PROJECT.
5 3 YEARS FROM THE DATE AN APPLICATION IS ACCEPTED, THE OWNER MUST SUBMIT
6 STATEMENTS OF ACTUAL ECONOMIC IMPACT AND PUBLIC BENEFITS FOR THE PROJECT.
7 PUBLIC BENEFIT MEASURES INCLUDE NEIGHBORHOOD REVITALIZATION IMPACT, JOB
8 CREATION, TAX GENERATION, AND MINORITY BUSINESS DEVELOPMENT.

9 (H) *NO TAX SUBSIDY DUPLICATION ALLOWED.*

10 EXCEPT FOR THE MARYLAND STATE ENTERPRISE ZONE TAX CREDIT PROGRAM, THE TAX
11 CREDIT AUTHORIZED BY THIS SECTION DOES NOT APPLY TO ANY PROPERTY FOR WHICH ANY
12 OTHER TAX SUBSIDY FROM THE CITY, WHETHER IN THE FORM OF A TAX CREDIT, PAYMENT IN
13 LIEU OF TAXES, TAX INCREMENTAL FINANCING, OR OTHERWISE, IS BEING RECEIVED OR HAS
14 BEEN APPLIED FOR.

15 (I) *APPLICATION.*

16 (1) THE OWNER SHALL SUBMIT THE APPLICATION FOR THE TAX CREDIT TO THE FINANCE
17 DEPARTMENT, WITH A COPY TO THE OFFICE OF SUSTAINABILITY, AND PAY THE
18 APPLICATION FEE SET BY THE BOARD OF ESTIMATES.

19 (2) IF THE PROPERTY IS TRANSFERRED AT ANY TIME, THE NEW OWNER SHALL FILE AN
20 APPLICATION TO CONTINUE THE CREDIT.

21 (J) *REVIEW BY FINANCE AND CHAP.*

22 (1) THE DEPARTMENT OF FINANCE SHALL ESTABLISH GENERAL REVIEW PROCEDURES FOR
23 THE PROGRAM.

24 (2) THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION, IN
25 COORDINATION WITH THE DEPARTMENT OF FINANCE, SHALL ESTABLISH SPECIFIC
26 PROCEDURES FOR DETERMINING WHETHER THE CRITERIA OF SUBSECTION (E) OF THIS
27 SECTION APPLY TO A PROJECT SO AS TO RENDER IT INELIGIBLE FOR THE CREDIT
28 AUTHORIZED BY THIS SECTION.

29 (2) THE DEPARTMENT OF FINANCE SHALL ANALYZE DATA SUBMITTED UNDER SUBSECTION
30 (F)(2) OF THIS SECTION.

31 (K) *ADMINISTRATION.*

32 THE DIRECTOR OF FINANCE MAY:

33 (1) ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION;

34 (2) SETTLE DISPUTED CLAIMS ARISING IN CONNECTION WITH THE CREDIT AUTHORIZED BY
35 THIS SECTION; AND

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1 (3) DELEGATE POWERS, DUTIES, OR FUNCTIONS IN CONNECTION WITH THE
2 ADMINISTRATION OF THE CREDIT AUTHORIZED BY THIS SECTION TO ANY EMPLOYEE
3 OR AGENCY OF THE CITY.

4 (L) *TERMINATION OF PROGRAM.*

5 APPLICATIONS FOR THE CREDIT MAY NOT BE ACCEPTED AFTER DECEMBER 31, 2017.

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

9 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
10 after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City