



**Agencies**

Baltimore City Public School System

Baltimore Development Corporation

City Solicitor

Comptroller's Office

Department of Audits

Department of Finance

Department of General Services

Department of Housing and Community Development

Department of Human Resources

Department of Planning

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other: \_\_\_\_\_

Other: \_\_\_\_\_

**Boards and Commissions**

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other: \_\_\_\_\_

Other: \_\_\_\_\_

Other: \_\_\_\_\_



CITY OF BALTIMORE  
ORDINANCE **18-151**  
Council Bill 18-0193

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Introduced by: The Council President  
At the request of: The Administration (Baltimore Development Corporation)  
Introduced and read first time: February 26, 2018  
Assigned to: Taxation, Finance and Economic Development Committee

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Committee Report: Favorable  
Council action: Adopted  
Read second time: June 4, 2018

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**AN ORDINANCE CONCERNING**

**Food Desert Incentive Areas – Expenditure Requirements for Tax Credit**

FOR the purpose of establishing a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets; and generally relating to the qualifications for a tax credit granted to certain supermarkets in a Food Desert Incentive Area.

BY repealing and reordaining, without amendment

Article 28 - Taxes  
Section 10-30(a)(7)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article 28 - Taxes  
Section 10-30(b) and (c)  
Baltimore City Code  
(Edition 2000)

**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**

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.



Council Bill 18-0193

1 § 10-30. Food Desert Incentive Areas (Personal Property Tax Credit)

2 (a) Definitions.

3 (7) Qualified supermarket.

4 "Qualified supermarket" means a supermarket that has been newly constructed or  
5 newly substantially renovated to meet the qualifications imposed by this subtitle.

6 (b) Credit granted.

7 In accordance with [state tax-property article § 9-304] STATE TAX-PROPERTY ARTICLE  
8 § 9-304(i), a tax credit is granted against the City personal property tax imposed on  
9 qualified supermarkets.

10 (c) Qualifications for credit.

11 To qualify for the credit granted by this section, a qualified supermarket must:

12 (1) be located in a Food Desert Incentive Area;

13 [(2) have expended on new personal property an amount equal to the greater  
14 of:

15 (i) \$150,000; or

16 (ii) \$25 per square foot of total floor space;]

17 (2) [(3)] have at least 500 square feet of total floor space dedicated to the sale of fruits  
18 and vegetables; [and]

19 (3) [(4)] have at least 500 square feet of total floor space dedicated to the sale of other  
20 perishable goods, including meat, seafood, and dairy products; AND

21 (4) HAVE EXPENDED ON NEW PERSONAL PROPERTY:

22 (I) FOR A NEWLY CONSTRUCTED SUPERMARKET, AN AMOUNT EQUAL TO THE  
23 GREATER OF:

24 (I) \$150,000; OR

25 (II) \$25 PER SQUARE FOOT OF TOTAL FLOOR SPACE; OR

26 (II) FOR A NEWLY SUBSTANTIALLY RENOVATED SUPERMARKET, AN AMOUNT  
27 BASED ON THE SUPERMARKET'S TOTAL FLOOR SPACE, AS FOLLOWS:

Council Bill 18-0193

1  
2  
3  
4

TOTAL FLOOR SPACE	EXPENDITURE REQUIRED
20,000 SQ. FT. OR LESS	\$5 PER SQUARE FOOT
MORE THAN 20,000 SQ. FT. UP TO 45,000 SQ. FT.	\$8 PER SQUARE FOOT
MORE THAN 45,000 SQ. FT.	\$10 PER SQUARE FOOT

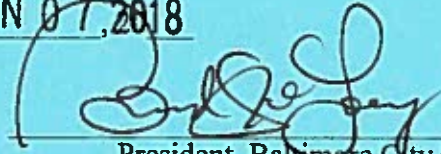
5  
6  
7

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

8  
9

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of JUN 07, 2018


  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of JUN 07, 2018

  
\_\_\_\_\_  
Chief Clerk

Approved this 20 day of June, 2018

  
\_\_\_\_\_  
Mayor, Baltimore City



4000 10000

4000 10000

4000 10000

CITY OF BALTIMORE

BOARD OF ESTIMATES

Room 204, City Hall  
Baltimore, Maryland 21202  
410-396-4755



BERNARD C. "JACK" YOUNG  
PRESIDENT, CITY COUNCIL

CATHERINE E. PUGH  
MAYOR

JOAN M. PRATT  
COMPTROLLER

RUDOLPH S. CHOW, P.E.  
DIRECTOR OF PUBLIC WORKS

ANDRE M. DAVIS  
CITY SOLICITOR

BERNICE H. TAYLOR  
DEPUTY COMPTROLLER  
AND CLERK TO THE BOARD

May 30, 2018

Honorable President and Members  
of the City Council

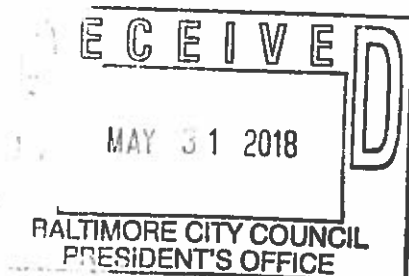
Ladies and Gentlemen:

On May 30, 2018 the Board had before it for consideration the following pending City Council Bills:

18-0193 - An Ordinance concerning Food Desert Incentive Areas - Expenditure Requirements for Tax Credit for the purpose of establishing a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets; and generally relating to the qualifications for a tax credits granted to certain supermarkets in a Food Desert Incentive Area.

**ALL REPORTS RECEIVED WERE FAVORABLE.**

18-0201 - An Ordinance concerning Waterfront Management District - Exemption from Supplemental Tax for the purpose of allowing the Waterfront Management Authority to exempt certain mixed use properties from the supplemental tax; clarifying and conforming related provisions; and generally relating to the Waterfront Management District.







# BALTIMORE CITY COUNCIL

## TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

### VOTING RECORD

DATE: 5/17/2018

BILL#: 18-0193

BILL TITLE: Food Desert Incentive Areas – Expenditure Requirements for Tax Credit

MOTION BY: Pinkett      SECONDED BY: Costello


- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Middleton, Sharon, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, Edward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTALS</b>				

CHAIRPERSON: Sharon Middleton

COMMITTEE STAFF: Samuel Johnson, Initials: SJ



<b>FROM</b>	NAME & TITLE	Robert Cename, Chief	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill 18-0193 – Food Desert Incentive Areas – Expenditure Requirements for Tax Credit		

DATE:

TO

The Honorable President and  
Members of the City Council  
Room 400, City Hall

April 20, 2018

Attention: Ms. Natawna Austin

We are herein reporting on CCB 18-0193, the purpose of which is to lower the minimum expenditure requirement for substantially renovated supermarkets that may be eligible for a Food Desert Incentive Area Personal Property Tax Credit under Article 28, Section 10-30 of the Baltimore City Code.

**Background**

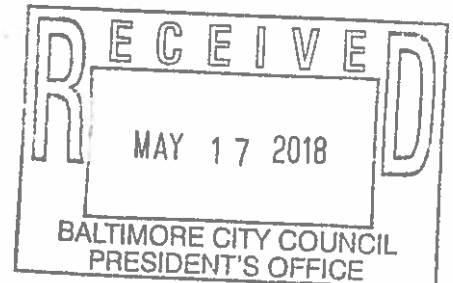
City Ordinance 15-434, signed into law on January 11, 2016, established a grocery store Personal Property Tax Credit for new and existing grocers that wish to locate or make improvements to stores in the City's designated Food Desert Incentive Areas. The credit grants a 10 year, 80 percent Personal Property Tax Credit against any new investment equal to \$25 per square foot of total floor space.

The intention of the credit is to retain or attract grocery stores to low-income areas of the City that lack adequate access to healthy, fresh food as determined by the Baltimore Food Policy Initiative (BFPI). BFPI was created in collaboration with the City Health Department, Planning, Office of Sustainability, and the Baltimore Development Corporation. BFPI worked with the Johns Hopkins Center for a Livable Future (CLF) to define and map food deserts across the City in order to design a Food Desert Retail Strategy with the ultimate goal of improving health outcomes for low-income City residents.

Among the 47 grocery stores located in the City, 27 are within designated Food Desert Incentive Areas. Only one grocer – a newly constructed Save-A-Lot Supermarket located at 2509 E. Monument – will receive the credit beginning in Fiscal 2018. At 14,594 total square feet, Save-A-Lot had to meet a minimum expenditure requirement of \$364,850 in personal property to qualify for the credit. As a new store, this threshold was satisfactorily met through the initial purchase of equipment and supplies necessary to open for business. The State Department of Assessments and Taxation (SDAT) has not yet assessed the new supermarket's personal property for Fiscal 2018, so the exact credit amount is unknown. Based on the minimum expenditure requirement, however, Save-A-Lot should receive at least a \$16,404 Personal Property Tax Credit in Fiscal 2018 as a result of this program.

The remaining 26 stores could make substantial renovations to qualify for the credit. To date, no existing stores have qualified.

*MB ob2*







## Analysis

### *Current versus Proposed Structure*

CCB 18-0193 would maintain the \$25 per square foot investment requirement for newly constructed stores, but it would adopt a tiered structure for newly renovated supermarkets in order to lower the expenditure requirement and expand eligibility. The proposed tiered structure is as follows:

1. 20,000 square feet or less: \$5 per square foot
2. Greater than 20,000 up to 45,000 square feet: \$8 per square foot
3. Greater than 45,000 square feet: \$10 per square foot

The table below compares the minimum investment requirement and the annual and ten-year value of the credit for the average grocer under the Current Structure versus the Proposed Structure.

EXPENDITURE REQUIREMENT	TOTAL SQFT	MIN. NEW INVESTMENT	ANNUAL VALUE OF CREDIT	10 YEAR VALUE OF CREDIT
<b>Current Structure (\$25 per sq.ft.)</b>				
Average Grocer	28,405	\$710,120	\$31,927	\$319,270
Total - 26 Grocers	738,525	\$18,463,125	\$830,102	\$8,301,021
<b>Proposed Structure (Tiered)</b>				
Average Grocer	28,405	\$227,240	\$10,217	\$102,167
Total - 26 Grocers	738,525	\$6,028,693	\$271,050	\$2,710,500

*Source: Baltimore Development Corporation*

Under the Current Structure, the average supermarket would need to expend at least \$710,120 on new personal property and would receive \$319,270 in tax credits over ten years. That same grocer would need to invest only \$227,240, at minimum, under the Proposed Structure, and would receive \$102,167 in tax credit savings over ten years. Both structures provide a 45% return on investment to qualifying supermarkets.

Finance projects that under the Proposed Structure, approximately 10% or 3 existing grocery stores will take advantage of the credit in a given year, for an annual cost to the City of at least \$30,650 in Year 1. At this rate, the cumulative ten-year cost of the credit is \$1.6 million. If all 26 grocers take advantage of the credit in Year 1, the total ten-year cost would reach \$2.7 million. The table below summarizes this projection.

ANNUAL CREDIT COST	YEAR 1	YEAR 5	YEAR 10	TOTAL 10 YEAR COST
Baseline Scenario (10% of stores annually)	30,651	153,255	271,050	1,619,694
High Scenario (all stores)	271,050	271,050	271,050	2,710,500

## Conclusion

City Council Bill 18-0193 would expand newly renovated supermarkets' eligibility for the Food Desert Incentive Tax Credit and subsequently reduce Personal Property Tax revenue. In the Current Structure, only one credit is being granted for an estimated cost of at least \$164,040 over ten years. It is unclear






what the potential increased cost of this credit would be, and if it will have the intended effect of retaining grocery stores, and in turn, on improving health outcomes of City residents.

The Department of Finance agrees with the policy goal of attracting and retaining grocery stores to low-income areas, and promoting and increasing the availability of healthy food options as to low income families as determined by the BFPI; however, Finance has concerns about the potential cost of this credit and will closely monitor its effectiveness in achieving the intended goals; therefore, the Department of Finance does not object the passage of City Council Bill 18-0193.

cc: Henry Raymond  
Kyron Banks



<b>F R O M</b>	<b>Name &amp; Title</b>	Dr. Leana Wen, Commissioner <i>Leana Wen</i>	<b>Health Department</b>	
	<b>Agency Name &amp; Address</b>	Health Department 1001 E. Fayette Street Baltimore, Maryland 21201		
	<b>Subject</b>	18-0193 – Food Desert Incentive Areas - Expenditure Requirements for Tax Credit		

**To: President and Members  
of the City Council  
c/o 409 City Hall**

**May 17, 2018**

The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review #18-0193 – Food Desert Incentive Areas - Expenditure Requirements for Tax Credit. The purpose of this legislation is to reduce the amount of expenditures required for existing, renovated supermarkets as compared to newly constructed supermarkets to qualify for the food desert incentive tax credit

Access to nutritious food is a persistent issue throughout Baltimore City. A lack of access to healthy foods is a key determinant of health. For this reason, BCHD, along with Johns Hopkins Center for a Livable Future, expended a great deal of resources in determining where access is limited.<sup>1</sup> From this research, BCHD and the intergovernmental collaboration, Baltimore Food Policy Initiative (BFPI), developed a Food Desert Retail Strategy, of which tax credits are a part.<sup>2</sup> These credits were intended to ease the burden on supermarkets in areas identified by BFPI as food deserts, now known as healthy food priority areas.

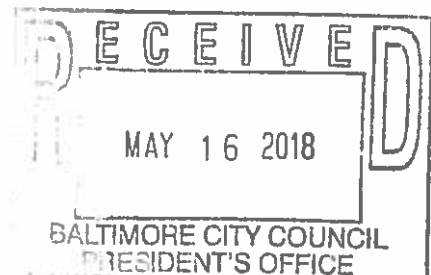
Programmatically, BCHD has addressed healthy food priority areas through Baltimarket. Baltimarket centers on the Virtual Supermarket Program, Healthy Stores Program, and Neighborhood Food Advocates Initiative.<sup>3</sup> Our virtual supermarkets allow residents to order, pay for, and pickup groceries at 14 community sites. The Healthy Stores Program seeks to reduce childhood obesity through assisting local corner and grocery stores in procuring healthier food alternatives. BCHD's Neighborhood Food Advocates are community members that assist in changing the food environment in areas identified as healthy food priority areas.

By increasing the incentive for local food retailers to renovate and grow in known healthy food priority areas, Council Bill #18-0193 will supplement BCHD's gains in expanding food access. For this reason, the Health Department urges a favorable report on this bill.

<sup>1</sup> <http://mdfoodsystemmap.org/>

<sup>2</sup> <https://planning.baltimorecity.gov/baltimore-food-policy-initiative>

<sup>3</sup> <https://health.baltimorecity.gov/programs/baltimarket>



*F*





The Baltimore City Department of  
HOUSING & COMMUNITY  
DEVELOPMENT

## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner



Date: May 10, 2018

Re: **City Council Bill 18-0193 - Food Desert Incentive Areas – Expenditure Requirements for Tax Credit**

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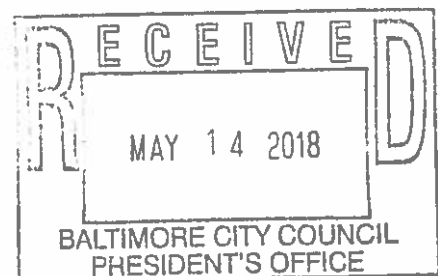
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0193, for the purpose of establishing a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets; and generally relating to the qualifications for a tax credit granted to certain supermarkets in a Food Desert Incentive Area.

If enacted, this bill would support the retention of existing grocery stores in certain areas of the City by reducing the threshold of investment required during renovations through the development of a tiered requirement that is based on the size of the store.

The Department of Housing and Community Development supports the passage of City Council Bill 18-0193.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*  
Mr. Kyron Banks, *Mayor's Office of Government Relations*





CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

May 9, 2018

Honorable President and Members  
of the City Council of Baltimore  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Attn: Natawna Austin, Executive Secretary

Re: City Council Bill No. 18-0193 – Food Desert Incentive Areas-  
Expenditure Requirements for Tax Credits

Dear President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 18-0193. City Council Bill 193 establishes a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets. Newly constructed supermarkets have to expend on new personal property the greater of \$150,000 or \$25 per square foot. A substantially renovated supermarket must expend \$5/sq. ft. for 20,000 sq. ft. or less; \$8/sq.ft. for 20,000 sq.ft. to 45,000 sq. ft. and \$10/sq. ft. for greater than 45,000 sq.ft.

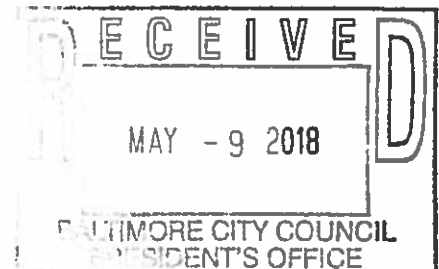
The Md. Ann. Code Tax Property Art. §9-304(h) gives Mayor and City Council the authority to enact a personal property tax credit for certain supermarkets that qualify under the law. In addition to authorizing the credit, this section gives the Mayor and City Council the authority to establish by law additional eligibility requirements for supermarkets to qualify for the tax credit and additional criteria for what constitutes eligible construction that may qualify a supermarket for the tax credit.

City Council Bill 18-0193 is an appropriate exercise of the authority granted to the Mayor and City Council by §9-304(h). The Law Department therefore approves City Council Bill 18-0193 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro  
Chief Solicitor








**cc: Andre M. Davis Solicitor**  
**Kyron Banks, City Council Liaison, Mayor's Office**  
**Kara Kunst, City Council President's Legislative Liaison**  
**Hilary Ruley**  
**Victor Tervala**  
**Ashlea Brown**  
**Avery Aisenstark**



<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0193/ FOOD DESERT INCENTIVE AREAS – EXPENDITURE REQUIREMENTS FOR TAX CREDIT		

**TO**

DATE: March 9, 2018

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

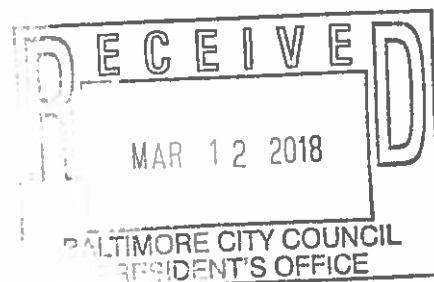
The Department of Planning is in receipt of City Council Bill #18-0193, which is for the purpose of establishing a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets; and generally relating to the qualifications for a tax credit granted to certain supermarkets in a Food Desert Incentive Area.

The Department of Planning recommends approval of City Council Bill #18-0193, in order to support existing grocery stores to stay in the city. This bill amends City Ordinance Article 28, Section 10-30 to reduce the threshold of investment required during renovation through a tiered requirement based on store size. The existing investment requirements are appropriate for new stores, but in many cases are unrealistic for stores to meet through renovation. This amended approach will better support the intended goal of grocery store retention while still encouraging investment in the city and high quality food retail.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

TJS/ewt

- cc: Mr. Pete Hammen, Chief Operating Officer
- Mr. Jim Smith, Chief of Strategic Alliances
- Ms. Karen Stokes, Mayor's Office
- Mr. Colin Tarbert, Mayor's Office
- Mr. Kyron Banks, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to Planning Commission
- Mr. William H. Cole IV, BDC
- Mr. Derek Baumgardner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Ms. Elena DiPietro, Law Dept.
- Mr. Francis Burnszynski, PABC
- Ms. Katelyn McCauley, DOT
- Ms. Natawna Austin, Council Services
- Ms. Holly Freishtat, Food Policy Director



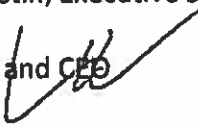
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**MEMORANDUM**

**TO:** Honorable President and Members of the City Council  
Attention: Natawna B. Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO 

**DATE:** March 6, 2018

**SUBJECT:** City Council Bill No. 18-0193  
Food Desert Incentive Areas – Expenditure Requirements for Tax Credit

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 18-0193 for the purpose of establishing a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets; and generally relating to the qualifications for tax credit granted to certain supermarkets in Food Desert Incentive Area.

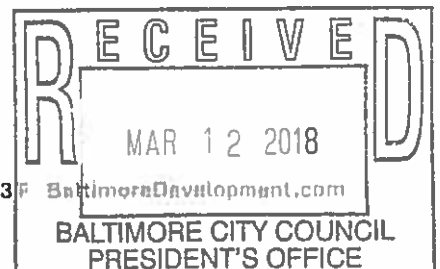
As part of the Baltimore Food Policy Initiative, the BDC works to retain and attract supermarkets to incentive areas, and across the city, to increase access to healthy, affordable food for all City residents. According to the 2018 Food Environment Map and Report, 23.5% of residents live in a healthy food priority area (also known as a food desert).

The Grocery Store Personal Property Tax Credit, passed in late 2015, allows a 10-year, 80 percent credit against personal property tax for new stores locating in or existing stores making significant improvements in incentive areas provided the level of investment is equal to or greater than \$150,000 or \$25 per square foot. For existing supermarkets making substantial renovations, that threshold may be more difficult to reach.

As a supermarket retention strategy, this bill amends the existing tax credit ordinance by reducing the threshold of investment required for existing stores in the incentive area, and meeting all other eligibility requirements, to a tiered requirement based on store size.


BDC has reviewed and supports the proposed legislation and is respectfully requesting that Bill No. 18-0193 be given favorable consideration by the City Council.

cc: Kyron Banks 







FROM	Name & Title	Walter J. Horton, Real Estate Officer <i>Walter Horton</i>	CITY OF BALTIMORE  <b>MEMO</b>  
	Agency Name & Address	Department of Real Estate 100 N. Holliday Street Room 304, City Hall	
	Subject	City Council Bill #18-0193 / Food Desert Incentive Areas-Expenditure Requirements for Tax Credit	

**TO:** The Honorable President and Members  
of the City Council  
100 N. Holliday Street  
Room 400, City Hall

**DATE:** March 8, 2017

Attention: Ms. Natawna B. Austin

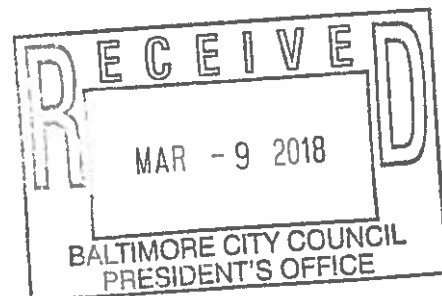
As requested, the Department of Real Estate has reviewed City Council Bill 18-0193, which if approved, would authorize the Mayor and City Council to establish a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets; and generally relating to the qualifications for a tax credit granted to certain supermarkets in a Food Desert Incentive Area.

If enacted, this bill would allow for a lower expenditure requirement for a newly renovated supermarket that will be based on the supermarket's total floor space, as follows:

TOTAL FLOOR SPACE	EXPENDITURE REQUIRED
20,000 SQ. FT. OR LESS	\$5.00 PER SQ. FT.
MORE THAN 20,000 UP TO 45,000 SQ. FT.	\$8.00 PER SQ. FT.
MORE THAN 45,000 SQ. FT.	\$10.00 PER SQ. FT.

The Department of Real Estate has no objection to the passage of City Council Bill #18-0193.

WJH/lfw



*No objection*



# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Minutes - Final

### Taxation, Finance and Economic Development Committee

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Thursday, May 17, 2018

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

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18-0193

#### CALL TO ORDER

#### INTRODUCTIONS

#### ATTENDANCE

**Present** 5 - Member Sharon Green Middleton, Member Leon F. Pinkett III, Member Eric T. Costello, Member Edward Reisinger, and Member Robert Stokes Sr.

#### ITEMS SCHEDULED FOR PUBLIC HEARING

18-0193

**Food Desert Incentive Areas - Expenditure Requirements for Tax Credit**  
For the purpose of establishing a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets; and generally relating to the qualifications for a tax credit granted to certain supermarkets in a Food Desert Incentive Area.

**Sponsors:** City Council President (Administration)

A motion was made by Member Pinkett, III, seconded by Member Costello, that Bill 18-0193 be recommended favorably. The motion carried by the following vote:

**Yes:** 5 - Member Middleton, Member Pinkett III, Member Costello, Member Reisinger, and Member Stokes Sr.

#### ADJOURNMENT

**THIS MEETING IS OPEN TO THE PUBLIC**







HEARING NOTES

Bill: 18-0193

Food Desert Incentive Areas – Expenditure Requirements for Tax

Committee: Taxation, Finance and Economic Development

Chaired By: Councilwoman Sharon Green Middleton

Hearing Date: May 17, 2018

Time (Beginning): 10:05a.m.

Time (Ending): 10:35a.m.

Location: Clarence "Du" Burns Chamber

Attendance: 25

Committee Members in Attendance:

Sharon Green Middleton, Committee Chair

Leon Pinkett, Committee Vice Chair

Eric Costello

Edward Reisinger

Robert Stokes

Bill Synopsis in the file? .....	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Attendance sheet in the file? .....	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Agency reports read? .....	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Hearing televised or audio-taped? .....	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	<input type="checkbox"/> N/A
Certification of advertising/posting notices in the file?.....	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Evidence of notification to property owners? .....	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
Final vote taken at this hearing? .....	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Motioned by: .....	Councilmember Pinkett		
Seconded by:.....	Councilmember Costello		
Final Vote: .....	5-0 Favorable		

Major Speakers

(This is not an attendance record.)

- Ms. Kristin Dawson, Baltimore Development Corporation
- Ms. Holley Freishtat, Department of Planning
- Mr. D’Paul Nibber, Health Department
- Mr. Pedro Aponte, Department of Finance





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### Major Issues Discussed

1. Councilwoman Middleton read the bill into the record and introduced committee members.
2. Council President Young provided opening comments about why he introduced this bill.
3. Ms. Kristin Dawson spoke about the work that the Baltimore Development Corporation has been doing to recruit new supermarkets into the city, and working with existing supermarkets on expansion. She also spoke about BDC's advocacy work in attracting SNAP Purchases.
4. Mr. D'Paul Nibber spoke about the Health Department's commitment to supporting legislation that addresses providing healthy food options for city residents. He also spoke about the expansion of their virtual supermarket program in 14 areas around the City of Baltimore.
5. Councilwoman Middleton asked the Health Department representative to share any information that they come across on potential grants that would support this initiative.
6. Councilman Burnett asked if there would be any outreach done to get more markets to participate in this program. The BDC representative provided information on the work that they do to attract more businesses, and then the representative from the Department of Finance spoke on that question from a cost perspective.
7. Mr. Pedro Aponte spoke about the work that the Department of Finance was doing to create cost projections to promote this initiative. He also stated that in the city's 10 year financial plan the agency is doing an analysis of how tax rates impact the attraction of supermarkets.
8. Councilman Pinkett asked if the agencies had looked at the cost analysis if the city gives this tax credit and then the market leaves. Various agencies weighed in to respond to that question.
9. Councilwoman took a vote on Bill 18-0193 and it passed 5-0 and is scheduled to be heard by the Board of Estimates on May 30, 2018, and will be heard at the City Council meeting on June 4, 2018.

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### Further Study

Was further study requested?

YES  NO

If yes, describe.

---

Samuel Johnson, Committee Staff  
(410) 396-1091

Date: 05/18/2018

cc: Bill File  
OCS Chrono File





# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Agenda - Final

### Taxation, Finance and Economic Development Committee

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Thursday, May 17, 2018

10:00 AM

Du Burns Council Chamber, 4th floor, City Hall

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18-0193

#### *CALL TO ORDER*

#### *INTRODUCTIONS*

#### *ATTENDANCE*

#### *ITEMS SCHEDULED FOR PUBLIC HEARING*

18-0193 Food Desert Incentive Areas - Expenditure Requirements for Tax Credit  
For the purpose of establishing a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets; and generally relating to the qualifications for a tax credit granted to certain supermarkets in a Food Desert Incentive Area.

**Sponsors:** City Council President (Administration)

**Attachments:** 18-0193-1st Reader

Real Estate 18-0193

Planning 18-0193

BDC 18-0193

Law 18-0193

HCD 18-0193

Health 18-0193

Finance 18-0193

#### *ADJOURNMENT*

**THIS MEETING IS OPEN TO THE PUBLIC**



~



## **BALTIMORE CITY COUNCIL TAXATION, FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE**

### **Mission Statement**

*On behalf of the Citizens of Baltimore City, the mission of the Taxation, Finance and Economic Development Committee of the Baltimore City Council is to legislate policy that will deter unnecessary tax burdens while seeking and supporting projects and initiatives that will generate and increase our tax base. Reviewing and considering financing tools that impact the retention and sustainability of our economic base is essential. Introducing and enhancing legislation that perpetuates equal access to economic development for African Americans/Minorities/Women and other members of our community that will result in an improved quality of life for all citizens of Baltimore is a critical component of Baltimore's success.*

**The Honorable Sharon Green Middleton  
Chairman**

### **PUBLIC HEARING**

**Thursday, May 17, 2018  
10:00 AM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

***City Council Bill 18-0193  
Food Desert Incentive Areas - Expenditure Requirements  
for Tax Credit***



## CITY COUNCIL COMMITTEES

### BUDGET AND APPROPRIATIONS

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Brandon M. Scott  
Isaac “Yitzy” Schleifer  
Shannon Sneed  
*Staff: Marguerite Currin*

### EDUCATION AND YOUTH

Zeke Cohen – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Kristerfer Burnett  
Ryan Dorsey  
*Staff: Matthew Peters*

### EXECUTIVE APPOINTMENTS

Robert Stokes – Chair  
Kristerfer Burnett – Vice Chair  
Mary Pat Clarke  
Zeke Cohen  
Isaac “Yitzy” Schleifer  
*Staff: Marguerite Currin*

### HOUSING AND URBAN AFFAIRS

John Bullock – Chair  
Isaac “Yitzy” Schleifer – Vice Chair  
Kristerfer Burnett  
Bill Henry  
Shannon Sneed  
Zeke Cohen  
Ryan Dorsey  
*Staff: Richard Krummerich*

### JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Leon Pinkett  
Edward Reisinger  
Brandon Scott  
Robert Stokes  
*Staff: Matthew Peters*

### LABOR

Shannon Sneed – Chair  
Robert Stokes – Vice Chair  
Eric Costello  
Bill Henry  
Mary Pat Clarke  
*Staff: Samuel Johnson*

### LAND USE AND TRANSPORTATION

Edward Reisinger - Chair  
Sharon Green Middleton – Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Leon Pinkett  
Robert Stokes  
*Staff: Jennifer Coates*

### PUBLIC SAFETY

Brandon Scott – Chair  
Ryan Dorsey – Vice Chair  
Kristerfer Burnett  
Shannon Sneed  
Zeke Cohen  
Leon Pinkett  
Isaac “Yitzy” Schleifer  
*Staff: Richard Krummerich*

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair  
Leon Pinkett – Vice Chair  
Eric Costello  
Edward Reisinger  
Robert Stokes  
*Staff: Samuel Johnson*  
*- Larry Greene (pension only)*



**BILL SYNOPSIS**

**Committee: Taxation, Finance and Economic Development**

**Bill 18-0193**

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**Food Desert Incentive Areas – Expenditure Requirements for Tax Credit**

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**Sponsor:** *President Young (The Administration) \**

**Introduced:** *February 26, 2018*

**Purpose:**

For the purpose of establishing a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets; and generally relating to the qualifications for a tax credit granted to certain supermarkets in a Food Desert Incentive Area.

**Effective:** 30<sup>th</sup> Day after enactment

**Hearing Date/Time/Location:** May 17, 2018 / 10:00 a.m. / Clarence "Du" Burns Chamber

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**Agency Reports**

City Solicitor	Favorable
Department of Planning	Favorable
Department of Housing and Community Development	Favorable
Health Department	
Baltimore Development Corporation	Favorable
Department of Real Estate	No Objections
Department of Finance	
Board of Estimates	

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## Analysis

### Current Law:

Article 28 - Taxes; Section 10-30(a) (7); Baltimore City Code; (Edition 2000)

### Background

The Grocery Store Personal Property Tax Credit was passed in late 2015, it allows a 10-year, 80 percent credit against personal property tax for new stores located in or existing stores making significant improvements in incentive areas provided the level of investment is equal to or greater than \$150,000 or \$25 per square foot. As reported in the Baltimore City Food Environment 2018 Report, the typical threshold used to classify large supermarkets versus small grocery stores is greater than or less than \$2 million dollars in annual food sales. Within Baltimore City there are 47 supermarkets, and approximately 633 small grocery and corner stores.

As a supermarket retention strategy, this bill amends the existing tax credit outlined in Baltimore City Code, Article 28 - Taxes, Section 10-30 to reduce the threshold of investment required during renovation through a tiered requirement based on store size, as represented below in the chart from Section 10-30 (c) Qualifications for credit:

TOTAL FLOOR SPACE	EXPENDITURE REQUIRED
20,000 SQ. FT. OR LESS	\$5 PER SQUARE FOOT
MORE THAN 20,000 SQ. FT. UP TO 45,000 SQ. FT.	\$8 PER SQUARE FOOT
4 MORE THAN 45,000 SQ. FT.	\$10 PER SQUARE FOOT


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### Additional Information

**Fiscal Note:** Not Available

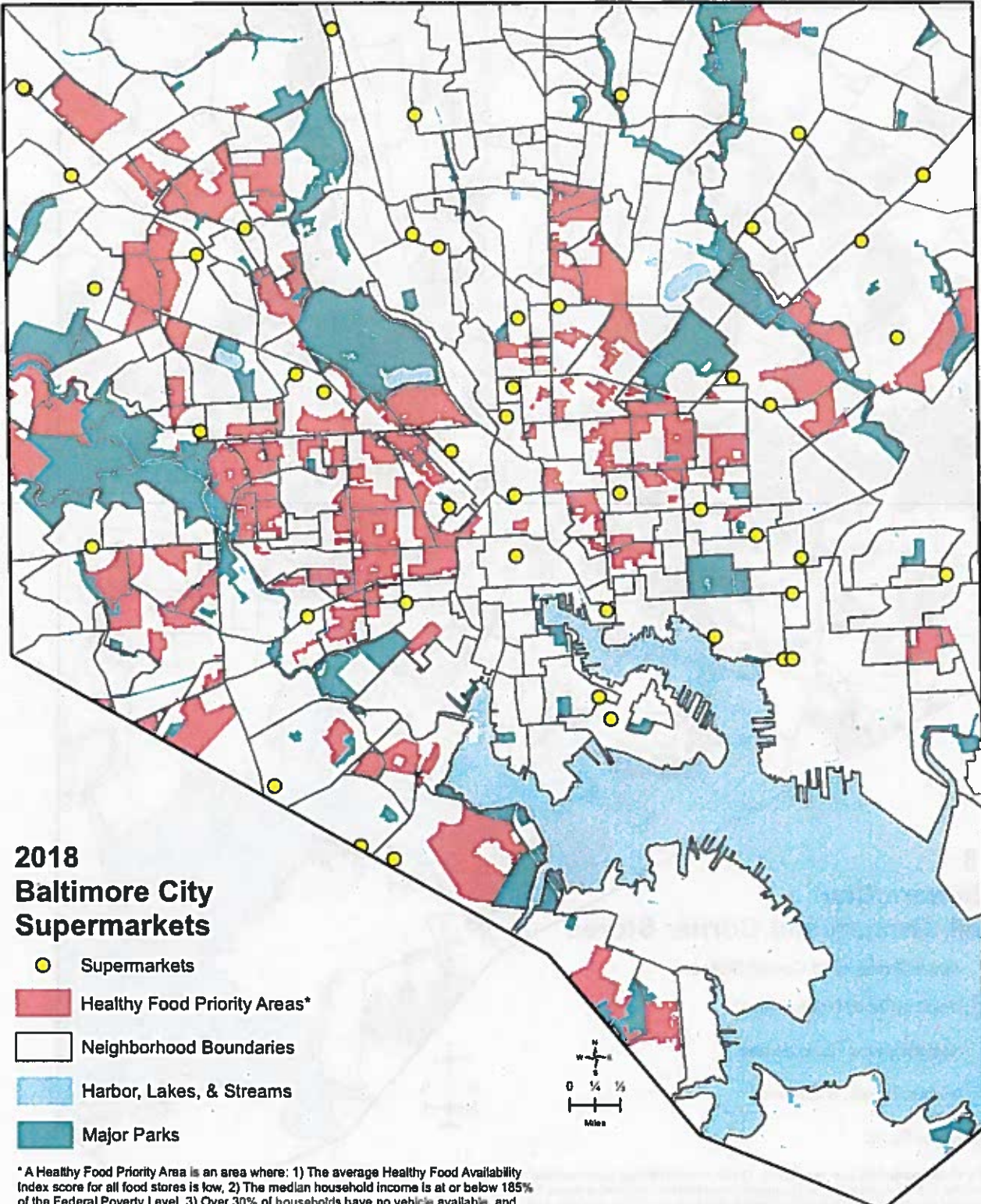
**Information Source(s):** Agency Reports, Baltimore City Food Environment 2018 Report

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Analysis by: Samuel Johnson   
Analysis Date: May 15, 2018

Direct Inquiries to: (410) 396-1091





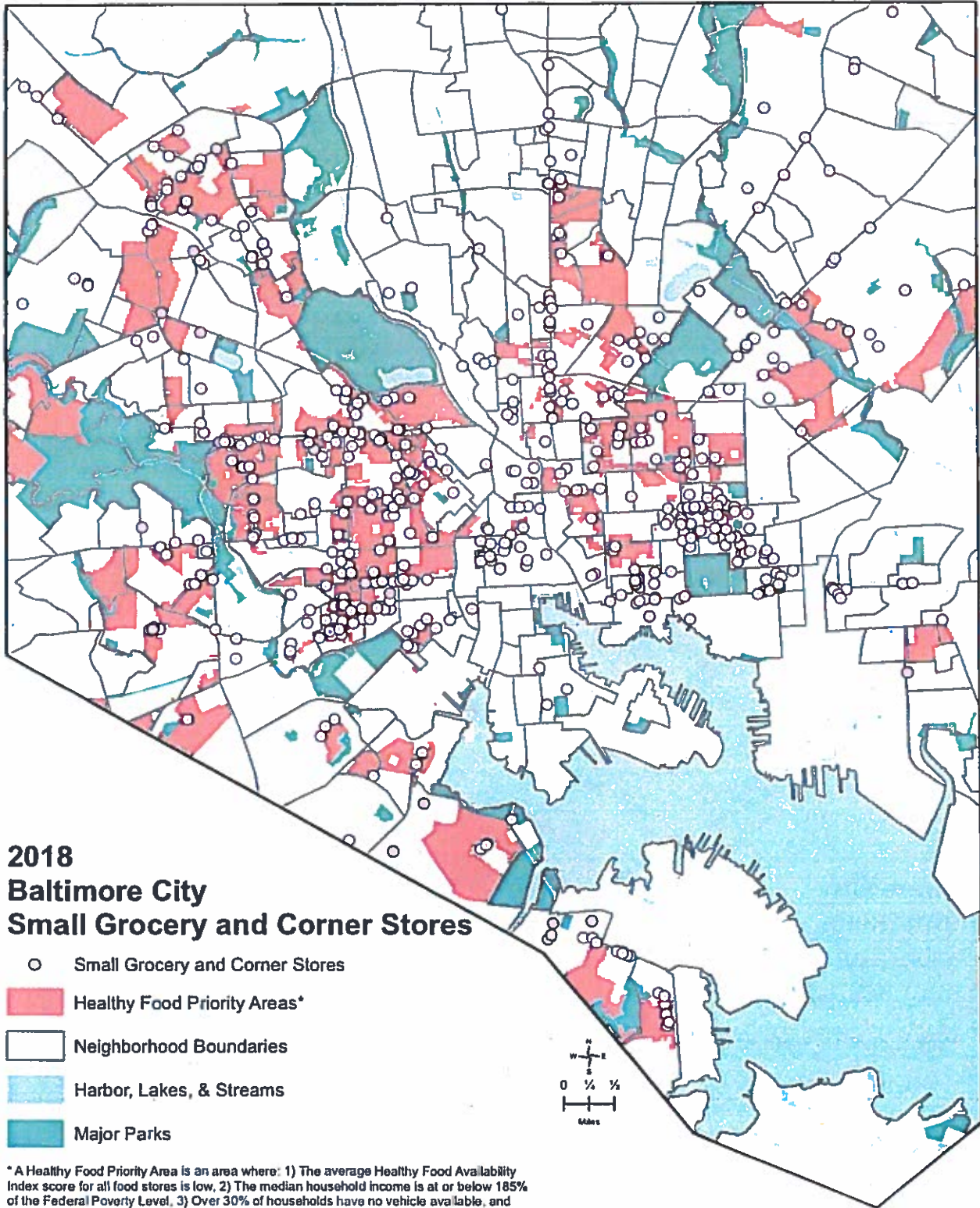
## 2018 Baltimore City Supermarkets

-  Supermarkets
-  Healthy Food Priority Areas\*
-  Neighborhood Boundaries
-  Harbor, Lakes, & Streams
-  Major Parks

\* A Healthy Food Priority Area is an area where: 1) The average Healthy Food Availability Index score for all food stores is low, 2) The median household income is at or below 185% of the Federal Poverty Level, 3) Over 30% of households have no vehicle available, and 4) The distance to a supermarket is more than 1/4 mile.

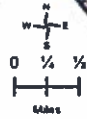






**2018  
Baltimore City  
Small Grocery and Corner Stores**

- Small Grocery and Corner Stores
- Healthy Food Priority Areas\*
- Neighborhood Boundaries
- Harbor, Lakes, & Streams
- Major Parks



\* A Healthy Food Priority Area is an area where: 1) The average Healthy Food Availability Index score for all food stores is low, 2) The median household income is at or below 185% of the Federal Poverty Level, 3) Over 30% of households have no vehicle available, and 4) The distance to a supermarket is more than 1/4 mile.



**CITY OF BALTIMORE  
COUNCIL BILL 18-0193  
(First Reader)**

---

Introduced by: The Council President

At the request of: The Administration (Baltimore Development Corporation)

Introduced and read first time: February 26, 2018

Assigned to: Taxation, Finance and Economic Development Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Health Department, Baltimore Development Corporation, Department of Real Estate, Department of Finance, Board of Estimates

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Desert Incentive Areas – Expenditure Requirements for Tax Credit**

3 FOR the purpose of establishing a new minimum expenditure requirement for substantially  
4 renovated supermarkets that is lower than the expenditure requirement for newly constructed  
5 supermarkets; and generally relating to the qualifications for a tax credit granted to certain  
6 supermarkets in a Food Desert Incentive Area.

7 BY repealing and reordaining, without amendment

8 Article 28 - Taxes  
9 Section 10-30(a)(7)  
10 Baltimore City Code  
11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article 28 - Taxes  
14 Section 10-30(b) and (c)  
15 Baltimore City Code  
16 (Edition 2000)

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

19 **Baltimore City Code**

20 **Article 28. Taxes**

21 **Subtitle 10. Credits**

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

Council Bill 18-0193

1 § 10-30. Food Desert Incentive Areas (Personal Property Tax Credit)

2 (a) *Definitions.*

3 (7) *Qualified supermarket.*

4 "Qualified supermarket" means a supermarket that has been newly constructed or  
5 newly substantially renovated to meet the qualifications imposed by this subtitle.

6 (b) *Credit granted.*

7 In accordance with [state tax-property article § 9-304] STATE TAX-PROPERTY ARTICLE  
8 § 9-304(H), a tax credit is granted against the City personal property tax imposed on  
9 qualified supermarkets.

10 (c) *Qualifications for credit.*

11 To qualify for the credit granted by this section, a qualified supermarket must:

12 (1) be located in a Food Desert Incentive Area;

13 [(2) have expended on new personal property an amount equal to the greater  
14 of:

15 (i) \$150,000; or

16 (ii) \$25 per square foot of total floor space;]

17 (2) [(3)] have at least 500 square feet of total floor space dedicated to the sale of fruits  
18 and vegetables; [and]

19 (3) [(4)] have at least 500 square feet of total floor space dedicated to the sale of other  
20 perishable goods, including meat, seafood, and dairy products; AND

21 (4) HAVE EXPENDED ON NEW PERSONAL PROPERTY:

22 (I) FOR A NEWLY CONSTRUCTED SUPERMARKET, AN AMOUNT EQUAL TO THE  
23 GREATER OF:

24 (i) \$150,000; OR

25 (ii) \$25 PER SQUARE FOOT OF TOTAL FLOOR SPACE; OR

26 (II) FOR A NEWLY SUBSTANTIALLY RENOVATED SUPERMARKET, AN AMOUNT  
27 BASED ON THE SUPERMARKET'S TOTAL FLOOR SPACE, AS FOLLOWS:

**Council Bill 18-0193**

TOTAL FLOOR SPACE	EXPENDITURE REQUIRED
20,000 SQ. FT. OR LESS	\$5 PER SQUARE FOOT
MORE THAN 20,000 SQ. FT. UP TO 45,000 SQ. FT.	\$8 PER SQUARE FOOT
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1  
2  
3  
4  
5     **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
6 are not law and may not be considered to have been enacted as a part of this or any prior  
7 Ordinance.

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





**CITY OF BALTIMORE  
COUNCIL BILL 18-0193  
(First Reader)**

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Introduced by: The Council President

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Introduced and read first time: February 26, 2018

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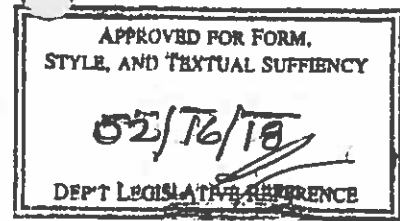
**Council Bill 18-0193**

<b>TOTAL FLOOR SPACE</b>	<b>EXPENDITURE REQUIRED</b>
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**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.





**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

Introduced by: The Council President  
At the request of: The Administration (Baltimore Development Corporation)

**A BILL ENTITLED**

**AN ORDINANCE concerning**

**Food Desert Incentive Areas – Expenditure Requirements for Tax Credit**

FOR the purpose of establishing a new minimum expenditure requirement for substantially renovated supermarkets that is lower than the expenditure requirement for newly constructed supermarkets; and generally relating to the qualifications for a tax credit granted to certain supermarkets in a Food Desert Incentive Area.

BY repealing and reordaining, without amendment

Article 28 - Taxes  
Section 10-30(a)(7)  
Baltimore City Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article 28 - Taxes  
Section 10-30(b) and (c)  
Baltimore City Code  
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**Baltimore City Code**

**Article 28. Taxes**

**Subtitle 10. Credits**

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

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

**§ 10-30. Food Desert Incentive Areas (Personal Property Tax Credit)**

(a) *Definitions.*

(7) *Qualified supermarket.*

“Qualified supermarket” means a supermarket that has been newly constructed or newly substantially renovated to meet the qualifications imposed by this subtitle.

(b) *Credit granted.*

In accordance with [state tax-property article § 9-304] STATE TAX-PROPERTY ARTICLE § 9-304(11), a tax credit is granted against the City personal property tax imposed on qualified supermarkets.

(c) *Qualifications for credit.*

To qualify for the credit granted by this section, a qualified supermarket must:

(1) be located in a Food Desert Incentive Area;

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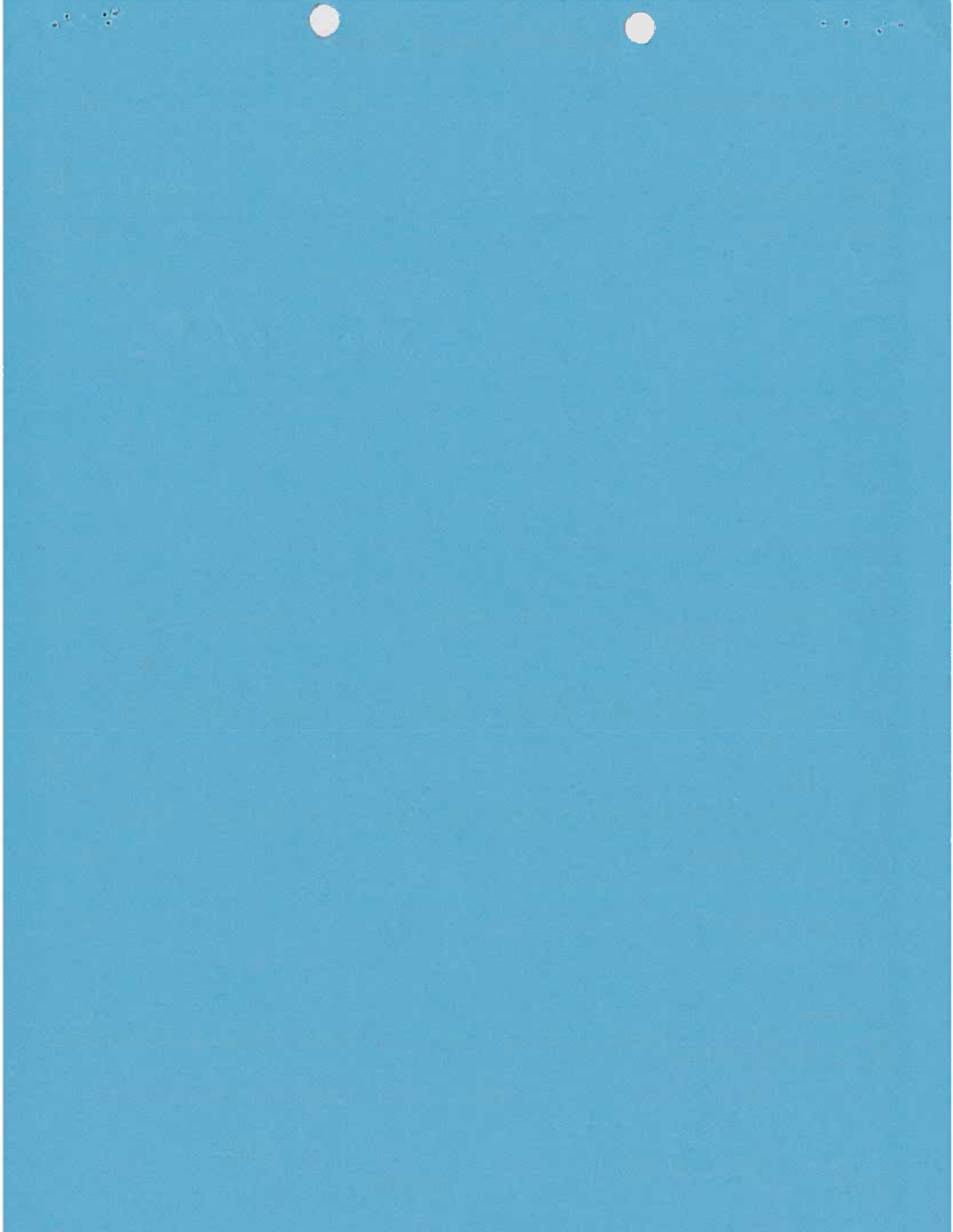
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ACTION BY THE CITY COUNCIL

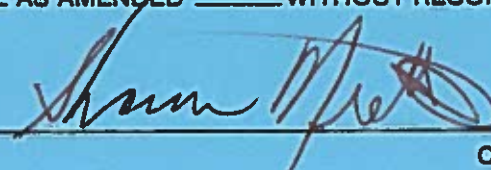
FEB 26 2018

FIRST READING (INTRODUCTION) \_\_\_\_\_ 20 \_\_\_\_\_

PUBLIC HEARING HELD ON \_\_\_\_\_ May 17 20 18

COMMITTEE REPORT AS OF \_\_\_\_\_ June 4 20 18

FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

  
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUN 04 2018

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_ JUN 07 2018

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

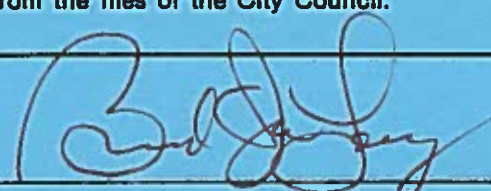
THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_


\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

  
President

  
Chief Clerk