



Legislation Details (With Text)

File #:	14-0420	Version:	0	Name:	Property Tax Credits - Urban Agriculture
Type:	Ordinance	Status:		Status:	Enacted
File created:	7/17/2014	In control:		In control:	City Council
On agenda:		Final action:		Final action:	5/8/2015
Enactment date:		Enactment #:		Enactment #:	15-350

Title: Property Tax Credits - Urban Agriculture
FOR the purpose of establishing a property tax credit for urban agricultural property; providing for the amount, duration, and possible early termination of the credit; imposing certain limitations, conditions, and qualifications; providing for the administration of the credit; requiring that the credit be repaid under certain circumstances; defining certain terms; and generally relating to the a property tax credit for urban agricultural property.

Sponsors: William "Pete" Welch, Bill Henry, James B. Kraft, Carl Stokes, Warren Branch, Mary Pat Clarke, Brandon M. Scott

Indexes: Property Tax Credit, Urban Agriculture

Code sections:

Attachments: 1. 14-0420~1st Reader.pdf, 2. Office of Sustainability 14-0420.pdf, 3. BDC 14-0420.pdf, 4. HCD 14-0420.pdf, 5. Finance 14-0420.pdf, 6. Real Estate 14-0420.pdf, 7. City Solicitor 14-0420.pdf, 8. Planning 14-0420.pdf, 9. 14-0420 2nd Reader Amendment, 10. 14-0420~3rd Reader

Date	Ver.	Action By	Action	Result
5/11/2015	0	Mayor	Signed by Mayor	
5/4/2015	0	City Council	Approved and Sent to the Mayor	
4/27/2015	0	City Council	Advanced to 3rd Reader, for Final Passage	
4/20/2015	0	Taxation, Finance and Economic Development Committee	Recommended Favorably with Amendment	Pass
8/11/2014	0	Taxation, Finance and Economic Development Committee	Scheduled for a Public Hearing	
7/22/2014	0	The City Council	Referred for a Report	
7/22/2014	0	The City Council	Referred for a Report	
7/22/2014	0	The City Council	Referred for a Report	
7/22/2014	0	The City Council	Referred for a Report	
7/22/2014	0	The City Council	Referred for a Report	
7/22/2014	0	The City Council	Referred for a Report	
7/22/2014	0	The City Council	Referred for a Report	
7/22/2014	0	The City Council	Referred for a Report	
7/17/2014	0	City Council	Assigned	
7/17/2014	0	City Council	Introduced	

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Welch

A BILL ENTITLED

AN ORDINANCE concerning

Property Tax Credits - Urban Agriculture

FOR the purpose of establishing a property tax credit for urban agricultural property; providing for the amount, duration, and possible early termination of the credit; imposing certain limitations, conditions, and qualifications; providing for the administration of the credit; requiring that the credit be repaid under certain circumstances; defining certain terms; and generally relating to the a property tax credit for urban agricultural property.

BY adding

Article 28 - Taxes

Section(s) 10-18

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

§ 1018. URBAN AGRICULTURAL PROPERTY.

(A) DEFINITIONS.

(1) IN GENERAL.

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

(2) INCLUDES; INCLUDING.

"INCLUDES" OR "INCLUDING" MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

(3) SUSTAINABILITY OFFICE.

"SUSTAINABILITY OFFICE" MEANS THE BALTIMORE CITY OFFICE OF SUSTAINABILITY,

ESTABLISHED BY CITY CODE ARTICLE 1, SUBTITLE 34.

(4) URBAN AGRICULTURAL PROPERTY.

"URBAN AGRICULTURAL PROPERTY" HAS THE MEANING STATED IN STATE TAXPROPERTY ARTICLE, § 9253.

(5) URBAN AGRICULTURAL PURPOSES.

"URBAN AGRICULTURAL PURPOSES" HAS THE MEANING STATED IN STATE TAXPROPERTY ARTICLE, § 9253.

(6) VALUE.

"VALUE" MEANS THE AMOUNT EQUAL TO:

(I) THE GROSS INCOME THAT IS ACTUALLY RECEIVED FROM SALES OF AGRICULTURAL PRODUCTS PRODUCED ON SITE; OR

(II) FOR PRODUCTS THAT ARE DISTRIBUTED FREE OR AT LESS THAN APPLICABLE MARKET PRICES, THE GROSS INCOME THAT COULD REASONABLY BE ASSUMED TO BE RECEIVED FROM SALE OF THOSE PRODUCTS AT MARKET PRICES.

(B) CREDIT GRANTED.

IN ACCORDANCE WITH STATE TAX-PROPERTY ARTICLE § 9-253, A TAX CREDIT IS GRANTED AGAINST THE CITY PROPERTY TAX IMPOSED ON QUALIFIED URBAN AGRICULTURAL PROPERTIES.

(C) QUALIFICATIONS FOR CREDIT.

(1) IN GENERAL.

(I) TO QUALIFY FOR THE CREDIT GRANTED BY THIS SECTION, A PARCEL OF LAND:

(A) MUST BE AN URBAN AGRICULTURAL PROPERTY THAT IS BEING USED FOR URBAN AGRICULTURAL PURPOSES;

(B) MAY NOT BE USED FOR ANY OTHER FOR-PROFIT PURPOSE THAT WOULD SUBJECT THE PARCEL TO PROPERTY TAX LIABILITY; AND.

(C) UNLESS A WAIVER IS GRANTED UNDER PARAGRAPH (3) OF THIS SUBSECTION, MUST PRODUCE AGRICULTURAL PRODUCTS VALUED AT \$5,000 OR MORE PER TAX YEAR.

(2) DOCUMENTATION OF PRODUCT VALUE.

THE SUSTAINABILITY OFFICE MAY REQUIRE AN OWNER TO VERIFY PRODUCT VALUE BY PROVIDING COPIES OF SALES RECEIPTS OR INVOICES AND, IF RELEVANT, EVIDENCE OF CURRENT MARKET RATES.

(3) WAIVER OF VALUE REQUIREMENT.

(I) THE SUSTAINABILITY OFFICE MAY GRANT A WAIVER TO THE PRODUCT-VALUE REQUIREMENT IF, IN THE TAX YEAR FOR WHICH THE CREDIT IS BEING SOUGHT, THE AGRICULTURAL USE OF THE PROPERTY:

(A) IS NEWLY ESTABLISHED; OR

(B) HAS SUFFERED AN UNEXPECTED DISASTER, SUCH AS DROUGHT, VANDALISM, OR INFESTATION

(II) A WAIVER MAY NOT BE GRANTED UNDER THIS PARAGRAPH FOR MORE THAN 2 CONSECUTIVE TAX YEARS.

(D) AMOUNT OF CREDIT.

THE AMOUNT OF THE CREDIT GRANTED UNDER THIS SECTION IS EQUAL TO:

(1) THE AMOUNT OF PROPERTY TAX THAT WOULD OTHERWISE BE IMPOSED ON THE PROPERTY, LESS

(2) THE AMOUNT OF ANY OTHER CREDIT APPLICABLE TO THE PROPERTY IN THAT TAX YEAR, MULTIPLIED BY

(3) 90%.

(E) APPLICATION AND CERTIFICATION.

(I) A PROPERTY OWNER SEEKING TO OBTAIN AND ANNUALLY MAINTAIN A CREDIT UNDER THIS SECTION MUST:

(I) AT 90 DAYS BEFORE THE 1ST TAX YEAR FOR WHICH THE CREDIT IS SOUGHT, FILE AN APPLICATION FOR THE CREDIT WITH THE SUSTAINABILITY OFFICE; AND

(II) AT LEAST 90 DAYS BEFORE EACH SUBSEQUENT TAX YEAR DURING THE TERM OF THE CREDIT, FILE WITH THE SUSTAINABILITY OFFICE A CERTIFICATION THAT THE PROPERTY CONTINUES TO BE USED FOR URBAN AGRICULTURAL PURPOSES AND TO MEET ALL OTHER QUALIFICATION FOR THE CREDIT.

(2) THE APPLICATION AND CERTIFICATION MUST BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE SUSTAINABILITY OFFICE REQUIRES.

(F) TERM OF CREDIT.

(1) THE TERM OF THE CREDIT IS 5 TAX YEARS, UNLESS RENEWED.

(2) ON APPLICATION MADE NO LATER THAN 90 DAYS BEFORE EXPIRATION OF THE 5-YEAR TERM, A PROPERTY OWNER MAY APPLY TO RENEW THE CREDIT FOR ANOTHER 5 TAX YEARS.

(G) CONTINUOUS AGRICULTURAL USE REQUIRED.

IF, AT ANY TIME DURING THE INITIAL 5-YEAR TERM OF THE CREDIT OR DURING A 5-YEAR RENEWAL TERM, THE PROPERTY CEASES TO BE USED FOR URBAN AGRICULTURAL PURPOSES:

- (1) THE CREDIT GRANTED TO THE PROPERTY IS TERMINATED; AND
- (2) THE OWNER OF THE PROPERTY IS LIABLE FOR ALL PROPERTY TAXES THAT WOULD HAVE BEEN IMPOSED DURING THAT 5-YEAR TERM HAD THE CREDIT NOT BEEN GRANTED.

(H) ADMINISTRATION.

THE SUSTAINABILITY OFFICE, AFTER CONSULTATION WITH THE DIRECTOR OF FINANCE, MAY:

- (1) ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING THE PROCEDURES, FORMS, AND DOCUMENTATION REQUIRED TO APPLY FOR THE CREDIT AND TO PERIODICALLY EVIDENCE CONTINUING ELIGIBILITY FOR THE CREDIT;
- (2) SETTLE DISPUTED CLAIMS THAT MIGHT ARISE IN CONNECTION WITH THE CREDIT; AND
- (2) DELEGATE TO ANY OTHER CITY AGENCY OR EMPLOYEE THE POWERS, DUTIES, OR FUNCTIONS IN CONNECTION WITH THE ADMINISTRATION OF THE CREDIT.

(I) ANALYSES AND REPORT ON COSTS AND BENEFITS.

- (1) THE DIRECTOR OF FINANCE MUST ANALYZE THE PUBLIC COSTS AND BENEFITS OF THE CREDITS GRANTED UNDER THIS SECTION AND ANNUALLY REPORT HIS OR HER FINDINGS TO THE BOARD OF ESTIMATES AND THE CITY COUNCIL
- (2) THE METHOD OF ANALYSIS USED BY THE DIRECTOR OF FINANCE MUST BE APPROVED BY THE BOARD OF ESTIMATES.

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.

SECTION 3. AND BE IT FURTHER ORDAINED, That, after 3rd tax year for which a tax credit is authorized under this Ordinance, the Mayor and City Council must evaluate the effectiveness of the credit in promoting the use of property for urban agricultural purposes

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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art28/UrbAgTxCr/aa:me

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