

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK,**  
**AMENDING CHAPTER 175 “TAXATION”, ARTICLE IV, “REVITALIZATION TAX**  
**CREDIT”, SECTION §175-13 “WAIVER”, TO PROVIDE FOR A WAIVER OF THE**  
**EXCLUSION WITH RESPECT TO UNDERGRADUATE HOUSING AND THE**  
**CONFIRMATION OR MODIFICATION OF A TAX CREDIT ISSUED IN ERROR TO**  
**A MULTIFAMILY HOUSING PROJECT INTENDED FOR UNDERGRADUATE**  
**STUDENTS, WHEN ALL OTHER REQUIREMENTS AND CRITERIA OF §175-9**  
**AND §175-10 HAVE BEEN MET.**

WHEREAS, the State of Maryland, pursuant to 9-318(g) of the Tax-Property Article, Annotated Code of Maryland, has authorized the establishment of revitalization districts by resolution for the purpose of encouraging redevelopment and the granting of a property tax credit against the City’s real property tax for a property located within the revitalization district that is constructed or substantially redeveloped in conformance with adopted eligibility requirements and criteria and reassessed as a result of the construction or redevelopment at a higher value than that assessed prior to the construction or redevelopment; and

WHEREAS, the Mayor and Council determined that it is in the public interest to provide for the establishment of revitalization tax districts and to set the requirements and criteria for designation of such districts, and adopted Article IV, Revitalization Tax Credit, of Chapter 175, “Taxation” for this purpose; and

WHEREAS, multifamily housing intended for undergraduate students is excluded from eligibility for a revitalization tax credit by §175-9; and

WHEREAS, the Mayor and Council have determined that it is in the public interest and will foster confidence in the City’s ability to support revitalization to provide for a waiver of

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CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

the exclusion when a tax credit is issued in error to multifamily housing intended for undergraduate students, when all other requirements and criteria of §175-9 and §175-10 have been met.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 175 “Taxation”, Article IV “Revitalization Tax Credit” §175-13, “Waiver” be and it is hereby repealed, re-enacted and amended to read as follows:

**§175-13 WAIVER**

A. If it finds that the purposes of this article will be equally well served by doing so, the Council may waive the requirement in § 175-12 that an application must be filed no later than the date of acceptance for a detailed site plan, if applicable, or a building permit application, and consider whether to grant a tax credit under the following circumstances for projects for which no appeal was filed by the City:

- (1) When the application is filed prior to the approval of the detailed site plan or issuance of the building permit; or
- (2) If a detailed site plan has been approved, but construction has not occurred, for the purpose of encouraging the construction; or
- (3) For an application that is timely filed, when the minimum requirements of § 175-10 for a Level One tax credit are not met, Level Two tax credit eligibility criteria may not be waived.

**B. IN THE EVENT THAT A TAX CREDIT IS GRANTED IN ERROR TO A MULTIFAMILY HOUSING PROJECT INTENDED TO HOUSE UNDERGRADUATE STUDENTS, AND THE PROJECT OTHERWISE SATISFIES THE REQUIREMENTS AND CRITERIA OF § 175- 9 AND § 175-10, THE MAYOR AND COUNCIL MAY WAIVE**

THE EXCLUSION OF UNDERGRADUATE MULTIFAMILY HOUSING IN § 175- 9 (A)  
FOR THAT PROJECT ONLY, AND CONFIRM OR MODIFY THE TAX CREDIT.

~~[B.]~~ C. In granting a tax credit under this section, the Council may reduce the amount or duration of the credit set out in § 175-11, INCLUDING ANY TAX CREDIT ISSUED IN ERROR.

~~[C.]~~ D. In making application for a waiver, the applicant shall provide for consideration the information requested by the City staff.

**Section 2. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 P.M. on the 9<sup>th</sup> day of March, 2021, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard.

After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall become effective on \_\_\_\_\_, 2021 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its

adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 9<sup>th</sup> day of March 2021.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**EFFECTIVE** the \_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

**CITY OF COLLEGE PARK**

By: \_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By: \_\_\_\_\_  
Patrick L. Wojahn, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

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Suellen M. Ferguson, City Attorney