



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

From: Gregory J. Swain, County Attorney /s/

Via: Kelly Phillips Kenney, Supervising County Attorney /s/

Date: June 21, 2022

Subject: Bill No. 65-22 – Payment in lieu of taxes (PILOT) – Eagle Park Vista and Eagle Park Village

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 65-22. The summary is intended to explain the purposes and legal effects of the bill.

Background. PILOT Agreements are authorized by State law for certain types of properties, including but not limited to, housing for persons of limited income, subsidized housing, housing commission or housing authority properties, and housing for senior citizens. Md. Code Ann., Tax-Prop., §§ 7-501, et seq. The State law allows a county to exempt those specific properties from county real property taxes if certain conditions are met, including entry into an agreement for a negotiated amount in lieu of property taxes. The agreement must be entered with the owner of the property and the governing body of the county, which in Anne Arundel County, requires approval by both the County Council and the County Executive. Once a PILOT is in place and the conditions are met, the owner pays the negotiated amount, rather than any County real property taxes.

Purpose. The primary purpose of this Bill is to authorize the County Executive to enter into two Payment in Lieu of Taxes (“PILOT”) Agreements. One is with Eagle Park Senior, LLC, which will be developing Eagle Park Vista, a 72-unit complex to serve age-restricted households of limited income. Eagle Park Family, LLC, will be developing Eagle Park Village, a 48-unit complex to serve households of various levels of limited income. Both projects will be on the same property located at Rockenbach Road, Jessup, Maryland.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Bill provisions.

Section 1 of the Ordinance authorizes an exemption from County real property taxes for Eagle Park Vista and Eagle Park Village in accordance with § 7-506.1 of the Tax-Property Article of the State Code, which provides, among other things, that real property may be exempt from county property tax if:

(i) the real property is owned by a person engaged in constructing or operating housing structures or projects; and

(ii) the real property is used for a housing structure or project that is constructed or substantially rehabilitated under a federal, state or local government program that:

(1) funds construction, or insures its financing in whole or in part, or

(2) provides interest subsidy, rent subsidy or rent supplements; and

(iii) the owner and the governing body of the county enter into an agreement for the payment of a negotiated sum in lieu of applicable county property taxes on the Property; and

(iv) the owner:

(1) agrees to continue to maintain the real property as rental housing for lower income persons under the requirements of the government programs and to renew any annual contributions contract or other agreement for rental subsidy or supplement; or

(2) enters into an agreement with the County to allow the property or the portion of the property which was maintained for lower income persons to remain as housing for lower income persons for a term of at least five (5) years.

Section 2 authorizes the County Executive to enter into the PILOT Agreements, which are attached to the Ordinance as Exhibits A and B. Both identify the Property in paragraph 1, and the number of age-restricted units and low-income units that will be made available to various income levels. The dwelling units have not yet been constructed.

The PILOT Agreement with Eagle Park Senior is attached to the Ordinance as Exhibit A. Eagle Park Senior intends to obtain a 99-year lease on the Property from Eagle Park Family. Under § 6-102 of the Tax-Property Article of the State Code, as a 99-year tenant, Eagle Park Senior can be treated as though it were the owner of the property, thereby authorizing its entry into the PILOT Agreement. The PILOT Agreement with Eagle Park Family is attached as Exhibit B.

Both Agreements provide that the payment in lieu of taxes shall begin on the later of July 1, 2024, or after the Property (or leasehold) is acquired and the dwelling units are constructed and

in compliance with the conditions of paragraph 1 of the PILOT. The PILOT shall be in place for 40 years, unless any of the events listed in paragraph 3 occur.

Paragraph 5 of both PILOT Agreements sets forth the payment amount. For Eagle Park Senior, the payment in lieu of taxes for the first Fiscal Year shall be \$10,800. The initial payment for the first Fiscal Year for Eagle Park Family is \$7,200. For both agreements for the remaining fiscal years, the payment in lieu of taxes shall be the previous year's amount, plus 4% per annum.

Section 3 provides that the exemptions and PILOT may not take effect until the requirements of § 7-506.1 of the Tax-Property Article of the State Code are met.

Section 4 provides that the Ordinance shall take effect 45 days from the date it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you very much.

cc: Honorable Steuart Pittman, County Executive
Matt Power, Chief Administrative Officer
Lori Rhodes, Deputy Chief Administrative Officer for Land Use
Pamela Jordan, Deputy Chief Administrative Officer of Health and Human Services
Dr. Kai Boggess-de Bruin, PhD, Chief of Staff
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