



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

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

Date: September 21, 2020

Subject: Bill No. 78-20: Subdivision and Development – Fees and Security – Use of Development Impact Fee Funds

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. 78-20, a Bill that relates to the uses of development impact fee funds.

Background.

A person improving real property and thereby causing an impact on public schools, transportation, or public safety is required to pay development impact fees (§ 17-11-203(a) of the County Code), in accordance with schedules set forth in § 17-11-204. The fees collected are deposited into special funds set up for each type of fee (§ 17-11-208 of the County Code). Section 17-11-209 of the County Code limits the uses of development impact fees to funding capital improvements to expand the capacity of public schools, roads, and public safety facilities.

A reasonable nexus is required between development impact fees and the actual impacts of schools, roads, and public safety. Periodically, studies and analyses are required to ensure that the County's fees meet this test. These studies and analyses can be costly.

Purpose.

The purpose of the Bill is to allow development impact fees to be used to pay for the studies and analyses of the fees periodically required to ensure that the County's fees pass legal muster.

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

Summary. In **Section 1**, § 17-11-209 is amended to add subsection (g) which allows development impact fees to be used to fund the studies and analyses required to determine the appropriate amount of development impact fees.

Section 2 (uncodified) provides that the bill takes effect 45 days after it becomes law.

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

cc: Honorable Steuart Pittman, County Executive
Matthew Power, Chief Administrative Officer
Dr. Kai Boggess-de Bruin, Chief of Staff
Peter Baron, Director of Government Affairs
Jim Beauchamp, Budget Officer
Steve Kaii-Ziegler, Planning and Zoning Officer
Linda Schuett, Legislative Counsel