

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2008 Legislative Session

Bill No. CB-11-2008

Chapter No. 32

Proposed and Presented by Council Members Olson, Dernoga and Campos

Introduced by Council Members Olson, Dernoga, Campos, Exum, Harrison, Dean, Turner

Co-Sponsors _____

Date of Introduction July 1, 2008

BILL

1 AN ACT concerning

2 Energy Conservation Real Property Tax Credit

3 For the purpose of establishing a tax credit for real property for residential homeowners who
4 utilize solar or geothermal energy conservation devices.

5 BY adding with amendments:

6 SUBTITLE 10. Finance and Taxation.

7 Section 10-235.06,

8 The Prince George's County Code

9 (2003 Edition, 2006 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
11 Maryland, that Section 10-235.06 of the Prince George's County Code be and the same is hereby
12 added with the following amendments:

13 **SUBTITLE 10. Finance and Taxation.**

14 **DIVISION 8. Tax Assessment, Levy and Collection.**

15 **Subdivision 5E. Energy Conservation Real Property Tax Credit.**

16 **Sec. 10-235.06. Energy Conservation Real Property Tax Credit.**

17 (a) In accordance with the provisions of Section 9-203 of the Tax-Property Article of the
18 Annotated Code of Maryland, there is a tax credit against the property tax imposed on real
19 property on a residential structure that utilizes a solar energy or geothermal energy device.

20 (b) For the purposes of this section, the following terms have the meanings:

21 (1) "Solar Energy Device" means an energy conservation device that:

1 (i) uses solar energy to heat or cool a structure or provide hot water for use in
2 the structure; and

3 (ii) meets national safety and performance standards set by a nationally
4 recognized testing laboratory for that kind of device.

5 (2) “Geothermal Energy Device” means an energy conserving device that:

6 (i) uses geothermal energy to heat or cool a structure or to provide hot water for
7 use in the structure; and

8 (ii) meets national safety and performance standards set by a nationally
9 recognized testing laboratory for that kind of device.

10 (3) “Eligible Costs” means those that are incurred:

11 (i) within the 12 months before the initial application for the credit; and

12 (ii) for the solar energy or geothermal energy device, including any parts,
13 component, or accessory equipment necessary to operate the device, and reasonable costs
14 associated with installing the device.

15 (c) The tax credit under this section is the lesser of

16 (1) 50% of eligible costs; or

17 (2) \$5,000 for a heating system or \$1,500 for a hot water supply system.

18 (d) During the fiscal year, the total of all tax credits granted under this section shall not
19 exceed \$250,000. Tax credits shall be granted in the order in which the Office of Finance
20 receives the complete application under subsection (f) of the section. If a complete application
21 granted would cause the limit set in this subsection to be exceeded, the tax credit shall be granted
22 in the next fiscal year or years and in the order received.

23 (e) The amount of the tax credit applied in any tax year may not exceed the amount of the
24 County property tax imposed on the property in that tax year. Any amount of the credit not
25 taken in the tax year in which the application was granted may be carried over for an additional
26 two years.

27 (f) Application for the tax credit established herein shall be made under oath on an
28 application provided by the Director of Finance. The application shall provide a legal
29 description of the property, proof of a properly installed solar energy or geothermal energy
30 device, and such other information or documentation as the Director may require to determine
31 whether the applicant can qualify for the tax credit.

1 (g) The Director of Finance shall determine the eligibility of the taxpayer for the tax credit
 2 and notify the State Department of Assessments and Taxation that a taxpayer has been approved
 3 for the property tax credit and the assessed value of the premises.

4 (h) The Director of Finance shall provide an annual report to the County Council on the
 5 energy conservation real property tax credit on or before December 31st of each year for the
 6 previous fiscal year, which will show the location by Councilmanic District and include the
 7 following:

- 8 (1) the number of applications received;
- 9 (2) the number of applications denied;
- 10 (3) the amount of tax credits approved; and
- 11 (4) the amount of tax credits carried over.

12 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 13 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 14 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 15 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 16 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 17 Act, since the same would have been enacted without the incorporation in this Act of any such
 18 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

1 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on forty-five (45)
2 calendar days after it becomes law.

Adopted this 23rd day of July, 2008.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Samuel H. Dean
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____

BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.