

Frederick County Council

Legislative Consideration: 18-01



Sponsor: Council Member Tony Chmelik

Issue: Should home schooled children be able to participate in Frederick County Public School's extracurricular activities?

Current Policy: Under COMAR 13A.10.02 Voluntary Participation in Standardized Testing, the State Board of Education's policy, "Upon request of a parent or guardian, a child receiving home instruction may participate in regularly scheduled standardized testing programs that are administered in the public school the child is eligible to attend."

In accordance with this COMAR Regulation, local boards of education are not able to allow home schooled children to participate in extracurricular activities.

Legislative Request: For local legislation to be drafted authorizing home schooled children in Frederick County to participate in extracurricular activities of the Frederick County Public School system.

Frederick County Council

Legislative Consideration: 18-02



Sponsor: Council Member Billy Shreve

Issue: Should the Property Tax Credit for eligible Retired Military Service be restricted to 5 (five) years in Frederick County? (See Md. Code Ann. Tax-Prop. § 9-258 (West 2017)).

Current Policy: Md. Code Ann. Tax-Prop. § 9-258 (West 2017) provides, in part, an “eligible individual” is

(a)(3)

(i) an individual who is at least 65 years old and has lived in the same dwelling for at least the preceding 40 years; or

(ii) an individual who is at least 65 years old and is a retired member of the uniformed services of the United States as defined in 10 U.S.C. § 101, the military reserves, or the National Guard.

(b) The governing body of a county or municipal corporation may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on the dwelling of an eligible individual.

(c) The property tax credit allowed under this section may:

(1) not exceed 20% of the county or municipal corporation property tax imposed on the property; and

(2) be granted for a period of up to 5 years.

Legislative Request: For local legislation to be drafted eliminating Md. Code Ann. Tax-Prop. § 9-258(c)(2), the 5 year limitation on the Tax Credit for eligible individuals in Frederick County.

Frederick County Council
Legislative Consideration: 18-03



Sponsor: Council Member Billy Shreve

Issue: Should Mobile Homes be considered real property at time of purchase?

Current Policy: A mobile home that is or may be used for residential purposes and is permanently attached to land or connected to utilities must be assessed as an improvement to real property to the owner of the land, unless such home is located on a rented space in a mobile home park. A mobile home is not assessed as real property at the time it is purchased.

Legislative Request: For local legislation to be drafted authorizing mobile home sales as real property transactions and not motor vehicle transactions.

Frederick County Council
Legislative Consideration: 18-04



Sponsor: Council Member Jerry Donald

Issue: Should an applicant for a Class B-BF (banquet facility) liquor license be required to have a capital investment of at least \$250,000, excluding the cost of land, buildings, and leases?

Current Policy: Md. Code Ann., Alcoholic Beverages § 20-100.1(b)(3) (West Westlaw July 1, 2017) provides, in part, that in order for a banquet facility to be issued a Class B-BF (banquet facility) license, the banquet facility must have a capital investment of at least \$250,000, excluding the cost of the land, buildings, and leases.

Legislative Request: That Md. Code Ann., Alcoholic Beverages § 20-100.1(b)(3) (West Westlaw July 1, 2017) be eliminated.

Frederick County Council

Legislative Consideration: 18-05



Sponsor: Council Member Billy Shreve

Issue: Should affordable housing projects be exempted from the Forest Resource Ordinance?

Current Policy: The Maryland State Legislature enacted the Forest Conservation Act of 1991 (FCA) in an effort to protect and enhance forest resources in the State of Maryland. The FCA applies to all Maryland counties with less than 200,000 acres of forest. At this time, this includes all counties in Maryland except for the western-most Garrett and Allegany. The FCA required subject counties to adopt a State-controlled version of the FCA by Jan. 1, 1993.

In Frederick County, the forest law was adopted on December 15, 1992. The Frederick County version of the FCA is called the Forest Resource Ordinance (FRO). It follows very closely the regulated requirements of the FCA.

Generally speaking, development projects (site plan parcels and subdivisions) that are equal to or greater than 40,000 sq. ft. (.92 acre) are subject to the FCA (and FRO). Beyond this basic requirement, the FCA (and FRO) requirements are relatively complex. The FCA and FRO were designed to distribute the responsibilities of forest stewardship among all development types in an equitable manner.

Legislative Request: For local legislation to be drafted exempting Frederick County affordable housing projects from the FRO requirements.