

Montgomery County's "Rain Tax" Update

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In 2012, the Maryland General Assembly mandated that nine counties, including Montgomery County, and Baltimore City collect an annual stormwater remediation fee - the "rain tax" - from most nongovernmental property owners. Since then, this state mandate has been met with legal and political pushback. This session, before the state legislature are three initiatives to repeal or modify the rain tax mandate:

- (1) House Bill 874 (Senate Bill 42), to repeal the state mandate in its entirety.
- (2) House Bill 481 (Senate Bill 588), introduced on behalf of the Administration of Governor Larry Hogan, also to repeal the state mandate in its entirety.
- (3) Senate Bill 863, sponsored by Senate President Mike Miller and 30 other senators, this bill attempts to reach a compromise by modifying the compulsion of the state mandate into a permissive fee. Counties subject to this legislation, in place of the state mandate, may but are not obligated to impose a fee on property owners and may charge state government properties, subject to certain conditions. Last week, the House of Delegates' Environment & Transportation Committee rendered unfavorable reports against House Bills 874 and 481, effectively ending this legislation. Senate Bill 863 will soon reach the Senate's Education, Health and Environmental Affairs for similar evaluation.

At the local level, following the successful appeal brought before the Board of Appeals for Montgomery County by Miller, Miller & Canby attorneys **James L. Thompson** and **Diane E. Feuerherd**, the Montgomery County Council's T&E Committee (Transportation, Infrastructure, Energy & Environment Committee) recently conveyed, to the Department of Environmental Protection, the concerns and recommendations to review the County's Water Quality Protection Charge. [Click here](#) to view the Memorandum.

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