



**SALISBURY CITY COUNCIL  
WORK SESSION AGENDA**

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**OCTOBER 4, 2021**

**Government Office Building, Room 306, Salisbury, MD and Zoom Video Conferencing**

- 4:30 p.m. Non-conforming Use Zoning Exemption program- Housing & Community Development Director Ron Strickler
- 4:40 p.m. Budget Amendment for Safe Station program- Fire Chief John Tull
- 4:50 p.m. Ordinance approving a tax credit for Habitat for Humanity- Nate Sansom, Special Assistant to the Mayor
- 5:00 p.m. Administration and Council Remarks
- 5:10 p.m. Adjournment

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.  
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of Maryland 3-305(b).*

Join Zoom Meeting  
<https://us02web.zoom.us/j/88186172560>  
Meeting ID: 881 8617 2560  
Phone: 1.301.715.8592



City of  
**Salisbury**  
Jacob R. Day, Mayor  
**MEMORANDUM**

To: Andy Kitzrow, Julia Glanz  
From: Ronald L. Strickler, Jr, Director of HCDD  
Date: 9/27/2021  
Re: Non-Conforming Use Zoning Exemption Program

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The Director of Housing and Community Development requests the opportunity to introduce an Ordinance for a Zoning Exemption Program relating to Salisbury properties which have lost their Non-Conforming use per Municipal Zoning Code 17.16.140, Section D. during the scheduled City Council Work Session on October 4, 2021. The proposed Non-Conforming Use Zoning Exemption Program Ordinance was presented to the Planning and Zoning Commission on September 16, 2021, resulting in a favorable recommendation to the City of Salisbury Mayor and City Council.

Since the current edition of the Salisbury Zoning Code was written in 1983, the City of Salisbury has witnessed their population double. Based on US Census data, our city consisted of 16,280 residents in 1980 compared to the most recent data in 2020 which recorded 33,050 residents. The City of Salisbury Metro Area realized an increase of an estimated 13.3% from 2010 to 2020 compared to the State of Maryland which increased by 4.9% and the United States by 6.7%. The City of Salisbury is the fastest growing city in Maryland and is experiencing an influx of people looking to live, work and play here.

Additionally, there is a great deal of evidence linking vacant and/or abandoned houses to threatened neighborhood stability, increased crime/vandalism rates, and decreased property value. In addition to the direct citizen impacts relating to vacant properties, the financial burden absorbed by Salisbury will continue to rise as a result of calls for service, decreased tax revenue and increased municipal maintenance cost. HCDD is confident the program will have an immediate impact on the vacant and recently purchased properties affected by the current zoning code impact on these former non-conforming use properties.

As leaders of our community, we are task with identifying and implementing strategic solutions to combat the housing shortage experienced by our citizens. With prudent guidance from the Department of Infrastructure and Development, Housing and Community Development leadership identified a practical solution to decrease a significant number of vacant properties while creating prospective housing opportunities for both current and future Salisbury residents. The time for action is now and confidence is high in the success of the Non-Conforming Use Zoning Exemption Program. Thank you for your consideration.



**Infrastructure and Development  
Planning and Zoning  
Commission  
Staff Report  
September 16, 2021**

**I. BACKGROUND INFORMATION:**

**Applicant:** City of Salisbury, Housing and Community Development Department

**Nature of Request:** Public Hearing - Text Amendment - To amend Title 17, Zoning Section 17.16

**II. REQUEST:**

Ron Strickler, Director of Housing and Community Development with the City of Salisbury, has submitted a request to amend the text of Title 17, Zoning to include the following language (**Attachment 1**):

In Chapter 17.16, Nonconforming Lots, Structures and Uses;

**17.16.090 - Nonconforming Use Zoning Exemption Program**

**A. Purpose.**

To assist in the reduction of vacant properties and provide for increased available housing within the City of Salisbury.

**B. Definitions.**

1. "Applicant" means the owner of a property who submits an application to participate in the Nonconforming Use Zoning Exemption Program.
2. "Program" means the Nonconforming Use Zoning Exemption Program identified in this chapter.
3. "Property" means a residential property subject to the Nonconforming Use Zoning Exemption Program.



**C. Criteria for approval—Conditions.**

1. The Property must have lost its nonconforming use within 60 months prior to submitting an application under the Program; or
2. The Property must be vacant and the Property's nonconforming use must have substantially ceased for a continuous period of one year.

**D. Application Requirements.**

1. All applications to participate in the Program must be submitted on or before \_\_\_\_\_.
2. Applicant shall be in good standing with the City of Salisbury. "Good standing" shall be defined as:
  - i. Applicant shall not owe delinquent taxes to the City of Salisbury.
  - ii. Applicant shall not have outstanding code violations on any property owned by Applicant within the City of Salisbury.
  - iii. Applicant shall not own a condemned property within the City of Salisbury, unless Applicant has an approved rehabilitation plan for the condemned property.
3. Applicant shall submit an application and rehabilitation plan for approval by the Housing and Community Development and Infrastructure and Development Departments. The rehabilitation plan shall include architectural renderings of the exterior and interior of the Property, and shall certify that the Property contains off-street and/or on-street parking of at least one space per unit.
4. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
5. Applicant shall obtain all permits required to execute the rehabilitation plan and shall comply with all applicable building codes.

**E. Program Requirements.**

1. Within 12 months from application approval by the Housing and Community Development and Infrastructure and Development Departments, the Applicant shall:
  - i. Compete all terms and conditions of Applicant's rehabilitation plan;
  - ii. Obtain a Certificate of Occupancy; and
  - iii. The Property must be inspected by the Housing and Community Development Department.



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2. The Property must be made available for rent within 12 months following application approval by the Housing and Community Development and Infrastructure and Development Departments.
3. The Property shall be subject to a three (3) year probationary period. During the probationary period, the following additional conditions and requirements apply:
  - i. All units within the Property shall be subject to yearly inspection by the Housing and Community Development Department;
  - ii. The Property owner shall maintain Code and Standards of Livability requirements;
  - iii. There shall be no more than 3 code violations per Property, per year; and
  - iv. There shall be no more than 3 calls for service per Property, per year.
4. No Property shall be vacant for more than a 12-month period following the completion of rehabilitation plan.

#### **F. Costs.**

1. There shall be a \$500.00 non-refundable application fee per Property.
2. During the three-year probationary period, Applicant shall pay the following licensing costs:
  - i. \$240.00 per landlord license, per year.
  - ii. \$240.00 per rental unit, per year.
3. At the end of the three-year probationary period, all costs shall return to those then in effect.

#### **G. Violations.**

1. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
2. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

#### **H. Appeals.**

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.



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In accordance with the requirements of Section 17.228 of the Salisbury Municipal Code, the Planning Commission must hold a Public Hearing on proposed Text Amendments to the Code. The Commission must forward a recommendation (within six (6) months) to the City Council. The City Council must also hold a public hearing before granting final approval to Code Text Amendments (by Ordinance).

### III. DISCUSSION:

The proposed zoning amendment will support the mission of the Housing and Community Development Department and City of Salisbury by decreasing the current number of vacant properties and blight in the City of Salisbury. When current vacant properties are converted through the proposed Nonconforming Use Zoning Exemption Program, the surrounding properties and neighborhoods will see an increase in their property value. Additionally, in support of combating the current housing availability crisis experienced across the country and within the City of Salisbury, approval and execution of the proposed program will provide expedient relief for those seeking housing opportunities in Salisbury.

### IV. PLANNING AND ZONING:

Since the current edition of the Salisbury Zoning Code was written in 1983, the City of Salisbury has seen our population double. Based on US census data, in 1980 our city consisted of 16,280 residents compared to our most recent data in 2020 of 33,050 residents. The City of Salisbury Metro Area realized an increase of an estimated 13.3% from 2010 to 2020 compared to the State of Maryland which increased by 4.9% and the United States by 6.7%. The City of Salisbury is the fastest growing city in Maryland and is experiencing an influx of people looking to live, work and play here. The leadership of the Housing and Community Development Department finds it pertinent that the Planning and Zoning Commission seriously consider approving this amendment to the Zoning code to provide housing opportunities within the City of Salisbury.

### V. STAFF RECOMMENDATION:

The Department of Infrastructure and Development recommends that the Planning Commission forward a **FAVORABLE** recommendation to the Mayor and City Council for

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Department of Infrastructure & Development  
125 N. Division St., #202 Salisbury, MD 21801  
410-548-3170 (fax) 410-548-3107  
[www.salisbury.md](http://www.salisbury.md)



the proposed amendment that would inherently permit the **Nonconforming Use Zoning Exemption Program**, as follows:

**AMEND SECTION 17.16 Nonconforming Lots, Structures and Uses, by adding the following:**

**17.16.090 - Nonconforming Use Zoning Exemption Program**

**A. Purpose.**

To assist in the reduction of vacant properties and provide for increased available housing within the City of Salisbury.

**B. Definitions.**

1. "Applicant" means the owner of a property who submits an application to participate in the Nonconforming Use Zoning Exemption Program.
2. "Program" means the Nonconforming Use Zoning Exemption Program identified in this chapter.
3. "Property" means a residential property subject to the Nonconforming Use Zoning Exemption Program.

**C. Criteria for approval—Conditions.**

4. The Property must have lost its nonconforming use within 60 months prior to submitting an application under the Program; or
5. The Property must be vacant and the Property's nonconforming use must have substantially ceased for a continuous period of one year.

**D. Application Requirements.**

6. All applications to participate in the Program must be submitted on or before \_\_\_\_\_.
7. Applicant shall be in good standing with the City of Salisbury. "Good standing" shall be defined as:



- i. Applicant shall not owe delinquent taxes to the City of Salisbury.
  - ii. Applicant shall not have outstanding code violations on any property owned by Applicant within the City of Salisbury.
  - iii. Applicant shall not own a condemned property within the City of Salisbury, unless Applicant has an approved rehabilitation plan for the condemned property.
8. Applicant shall submit an application and rehabilitation plan for approval by the Housing and Community Development and Infrastructure and Development Departments. The rehabilitation plan shall include architectural renderings of the exterior and interior of the Property, and shall certify that the Property contains off-street and/or on-street parking of at least one space per unit.
9. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
10. Applicant shall obtain all permits required to execute the rehabilitation plan and shall comply with all applicable building codes.

**E. Program Requirements.**

11. Within 12 months from application approval by the Housing and Community Development and Infrastructure and Development Departments, the Applicant shall:
  - i. Compete all terms and conditions of Applicant's rehabilitation plan;
  - ii. Obtain a Certificate of Occupancy; and
  - iii. The Property must be inspected by the Housing and Community Development Department.
12. The Property must be made available for rent within 12 months following application approval by the Housing and Community Development and Infrastructure and Development Departments.
13. The Property shall be subject to a three (3) year probationary period. During the probationary period, the following additional conditions and requirements apply:
  - i. All units within the Property shall be subject to yearly inspection by the Housing and Community Development Department;
  - ii. The Property owner shall maintain Code and Standards of ASLivability requirements;





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- iii. There shall be no more than 3 code violations per Property, per year; and
  - iv. There shall be no more than 3 calls for service per Property, per year.
14. No Property shall be vacant for more than a 12-month period following the completion of rehabilitation plan.

## **F. Costs.**

15. There shall be a \$500.00 non-refundable application fee per Property.
16. During the three-year probationary period, Applicant shall pay the following licensing costs:
- i. \$240.00 per landlord license, per year.
  - ii. \$240.00 per rental unit, per year.
17. At the end of the three-year probationary period, all costs shall return to those then in effect.

## **G. Violations.**

18. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
19. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

## **H. Appeals.**

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.



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## Attachment #1

### ORDINANCE NO. \_\_\_\_\_

#### AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 17.16 OF THE SALISBURY CITY CODE BY ADDING SUBSECTION 17.16.090 NONCONFORMING USE ZONING EXEMPTION PROGRAM

WHEREAS, housing studies show vacant properties create a large financial burden to the jurisdictions they are located in through an increased number of calls for emergency services, city/town absorbed maintenance costs and lost tax revenue as a result of decreased property values; and

WHEREAS, the Mayor and Council of the City of Salisbury desire to update the Salisbury Municipal Code to adopt a nonconforming use zoning exemption program to reduce vacant properties within the City and create additional housing opportunities; and

WHEREAS, subsection 17.16.040.D of the Salisbury City Code provides “No building, structure or lot where a nonconforming use has substantially ceased for a continuous period of one year, whether or not fixtures or equipment are removed, shall again be put to a nonconforming use”; and

WHEREAS, the City of Salisbury Housing and Community Development Department has identified a number of properties that are vacant because each individual property’s nonconforming use has ceased for more than one year pursuant to subsection 17.16.040.D of the Salisbury City Code; and

WHEREAS, many such property owners have expressed it is not economically feasible to return their properties to single-family homes and, as a result, the properties remain vacant; and

WHEREAS, implementing the Nonconforming Use Zoning Exemption Program will allow such properties to continue as legal nonconforming uses, which may result in positive economic and social effects, including but not limited to eliminating vacant properties and creating additional housing options in the City; and

WHEREAS, the City Housing and Community Development Department therefore proposes the creation of a zoning exemption program to allow properties to regain legal nonconforming use status within strict parameters; and

WHEREAS, the City through the Housing and Community Development Department and the Department of Infrastructure and Development shall develop an Application for participation in the Nonconforming Use Zoning Exemption Program; and



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WHEREAS, the Housing and Community Development Department and the Department of Infrastructure and Development shall review all completed Applications and approve or deny participation in the Nonconforming Use Exemption Program; and

WHEREAS, the procedures and criteria necessary to qualify a property owner for participation in the Nonconforming Use Exemption Program shall be codified in an amendment to Chapter 17.16 of the City of Salisbury Municipal Code

WHEREAS, a Public Hearing on the proposed amendment was held by the Salisbury Planning and Zoning Commission in accordance with the provisions of Chapter 17.16, of Title 17, Zoning, of the Salisbury Municipal Code on [REDACTED]; and

WHEREAS, the Salisbury Planning and Zoning Commission did recommend approval of the proposed text amendment to Section 17.16.090; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the City to allow property owners to regain legal nonconforming use status when specified criteria are met; and

WHEREAS, the Mayor joins with the City Council in recommending the implementation of the Non-conforming Use Exemption Program and application process.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, Maryland, as follows:

Section 1. Chapter 17.16 of the City of Salisbury Municipal Code, entitled “Nonconforming Lots, Structures and Uses” be and hereby is amended by adding a new subsection to Chapter 17.16, titled “Nonconforming Use Zoning Exemption Program”, as follows:

## **CHAPTER 17.16.090 - NONCONFORMING USE ZONING EXEMPTION PROGRAM**

### **A. Purpose.**

To assist in the reduction of vacant properties and provide for increased available housing within the City of Salisbury.

### **B. Definitions.**

1. "Applicant" means the owner of a property who submits an application to participate in the Nonconforming Use Zoning Exemption Program.
2. "Program" means the Nonconforming Use Zoning Exemption Program identified in this chapter.
3. "Property" means a residential property subject to the Nonconforming Use Zoning Exemption Program.



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## **C. Criteria for approval—Conditions.**

1. The Property must have lost its nonconforming use within 60 months prior to submitting an application under the Program; or
2. The Property must be vacant and the Property's nonconforming use must have substantially ceased for a continuous period of one year.

## **D. Application Requirements.**

1. All applications to participate in the Program must be submitted on or before [REDACTED].
2. Applicant shall be in good standing with the City of Salisbury. "Good standing" shall be defined as:
  - i. Applicant shall not owe delinquent taxes to the City of Salisbury.
  - ii. Applicant shall not have outstanding code violations on any property owned by Applicant within the City of Salisbury.
  - iii. Applicant shall not own a condemned property within the City of Salisbury, unless Applicant has an approved rehabilitation plan for the condemned property.
3. Applicant shall submit an application and rehabilitation plan for approval by the Housing and Community Development and Infrastructure and Development Departments. The rehabilitation plan shall include architectural renderings of the exterior and interior of the Property, and shall certify that the Property contains off-street and/or on-street parking of at least one space per unit.
4. Applicant shall agree to adhere to Federal/State/Local Fair Housing Guidelines/Practices.
5. Applicant shall obtain all permits required to execute the rehabilitation plan and shall comply with all applicable building codes.

## **E. Program Requirements.**

1. Within 12 months from application approval by the Housing and Community Development and Infrastructure and Development Departments, the Applicant shall:
  - i. Complete all terms and conditions of Applicant's rehabilitation plan;
  - ii. Obtain a Certificate of Occupancy; and
  - iii. The Property must be inspected by the Housing and Community Development Department.
2. The Property must be made available for rent within 12 months following application approval by the Housing and Community Development and Infrastructure and Development Departments.
3. The Property shall be subject to a three (3) year probationary period. During the probationary period, the following additional conditions and requirements apply:
  - i. All units within the Property shall be subject to yearly inspection by the Housing and Community Development Department;



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- ii. The Property owner shall maintain Code and Standards of Livability requirements;
  - iii. There shall be no more than 3 code violations per Property, per year; and
  - iv. There shall be no more than 3 calls for service per unit located on the Property, per year.
4. No Property shall be vacant for more than a 12-month period following the completion of rehabilitation plan.

## **F. Costs.**

1. There shall be a \$500.00 non-refundable application fee per Property.
2. During the three-year probationary period, Applicant shall pay the following licensing costs:
  - i. \$240.00 per landlord license, per year.
  - ii. \$240.00 per rental unit, per year.
3. At the end of the three-year probationary period, all costs shall return to those then in effect.

## **G. Violations.**

1. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
2. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

## **H. Appeals.**

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.

**BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND,** as follows:

**Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

**Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.



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**Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

**Section 5.** This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, City Council President

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jacob R. Day, Mayor

## **Attachment #2**

### **I. Purpose of Program**

- a. The City of Salisbury Housing and Community Development department has identified a number of properties currently sitting vacant due to the properties losing their non-conforming use exemption. Property owners who learned about the loss of the non-conforming exemption after purchasing the property have found that they are not worth the return on investment to rehabilitate as a single-family home. As a solution to eliminate these vacant properties and have the home rehabilitated to create additional housing options in the city HCDD is proposing a Special Zoning Exemption Program that would allow for the properties to regain their Non-Conforming Use with a strict set of Parameters. All housing studies show vacant properties create a large financial burden to the jurisdictions they are located in through an increased number of calls for emergency services, city/town absorbed maintenance cost and lost tax revenue as a result of decreased property values. By instituting the Special Zoning Exemption Program, the City of Salisbury believes we will see private investment in vacant properties, increased property values, increased tax revenue, and an increase in neighborhood stability.

### **II. Residential Property Qualifications**

- a. Vacant residential properties (1 year or more) that have lost their non-conforming use exemption; or
- b. Any residential property that has lost its non-conforming use exemption within the last 5 years or 60 Months

### **III. Application Requirements**

- a. Application must be submitted within 12 months following program approval from City Council
- b. Property owners must be in good standing with the City of Salisbury. Good standing shall be defined as;
  - i. No outstanding delinquent taxes
  - ii. No outstanding code violations
  - iii. No condemned properties w/o approved rehab plans





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- c. Complete rehabilitation plan for review by Housing and Community Development and Infrastructure and Development Departments
  - i. *Architectural renderings of exterior and interior*
- d. Off-street parking plan
  - i. *Minimum of one parking space per unit*
    - 1. *On-Site*
    - 2. *Off-Site (Parking lot or garage pass)*
- e. Agreement to adhere to Federal/State/Local Fair Housing Guidelines/Practices

## **V. Program Property Operational Requirements**

- a. Rehabilitation plan must be completed and rental units available within 12 months from HCDD approval
  - i. *Applicable Permits required for rehabilitation (DID)*

## **VI. Program Property Operational Requirements continued**

- a. Probational period of three (3) years
  - i. Property units subject to yearly inspection
  - ii. Must maintain Code and Standards of Livability requirements
  - iii. Must maintain minimal Code Violations
    - 1. Maximum of three (3) per year
  - iv. Must maintain minimal calls for service (PD)
    - 1. Maximum of three (3) per year, per unit

## **VII. Program Cost**

- a. Application Fee
  - i. \$500.00 non-refundable application fee
- b. Probational period landlord license and rental unit cost
  - i. 240.00 per landlord license, per year
    - 1. Zoning exemption landlord license require
  - ii. \$240.00 per rental unit, per year
  - iii. License fees after completion of probational period
    - 1. Landlord license cost
      - a. Fee approved by Council at completion of probation (Current \$75.00)
    - 2. Rental unit license cost
      - a. Fee approved by Council at completion of probation (Current \$75.00)





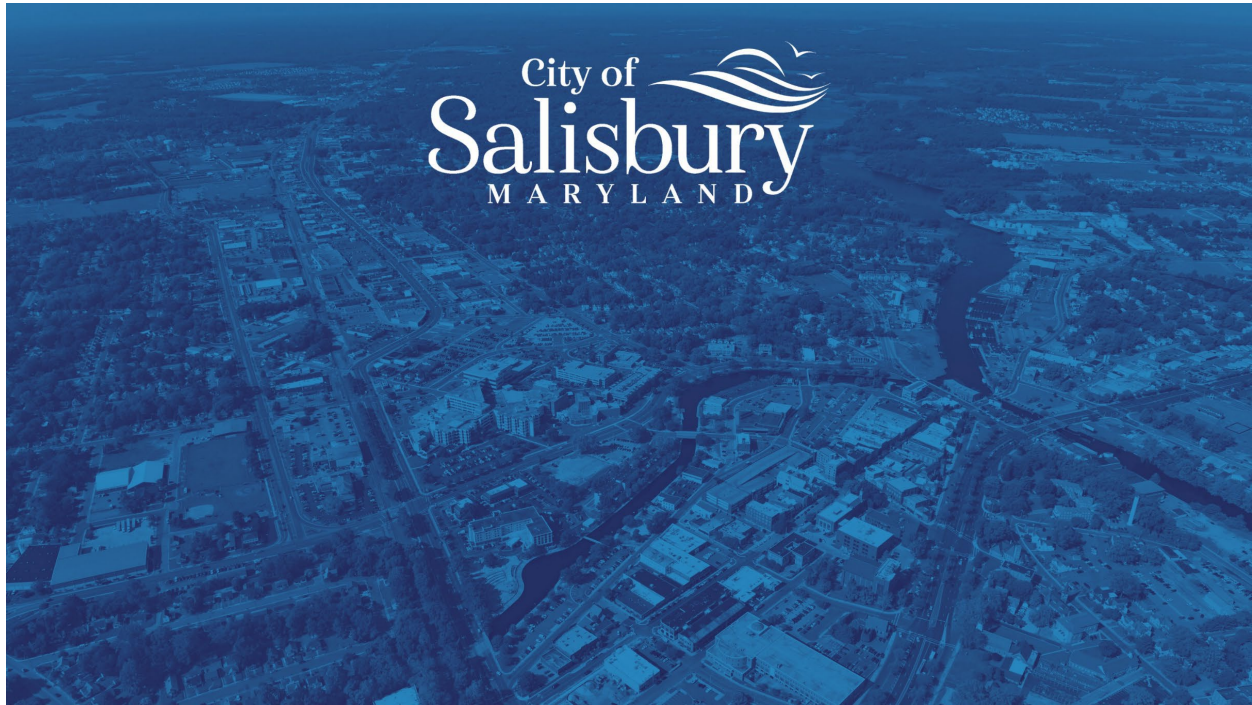
**VIII. Program Violations**

- a. Participating properties cannot be vacant for more than a 12-month period following the completion of rehabilitation plan
  - i. Should any property violate this stipulation, it will result in the loss of non-conforming use status pursuant to the City of Salisbury zoning code
- b. Rehabilitation of property taking longer than 12 months from approval will have licenses revoked
- c. The Housing and Community Development department reserves the right to revoke the licenses of any property participating in the Non-conforming Use Zoning Exemption Program for violating any of the probation period requirements



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**Attachment # 3**





## Zoning Code - 17.16.040 - Nonconforming Uses

- A. A "nonconforming use" is a use which legally exists at the effective date of adoption or amendment of this title but that does not comply with the use regulations of the district in which it is located. Such nonconforming use may consist of a nonconforming use of land, a nonconforming use of a structure or a nonconforming use of land and a structure.
- B. A nonconforming use may continue so long as it otherwise remains lawful.
- C. A nonconforming use may not be changed to another nonconforming use, extended or enlarged without approval of the board of zoning appeals in accordance with Article II of this chapter.
- D. *No building, structure or lot where a nonconforming use has substantially ceased for a continuous period of one year, whether or not fixtures or equipment are removed, shall again be put to a nonconforming use.*

## Special Exemption Program Objectives

### Increase in the following :

- *Property Value*
- *Tax Revenue*
- *Neighborhood Stability*
- *Housing*
- *Program Revenue*

### Decrease in the following:

- *Calls for Service (Crime and Vandalism)*
- *Blight*
- *Vacant Properties*
- *City absorbed maintenance expense*







## Special Exemption Program Eligibility Requirements

- Vacant Property (1 year or more) that has lost its non-conforming use or;
- Any Property that has lost its non-conforming use within the last 5 years (60 Months)
- Application must be submitted within 12 months following program approval from City Council
  - Program is renewable by City Council after initial 12 month period
- Property owners must be in good standing with the City of Salisbury. Good standing shall be defined as:
  - No Delinquent Taxes
  - No Outstanding Code Violations
  - No Condemned Properties w/o approved rehab plans



## Special Exemption Program Application Process

- Property owner Application Includes:
  - Rehabilitation plan for review by Housing and Community Development and Infrastructure and Development Departments
    - Architectural renderings
  - Historical and current proof of property reinvestment
  - Plans for adequate off-street parking
    - One parking space per unit
      - On-Site
      - Off-Site (Parking lot or garage pass)
  - Agreement to adhere to Federal/State/Local Fair Housing Guidelines/Practices





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## Special Exemption Program Terms

- Rehabilitation plan must be completed and rental units available within 12 months from HCDD approval
  - Applicable Permits required for rehabilitation (DID)
- Probational period of three (3) years
  - Property units subject to yearly inspection
  - Must maintain Code and Standards of Livability requirements
  - Must maintain minimal Code Violations, Three (3) per year
  - Must maintain minimal Calls for Service (PD), Three (3) per year
- Probational period landlord license and rental unit cost
  - \$240.00 per landlord license per year
  - \$240.00 per rental unit per year
  - After probation period is successfully completed, the rental licensing renewal fees return to the approved by City Council
- Property cannot be vacant for more than a 12 month period following the completion of rehabilitation plan. Should said property violate this stipulation, it will result in the loss of non-conforming use status per Salisbury Zoning Code



299 Locust Ter.



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 17.16 OF THE SALISBURY CITY CODE BY ADDING SUBSECTION 17.16.090 NONCONFORMING USE ZONING EXEMPTION PROGRAM

WHEREAS, housing studies show vacant properties create a large financial burden to the jurisdictions they are located in through an increased number of calls for emergency services, city/town absorbed maintenance costs and lost tax revenue as a result of decreased property values; and

WHEREAS, the Mayor and Council of the City of Salisbury desire to update the Salisbury Municipal Code to adopt a nonconforming use zoning exemption program to reduce vacant properties within the City and create additional housing opportunities; and

WHEREAS, subsection 17.16.040.D of the Salisbury City Code provides “No building, structure or lot where a nonconforming use has substantially ceased for a continuous period of one year, whether or not fixtures or equipment are removed, shall again be put to a nonconforming use”; and

WHEREAS, the City of Salisbury Housing and Community Development Department has identified a number of properties that are vacant because each individual property's nonconforming use has ceased for more than one year pursuant to subsection 17.16.040.D of the Salisbury City Code; and

WHEREAS, many such property owners have expressed it is not economically feasible to return their properties to single-family homes and, as a result, the properties remain vacant; and

WHEREAS, implementing the Nonconforming Use Zoning Exemption Program will allow such properties to continue as legal nonconforming uses, which may result in positive economic and social effects, including but not limited to eliminating vacant properties and creating additional housing options in the City; and

WHEREAS, the City Housing and Community Development Department therefore proposes the creation of a zoning exemption program to allow properties to regain legal nonconforming use status within strict parameters; and

WHEREAS, the City through the Housing and Community Development Department and the Department of Infrastructure and Development shall develop an Application for participation in the Nonconforming Use Zoning Exemption Program; and

WHEREAS, the Housing and Community Development Department and the Department of Infrastructure and Development shall review all completed Applications and approve or deny participation in the Nonconforming Use Exemption Program; and



1 WHEREAS, the procedures and criteria necessary to qualify a property owner for  
2 participation in the Nonconforming Use Exemption Program shall be codified in an amendment to  
3 Chapter 17.16 of the City of Salisbury Municipal Code

4 WHEREAS, a Public Hearing on the proposed amendment was held by the Salisbury  
5 Planning and Zoning Commission in accordance with the provisions of Chapter 17.16, of Title 17,  
6 Zoning, of the Salisbury Municipal Code on September 16, 2021; and

7 WHEREAS, the Salisbury Planning and Zoning Commission did recommend approval of  
8 the proposed text amendment to Section 17.16.090; and  
9

10 WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the  
11 City to allow property owners to regain legal nonconforming use status when specified criteria are  
12 met; and

13 WHEREAS, the Mayor joins with the City Council in recommending the implementation  
14 of the Non-conforming Use Exemption Program and application process.

15 NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury,  
16 Maryland, as follows:

17 Section 1. Chapter 17.16 of the City of Salisbury Municipal Code, entitled  
18 “Nonconforming Lots, Structures and Uses” be and hereby is amended by adding a new subsection  
19 to Chapter 17.16, titled “Nonconforming Use Zoning Exemption Program”, as follows:

20 **CHAPTER 17.16.090 - NONCONFORMING USE ZONING EXEMPTION PROGRAM**

21 **A. Purpose.**

22 To assist in the reduction of vacant properties and provide for increased available housing  
23 within the City of Salisbury.

24 **B. Definitions.**

- 25 1. "Applicant" means the owner of a property who submits an application to  
26 participate in the Nonconforming Use Zoning Exemption Program.  
27 2. “Program” means the Nonconforming Use Zoning Exemption Program identified  
28 in this chapter.  
29 3. “Property” means a residential property subject to the Nonconforming Use Zoning  
30 Exemption Program.

31 **C. Criteria for approval—Conditions.**

- 32 1. The Property must have lost its nonconforming use within 60 months prior to  
33 submitting an application under the Program; or  
34 2. The Property must be vacant and the Property’s nonconforming use must have  
35 substantially ceased for a continuous period of one year.

1       **D. Application Requirements.**

- 2           1. All applications to participate in the Program must be submitted on or before
- 3           [REDACTED].
- 4           2. Applicant shall be in good standing with the City of Salisbury. “Good standing”
- 5           shall be defined as:
- 6               i. Applicant shall not owe delinquent taxes to the City of Salisbury.
- 7               ii. Applicant shall not have outstanding code violations on any property owned
- 8               by Applicant within the City of Salisbury.
- 9               iii. Applicant shall not own a condemned property within the City of Salisbury,
- 10           unless Applicant has an approved rehabilitation plan for the condemned
- 11           property.
- 12           3. Applicant shall submit an application and rehabilitation plan for approval by the
- 13           Housing and Community Development and Infrastructure and Development
- 14           Departments. The rehabilitation plan shall include architectural renderings of the
- 15           exterior and interior of the Property, and shall certify that the Property contains off-
- 16           street and/or on-street parking of at least one space per unit.
- 17           4. Applicant shall agree to adhere to Federal/State/Local Fair Housing
- 18           Guidelines/Practices.
- 19           5. Applicant shall obtain all permits required to execute the rehabilitation plan and
- 20           shall comply with all applicable building codes.

21

22       **E. Program Requirements.**

- 23           1. Within 12 months from application approval by the Housing and Community
- 24           Development and Infrastructure and Development Departments, the Applicant
- 25           shall:
- 26               i. Compete all terms and conditions of Applicant’s rehabilitation plan;
- 27               ii. Obtain a Certificate of Occupancy; and
- 28               iii. The Property must be inspected by the Housing and Community
- 29           Development Department.
- 30           2. The Property must be made available for rent within 12 months following
- 31           application approval by the Housing and Community Development and
- 32           Infrastructure and Development Departments.
- 33           3. The Property shall be subject to a three (3) year probationary period. During the
- 34           probationary period, the following additional conditions and requirements apply:
- 35               i. All units within the Property shall be subject to yearly inspection by the
- 36               Housing and Community Development Department;
- 37               ii. The Property owner shall maintain Code and Standards of Livability
- 38               requirements;
- 39               iii. There shall be no more than 3 code violations per Property, per year; and
- 40               iv. There shall be no more than 3 calls for service per unit located on the
- 41           Property, per year.
- 42           4. No Property shall be vacant for more than a 12-month period following the
- 43           completion of rehabilitation plan.

44       **F. Costs.**

- 45           1. There shall be a \$500.00 non-refundable application fee per Property.



2. During the three-year probationary period, Applicant shall pay the following licensing costs:
  - i. \$240.00 per landlord license, per year.
  - ii. \$240.00 per rental unit, per year.
3. At the end of the three-year probationary period, all costs shall return to those then in effect.

#### **G. Violations.**

1. Failure to complete the probationary period shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.
2. Violation of any Program Requirement shall result in the Property's loss of its legal nonconforming use status pursuant to the Program.

#### **H. Appeals.**

The denial of any application under this chapter may be appealed to the Board of Zoning Appeals. The appeal shall be filed in writing within thirty (30) days of the date of the final decision or denial to the Applicant, state clearly the grounds on which the appeal is based, and be processed in the manner prescribed for hearing administrative appeals under Board of Zoning Appeals rules of procedure.

**BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND,** as follows:

**Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

**Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

**Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

**Section 5.** This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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\_\_\_\_\_  
Kimberly R. Nichols, City Clerk

\_\_\_\_\_  
John R. Heath, City Council President

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jacob R. Day, Mayor



City of  
**Salisbury**  
Jacob R. Day, Mayor

## MEMORANDUM

**To:** Julia Glanz, City Administrator  
**From:** John W. Tull, Fire Chief  
**Subject:** FY22 Budget Amendment – Safe Station  
**Date:** September 20, 2021

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Attached you will find a FY22 Budget Amendment Ordinance and a Memorandum of Understanding (MOU) between the Wicomico County Health Department and the City of Salisbury Fire Department. The Wicomico County Health Department has received funding from Mid-Shore Behavioral Health for a Safe Station Program that provides 24 hour services to those seeking treatment and recovery resources. Safe Stations is an innovative program that helps remove barriers to treatment for members of our community who are eager to recover from a substance use disorder. Persons seeking treatment for addiction can visit the Recovery Resource Center, day or night, to find assistance gaining access to care. Once they arrive at the Safe Station a peer from the COAT team will be contacted, as well as an EMS response. The goal of the Safe Station is to help people with linkage to treatment and recovery services by allowing them to practice self-determination.

The Fire Department has partnered with the Health Department and agreed to provide non-emergent medical checks to all individuals that enter the Safe Station and in return, the Department will invoice the Health Department quarterly for \$2500.00. The funds from this program will be used to purchase additional medical supplies and equipment.

If you should have any questions or comments, please do not hesitate to contact me.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE WICOMICO COUNTY HEALTH DEPARTMENT AND APPROVING A BUDGET AMENDMENT OF THE FY2022 GENERAL FUND BUDGET TO APPROPRIATE FUNDS RECEIVED FROM THE WICOMICO COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$10,000.00.**

**WHEREAS**, the funds have been provided by the Wicomico County Health Department (“WiCHD”), in conjunction with Mid-Shore Behavioral Health, Inc., for a Safe Station Program (“Safe Station”); and

**WHEREAS**, Safe Station is an innovative program that helps remove barriers to treatment for members of our community who are eager to recover from a substance use disorder; and

**WHEREAS**, the goal of Safe Station is to help people with linkage to treatment and recovery services by allowing them to practice self-determination; and

**WHEREAS**, the City of Salisbury Fire Department will provide non-emergent medical checks to all individuals that enter the Safe Station; and

**WHEREAS**, the City of Salisbury must enter into a Memorandum of Understanding with the Wicomico County Health Department defining how these funds must be expended; and

**WHEREAS**, the accepted funds shall be used to purchase additional emergency medical supplies and equipment; and

**WHEREAS**, both the Fire Chief and the Mayor have recommended that the City accept the monetary donation and allocate the funds to the Fire Department’s FY2022 Operating Budget; and

**WHEREAS**, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury; and

**WHEREAS**, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 1.** Mayor Jacob R. Day is hereby authorized to enter into a Memorandum of Understanding with the Community Foundation of the Eastern Shore to accept funds in the amount of \$10,000.00.

**BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 2.** The City of Salisbury’s Grant Fund Budget be and hereby is amended as follows:

(a) Increase General Fund WiCHD Reimbursements account (01000-427301) by \$10,000.00.

(b) Increase Fire Department Expenditure Medical account (24035-546016) by \$10,000.00.

**BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

**Section 4.**

It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

**Section 5.**

The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

**Section 6.**

This Ordinance shall take effect from and after the date of its final passage.

**THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**ATTEST:**

\_\_\_\_\_  
**Kimberly R. Nichols, City Clerk**

\_\_\_\_\_  
**John R. Heath, City Council President**

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**Jacob R. Day, Mayor**



**To:** All Council Members  
**From:** Nathaniel Sansom, Special Assistant to the Mayor  
**Subject:** Habitat for Humanity of Wicomico County – Tax Credit  
**Date:** September 29, 2021

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The Administration’s request for an Ordinance establishing a Habitat for Humanity tax credit is outlined below.

**Current Situation & Request**

Habitat for Humanity of Wicomico County requested a real property tax credit for all future properties they acquire, as long as the properties are being developed. They requested a tax credit that would last for up to five years, from the time of property acquisition to sale. In return, they are willing to include a provision in the deed requiring that the property remains owner-occupied.

Habitat claims that they have “experienced a 4-fold increase in the cost of many construction materials”; furthermore, they “experienced a fire that created a total loss at 321 Martin and damaged 319 Martin to the point that it was not worth rehabbing”

Habitat of Wicomico has acquired three lots over the past twelve months and they intend to continue building houses in Salisbury.<sup>1</sup>

**Background – Wicomico County**

Since 2008, Habitat has acquired 16 properties in Wicomico County. According to data provided by Habitat, the sum total of all property values at the time of acquisition was \$493,259 and the combined value of these properties at the time of sale was \$1,894,700, resulting in a total of \$1,401,441 in property improvements<sup>2</sup>. The average length of time properties were under development by Habitat was approximately 2.88 years.

**Background – City of Salisbury**

Of these 16 properties, 13 were within the Corporate Limits of Salisbury. Of the 13 within Salisbury limits, 10 were purchased for a sum total of \$316,633.

When sold, these 10 properties had a valuation of \$1,157,700. The sum value of these 10 properties increased by \$841,067. These 10 properties spent an average of 3.1 years under development.

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<sup>1</sup> Refer to July 13, 2021 email from Molly Hilligoss

<sup>2</sup> Data provided by Habitat likely referring to Market value



## **Fiscal Note**

Based on the current City property tax rate of \$0.98 per \$100 of assessed value, according to data from the City Finance Department, the eleven (11) properties the Department found that are currently owned by Habitat currently generate \$1,596.72 annually in real property tax revenue.<sup>3</sup>

While the current annual realized cost of this program would be \$1,596.72, this would be subject to change based upon fluctuations in assessed property values and the number of properties Habitat owns that are eligible for the credit.

## **Legal Authority**

Tax-Property Article § 9-252, of the Annotated Code of Maryland enables Counties, Baltimore City, and Municipalities to provide a tax credit for Habitat for Humanity. Currently there isn't legal authority to provide a tax credit to Salisbury Neighborhood Housing Services, but we are developing solutions that would enable SNHS to receive the same benefit.

## **Examples from other jurisdictions**

Caroline County has established a Tax Credit for Habitat Properties that mirrors state enabling legislation.<sup>4</sup> Interesting components are underlined; do we want to mirror this?

- They require Habitat to provide information including “The date the property [was] transferred to Caroline County Habitat for Humanity, Incorporated; the amount of consideration paid to or received by Caroline County Habitat for Humanity, Incorporated; the names of all parties to the transaction; the purpose of the acquisition by Caroline County Habitat for Humanity, Incorporated; and the property's current use; and any other transactions involving these holdings.”
- Caroline also has a section adding that,  
“This real property tax credit shall take effect when an eligible property is transferred to Caroline County Habitat for Humanity, Incorporated. However, if Caroline County Habitat for Humanity, Incorporated, purchases the property rather than receiving it as a donation, the County shall reimburse Caroline County Habitat for Humanity, Incorporated, for county real property taxes paid at time of settlement. The tax credit shall cease as of the date of transfer from Caroline County Habitat for Humanity, Incorporated, to another owner. When the credit ceases, the property and its assessment shall be reinstated on the Caroline County real property tax roll, and taxes due shall be paid.”
- Saint Mary's County, MD has a very simple provision included in Chapter 267 (Taxation) of their code, (this also mirrors state enabling legislation).<sup>5</sup>  
One line I liked from their code was a clearly defined effective date,  
“The credit shall be allowed on and after July 1, 2011.”
- Cecil County also has legislation mirroring the state enabling legislation

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<sup>3</sup> August 24, 2021 email from Olga Butar

<sup>4</sup> <https://ecode360.com/8726678>

<sup>5</sup> [https://library.municode.com/md/st.\\_mary's\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIGELE\\_CH267TAGE\\_ARTXXVIIIPTACRHAHUPR](https://library.municode.com/md/st._mary's_county/codes/code_of_ordinances?nodeId=PTIIGELE_CH267TAGE_ARTXXVIIIPTACRHAHUPR)



## MEMORANDUM

Their code stated that – “The tax credit for each property shall continue until such time as the property is transferred from Habitat for Humanity to another entity, but in no event for more than five years.”<sup>6</sup>

- Charles County also has similar legislation<sup>7</sup>
- Harford County has legislation similar to that of Cecil County<sup>8</sup>
- Anne Arundel County offered an abatement through legislation enacted in 2010 (SB 658)<sup>9</sup>. As their abatement was brought about through another legal mechanism it looks different, although it still provides a tax credit<sup>10</sup>

### **Recommendation**

The Administration requests that the Council adopt the attached ordinance to amend Title Three of the City Code of Ordinances to create this tax credit for Habitat for Humanity of Wicomico County, Inc.

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<sup>6</sup> <https://ecode360.com/15794136?noresponsive=true>

<sup>7</sup> <https://ecode360.com/27242105>

<sup>8</sup> <https://ecode360.com/15625757>

<sup>9</sup> <https://mgaleg.maryland.gov/mgaweb/Website/Search/Legislation?target=/2010rs/billfile/sb0658.htm>

<sup>10</sup> <https://casetext.com/statute/code-of-maryland/article-tax-property/title-9-property-tax-credits-and-property-tax-relief/subtitle-3-counties-to-which-general-provisions-are-applicable/section-9-303-anne-arundel-county>



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SALISBURY TO GRANT A PROPERTY TAX CREDIT AGAINST THE CITY PROPERTY TAX IMPOSED ON CERTAIN REAL PROPERTY OWNED BY HABITAT FOR HUMANITY OF WICOMICO COUNTY, INC.**

**WHEREAS**, Habitat for Humanity of Wicomico County, Inc. (“Habitat”) is a local nonprofit housing organization with the stated goal of bringing strength, stability and self-reliance in partnership with families in need of decent of affordable housing; and

**WHEREAS**, in furtherance of its goal, Habitat regularly acquires residential properties within the corporate limits of the City of Salisbury (the “City”), on which it performs rehabilitation and/or new construction, significantly increasing the value of such properties, and ultimately transferring such properties to families in need; and

**WHEREAS**, the City seeks to incentivize and encourage Habitat’s ongoing rehabilitation and construction of residential housing within City limits; and

**WHEREAS**, granting Habitat a tax credit against the City property tax imposed on eligible properties (the “Habitat Tax Credit”) will encourage Habitat to acquire properties within City limits, which will further result in positive economic and social effects, including, but not limited to, reducing blight and increasing the inventory of residential housing in the City; and

**WHEREAS**, the City through the Finance Department shall process applications connected to the Habitat Tax Credit to ensure eligibility of a particular property for the tax credit; and

**WHEREAS**, the Mayor joins with the City Council in recommending the implementation of the Habitat Tax Credit; and

**WHEREAS**, the City’s establishment of the Habitat Tax Credit hereunder is authorized by Section 9-252 of the Property-Tax Article of the Annotated Code of Maryland.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 1.** Title 3 of the Salisbury City Code, entitled “REVENUE AND FINANCE, be and hereby is amended by adding a new Chapter 3.19, titled “Habitat for Humanity Tax Credit”, as follows:

**Chapter 3.19 Habitat for Humanity Tax Credit**

**3.19.010 – Habitat for Humanity tax credit**

- A. **In accordance with the provisions of the Tax-Property Article § 9-252 of the Annotated Code of Maryland, there is hereby established a City property tax credit of 100% for real property, provided that:**
1. **The property is owned by Habitat for Humanity of Wicomico County, Inc. with the intention of relinquishing ownership within five (5) years from the date of acquisition;**

- 50                   2. The property is used exclusively for the purposes of development, rehabilitation,  
51                   and transfer to a private owner; and  
52                   3. The property is not occupied by administrative or warehouse buildings owned  
53                   by Habitat for Humanity of Wicomico County, Inc.  
54       B. Habitat for Humanity of Wicomico County, Inc. shall submit an annual report each  
55       year to the Mayor and Council of the City of Salisbury documenting:  
56               1. All of the real property holdings of Habitat for Humanity of Wicomico County,  
57               Inc.in the City of Salisbury;  
58               2. All transactions involving the real property holdings referenced in the above  
59               subparagraph B(1); and  
60               3. The annual report shall be delivered to the City of Salisbury on or before July  
61               15 and shall include all real property holdings as of the preceding June 30 and  
62               shall include the date of acquisition of each parcel of real property for which a  
63               credit is applicable on the preceding June 30.  
64       C. The tax credit for each property shall continue until such time as the property is  
65       transferred from Habitat for Humanity of Wicomico County, Inc. to a private owner,  
66       but in no event for more than five (5) years. When the tax credit ceases, the property  
67       and its assessment shall be reinstated on the City of Salisbury real property tax roll at  
68       the beginning of the next fiscal year.  
69       D. The allowance of the tax credit shall be administered by the City of Salisbury Finance  
70       Department.  
71               1. In order to obtain the tax credit, Habitat for Humanity of Wicomico County,  
72               Inc. shall submit such documentation as the City of Salisbury Finance  
73               Department requires to determine the eligibility of a parcel of real property.  
74               The required documentation shall be provided upon acquisition of a property  
75               and shall include, but not be limited to, a copy of the property settlement  
76               agreement.  
77               2. If the Finance Department makes a finding of the ineligibility of a parcel for the  
78               tax credit, the Finance Department may disallow or revoke a tax credit, effective  
79               as of the date of ineligibility.  
80               3. The credit shall be allowed on and after September 1, 2021, and shall be pro-  
81               rated as of Habitat's date of acquisition.

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83       **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**  
84       **SALISBURY, MARYLAND, as follows:**

85       **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this  
86       Ordinance shall be deemed independent of all other provisions herein.

87       **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,  
88       paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or  
89       otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to  
90       the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this  
91       Ordinance shall remain and shall be deemed valid and enforceable.

92       **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such  
93       recitals were specifically set forth at length in this Section 4.

94       **Section 5.** This Ordinance shall take effect from and after the date of its final passage.  
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96       **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of  
97 Salisbury held on the \_\_\_\_ day of \_\_\_\_\_, 2021 and thereafter, a statement of the substance of  
98 the Ordinance having been published as required by law, in the meantime, was finally passed by the Council  
99 of the City of Salisbury on the \_\_\_\_ day of \_\_\_\_\_, 2021.

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103       ***[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]***

104       ***[SIGNATURES APPEAR ON THE PAGE THAT FOLLOWS]***  
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**ATTEST:**

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**Kimberly R. Nichols, City Clerk**

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**John R. Heath, City Council President**

Approved by me, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**Jacob R. Day, Mayor**