

(B) IN THIS SECTION, THE TERM "ANNUAL CHARGE" MEANS A CHARGE BASED ON THE CURRENT ASSESSED VALUE OF PROPERTY FOR COUNTY AND STATE PROPERTY TAXES THAT IS LEVIED BY A HOMEOWNERS ASSOCIATION ON PROPERTY IN A DEVELOPMENT.

(C) THIS SECTION ONLY APPLIES TO A DEVELOPMENT THAT:

(1) CONTAINS AT LEAST 13,000 ACRES OF LAND AND HAS A POPULATION OF AT LEAST 80,000; AND

(2) IS GOVERNED BY A HOMEOWNERS ASSOCIATION THAT LEVIES AN ANNUAL CHARGE ON PROPERTY WITHIN THE DEVELOPMENT.

(D) A HOMEOWNERS ASSOCIATION SHALL BASE THE ANNUAL CHARGE FOR THE REVALUED PROPERTIES ON THE PHASED IN VALUE OF PROPERTY AS PROVIDED UNDER § 8-103 OF THE TAX - PROPERTY ARTICLE.

(E) UNTIL THE ANNUAL CHARGE FOR THE REVALUED PROPERTY IS BASED ON THE PHASED IN VALUE OF PROPERTY AS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION, IF THE VALUE OF THE PROPERTIES REVALUED AS OF THE MOST RECENT DATE OF FINALITY AS PROVIDED IN § 8-104 OF THE TAX - PROPERTY ARTICLE EXCEEDS THE PRIOR VALUATION BY MORE THAN 10%:

(1) THE INCREASE SHALL BE CONSIDERED AN UNEXPECTED WINDFALL TO THE HOMEOWNERS ASSOCIATION THAT SHOULD BE OFFSET; AND

(2) BEGINNING WITH THE FIRST YEAR FOLLOWING THE REVALUATION OF THE PROPERTY FOR STATE PROPERTY TAX PURPOSES, THE HOMEOWNERS ASSOCIATION SHALL PROVIDE TO THE OWNER OF THE REVALUED PROPERTY A REBATE OR CREDIT IN AN AMOUNT EQUAL TO THE PORTION OF THE ANNUAL CHARGE THAT IS ATTRIBUTABLE TO THE GROWTH IN THE VALUE OF THE REVALUED PROPERTY IN EXCESS OF 10%.

(F) SUBSECTIONS (D) AND (E) OF THIS SECTION DO NOT APPLY IF A GOVERNING BODY CERTIFIES ON OR BEFORE APRIL 1 IN THE FIRST YEAR FOLLOWING THE REVALUATION OF PROPERTY VALUES FOR STATE PROPERTY TAX PURPOSES THAT THE REVENUES FROM THE ANNUAL CHARGES ARE INSUFFICIENT TO MEET THE DEBT SERVICE REQUIREMENTS DURING THE NEXT TAXABLE YEAR ON ALL BONDS THAT THE GOVERNING BODY ANTICIPATES WILL BE OUTSTANDING DURING THAT YEAR.

(G) NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE CONTRARY, WHEN CALCULATING AN ANNUAL CHARGE, A HOMEOWNERS ASSOCIATION MAY NOT CONSIDER THE RATE OF ASSESSED VALUE OF PROPERTY TO HAVE INCREASED BY MORE THAN 10% IN A TAXABLE YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 1 of this Act, the valuation of real property for the purposes of any private contract or covenant that was entered into or imposed prior to July 1, 1978, the effective date of Chapter 175 of the Acts of the General Assembly of 1978, for the purpose of providing funds for public facilities or services through the imposition