

SENATE BILL 76

L1, M3

(PRE-FILED)

4lr0653
CF 4lr0900

By: **Senator Colburn**

Requested: October 15, 2013

Introduced and read first time: January 8, 2014

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Dorchester County Sanitary Commission – Enforcement of Liens – Tax Sale**
3 **Authorization**

4 FOR the purpose of authorizing the Dorchester County Sanitary Commission to
5 request the county tax collector to conduct a sale of real property to enforce a
6 lien representing certain unpaid assessments or charges, in accordance with
7 certain procedures; authorizing the tax collector in Dorchester County to
8 conduct a county tax sale for the purpose of enforcing a certain lien; and
9 generally relating to the levy and collection of benefit assessments by the
10 Dorchester County Sanitary Commission.

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 9–658
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2013 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Environment**

19 9–658.

20 (a) When the sanitary commission has determined a benefit assessment, and
21 except as otherwise provided in this section, the sanitary commission shall levy a
22 benefit assessment, so that the levy will be effective on the July 1 that next follows the
23 first March 31 that occurs on or before which the construction is completed on the
24 project for which the benefit assessment is made.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) The Allegany County Sanitary Commission may make the levy of a
2 benefit assessment effective on the date on which the construction is completed on the
3 project for which the benefit assessment is made.

4 (2) If the Allegany County Sanitary Commission makes a levy on the
5 date on which the construction is completed, it shall prorate the levy on the basis of
6 the benefit assessment for an entire year and the time remaining until July 1.

7 (c) (1) The Dorchester County Sanitary Commission may make the levy of
8 a benefit assessment effective on the date on which:

9 (i) The construction is substantially completed; or

10 (ii) The system is in use for the project for which the benefit
11 assessment is made.

12 (2) If the Dorchester County Sanitary Commission makes a levy on
13 the date on which the construction is substantially completed or when the system is in
14 use, it shall prorate the levy on the basis of the benefit assessment for an entire year
15 and the time remaining until July 1.

16 (d) While unpaid, benefit assessments and other charges are a lien on the
17 parcel for which made.

18 (e) The lien granted by this section is subordinate only to State taxes and
19 municipal taxes.

20 (f) (1) As to each lien that arises against a parcel in the district, the
21 sanitary commission shall keep a public record that:

22 (i) Identifies the owners of the parcel;

23 (ii) Describes the parcel and gives any lot number of record that
24 applies to the parcel; and

25 (iii) Shows the amount of the lien.

26 (2) The sanitary commission shall file the record of liens among the
27 land records of the county where the parcel is located.

28 (3) The record of liens shall be legal notice of all existing liens in the
29 district.

30 (g) (1) To enforce the collection of unpaid benefit assessments or other
31 charges that are at least 60 days overdue, the sanitary commission, at any time, may:

1 (i) Sue any person who was an owner of record of the parcel at
2 any time since the benefit assessment was last paid; or

3 (ii) File a bill in equity to enforce a lien through a decree of sale
4 of property against any person who was an owner of record of the parcel at any time
5 since the benefit assessment was last paid.

6 (2) In addition to the actions that the sanitary commission may take
7 under paragraph (1) of this subsection, in Allegany County, Dorchester County,
8 Garrett County, and Somerset County, the sanitary commission may disconnect the
9 service.

10 (3) When recorded, the lien is legal notice to any person who has any
11 interest in a parcel.

12 (h) (1) The governing body of Kent County may authorize by local law the
13 sale of real property to enforce a lien based on unpaid benefit assessments or other
14 charges under this subtitle. The procedures for establishment, notification, and
15 enforcement of a lien authorized by the governing body in accordance with this
16 subsection shall conform to the provisions of Chapter 152 of the Code of Kent County,
17 governing collection of real property taxes in arrears.

18 (2) If the sale of real property is authorized under paragraph (1) of
19 this subsection, in addition to any remedy under subsection (g) of this section, the
20 sanitary commission may request that the county tax collector conduct a sale of real
21 property to enforce a lien at a county tax sale in accordance with the same procedures
22 governing the sale of property for delinquent property taxes and the county tax
23 collector may conduct the sale.

24 (i) (1) In addition to any remedy under subsection (g) of this section, [the
25 Allegany County Sanitary Commission] **IN ALLEGANY COUNTY AND DORCHESTER**
26 **COUNTY, THE SANITARY COMMISSION** may request the county tax collector to
27 conduct a sale of real property to enforce a lien representing any unpaid benefit
28 assessment or other charges under this subtitle at a county tax sale in accordance with
29 the same procedures governing the sale of property for delinquent property taxes.

30 (2) [The] **IN ALLEGANY COUNTY, THE** tax collector in Allegany
31 County may conduct a county tax sale for the purpose of enforcing a lien as specified in
32 paragraph (1) of this subsection.

33 **(3) IN DORCHESTER COUNTY, THE TAX COLLECTOR IN**
34 **DORCHESTER COUNTY MAY CONDUCT A COUNTY TAX SALE FOR THE PURPOSE**
35 **OF ENFORCING A LIEN AS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.**

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 2014.