

SENATE BILL 76

L1, M3

(PRE-FILED)

4r0653
CF HB 180

By: **Senator Colburn**

Requested: October 15, 2013

Introduced and read first time: January 8, 2014

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: January 28, 2014

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

14 (i) The construction is substantially completed; or

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

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

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

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

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

27 (i) Identifies the owners of the parcel;

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

30 (iii) Shows the amount of the lien.

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

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

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

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

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

10 (2) In addition to the actions that the sanitary commission may take
11 under paragraph (1) of this subsection, in Allegany County, Dorchester County,
12 Garrett County, and Somerset County, the sanitary commission may disconnect the
13 service.

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.