HOUSE BILL 1530

L2 EMERGENCY BILL 4lr3340

By: **St. Mary's County Delegation**
Introduced and read first time: March 3, 2014
Assigned to: Rules and Executive Nominations
Re–referred to: Environmental Matters, March 7, 2014

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 13, 2014

CHAPTER _____

AN ACT concerning

St. Mary's County Metropolitan Commission – ~~Collection of~~ Unpaid Charges

FOR the purpose of ~~repealing provisions that require certain connection charges and a certain system improvement charge of the St. Mary's County Metropolitan Commission to be treated as County taxes for collection purposes; repealing provisions that require property subject to a certain connection charge or a certain system improvement charge to be sold at the same time and in the same manner as properties are sold for County taxes under certain circumstances; repealing provisions that prohibit certain property redeemed from a County tax sale or sold after a final tax sale from being redeemed or sold until certain connection charges due on it are paid; repealing a provision that requires a certain unpaid water and sewer service bill to be collectible from the owner of the property served in a certain manner;~~ requiring the St. Mary's County Metropolitan Commission to establish certain procedures by which an owner of certain residential property may apply for a waiver or an extension of time to pay certain charges under certain circumstances, including a method by which the owner may appeal a certain decision of the Commission to the Board of County Commissioners or an entity designated by the Board of County Commissioners; making this Act an emergency measure; and generally relating to ~~the collection of~~ unpaid charges of the St. Mary's County Metropolitan Commission.

BY repealing and reenacting, with amendments,
The Public Local Laws of St. Mary's County

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.

Section 113–12 D., 113–14 G., and 113–29 M.
Article 19 – Public Local Laws of Maryland
(2007 Edition and February 2013 Supplement, as amended)

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

Article 19 – St. Mary's County

113–12.

D. (1) The connection charges set forth in subsections B. and C. of this section shall be payable at the Office of the Commission at a time that is determined by the Commission.

(2) If any connection charges remain unpaid for a period of thirty (30) days after the payment is due, in addition to any other charges, the Commission may impose a late charge not to exceed one and one–half (1 1/2) percent per month until all delinquent charges are paid.

(3) If all or any part of a connection charge remains unpaid after thirty (30) days after the due date of payment, the entire unpaid connection charge shall be overdue and in default, at which time the Commission may proceed to enforce payment.

(4) Any statute of limitations to the contrary notwithstanding, and subject only to prior State and County taxes, the connection charge shall be a first lien on the property against which it is assessed until paid.

~~[~~(5) For purposes of collection:

(A) The connection charges shall be treated as County taxes and be advertised in the same manner as and with County taxes;

(B) All property subject to the connection charges shall be sold for the connection charges at the same time and in the same manner as the properties are sold for County taxes; and

(C) Applicable laws relating to the collection of County taxes shall relate to the collection of the connection charges.

(6) Property redeemed from a County tax sale and property sold by the County Commissioners after a final tax sale may not be redeemed or sold until the connection charges due on it are paid.~~]~~

~~[~~(7)~~]~~ ~~(5)~~ To give notice to the general public of existing liens and charges against any property within any sanitary district abutting on any water or

sewer main, the Commission shall keep a public record of all names of owners of property, locations of the property, lot numbers when of record, and the amount of the connection charges or other charges that may become liens.

[(8)] ~~(6)~~ The records shall be kept in the land records of St. Mary's County, and the Clerk of the Circuit Court for the County shall furnish space necessary to keep and preserve the records, that, when recorded in the public record, are legal notice of all existing liens within any sanitary district.

[(9)] ~~(7)~~ If any liens, connection charges, or other charges remain unpaid for thirty (30) days after becoming overdue, they may be collected by an action to enforce the liens, and any judgment or decree obtained shall have the force and effect of a judgment in personam.

[(10)] ~~(8)~~ The Commission may file an action to enforce the liens against the owner of record at the time the levy was made, or the owner of record at the time the suit is filed, or any owner of record between these dates.

(11) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION SHALL ESTABLISH A PROCEDURE BY WHICH THE OWNER OF A RESIDENTIAL PROPERTY, THAT IS ALSO THE PRIMARY RESIDENCE OF THE OWNER SUBJECT TO THE CONNECTION CHARGES, MAY APPLY FOR A WAIVER OR AN EXTENSION OF TIME TO PAY THE CHARGES BECAUSE OF THE FINANCIAL HARDSHIP OF THE OWNER, INCLUDING A METHOD BY WHICH THE OWNER MAY APPEAL THE DECISION OF THE COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS, OR AN ENTITY DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS.

113–14.

G. **(1)** If any bill shall remain unpaid for thirty (30) days after the due date, [it shall be collectible from the owner of the property served in the same manner as other debts are collectible in the County. The] ~~THE~~ service charges and all penalties and late charges shall be a first lien against the property, and the same procedures as set forth in section 113–12.D. of this chapter shall be followed by the Commission in collecting those debts.

(2) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION SHALL ESTABLISH A PROCEDURE BY WHICH THE OWNER OF A RESIDENTIAL PROPERTY, THAT IS ALSO THE PRIMARY RESIDENCE OF THE OWNER SERVED, MAY APPLY FOR A WAIVER OR AN EXTENSION OF TIME TO PAY THE SERVICE CHARGES BECAUSE OF THE FINANCIAL HARDSHIP OF THE OWNER, INCLUDING A METHOD BY WHICH THE OWNER MAY APPEAL THE DECISION OF THE COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS, OR AN ENTITY DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS.

113–29.

M. (1) The System Improvement Charge shall be payable at the Office of the Commission at a time that the Commission determines.

(2) If any charges remain unpaid for a period of thirty (30) days after the payment is due, in addition to any other charges, the Commission may impose a late charge not to exceed one and one–half (1 1/2) percent per month until all delinquent charges are paid.

(3) The entire unpaid System Improvement Charge shall be overdue and in default after thirty (30) days after the payment is due for all or any part of the System Improvement Charge required by the Commission, at which time the Commission may proceed to enforce payment.

(4) Any statute of limitations to the contrary notwithstanding and subject only to prior State and County taxes, the System Improvement Charge shall be a first lien on the property against which it is assessed until paid.

~~[~~(5) For purposes of collection:

(A) The System Improvement Charge shall be treated as County taxes and be advertised in the same manner as and with County taxes;

(B) All property subject to the System Improvement Charges shall be sold for System Improvement Charges at the same time and in the same manner as the properties are sold for County taxes; and

(C) Applicable laws relating to the collection of County taxes shall relate to the collection of the System Improvement Charges.

(6) Property redeemed from a County tax sale and property sold by the County Commissioners after a final tax sale may not be redeemed or sold until the System Improvement Charges are paid.~~]~~

~~[~~(7)~~]~~ **~~(5)~~** To give notice to the general public of existing liens and charges against any property within any sanitary district abutting on any water or sewer main, the Commission shall keep a public record of all names of owners or property, locations of the property, lot numbers when of record, and the amount of the System Improvement Charges, water service charges, or [charges] that may become liens.

~~[~~(8)~~]~~ **~~(6)~~** If any liens, System Improvement Charges or other charges remain unpaid for thirty (30) days after becoming overdue, they may be collected by an action to enforce the liens, and any judgment or decree obtained shall have the force and effect of a judgment in personam.

~~[~~(9)~~]~~ ~~(7)~~ The Commission may file an action to enforce the liens against the owner of record at the time the levy was made, or the owner of record at the time the suit is filed, or any owner of record between these dates.

(10) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION SHALL ESTABLISH A PROCEDURE BY WHICH THE OWNER OF A RESIDENTIAL PROPERTY, THAT IS ALSO THE PRIMARY RESIDENCE OF THE OWNER SUBJECT TO THE SYSTEM IMPROVEMENT CHARGE, MAY APPLY FOR A WAIVER OR AN EXTENSION OF TIME TO PAY THE CHARGE BECAUSE OF THE FINANCIAL HARDSHIP OF THE OWNER, INCLUDING A METHOD BY WHICH THE OWNER MAY APPEAL THE DECISION OF THE COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS, OR AN ENTITY DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.