SENATE BILL 76

L1, M3 4lr0653
(PRE–FILED) 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

AN ACT concerning

Dorchester County Sanitary Commission – Enforcement of Liens – Tax Sale Authorization

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

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

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

Article – Environment

9–658.

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

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

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

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

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

(i) The construction is substantially completed; or

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

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

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

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

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

(i) Identifies the owners of the parcel;

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

(iii) Shows the amount of the lien.

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

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

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

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

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

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

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

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

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

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

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

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

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