

SENATE BILL 903

Q1, M3

4lr1553

By: **Senators Hershey, Brinkley, and Stone**
Introduced and read first time: January 31, 2014
Assigned to: Budget and Taxation

A BILL ENTITLED

AN ACT concerning

Tax Sales – Stormwater Remediation Fees – Temporary Prohibition

FOR the purpose of prohibiting a county or municipality from collecting penalties and interest on unpaid stormwater remediation fees if the fees are paid by a certain date; providing an exemption to the time period under which a tax collector is required to sell property at a tax sale; prohibiting a tax sale of property before a certain date if the only taxes in arrears are taxes attributable to certain unpaid stormwater remediation fees; and generally relating to tax sales of property.

BY repealing and reenacting, without amendments,
Article – Environment
Section 4–202.1(c)
Annotated Code of Maryland
(2013 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Environment
Section 4–202.1(e)
Annotated Code of Maryland
(2013 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 14–801(a) and (c)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–808 and 14–811
Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 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

4–202.1.

(c) A watershed protection and restoration program established under this section shall include:

- (1) A stormwater remediation fee; and
- (2) A local watershed protection and restoration fund.

(e) (1) Except as provided in paragraph (2) of this subsection and subsection (f) of this section, a county or municipality shall establish and annually collect a stormwater remediation fee from owners of property located within the county or municipality in accordance with this section.

(2) Property owned by the State, a unit of State government, a county, a municipality, or a regularly organized volunteer fire department that is used for public purposes may not be charged a stormwater remediation fee under this section.

(3) (i) A county or municipality shall set a stormwater remediation fee for property in an amount that is based on the share of stormwater management services related to the property and provided by the county or municipality.

(ii) A county or municipality may set a stormwater remediation fee under this paragraph based on:

1. A flat rate;
2. An amount that is graduated, based on the amount of impervious surface on each property; or
3. Another method of calculation selected by the county or municipality.

(4) A stormwater remediation fee established under this section is separate from any charges that a county or municipality establishes related to stormwater management for new developments under § 4–204 of this subtitle, including fees for permitting, review of stormwater management plans, inspections, or monitoring.

(5) A PENALTY OR INTEREST CHARGED BY A COUNTY OR MUNICIPALITY FOR FAILURE TO PAY A STORMWATER REMEDIATION FEE DUE BEFORE JULY 1, 2023, MAY NOT BE COLLECTED IF THE OVERDUE STORMWATER REMEDIATION FEE IS PAID IN FULL BEFORE JULY 1, 2023.

Article – Tax – Property

14–801.

(a) In §§ 14–801 through 14–854 of this subtitle, the following words have the meanings indicated.

(c) (1) “Tax” means any tax, or charge of any kind due to the State or any of its political subdivisions, or to any other taxing agency, that by law is a lien against the real property on which it is imposed or assessed.

(2) “Tax” includes interest, penalties, and service charges.

14–808.

(a) **(1)** The collector shall proceed to sell and shall sell under this subtitle, at the time required by local law but in no case, except in Baltimore City **AND AS PROVIDED UNDER § 14–811(B) OF THIS SUBTITLE**, later than 2 years from the date the tax is in arrears, all property in the county in which the collector is elected or appointed on which the tax is in arrears.

(2) The collector is required to sell, but failure of the collector to sell within the 2–year period does not affect the validity or collectibility of any tax, or the validity of any sale thereafter made.

(b) In Calvert County the collector shall proceed to advertise and sell any real property immediately after the tax is delinquent for a period of 1 year.

(c) In St. Mary’s County, the Board of County Commissioners shall set by resolution the date and time of a tax sale.

(d) In Garrett County, the Board of County Commissioners shall set by resolution the date and time of a tax sale.

14–811.

(A) The collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than \$250 in any 1 year.

(B) IF THE TOTAL UNPAID TAXES ON A PROPERTY ARE SOLELY ATTRIBUTABLE TO THE FAILURE TO PAY A STORMWATER REMEDIATION FEE ENACTED IN ACCORDANCE WITH § 4-202.1 OF THE ENVIRONMENT ARTICLE, THE COLLECTOR MAY NOT SELL THE PROPERTY PRIOR TO JULY 1, 2023.

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