

Chapter 328

(House Bill 37)

AN ACT concerning

Anne Arundel County – Property Tax Deferrals – Payment Due Date

FOR the purpose of altering the due date for certain payment of deferred county property taxes in Anne Arundel County under certain circumstances; making clarifying changes to provisions of law that require payment of certain deferred county property taxes under certain circumstances; and generally relating to the payment of deferred county property taxes in Anne Arundel County.

BY repealing and reenacting, with amendments,
 Article – Tax – Property
 Section 10–204.6
 Annotated Code of Maryland
 (2012 Replacement Volume and 2015 Supplement)

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

Article – Tax – Property

10–204.6.

(a) Notwithstanding Subtitle 1 of this title, the governing body of Anne Arundel County may authorize, by law, a payment deferral of the county property tax for residential real property occupied as the principal residence of the owner, the provisions of which shall comply with the provisions of subsections (b) through (h) of this section.

(b) An owner is eligible for a payment deferral under subsection (a) of this section if the owner or at least one of the owners:

(1) has resided in the dwelling for a period of at least 5 consecutive years;

(2) (i) is at least 62 years of age;

(ii) has been found permanently and totally disabled and has qualified for benefits under:

1. the Social Security Act;

2. the Railroad Retirement Act;

3. any federal act for members of the United States armed forces; or

4. any federal retirement system; or

(iii) has been found permanently and totally disabled by a county health officer or the Baltimore City Commissioner of Health; and

(3) meets the income eligibility requirements determined under subsection (c) of this section.

(c) If the governing body of Anne Arundel County authorizes a payment deferral under this section, the governing body shall specify:

(1) the amount of the tax that may be deferred, not exceeding the increase in the county property tax from the date the taxpayer elects to defer the payment of the tax;

(2) the duration of the payment deferral under subsection (a) of this section;

(3) restrictions on the amount of the real property eligible for a payment deferral, except that the amount of eligible property may not be less than the dwelling and curtilage, as determined by the supervisor;

(4) the rate of interest to be paid on the county property tax payment from the due date without a deferral until the date that the county property tax is paid;

(5) that any mortgagee or beneficiary under a deed of trust be entitled to receive notice of the deferral and of the amount of tax to be deferred; and

(6) the level of income to determine eligibility for the payment deferral.

(d) **[The] EVEN IF THE OWNER NO LONGER SATISFIES THE INCOME ELIGIBILITY REQUIREMENTS SPECIFIED UNDER SUBSECTION (C)(6) OF THIS SECTION, THE** county property tax that is deferred under this section and any interest specified in subsection (c)(4) of this section are due:

(1) when the **DURATION OF THE PAYMENT** deferral [ends as specified in subsection (c)(2) of this subsection] **EXPIRES AS SPECIFIED BY THE GOVERNING BODY OF ANNE ARUNDEL COUNTY;**

(2) when the [eligible] owner dies; or

(3) immediately on transfer of ownership of the property for which the property tax has been deferred.

(e) The governing body of Anne Arundel County shall specify the cumulative amount of the deferral and related interest in the taxpayer's annual property tax bill.

(f) (1) A lien shall attach to the property in the amount of all deferred taxes and interest.

(2) The lien shall remain attached until the deferred taxes and interest are paid.

(g) (1) The governing body of Anne Arundel County shall authorize the deferral by written agreement.

(2) The agreement shall reflect the terms and conditions of the deferral, including notice of the lien.

(3) The agreement shall be recorded in the land records of the county.

(h) Penalties may not be charged during the period of the deferral on any tax payments deferred under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.