

HOUSE BILL 161

Q8, L2

9lr0875
CF SB 96

By: **Delegates Mosby, Anderson, Attar, Boyce, Branch, Bridges, Clippinger, Conaway, Glenn, Haynes, R. Lewis, Lierman, McIntosh, Rosenberg, Smith, and Wells**

Introduced and read first time: January 23, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Tax Sales of Real Property – Water Liens**
3 **(Water Taxpayer Protection Act of 2019)**

4 FOR the purpose of repealing the authority of the Mayor and City Council of Baltimore
5 City to sell certain properties to enforce a lien for unpaid charges for water and sewer
6 service if the properties are also being sold to enforce another lien; repealing the
7 authority of the Mayor and City Council of Baltimore City to sell certain places of
8 worship to enforce a lien for unpaid charges for water and sewer service; repealing
9 the authority of Baltimore City to enforce a water and sewer service lien on
10 residential property if the property is being sold to enforce another lien; providing
11 that this Act does not affect other rights or remedies of Baltimore City to collect
12 unpaid charges for water and sewer service, subject to a certain exception;
13 prohibiting Baltimore City from acquiring residential property and places of worship
14 by means of execution of a judgment under certain circumstances; repealing a certain
15 termination provision relating to the authority of Baltimore City to sell real property
16 to enforce a water and sewer service lien; providing for the application of certain
17 provisions of this Act; and generally relating to tax sales of real property in Baltimore
18 City.

19 BY repealing and reenacting, with amendments,
20 Article – Tax – Property
21 Section 14–849.1
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2018 Supplement)

24 BY repealing and reenacting, with amendments,
25 Chapter 714 of the Acts of the General Assembly of 2018
26 Section 3

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Tax – Property**

4 14–849.1.

5 (a) In Baltimore City, the Mayor and City Council may not sell a property [solely]
6 to enforce a lien for unpaid charges for water and sewer service unless:

7 (1) the lien is for at least \$350;

8 (2) the property is not:

9 (I) a residential property; OR

10 (II) REAL PROPERTY USED EXCLUSIVELY AS A PLACE OF
11 WORSHIP; and

12 (3) the unpaid charges for water and sewer service are at least 3 quarters
13 in arrears.

14 (b) [(1)] Notwithstanding subsection (a) of this section, the Mayor and City
15 Council may enforce a lien on a property other than residential property OR REAL
16 PROPERTY USED EXCLUSIVELY AS A PLACE OF WORSHIP for unpaid water and sewer
17 service that is less than \$350 if the property is being sold to enforce another lien.

18 [(2)] Notwithstanding subsection (a) of this section, the Mayor and City
19 Council may enforce a lien on residential property for unpaid water and sewer service if the
20 property is being sold to enforce another lien.]

21 (c) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
22 THIS SECTION DOES NOT AFFECT ANY OTHER RIGHT OR REMEDY OF BALTIMORE
23 CITY FOR THE COLLECTION OF A WATER AND SEWER SERVICE CHARGE.

24 (2) BALTIMORE CITY MAY NOT ACQUIRE RESIDENTIAL PROPERTY OR
25 REAL PROPERTY USED EXCLUSIVELY AS A PLACE OF WORSHIP BY MEANS OF
26 EXECUTION OF A JUDGMENT FOR FAILURE BY THE OWNER, ON WHOM THE WATER
27 AND SEWER SERVICE CHARGE WAS ORIGINALLY MADE, TO PAY THE WATER AND
28 SEWER SERVICE CHARGE.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
30 as follows:

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2018. [It shall remain effective for a period of 1 year and 3 months and, at the
3 end of December 31, 2019, this Act, with no further action required by the General
4 Assembly, shall be abrogated and of no further force and effect.]

5 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be
6 construed to apply only prospectively and may not be applied or interpreted to have any
7 effect on or application to any liens attached to real property before the effective date of
8 this Act.

9 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2019.