

Chapter 629

(House Bill 257)

AN ACT concerning

~~Property Tax – Credit for Disabled Veterans~~
~~Property Tax Credit – Disabled Military Personnel and Surviving Spouses~~
Property Tax – Credit for Disabled Veterans

FOR the purpose of ~~authorizing the governing body of a county or municipal corporation to grant a certain property tax credit against the county or municipal corporation property tax imposed on the dwelling house of certain disabled veterans; providing for the amount of the property tax credit, subject to certain limitations; requiring certain disabled veterans to provide certain documents when applying for the property tax credit; prohibiting the inspection of a certain certificate of disability by certain individuals; authorizing the governing body of a county or municipal corporation to provide, by law, for certain matters relating to the property tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit for the dwelling house of a disabled veteran; expanding eligibility for a certain credit authorized against the county or municipal corporation property tax to include certain active duty, retired, or honorably discharged members of the armed forces of the United States and certain surviving spouses; authorizing the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation to provide, by law, for certain eligibility criteria; making a conforming change; providing for the application of this Act; and generally relating to eligibility for a property tax credit for active duty, retired, or honorably discharged members of the armed forces and their surviving spouses; authorizing the governing body of a county or municipal corporation to grant a certain property tax credit against the county or municipal corporation property tax imposed on the dwelling house of certain disabled veterans; providing for the amount of the property tax credit, subject to certain limitations; requiring certain disabled veterans to provide certain documents when applying for the property tax credit; prohibiting the inspection of a certain certificate of disability by certain individuals; authorizing the governing body of a county or municipal corporation to provide a certain property tax credit to the surviving spouse of a certain disabled veteran; authorizing the governing body of a county or municipal corporation to provide, by law, for certain matters relating to the property tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit for the dwelling house of a disabled veteran.~~

BY ~~adding to~~ ~~repealing and reenacting, with amendments,~~ adding to
 Article – Tax – Property
 Section ~~9-265~~ ~~9-258~~ 9-265
 Annotated Code of Maryland
 (2019 Replacement Volume)

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

Article – Tax – Property

~~9-265.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) “DISABLED VETERAN” MEANS AN INDIVIDUAL WHO:~~

~~(i) IS HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES FROM ACTIVE MILITARY, NAVAL, OR AIR SERVICE AS DEFINED IN 38 U.S.C. § 101; AND~~

~~(ii) HAS BEEN DECLARED BY THE VETERANS ADMINISTRATION TO HAVE A PERMANENT SERVICE-CONNECTED DISABILITY OF AT LEAST 50% THAT RESULTS FROM BLINDNESS OR ANY OTHER DISABLING CAUSE THAT:~~

~~1. IS REASONABLY CERTAIN TO CONTINUE FOR THE LIFE OF THE VETERAN; AND~~

~~2. WAS NOT CAUSED OR INCURRED BY MISCONDUCT OF THE VETERAN.~~

~~(3) “DWELLING HOUSE”:~~

~~(i) MEANS REAL PROPERTY THAT IS:~~

~~1. THE LEGAL RESIDENCE OF A DISABLED VETERAN; AND~~

~~2. OCCUPIED BY NOT MORE THAN TWO FAMILIES; AND~~

~~(ii) INCLUDES THE LOT OR CURTILAGE AND STRUCTURES NECESSARY TO USE THE REAL PROPERTY AS A RESIDENCE.~~

~~(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON A DWELLING HOUSE IF:~~

~~(1) THE DWELLING HOUSE IS OWNED BY A DISABLED VETERAN;~~

~~(2) THE DISABLED VETERAN'S FEDERAL ADJUSTED GROSS INCOME FOR THE IMMEDIATELY PRECEDING TAXABLE YEAR DOES NOT EXCEED \$100,000; AND~~

~~(3) THE APPLICATION REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION ARE MET.~~

~~(C) THE PROPERTY TAX CREDIT GRANTED UNDER THIS SECTION SHALL EQUAL:~~

~~(1) 50% OF THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THE DWELLING HOUSE IF THE DISABLED VETERAN'S SERVICE CONNECTED DISABILITY RATING IS AT LEAST 75% BUT NOT MORE THAN 99%; OR~~

~~(2) 25% OF THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THE DWELLING HOUSE IF THE DISABLED VETERAN'S SERVICE CONNECTED DISABILITY RATING IS AT LEAST 50% BUT NOT MORE THAN 74%.~~

~~(D) (1) A DISABLED VETERAN SHALL APPLY FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION BY PROVIDING TO THE COUNTY OR MUNICIPAL CORPORATION:~~

~~(I) A COPY OF THE DISABLED VETERAN'S DISCHARGE CERTIFICATE FROM ACTIVE MILITARY, NAVAL, OR AIR SERVICE; AND~~

~~(II) ON THE FORM PROVIDED BY THE COUNTY OR MUNICIPAL CORPORATION, A CERTIFICATION OF THE DISABLED VETERAN'S DISABILITY FROM THE VETERANS ADMINISTRATION.~~

~~(2) THE DISABLED VETERAN'S CERTIFICATE OF DISABILITY MAY NOT BE INSPECTED BY INDIVIDUALS OTHER THAN:~~

~~(I) THE DISABLED VETERAN; OR~~

~~(II) APPROPRIATE EMPLOYEES OF THE COUNTY OR MUNICIPAL CORPORATION.~~

~~(E) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:~~

- ~~(1) THE DURATION OF THE TAX CREDIT;~~
- ~~(2) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND~~
- ~~(3) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SECTION.~~

~~9-258.~~

- ~~(a) (1) In this section the following words have the meanings indicated.~~
- ~~(2) "Dwelling" has the meaning stated in § 9-105 of this title.~~
- ~~(3) "Eligible individual" means:~~
- ~~(i) an individual who is at least 65 years old;~~
- ~~(ii) an individual who is at least 65 years old and is a retired member of the uniformed services of the United States as defined in 10 U.S.C. § 101, the military reserves, or the National Guard; [or]~~
- ~~(iii) a surviving spouse, who is at least 65 years old and has not remarried, of a retired member of the uniformed services of the United States as defined in 10 U.S.C. § 101, the military reserves, or the National Guard;~~
- ~~(IV) AN INDIVIDUAL WHO:~~
- ~~1. IS AN ACTIVE DUTY, RETIRED, OR HONORABLY DISCHARGED MEMBER OF THE UNIFORMED SERVICES OF THE UNITED STATES AS DEFINED IN 10 U.S.C. § 101, THE MILITARY RESERVES, OR THE NATIONAL GUARD; AND~~
- ~~2. HAS A SERVICE-CONNECTED DISABILITY AS DEFINED IN A LOCAL LAW ENACTED UNDER SUBSECTION (D) OF THIS SECTION; OR~~
- ~~(V) A SURVIVING SPOUSE OF AN INDIVIDUAL DESCRIBED UNDER ITEM (IV) OF THIS PARAGRAPH WHO HAS NOT REMARRIED.~~

~~(b) The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a property tax credit under this section against the county or municipal corporation property tax imposed on the dwelling of an eligible individual.~~

~~(c) The property tax credit allowed under this section may:~~

~~(1) not exceed 20% of the county or municipal corporation property tax imposed on the property; and~~

~~(2) be granted for a period of up to 5 years.~~

~~(d) The Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may provide, by law, for:~~

~~(1) the maximum assessed value of a dwelling that is eligible for the tax credit under this section;~~

~~(2) the minimum number of years, not to exceed 40 years, that an eligible individual not described under subsection [(a)(3)(ii) or (iii)] (A)(3)(II), (III), OR (IV) of this section must have resided in the same dwelling;~~

~~(3) CRITERIA THAT DEFINE A SERVICE CONNECTED DISABILITY OF AN ELIGIBLE INDIVIDUAL DESCRIBED UNDER SUBSECTION (A)(3)(IV) OF THIS SECTION;~~

~~[(3)](4) additional eligibility criteria for the tax credit under this section;~~

~~[(4)](5) regulations and procedures for the application and uniform processing of requests for the tax credit; and~~

~~[(5)](6) any other provision necessary to carry out the tax credit under this section.~~

9-265.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DISABLED VETERAN" MEANS AN INDIVIDUAL WHO:

(I) IS HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES FROM ACTIVE MILITARY, NAVAL, OR AIR SERVICE AS DEFINED IN 38 U.S.C. § 101; AND

(II) HAS BEEN DECLARED BY THE VETERANS ADMINISTRATION TO HAVE A PERMANENT SERVICE-CONNECTED DISABILITY OF AT LEAST 50% THAT RESULTS FROM BLINDNESS OR ANY OTHER DISABLING CAUSE THAT:

1. IS REASONABLY CERTAIN TO CONTINUE FOR THE LIFE OF THE VETERAN; AND

2. WAS NOT CAUSED OR INCURRED BY MISCONDUCT OF THE VETERAN.

(3) "DWELLING HOUSE":

(I) MEANS REAL PROPERTY THAT IS:

1. THE LEGAL RESIDENCE OF A DISABLED VETERAN; AND

2. OCCUPIED BY NOT MORE THAN TWO FAMILIES; AND

(II) INCLUDES THE LOT OR CURTILAGE AND STRUCTURES NECESSARY TO USE THE REAL PROPERTY AS A RESIDENCE.

(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON A DWELLING HOUSE IF:

(1) THE DWELLING HOUSE IS OWNED BY A DISABLED VETERAN;

(2) THE DISABLED VETERAN'S FEDERAL ADJUSTED GROSS INCOME FOR THE IMMEDIATELY PRECEDING TAXABLE YEAR DOES NOT EXCEED \$100,000; AND

(3) THE APPLICATION REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION ARE MET.

(C) THE PROPERTY TAX CREDIT GRANTED UNDER THIS SECTION SHALL EQUAL:

(1) 50% OF THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THE DWELLING HOUSE IF THE DISABLED VETERAN'S SERVICE-CONNECTED DISABILITY RATING IS AT LEAST 75% BUT NOT MORE THAN 99%; OR

(2) 25% OF THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THE DWELLING HOUSE IF THE DISABLED VETERAN'S SERVICE-CONNECTED DISABILITY RATING IS AT LEAST 50% BUT NOT MORE THAN 74%.

(D) (1) A DISABLED VETERAN SHALL APPLY FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION BY PROVIDING TO THE COUNTY OR MUNICIPAL CORPORATION:

(I) A COPY OF THE DISABLED VETERAN'S DISCHARGE CERTIFICATE FROM ACTIVE MILITARY, NAVAL, OR AIR SERVICE; AND

(II) ON THE FORM PROVIDED BY THE COUNTY OR MUNICIPAL CORPORATION, A CERTIFICATION OF THE DISABLED VETERAN'S DISABILITY FROM THE VETERANS ADMINISTRATION.

(2) THE DISABLED VETERAN'S CERTIFICATE OF DISABILITY MAY NOT BE INSPECTED BY INDIVIDUALS OTHER THAN:

(I) THE DISABLED VETERAN; OR

(II) APPROPRIATE EMPLOYEES OF THE COUNTY OR MUNICIPAL CORPORATION.

(E) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY, BY LAW, CONTINUE TO PROVIDE THE PROPERTY TAX CREDIT UNDER THIS SECTION TO THE SURVIVING SPOUSE OF THE DISABLED VETERAN.

(F) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:

(1) THE DURATION OF THE TAX CREDIT;

(2) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT;

(3) THE DEFINITION OF SURVIVING SPOUSE AND THE AMOUNT AND DURATION OF THE TAX CREDIT FOR THE SURVIVING SPOUSE; AND

(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020, and shall be applicable to all taxable years beginning after June 30, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.