



SB53: REAL PROPERTY – TRANSFER TO HEIR – EXEMPTION FROM PREPAYMENT

HEARING BEFORE SENATE BUDGET AND TAXATION COMMITTEE
1-18-2024

POSITION: SUPPORT

Connecting Individuals and Families who need Civil Legal Services with Volunteer Attorneys and Community Resources

Shore Legal Access, Inc. (formerly Mid-Shore Pro Bono) supports SB53. This bill would significantly help people with limited financial means to be able to receive property intended to be transferred to them. This measure would provide a vital tool enabling heirs to keep property in their family, prevent homelessness, support intergenerational transfer of wealth, and help avoid future tangled title issues.

Shore Legal Access (SLA) connects people on the Eastern Shore with limited financial means to legal representation and essential community resources. Each year, SLA helps over 3,000 people in our community access the legal system when they would otherwise be shut out. Our small legal team and network of volunteer lawyers provide free legal services for life planning, family law, landlord/tenant, foreclosure, and consumer debt. These services help families gain financial and housing stability and create safe, secure homes for children.

SLA helps over 650 clients a year with life and estate planning issues, including obtaining a will, power of attorney, and advance medical directive, as well as planning for transfer of property and resolving tangled title issues. Many of our clients are seeking solutions to make sure that their homes, frequently shared with children and other family members, are passed on to their loved ones. Too often, people intend to leave their house to their family, but their heirs face insurmountable barriers, especially lack of resources to navigate the estate administration process. When people have tools available to help them take care of transferring assets such as property, they are empowered to ensure that assets pass from one generation to the next.

The requirement that property taxes be pre-paid in order to transfer property to an heir creates an often-insurmountable barrier for people with limited means. Many people come to us seeking assistance with planning their affairs so that their property can be transferred easily to their children or other family members. But for too many limited income Marylanders, the death of a loved one sets into motion a series of financial legal challenges, including potential loss of the family home due to unpaid taxes. One of our recent clients faced losing the home that three generations of her family had grown up in due to unpaid property taxes. The family had already spent its meager savings on funeral expenses, leaving no funds left to pay the property taxes. Sadly, this is not an uncommon situation. Reducing barriers to transferring properties to heirs improves family financial well-being and community stability.

For these reasons, Shore Legal Access supports SB 53 and we urge the Committee’s support for this bill. If you have any questions regarding our position on this bill, please contact Meredith Lathbury Girard, Esq., executive director, at 410-690-8128 or mgirard@shorelegal.org.

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