

# **HB 243 - Support - Senate.pdf**

Uploaded by: Ari Plaut

Position: FAV

March 25, 2024

The Honorable Chairman Guzzone  
The Senate Budget & Tax Committee

**RE: HB 243 – Property Tax – Tax Sales - Revisions**  
**Position: Support**

Dear Mr. Chairman and Members of the Senate Budget and Tax Committee,

On behalf of the Kenny Law Group and The Maryland Tax Sale Participants Coalition, we support HB 243. We support protections for homeowners as well as the provision regarding withholding from tax sale only owner-occupied properties with delinquent water bills. Below is an outline of why this is good policy:

- History of why Water bills were removed from tax sale.
  - Water department was taking a lot of flack for water billing problems
  - Many low-income Owner Occupants were struggling with high water bills they couldn't pay
  - Because water department didn't get their act together the stop-gap decision was made to remove water bills from tax sale
  - Fast forward to today. Vast majority of owner occupants removed from tax sale 3 years running.
  - We have proposed legislation that enables the removal of owner occupied property from tax sale entirely.
  - Now decision to remove water from tax sale is a relic. It should be included for landlord and investor owned property
  
- Why needs to go back in
  - It is good policy to re-include non-owner occupied water bills into tax sale.
  - Tax Sale is the impetus that gets people to pay. Tax sale is a hugely effective revenue collection tool and exempting properties and water bills in particular from tax sale has a heavy cost.
  - In her testimony to the tax sale task force, DPW representative Julie Day shared how removing Baltimore City water bills from tax sale resulted in Baltimore city water collections decreasing substantially.
  - It makes sense to bear this cost in the interest of protecting vulnerable and low income legacy owner-occupants.

- But shouldn't non-owner occupants – investors, landlords, business owners, speculators and derelict property owners be expected to pay their property taxes and water bills.
  - What will the long-term effect of diminishing water department revenues be on future water billing rates, maintenance of the city's aging water system (and other jurisdictions), and even safety of the city's drinking water. We wouldn't want to see Baltimore become the next Flint, Michigan in the misguided interest of protecting investors from having to pay their water bills.
- Issues to consider:
    - Affordability
      - Not only is removing water from tax sale bad for jurisdictions it can also be detrimental to tenants and property owners.
      - The annual tax sale brings issues with billing, leaks etc to a head so they can be dealt with before they grow out of hand
      - Tenants, landlords, property owners will receive notice of tax sale and know they need to resolve water leaks, or delinquent water bills quickly.
      - Get on payment plans with water department to avoid tax sale etc.
      - Taking all water bills out of tax sale is tantamount to putting head in sand and ignoring the water bills as they continue to accrue.
      - This will lead to problems growing out of hand down the road. Lead to equity stripping, evictions of tenants etc, all because the problems were not addressed when they were still manageable.
      - The city does not generally turn off water to its residents. Therefore without going into tax sale – no way to collect.
      - We see properties all the time with disastrous situations – 10k, 20k, 50k water bills. The properties are upside down and can no longer be bought or sold and put back into productive use. If they had gone to tax sale timely, the problem would have been resolved when still manageable or been sold to a new owner if abandoned.
      - But when ignored leads to vacancy and blight and impossibility to put back into productive use when properties turn upside down with liens exceeding value.
  - Putting water bills back into tax sale will not negatively affect tenants
    - Tenants are typically responsible for paying water under their lease
    - If they are not paying better to face problem sooner and get on payment plan with water dept or landlord, and resolve any water leaks leading to high bills before they grow out of hand.
    - Tenants could be evicted for not paying rent or water long before a tax sale goes anywhere.

- A delinquent water bill would not go to tax sale for many months. And even if sold at tax sale both owner and tenant would receive notice of the debt and have ample time – often 1-2 years to redeem the property
- Finally, any tenant who is paying rent and living in a property that was foreclosed upon may be able to sign a new lease with the tax sale purchaser. Many investors would be thrilled to inherit a tenant who is paying rent and wishes to remain in a property.
- Hidden costs to investors and delays with title: The point of tax sale is for the municipality to advertise all past due tax debt and sell a lien that accurately reflects the total amounts owed to the municipality at the time of sale.
- When water not included there is an extra hidden cost to investor. If bill is small no problem
- If bill is astronomical in tens of thousands could lead to delays or cause tax sale investor to have to abandon their investment leading to issues with title of property.

We respectfully request a favorable report on HB 243.

Please let us know if you have any questions or need any additional information.

Sincerely,



Ari Plaut, Esq.

On Behalf of the Kenny Law Group  
& MD Tax Sale Participants  
Coalition

**XHB243\_DHCD\_SUPPORT.pdf**

Uploaded by: Chuck Cook

Position: FAV

**DATE:** March 26, 2024  
**BILL NO.:** House Bill 243  
**TITLE:** Property Tax - Tax Sales – Revisions  
**COMMITTEE:** Senate Budget and Taxation Committee

### Letter of Support

#### Description of Bill:

House Bill 243 modifies property tax sale procedures by:

- Requiring local jurisdictions to withhold from tax sale owner-occupied properties where the tax owed is \$1,000 total, along with owner-occupied properties where the tax owed consists only of unpaid water or sewer charges
- Setting maximum interest rates of redemption at 10% per year for owner-occupied residential property
- Prohibiting taxes, interest and penalties accruing after the date of tax sale from being included in the payment required to redeem a property
- Extending the period during which a holder of a certificate of sale for owner-occupied residential property is prohibited from filing a complaint to foreclose the right of redemption from 9 to 12 months
- Granting local governments the ability to offer abandoned property at a starting bid of less than the taxes owed
- Requiring written notice of actions to foreclose rights of redemption to be sent to the State Tax Sale Ombudsman.

#### Background and Analysis:

The tax sale process is local jurisdictions' primary means of enforcing collection of property tax and, for some municipalities, water and sewer fees. When an owner of real property fails to pay property taxes in a timely fashion, the jurisdiction acquires a lien against the property and, after a period of delinquency, the property becomes eligible for tax sale. At the tax sale, private bidders purchase the liens from the local jurisdiction, entitling them to pursue a foreclosure action against the property owner under procedures prescribed by Maryland law.

The modifications to tax sale procedures in House Bill 243 are aimed at protecting residential property owners at risk of losing their homes to tax sale foreclosure. Owner-occupied residential properties represent only a small fraction of all properties that go to tax sale, but their owners are disproportionately Black, are often elderly and/or disabled, and live on low and/or fixed incomes. Under current Maryland law, the cost to redeem a property that has gone to tax sale can easily rise into the thousands of dollars. Extending the amount of time before a foreclosure action can be filed, capping interest rates (which in some jurisdictions are currently as high as 20%), and freezing the amount owed at the time of tax sale, will help protect some of Maryland's most vulnerable homeowners and prevent their displacement.

Property taxes are an important source of revenue for local governments, and this legislation does not target that revenue stream. It offers additional protection for vulnerable homeowners without a large anticipated impact to those governments.

#### DHCD Position:

The Maryland Department of Housing and Community Development respectfully requests a **favorable** report on House Bill 243.

**SDAT\_HB0243\_Support.docx.pdf**

Uploaded by: Corbett Webb

Position: FAV

**WES MOORE**  
Governor

**ARUNA MILLER**  
Lt. Governor



**MICHAEL HIGGS**  
Director

**MARCUS ALZONA**  
Deputy Director

301 W. Preston Street, Room 801, Baltimore, Maryland 21201  
Legislative Liaison: Joshua.Greenberg@Maryland.gov  
1-888-246-5941 TTY: 1-800-735-2258  
[www.dat.maryland.gov](http://www.dat.maryland.gov)

**HEARING DATE:** March 26, 2024

**BILL:** HB0401

**TITLE:** Property Tax Exemption - Rental Income - Reporting Requirement

**SDAT POSITION:** SUPPORT

The Department of Assessments and Taxation Supports HB0243 - Property Tax - Tax Sales - Revisions. This legislation would achieve several critical equity goals, including:

- Raising the total amount of tax and delinquent fees that may be owed on owner-occupied properties withheld from tax sale from \$750 to \$1,000.
- Withholding, from tax sale, any liens on certain properties resulting from water and sewer fee delinquencies.
- Including the Tax Sale Ombudsman to the list of recipients of the notification of action to foreclose a right of redemption for owner-occupied properties
- Requiring each county and Baltimore City to maintain a record of tax sale information for at least three years following the date of tax sale

The General Assembly established the Office of the Tax Sale Ombudsman with a critical goal in mind: keeping Maryland's most vulnerable homeowners in their homes.

While owner-occupied residential properties represent a small portion of properties that go to tax sale, the impact on homeowners can be drastic. In some cases, homeowners, particularly those who are elderly or those with disabilities, are unaware of delinquencies in tax payments or utility fees altogether and enter tax sale before having an opportunity to rectify the situation. As a result, some homeowners pay up to 20% more than they would have in taxes and fees had they been aware that they were delinquent on payments. During calendar year 2022, thousands of owner-occupied properties were sold at tax sale.

It is for this reason the General Assembly established the Homeowner's Protection Program, a widely celebrated program in which the Department pays delinquent taxes and fees to local governments and



**WES MOORE**  
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private lien holders to take homeowners out of tax sale. The Department then provides the homeowner with a loan repayment plan and works closely with them to identify tax credits and other state resources to build a sustainable financial future.

House Bill 243 builds on existing protections for homeowners at risk of entering or who are in tax sale for delinquencies on water and sewer fees, and generally for homeowners at risk of entering tax sale foreclosure. This bill provides an elegant solution to target homeowners who are struggling to meet their basic needs without imposing a fiscal burden on local governments.

Accordingly, the Department respectfully requests a **FAVORABLE** report.

**Support HB 243.pdf**

Uploaded by: Heidi Kenny

Position: FWA



HEIDI S. KENNY(MD, DC, PA)  
JAMES KELLY-LIEB (MD)

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March 25, 2024

The Honorable Guy Guzzone  
The Senate Budget and Tax Committee


RE: HB 243 – Property Tax – Tax Sales – Revisions  
Position: **SUPPORT**

Dear Mr. Chairman and Esteemed Members of the Senate Budget and Tax Committee:

I am writing in support of HB 243. As an attorney that represents tax sale purchasers, we agree that withholding owner-occupied properties from tax sale who only owe delinquent water is good policy. However, this policy should not apply to all *residential* property, but rather only to homeowner occupied properties. Making this universal to all *residential* property benefits investor-owned property owners who are better positioned to protect their investment from the threat of foreclosure. Investors should not benefit from a loophole in the statute due to the current exclusion of residential property from tax sale. Statistically 95% of properties redeem from tax sale prior to foreclosure<sup>1</sup>. With high redemption rates, limiting only the removal of owner-occupied delinquent water property from tax sale will decrease the water bill delinquency for the Counties and Baltimore City. Currently, there is no incentive and no consequence for derelict investor owners to pay water bills.

While housing advocates will argue that this bill does not address inherited properties, there is active legislation that protects this category of property owners from tax sale. Further, the argument that this still affects tenants is without merit. Landlords often have tenants pay water as part of rent. If the Landlord is not paying the water, they are also likely not making necessary repairs or paying other expenses. Continuing to exclude derelict landlords from the threat of foreclosure is not benefiting the tenant or the community.

**Thus, we respectfully request that you pass HB 243 as amended.**

Sincerely,  
  
Heidi S. Kenny

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<sup>1</sup> This statistic is based on the average annual redemption rates from my clients' portfolios over the last several years.

**HB0243-BT\_MACo\_SWA.pdf**

Uploaded by: Kevin Kinnally

Position: FWA



## House Bill 243

### *Property Tax – Tax Sales – Revisions*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Budget and Taxation Committee

Date: March 26, 2024

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** HB 243 **WITH AMENDMENTS**. This bill generally makes wholesale changes to Maryland’s tax sale process. MACo seeks amendments to address administrative hurdles and awkward implementation that render the current bill unworkable for county governments, who are required to conduct tax sales under state law.

The tax sale process, or more specifically, the potential for a property to go to tax sale, presents a much-needed tool of last resort to ensure that property owners remit payment for their fair share of taxes and charges connected to public services. Broad tax compliance promotes fairness among dutiful taxpayers.

MACo strongly prefers that homeowners receive all counseling, education, information, support, and additional assistance when appropriate to help them pay on time and avoid going through tax sale. To that end, MACo has supported legislation establishing the Homeowner Protection Program and several bills to reform the tax sale process to ensure its fairness.

HB 243 requires local governments to withhold specified properties from tax sale, alters redemption rates for certificates sold at tax sale, and adds new recordkeeping requirements, among other provisions. Under current law, counties must sell liens associated with unpaid taxes and fees for any property over \$250 in arrears. This bill raises the threshold to \$1,000, but only for owner-occupied property. Several counties use billing software that does not differentiate between owner-occupied and other properties for tax sale purposes. As such, counties would incur significant costs to update systems to comply with the bill.

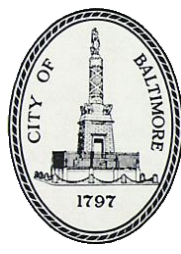
In addition, the bill requires counties to withhold owner-occupied properties from tax sale if the taxes on the property consist only of a lien for unpaid charges for water and sewer service. It is worth noting that counties have no other enforcement mechanism to collect unpaid water and sewer charges and that such properties, in many cases, would merely continue to accrue unpaid charges, taxes, and fees until the new \$1,000 threshold is reached. *MACo urges the Committee to pay careful attention to this provision, as counties are concerned that this creates an additional, and unwelcome, burden on the property owner, as the amount necessary to pay the eventual tax lien increases accordingly.*

While counties continue to support reforms to the tax sale process, amendments are necessary to avoid a significant unfunded mandate and ensure homeowners are not saddled with additional burdens in the tax sale process. Accordingly, MACo urges the Committee to issue a **FAVORABLE WITH AMENDMENTS** report on HB 243.

**HB243-BT-SWA.pdf**

Uploaded by: Nina Themelis

Position: FWA



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**HB243**

March 26, 2024

**TO:** The Senate Budget & Taxation Committee  
**FROM:** Nina Themelis, Director of the Mayor's Office of Government Relations  
**RE:** House Bill 243 - Property Tax - Tax Sales - Revisions

**POSITION: SUPPORT WITH AMENDMENTS**

Chair Guzzone, Vice Chair Rosapepe, and members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 243 with amendments.

HB 243, if passed, would extend several tax sale protections for homeowners that currently only exist in Baltimore City across the entire State of Maryland. The bill would also increase the minimum threshold for liens and unpaid taxes that would place an owner-occupied property into tax sale as well as extend the period that a property owner has to redeem a property that has gone to tax sale. The bill also requires that the Tax Sale Ombudsman be notified when initial action is taken to foreclose the right of redemption on an owner-occupied property which will provide additional resources to owners of those properties.

The overall potential positive impact that HB243 will have for residential property owners is significant, however, the BCA would recommend one slight amendment to ensure that each jurisdiction has the authority to choose whether or not to place non owner-occupied properties into tax sale for water liens alone. Baltimore City has provided protections for all residential properties, including both owner-occupied properties and non-owner occupied properties, since State law was enacted in 2019 to protect those property owners.

The BCA has introduced two separate water affordability programs over the last several years – Promise Pay and Water 4 All. Promise Pay launched in early 2023 allowing residents to pay off past-due Water and Sewer Utilities balances over time. The payment plans are provided at 0% interest and are available to Baltimore City residential, multifamily, and commercial customers. This program allows residents who may have fallen behind on their water bills an opportunity to pay off those past due amounts over a longer period than was previously provided without financial penalties. Water 4 All is a program created through local Ordinance 20-468 when Mayor Scott was Council President and implemented early on in the Scott Administration. The program is a water billing discount program for Baltimore City residential households whose income is below

200% of the federal poverty level and who are (1) homeowners whose name is on the water bill, (2) tenants whose name is on the water bill and pay their bill directly, or (3) tenants whose names are not on the water bill but who can provide documentation that they are under a lease where they are directly responsible for paying water and sewer services to their landlord separately from their rent. We currently have approximately 5,400 tenants and homeowners who are enrolled in the program with several thousand additional applications currently in the review process.

The amendment the BCA is asking for the Committee to consider would be to add additional language concerning the provision to place non owner-occupied residential properties into tax sale for water liens alone. The suggested language for this amendment would make changes to (b)(3) beginning on page 2, line 30 of the 3<sup>rd</sup> reader version of HB243 as follows:

(b)(3) (I) [In Baltimore City, the] THE collector shall withhold from sale OWNER–OCCUPIED residential property or property that is exempt from taxation under § 32 7–204(1) or (2) of this article, if the taxes on the property consist only of a lien for unpaid charges for water and sewer service.

**(II) THE COLLECTOR MAY WITHHOLD FROM SALE  
NON-OWNER-OCCUPIED RESIDENTIAL PROPERTY IF THE TAXES  
ON THE PROPERTY CONSIST ONLY OF A LIEN FOR UNPAID  
CHARGES FOR WATER AND SEWER SERVICE.**

The above amendment would change the mandate for placing non owner-occupied residential properties into tax sale into an enabling action. The BCA believes this amendment provides the proper balance and protections for our most vulnerable residents. For these reasons, the Baltimore City Administration requests a **favorable with amendment** report on HB 243.



# Written Testimony HB 243 AS AMENDED - Putting Wate

Uploaded by: Allison Harris

Position: UNF



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**HB 243**  
**TAX SALES - REVISIONS**  
**HEARING BEFORE THE SENATE BUDGET AND TAXATION COMMITTEE**  
**March 24, 2024**  
**POSITION: OPPOSE**

The Pro Bono Resource Center of Maryland (“PBRC”), an independent 501(c)(3) non-profit organization, is the statewide thought leader and clearinghouse for pro bono civil legal services in Maryland. PBRC provides training, mentorship, and pro bono service opportunities to members of the private bar and offers direct legal services through free legal clinics to over 6,200 clients annually. **PBRC strongly supported the version of HB 243 as originally drafted, but opposes HB 243 as it has since been amended because it would harm vulnerable homeowners and renters in Baltimore City.**

PBRC was at the forefront of advocating for important tax sale legislation that passed in 2019 to remove residential properties from eligibility to be included in the Baltimore tax sale auction if the only delinquency was water bills, and the property had no delinquent property taxes. We are dismayed now to see an amendment added to HB 243 that directly walks back a law we fought for years ago. The choice to change the law years ago to “residential” property rather than “owner occupied” was a deliberate one: **we know that "owner-occupied residential property," as worded in the amendment to HB 243, does not include all the properties at risk of tax sale for several reasons.** One reason is due to the “tangled title” or “heirs property” issue, which is when a home gets its principal residence status changed to non-principal residence status upon receipt by the State Department of Assessments and Taxation that the person on the title is deceased but yet the home remains occupied by the heirs. This is one way among others that misclassification has happened and can happen. Further, the Baltimore City deed transfer officer for years failed to provide any such classification to the State Department of Assessments and Taxation, which resulted in homes defaulting to non-owner occupied. For these reasons, we know that the City and the State’s databases contain errors in principal residence, or “owner occupied,” classification. **Therefore, we know that there are homeowners who live in those homes and whose families have owned those homes who then will end up in tax sale because of this misclassification.**

**This is a confusing issue.** The legislators who added this harmful amendment to HB 243 hope to use this legislation as another tool reduce vacancies in Baltimore. However, putting more residential properties into tax sale for water bills alone is not the way to go about it because of the unintended consequences.

As a provider for many years now of services to homeowners in Maryland, we know that **you cannot cleanly carve out homeowners or actual owner-occupied properties for any purpose.** **The SDAT database contains too many errors as to which homes are actually owner occupied or not.**

Each spring, we offer a series of pro bono legal clinics to homeowners on the tax sale list, which means anyone with delinquencies who could end up in the tax sale auction if they don't pay their bills by April 30. Last week alone we assisted 12 homeowners at a clinic who are facing tax sale. Of those, two homeowners live in homes that are not classified as owner occupied.

The first was a man who had purchased his home in 2011 as part of a HUD program to foster homeownership. **This man had no idea all this time, until he came to see us last week, that his home is not classified as "owner occupied" in the SDAT database.** He didn't even know that it exists as a concept, nor why it's important or what the consequence of such a classification are. He just knows that he bought a house for cheap, he lives there, he fixes it up, he goes to work he's a productive member of his community.

The second was a man whose father had purchased the home in 1981 but died a couple of years ago, and the client had been living there for years. He had inherited the home but had not yet gone through the probate process to obtain proper title. At some point along the way, the designation was changed in the SDAT database to non-owner-occupied. The client had no idea about this. We connected him with an assistance program that will pay his property tax bill by April 30, but he has a leak in his home and his water bill is currently over \$6,000. He is working diligently to get the water line repaired but then he has to go through the whole process of appealing to the Department of Public Works to get that excess bill reduced. Resolving water bill issues takes time.

We have already helped both of these clients begin the process to change their homes' designation from non-owner-occupied to owner occupied, which is not very difficult, but **these homeowners had absolutely no idea about this classification as a concept.** And why would they? **Do you know if your home is classified as owner-occupied or not in the SDAT database? Would you know how to check? Would you know how to fix it?**

While PBRC understands the critical need to reduce the vacant property rate in Baltimore City, **we believe that the detrimental effect that HB 243 will have on residential property owners outweighs its potential benefits.**

For the above reasons,

**PBRC urges an UNFAVORABLE report on HB 243.**

Please contact Allison Harris, Director of PBRC's Home Preservation Project, with any questions. [aharris@probonomd.org](mailto:aharris@probonomd.org) • 443-703-3050

# **CDN UNFAVORABLE HB243.pdf**

Uploaded by: Claudia Wilson Randall

Position: UNF



**TESTIMONY**  
**HOUSE BILL 243**  
**Senate Budget & Tax Committee**  
**March 26, 2024**  
**Position: Unfavorable**

Dear Chair Guzzone and Members of the Budget and Tax Committee:

The Community Development Network of Maryland (CDN) is the voice for Maryland’s community development sector and serves nearly 200 member organizations. CDN—focuses on small affordable housing developers, housing counseling agencies and community-based non-profits across the state of Maryland. The mission of CDN is to promote, strengthen and advocate for the community development sector throughout Maryland’s urban, suburban and rural communities. CDN envisions a state in which all communities are thriving and where people of all incomes have abundant opportunities for themselves and their families.

HB 243 - The amended HB 243 will leave thousands of low-income families and tenants across the state vulnerable to the loss of their homes due to water bills. It would remove housing protections in Baltimore City by reauthorizing the tax sale to collect water debt for residential properties that do not have official designation as “owner occupied.” This means that renters, misclassified homes, and tangled title homes could end up in tax sale foreclosure and evictions due to overdue water bills as little as \$350.

More than 3,000 homes in Baltimore City alone have tangled titles, many others are misclassified, and many are family-owned homes — all would face tax sale foreclosure over water bills. The state’s database designating homes as owner-occupied contain errors. A person could inherit their home from a family member and not have the legal title to the property, making it more likely the home will default to a non-owner-occupied designation. Heirs properties are a problem throughout the state, impacting rural and urban communities alike, disproportionately affecting low income Black communities.

In Baltimore City, the Department of Public Works has a long history of poor records and misapplied payments that have resulted in water bills that are off by hundreds or even thousands of dollars. Despite some system upgrades, billing remains a problem in Baltimore City. Vulnerable older adults should not have to defend their homes from tax sale while also sorting out issues from notoriously error-ridden water bills.

Finally, tax sale leads to vacant and abandoned properties throughout the state of Maryland. Once properties become vacant, the local government struggles to regain a consistent owner caring for the property. Communities lose elderly residents. We urge you to reject HB 243 as amended.

Submitted by Claudia Wilson Randall, Executive Director

**Testimony HB243 OPPOSE.pdf**

Uploaded by: Councilwoman Odette Ramos

Position: UNF



**Odette Ramos**

**Baltimore City Councilwoman**

**District 14**

(410) 396 - 4814

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100 N. Holliday Street, Room 506

Baltimore MD 21202

**Testimony**

**HB0243- Property Tax- Tax Sales - Revision**

**OPPOSE**

**March 25, 2024**

Honorable Chair Guzzone and Distinguished Members of the Senate Budget and Taxation Committee:

I am grateful for your service to our state. I am writing to respectfully request that you **oppose HB0243** since it has harmful amendments that have been attached to the bill. During the initial hearing I testified in favor, but harmful amendments have been added that have caused me to oppose the legislation.

HB0243 in the first reader version provides the same tax sale protections that are afforded to homeowners in Baltimore City to the rest of the state. This includes increasing the threshold where properties are required to be pulled from the sale, removing water bills from the total tax sale if they are just water bills and no other liens, and expanding the time that a resident can redeem the property before foreclosure. These measures will protect our most vulnerable residents in Maryland, particularly older adults, and have worked in Baltimore City. I testified in favor of this first reader version because it helps the City and also the rest of the state.

The tax sale purchasers testified at the hearing they wanted to add an amendment to make sure that water bills were included in the tax sale for non-owner-occupied properties. HB0777 has that provision as well and the sponsor wants to fold her bill into the Governor's bill. The amendments you are considering today mirror these two items. They are harmful and should be removed.

**The bill as it stands now with the amendments would harm renters and heirs who have not yet placed the home in their name.**

As a compromise, adding water bills for vacant and abandoned properties – which is what we already do in Baltimore City – would be fine. I have added my amendment to make water bills included in the tax sale only for vacant and abandoned properties.

In addition, increasing the interest rate will also harm homeowners trying to redeem the property. While most of the properties are redeemed, the cost of the penalties and interest cause residents to have to decide between paying the tax collector investor with that additional interest, or eating, paying for medications, buying necessities.

I have been working as an advocate and now a councilmember on this issue for a very long time. Reforming our tax sale system is critical to ensuring that people do not lose their homes unnecessarily. Thank you for your consideration, and I ask you to oppose this bill.

Respectfully Submitted:

Odette Ramos, Baltimore City Councilwoman, District 14

Proposed amendment to HB243

§14–811

(b)(3) In Baltimore City, IF THE TAXES ON A PROPERTY CONSIST ONLY A OF A LIEN FOR UNPAID CHARGES FOR WATER AND SEWER SERVICES, the collector shall withhold THE PROPERTY from sale IF THE PROPERTY IS:

- (I) residential property, EXCEPT FOR RESIDENTIAL PROPERTY THAT IS A VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNSAFE OR UNFIT FOR HABITATION; or
- (II) property that is exempt from taxation under § 7–204(1) or (2) of this article[, if the taxes on the property consist only of a lien for unpaid charges for water and sewer services].

§14–849.1.

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

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

(2) the property is not:

(i) a residential property, EXCEPT FOR RESIDENTIAL PROPERTY THAT IS A VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNSAFE OR UNFIT FOR HABITATION; or

(ii) real property that is exempt from taxation under § 7–204(1) or (2) of this article; and

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

(b) Notwithstanding subsection (a) of this section, the Mayor and City Council may enforce a lien [on a property other than residential property or real property that is exempt from taxation under § 7–204(1) or (2) of this article] for unpaid water and sewer service that is less than \$350 ONLY if :

(1) the property is being sold to enforce another lien; AND

(2) THE PROPERTY IS NOT:

(i) A RESIDENTIAL PROPERTY, EXCEPT FOR RESIDENTIAL PROPERTY THAT IS A VACANT LOT OR IMPROVED PROPERTY CITED AS VACANT AND UNSAFE OR UNFIT FOR HABITATION; OR

(ii) REAL PROPERTY THAT IS EXEMPT FROM TAXATION UNDER § 7–204(1) OR (2) OF THIS ARTICLE.

(c) This section does not affect any other right or remedy of Baltimore City for the collection of a water and sewer service charge.



**MVLS Unfavorable Written Testimony HB0243.pdf**

Uploaded by: Courtland Merkel

Position: UNF

MARYLAND SENATE BUDGET AND TAXATION COMMITTEE  
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE  
IN OPPOSITION OF HB 0243: PROPERTY TAX – TAX SALES–  
REVISION

DATE: TUESDAY, MARCH 26, 2024

Susan Francis  
*EXECUTIVE DIRECTOR*

**BOARD OF DIRECTORS**

Alexandria K. Montanio  
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*SECRETARY*

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Brian Gordon  
La'Tika Howard  
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Lydia E. Lawless  
Robin Leone  
Reba Letsa  
Saad Malik  
Anthony May  
Michelle McGeogh  
Chelsea Ortega  
Marc E. Shach  
Syma Ahmad Siddiqui  
Sheila J. Stewart  
D'Sean Williams-Brown  
Emily J. Wilson

Chair Guzzone and distinguished members of the Committee, thank you for the opportunity to testify in opposition to House Bill 243.

My name is Courtland Merkel. I am the Consumer and Housing Staff Attorney at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest provider of pro bono civil legal services to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters.

In FY23, MVLS volunteers and staff lawyers provided legal services to 3,256 people across the state. As part of our tax sale foreclosure work, we see hundreds of clients at risk of losing their housing due to unpaid property taxes and other public assessments. For the reasons explained below, we respectfully request an unfavorable report on House Bill 243.

When House Bill 243 was first introduced, MVLS submitted testimony in support of the bill. However, amendments have been made to this bill which would undermine its original intent to help people at risk of tax sale.

MVLS became involved with helping clients with their water bill issues through our tax sale work. MVLS provides representation to individuals facing the loss of their home through tax sale, many of whom also experienced issues with their water bill.

Since 2014, MVLS has maintained a partnership with the Pro Bono Resource Center of Maryland to conduct annual tax sale clinics aimed at helping homeowners avoid tax sale. Volunteer attorneys have assisted over 350 people at these workshops.

From the data we collected at our 2023 Baltimore City tax sale clinics, 60% of clients are older adults, 30% were disabled, 72% identified as Black, and 78% reported a household income of \$30,000 or less per year. Many of these clients survive on fixed incomes and struggle to pay their bills even before a tax sale happens. We also found that

most homeowners live in multigenerational households where they provide shelter and support for their children and grandchildren.

The most common reasons cited by clients for not paying their water bill were mistakes on the bill, high consumption due to leaks, or the general unaffordability of water and sewer service. As advocates for these clients, we have seen that the policies and practices of the Baltimore City Department of Public Works (DPW) are frequently confusing and difficult to navigate. A particularly harsh outcome of DPW's lack of consistency and transparency is that it leaves many residents without the critical resources they need to address their bill, including resolving misbilling or accessing water credits or discounts. While water bill mistakes in billing have particularly plagued Baltimore City water customers for years, this bill could have a negative impact on consumers in many parts of the state with public water utilities.

In their wisdom, the Maryland General Assembly several years ago removed water bills from tax sale because of the numerous issues with DPW and the unconscionable imbalance of falling behind on your water bill costing you the roof over your head. This Legislature should not backtrack on this important issue.

Reports of customers receiving bills for tens of thousands of dollars by mistake are plentiful and are highlighted in stories like from Fox 5 News. In December 2023, Fox 5 News reported that a DPW employee wrongly imputed information that led to a \$15,000 water bill being issued in error. At MVLS we see many people with the same issue, some with water bills as high as \$80,000.

One such client is Ms. J, an 84 year old woman who lives alone. She received an unusually high water bill of almost \$1000, which she could not pay. She contacted her water provider to inquire about the bill and despite her history of low water bills, she was told by customer service to simply pay the bill. At no point did they offer her information about discounts, or the fact that she could dispute the bill with her provider. Ms. J attended a clinic operated by MVLS and PBRC and a volunteer attorney explained how to dispute her bill. She followed the required steps, including requesting an adjustment in writing to clear up the matter. Ms. J never received a response and did not receive an adjustment. She came back to MVLS for help and was placed with a volunteer attorney who resolved the matter in 20 minutes by contacting upper management at the agency.

Further this bill's amendments will directly harm renters and families living in heirs property; these households make up almost half of the state's population. People like Mr. K, a 64-year homeowner who lives in Northeast Baltimore. Mr. K lived in his parent's home and had been living there for 62 years. He took care of

his parents until they passed away, and now he is caring for his sister, who has brain injuries. Mr. K found himself at risk of losing their family home that his parents had worked so hard for over a tax bill. At the same time, he was navigating the process of opening an estate for his parents and transferring the deed to the home into his name. Due to the deed not being in his name, he was not eligible for the Homeowners' Property Tax Credit, which would have lowered his taxes, helping him avoid the risk of losing his home to tax sale. Upon hearing his story, a neighbor donated to help him pay his taxes. MVLS continues to work with Mr. K to get his deed issue resolved. The amendments to House Bill 243 would directly affect Mr. K, making potential water bills that he could not pay place his family home in tax sale, while another family with the same water bill would not be placed in tax sale because their home is considered owner-occupied.

Mr. K's story is regrettably common in Maryland. A recent study by Baltimore Neighborhood Indicators Alliance (BNIA) found that there are over 3,000 of these heirs properties in Baltimore city alone. We know from conversations with legislators and advocates that this is a problem throughout the state, particularly on the Eastern Shore. Based on tax sale prevention clinics data, approximately 20% of those in tax sale are heirs properties.

MVLS has been fighting to even the playing field for low-income Marylanders for decades, and we know that poor Marylanders are most often forced to face tax sale without an advocate. This imbalance of power makes it more likely that our clients will continue to struggle to get out of tax sale, and will all too often lose their family home. We oppose House Bill 243 because it would unfairly target families that live in homes with tenants or heirs that are classified as non-owner occupied and put those homes at high risk of tax sale based on water bills that are frequently riddled with mistakes, the frequent lack of assistance from DPW to resolve issues, and the necessity of water usage as a common utility.

Chair and members of the Committee, thank you again for the opportunity to testify.

# **HB 243 Property Tax Tax Sale Revisions Senate Test**

Uploaded by: Dan Ellis

Position: UNF



Neighborhood Housing Services of Baltimore, Inc.

March 25, 2024

Senator Guy Guzzone, Chair  
Miller Senate Office Building  
3 West  
Annapolis, Maryland 21401

**RE:** House Bill 243

Honorable Chair Guzzone and Members of the Committee:

I am the Chief Executive Officer of Neighborhood Housing Services of Baltimore (NHS), and a resident of Baltimore City. Our organization believes that economic and social justice are a right for all residents and communities. We promote this belief by removing barriers of access to homeownership, helping resident access resources to maintain their homes, and supporting communities historically impacted by systemic disinvestment. I also have the privilege of serving as co-chair of the Baltimore City Tax Sale Task Force appointed by Mayor Scott.

Over the past ten years I have worked to advocate for changes to the tax sale system that support residents and communities. With support from this committee and the full legislature we have together made significant improvements to the tax sale system. While more change is needed, we can be proud of the work accomplished together. Many of the changes that have been made have been limited only to Baltimore City. These include raising the threshold for owner occupied properties to be included in tax sale, increasing the amount of time for filings on owner occupied properties which provides additional time before significant fees begin to be imposed for legal work on the property, and removing water bills from tax sale. HB243 addresses many of these critical issues. We certainly support extending these protections across the state.

Unfortunately, during the legislative process in the House, HB243 which was originally a bill that provided a lot of help across the state was amended. The amendment limited the protection from water bills being included in tax sale to only owner occupied properties. In 2019 the legislature passed SB96 which removed all water bills from tax sale in Baltimore City. This protection helped ensure residential properties and churches did not lose their properties due to unpaid water bills. This was important legislation because included in the protection were churches, heir properties when the property remains in the name of a deceased relative, and small landlords. HB243 as amended removes those protections. As a result of the change, this bill will be a significant step backwards in the protections provided to Baltimore property owners. We therefore strongly oppose this legislation.



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Neighborhood Housing Services of Baltimore, Inc.

Attached to this testimony is a fact sheet providing additional information about HB243. Thirty-eight groups from around the state have signed onto the fact sheet opposing this bill. As originally drafted, the bill was designed to provide protection to vulnerable residents across the state. Unfortunately as amended the bill harms vulnerable residents of our state.

We ask that the Committee issue an unfavorable report on HB243.

Sincerely,

A handwritten signature in blue ink that reads "Daniel T. Ellis".

Daniel T. Ellis  
Chief Executive Officer



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Fax: 410-675-1855  
[www.nhsbaltimore.org](http://www.nhsbaltimore.org)

# Opposition to HB 243 — No One, Regardless of Homeownership Status, Should Lose Their Home Over Water Bills

The amended HB 243 will leave thousands of low-income families and tenants across the state vulnerable to the loss of their homes due to water bills. It would take away housing protections in Baltimore City by reauthorizing the tax sale to collect water debt for residential properties that do not have official designation as “owner occupied.” This means that renters, misclassified homes, and tangled title homes could end up in tax sale foreclosure and evictions due to overdue water bills as little as \$350.

**History:** The Water Taxpayer Protection Act of 2019 ensured no home or place of worship would be sent to tax sale for water bills in Baltimore City. HB 243 would gut these protections.

## The Harms of HB 243

- **One-third of Marylanders would be excluded from protections and could face eviction after tax sale foreclosure over water bills.** More than 750,000 households in the state rent their homes and could face eviction with as little as 30 days notice after tax sale foreclosure. Black households are twice as likely to rent in Maryland and would be disparately impacted. In Maryland, nearly half (47%) of Black households are renters compared to less than a quarter of white households (23%).
- **More than 3,000 homes in Baltimore City alone have tangled titles, many others are misclassified, and many are family-owned homes — all would face tax sale foreclosure over water bills.** The state’s database designating homes as owner-occupied or not contains errors. A person could inherit their home from a family member and not have the legal title to the property, making it more likely the home will default to a non-owner-occupied designation. Heirs properties are a problem throughout the state, impacting rural and urban communities alike, disproportionately affecting Black communities and low income communities that do not have access to estate planning. In other cases, a family home may be owned by a member who doesn’t live there but pays for it to care for their relatives.
- **Despite improvements, water billing remains a problem in Baltimore City.** In Baltimore City, the Department of Public Works has a long history of poor records, resulting in water bills that are off by hundreds or even thousands of dollars. Residents should not have to defend their homes from tax sale while also sorting out issues from notoriously error-ridden water bills. Baltimore City’s new Office of the Customer Advocacy and Appeals is still being staffed up.
- **Tax sale leads to vacant and abandoned properties.** The more vulnerable residents are exposed to the risk of losing their homes in tax sale, the more vacant properties will result, and the harder it will be to restore the homes and reinvigorate neighborhoods.

The Maryland General Assembly must protect all community members from the threat of losing their homes due to water bills and reject HB 243 as amended.



## More Information:

- At the annual tax sale, Marylanders, whose past-due water debt is sold to investors, must reclaim their property at a steep price. In order to avoid foreclosure, owners must pay investors the liens, plus interest, court costs, legal fees, and postage.
- Tax lien certificate holders must be repaid the lien plus 18% (Baltimore City) for non-homeowner occupied homes. If not paid 4 months after tax sale, fees and costs may be added. If not paid 6 months after tax sale, the investor can file to foreclose on non-owner-occupied houses.
- Renters are required to receive just 30-days notice prior to eviction after tax sale foreclosure.
- Many tax sale purchasers do not actually intend to acquire properties through tax sale - they only want to collect the interest and fees. Homeowners may believe they have lost their properties in foreclosure and walk away, but the purchasers never record a new deed.
- What's more, the windfall from the interest and fees does not generate revenue for the local government; it all goes to the investors.
- Many advocates observe that tax sale leads to evictions, homelessness, and property abandonment. Baltimore's neighborhoods are already plagued by all three.

## The following organizations OPPOSE HB 243 as amended:

- |  |  |  |
|--|--|--|
| 1) 1199SEIU United Healthcare Workers East                   | 14) Economic Action Maryland                       | 27) NHS of Baltimore   |
| 2) Baltimore Renters United                                  | 15) Fight Blight Bmore                             | 28) Northeast Community Organization (NECO)                            |
| 3) Campaign for Justice Safety and Jobs                      | 16) Food & Water Watch                             | 29) Organizing Black   |
| 4) CASA  | 17) Habitat for Humanity of the Chesapeake         | 30) Parity Baltimore   |
| 5) CASH Campaign of Maryland                                 | 18) Housing Options & Planning Enterprises, Inc.   | 31) Pro Bono Resource Center of Maryland                               |
| 6) Chesapeake Physicians for Social Responsibility           | 19) Jews United for Justice                        | 32) Public Justice Center  |
| 7) Citizens Policing Project                                 | 20) Latino Economic Development Center (LEDC)      | 33) Shore Legal Access   |
| 8) Clean Water Action  | 21) Making Changes                                 | 34) South Baltimore Community Land Trust Inc                           |
| 9) Community Development Network of Maryland                 | 22) Maryland Center on Economic Policy             | 35) Sowing Empowerment & Economic Development, Inc.                    |
| 10) Community Law Center                                     | 23) Maryland Volunteer Lawyers Service             | 36) The SOS Fund   |
| 11) Community Legal Services of Prince George's County, Inc. | 24) Mothers On The Move                            | 37) University of Baltimore School of Law Community Development Clinic |
| 12) Disability Rights Maryland                               | 25) NAACP - Baltimore Branch                       | 38) Woodbourne-McCabe Neighborhood Association                         |
| 13) Dr. Marvin J. Perry, Morgan State University MSU         | 26) NAACP Legal Defense and Educational Fund (LDF) |  |

# **HB 243 written testimony 3.25.pdf**

Uploaded by: David Wheaton

Position: UNF



**Written Testimony of David Wheaton  
Economic Justice Law and Policy Fellow  
NAACP Legal Defense and Educational Fund, Inc.**

**Submitted to the Budget and Taxation Committee of  
the Maryland State Senate  
In Connection with the March 26, 2024 Hearing**

My name is David Wheaton, and I am an attorney with the NAACP Legal Defense and Educational Fund, Inc. (LDF). LDF offers the following testimony in opposition to HB 243. We urge you to reject HB 243 which would allow Baltimore City to resume the harmful practice of selling renter-occupied and other non-homeowner-occupied residential property to collect unpaid water and sewer bills of more than \$350. Founded in 1940 by Thurgood Marshall, LDF is the nation's oldest civil rights law organization. LDF is strongly opposed to Maryland HB 777 which has now been folded into HB 243. With the new amendment added, HB 243 fails to protect renters and heirs' property owners from the possibility of tax sale eviction for unpaid water debt.

Baltimore's tax sale system disparately impacts Black residents and strips wealth from their communities and families and places the greatest burden upon those who can least afford it – households making less than \$30,000 per year.<sup>1</sup> In 2019, the Maryland General Assembly unanimously voted to protect **ALL** households and places of worship in Baltimore City from tax sales due to unpaid and unaffordable water bills. This legislation brought Baltimore in line with many water systems, which never use tax sales to collect unpaid water bills. For example, Maryland's largest water system, the Washington Suburban Sanitary Commission, cannot use tax sales to collect any unpaid water bills. HB 243 as amended would reverse that progress by removing non-owner-occupied residential properties in the protections from city tax sale foreclosures.

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<sup>1</sup> <https://mvslaw.org/wp-content/uploads/2021/02/Tax-Sale-White-Paper.pdf?fbclid=IwAR1ieHIRXobTZ9Jxw-SPFHISazyiIKL7waBwPHWg-AUEECvyax9Smx3BGgw>

A majority of Black Baltimore residents rent,<sup>2</sup> making them more prone to the eviction and housing displacement if they have a negligent landlord who is not paying their water bill debt. Additionally, Black people are disproportionately more likely to face evictions and other forms of housing instability.<sup>3</sup> Black households have the highest eviction removal count in Maryland—almost three times higher than the white resident eviction rate.<sup>4</sup> While the 2019 state law specifically protected renters by including all residential properties in protections from tax sale, HB 243 as amended excludes renter protections and could allow for renters in Baltimore to face further housing instability and eviction.

The amendments added to HB 243 would also endanger Baltimore residents who do not have a legal interest in the property that they are residing in. Given the extreme lack of access to justice for low-income Baltimore residents,<sup>5</sup> many residents who inherit their property after a loved one died do not have access to the legal resources necessary to go through the probate process. As such, these heirs would be considered to be living in “non-owner-occupied housing” as it relates to HB 243 and could be dispossessed of their family home.

Again, we strongly oppose the amendments added to HB 243 and urge you to reject HB 243. If you have any questions, please contact David Wheaton, Economic Justice Policy Fellow, at [dwxheaton@naacpldf.org](mailto:dwxheaton@naacpldf.org).

Sincerely,

*David Wheaton*

David Wheaton, Economic Justice Policy Fellow  
Amalea Smirniotopoulos, Senior Policy Counsel  
NAACP Legal Defense and Educational Fund, Inc. (LDF)  
700 14<sup>th</sup> Street NW, Suite 600  
Washington, D.C. 20005

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<sup>2</sup> Stateline, *Black Families Fall Further Behind on Homeownership*, Maryland Matters, (October 15, 2022), <https://www.marylandmatters.org/2022/10/15/black-families-fall-further-behind-on-homeownership/#:~:text=The%20overall%20homeownership%20rate%20is,Black%20homeownership%20rate%20is%2051%25>

<sup>3</sup> Urban Institute, *The Ghosts of Housing Discrimination Reach Beyond Redlining: Subtitle Why Historical Redlining Maps Are Not Strong Predictors of Present-Day Housing Instability*, (March 15, 2023), <https://www.urban.org/features/ghosts-housing-discrimination-reach-beyond-redlining#:~:text=Because%20of%20a%20range%20of,housing%20cost%20burden%20and%20eviction>.

<sup>4</sup> Tim Thomas, et al, *Baltimore Eviction Map*, The Eviction Study, (May 8, 2020), <https://evictionresearch.net/maryland/report/baltimore.html#:~:text=Black%20headed%20households%20had%20the,eviction%20rate%20of%205.2%25>.

<sup>5</sup> Maryland Attorney General COVID-19 Access to Justice Task Force, *Confronting the Covid-19 Access to Justice Crisis*, (January 2021), [https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG\\_Covid\\_A2J\\_TF\\_Report.pdf](https://www.marylandattorneygeneral.gov/A2JC%20Documents1/AG_Covid_A2J_TF_Report.pdf)

**HB243\_JacquelynFilson\_UNFAV.pdf**

Uploaded by: Jacquelyn Filson

Position: UNF

3/26/24



Jacquelyn Filson  
Baltimore City, 21211

**TESTIMONY ON HB243 - POSITION: UNFAVORABLE**

**Property Tax - Tax Sales - Revisions**

**TO:** Chair Guzzone, Vice Chair Rosapepe, and members of the Budget and Taxation Committee

**FROM:** Jacquelyn Filson

**My name is Jacquelyn Filson, and I'm a resident of District 40. I'm submitting this testimony on behalf of Jews United for Justice (JUFJ) in opposition to HB243, Property Tax - Tax Sales - Revisions, as it is currently written.** JUFJ organizes 6,000 Jews and allies from across the state in support of social, racial, and economic justice campaigns. JUFJ has been working for years alongside our partners in the Baltimore Right to Water Coalition to address inequities and lack of due process in Baltimore City's water billing system.

Jewish tradition teaches that water is life and that housing is crucial. Denying residents either, regardless of their ownership status, is a denial of human rights. This is why we fought so hard for the passage of the Water Taxpayer Protection Act in 2019—to put an end to the immoral practice of selling people's homes and places of worship at tax sale for water bills.

I'm a renter in Baltimore and a long-time advocate for safe, affordable, and public water. Starting in 2017 with Food & Water Watch, I began working on affordable water in Baltimore specifically—and have continued in various capacities since. Through this work, I have learned a lot about how the water system functions or, more accurately, how it fails to function.

In Baltimore City specifically, the Baltimore City Department of Public Works (DPW) has a decades-long, documented history of sending residents incorrect water bills, sometimes off by as much as thousands of dollars. Imagine receiving a \$1400 bill for one month of water, and then the city proceeding to put your home up for tax sale because you can't pay it. Before the protections that HB243 would snatch away, that happened to many Baltimore residents. Why would our leaders, elected to represent our interests as residents, want to put any of us at risk of such an egregious act? It's even worse to propose bringing it back as a tool for targeting folks living in homes without ownership status—a full third of the state's residents and a disproportionately Black and low-income population.

In 2019, when we passed the Water Taxpayer Protection Act and the Water Accountability and Equity Act, we started the work of improving Baltimore's broken water billing system. However,

that work is not done and the water system remains riddled with inaccuracies. Passing HB243 would not only put vulnerable Baltimore residents at risk of losing their homes over unpaid water bills, it would put Baltimoreans at risk of losing their homes over *incorrect* water bills.

The fact is, when people can afford their bills, they pay them. If people aren't paying their water bills, it's a failure by the system. And what do we get out of rendering our fellow residents homeless when they're already financially struggling? More vacant properties and sparse neighborhoods hurt Baltimore City and Maryland as a whole. Many tax sale purchases do not even generate revenue for our local government and just drive profit for investors. If anything, we should extend more support and care to our neighbors in need, not wrench away the only assets they have left to keep them afloat in the name of industry profit.

With my background in water affordability and as a lifelong renter, I am appalled that our leaders are considering bringing back the unconscionable exercise of wrenching away peoples' homes over water debt. We believe strongly that the bill before you no longer represents the original intent of the Governor and administration, which we had supported. **I respectfully urge this committee to return an unfavorable report on HB243 and show us they care just as much about their residents as the 2019 General Assembly, not less.**

# **Unfavorable HB 243\_ Food&WaterWatch.pdf**

Uploaded by: Jorge Aguilar

Position: UNF





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[foodandwaterwatch.org](http://foodandwaterwatch.org)

## HB 243 as amended - Property Tax - Tax Sales – Revisions

March 26, 2024

Budget and Taxation Committee

### Position: UNFAVORABLE

On behalf of Food & Water Watch and our 44,000 supporters in Maryland, we oppose HB 243 as amended and request that you issue an *unfavorable* report if it is not fixed to protect all homes, including renters and households without legal homeownership status. HB 243 as it was amended in the House would allow the harmful practice of selling renter-occupied and other non-homeowner-occupied residential property at tax sale to collect unpaid water and sewer bills. It discriminates against households who cannot afford to own their home or secure the title to an inherited property.

HB 243 as amended would roll back an important protection for Baltimore City by gutting the Water Taxpayer Protection Act. In 2019, the General Assembly unanimously passed the Water Taxpayer Protection Act was passed unanimously to protect all residents and places of worship in Baltimore City from tax sale due to unpaid and unaffordable water bills.

HB 243 as amended would disproportionately harm Black and low-income households, who are more likely to rent their homes. In 2022, 52 percent of Baltimore homes were renter-occupied, and 58 percent of Black households rent their homes, compared to less than 40 percent of white households. Low-income households are also more likely to rent their homes, and the median household income of renters is about half that of homeowners.

The tax sale process can lead to foreclosure and eviction for affected residents. Many renters are often not responsible for directly paying their water bill, and despite being up to date on their rent, they could lose their housing through this process with little legal recourse.

This bill is not unjust and discriminatory – and it is unnecessary. Many water systems never use tax sales to collect unpaid water bills. For example, Maryland’s largest water system, the Washington Suburban Sanitary Commission, cannot use tax sale to collect unpaid water bills.

Again, we oppose this legislation and urge you to issue an unfavorable report on HB 243 as amended if it is not fixed. No one, regardless of homeownership status, should lose their home over water bills.

Sincerely,

Jorge Aguilar  
Southern Region Director  
Food & Water Watch

# Opposition to HB 243 — No One, Regardless of Homeownership Status, Should Lose Their Home Over Water Bills

The amended HB 243 will leave thousands of low-income families and tenants across the state vulnerable to the loss of their homes due to water bills. It would take away housing protections in Baltimore City by reauthorizing the tax sale to collect water debt for residential properties that do not have official designation as “owner occupied.” This means that renters, misclassified homes, and tangled title homes could end up in tax sale foreclosure and evictions due to overdue water bills as little as \$350.

**History:** The Water Taxpayer Protection Act of 2019 ensured no home or place of worship would be sent to tax sale for water bills in Baltimore City. HB 243 would gut these protections.

## The Harms of HB 243

- **One-third of Marylanders would be excluded from protections and could face eviction after tax sale foreclosure over water bills.** More than 750,000 households in the state rent their homes and could face eviction with as little as 30 days notice after tax sale foreclosure. Black households are twice as likely to rent in Maryland and would be disparately impacted. In Maryland, nearly half (47%) of Black households are renters compared to less than a quarter of white households (23%).
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- **Despite improvements, water billing remains a problem in Baltimore City.** In Baltimore City, the Department of Public Works has a long history of poor records, resulting in water bills that are off by hundreds or even thousands of dollars. Residents should not have to defend their homes from tax sale while also sorting out issues from notoriously error-ridden water bills. Baltimore City’s new Office of the Customer Advocacy and Appeals is still being staffed up.
- **Tax sale leads to vacant and abandoned properties.** The more vulnerable residents are exposed to the risk of losing their homes in tax sale, the more vacant properties will result, and the harder it will be to restore the homes and reinvigorate neighborhoods.

The Maryland General Assembly must protect all community members from the threat of losing their homes due to water bills and reject HB 243 as amended.

## More Information:

- At the annual tax sale, Marylanders, whose past-due water debt is sold to investors, must reclaim their property at a steep price. In order to avoid foreclosure, owners must pay investors the liens, plus interest, court costs, legal fees, and postage.
- Tax lien certificate holders must be repaid the lien plus 18% (Baltimore City) for non-homeowner occupied homes. If not paid 4 months after tax sale, fees and costs may be added. If not paid 6 months after tax sale, the investor can file to foreclose on non-owner-occupied houses.
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- Many tax sale purchasers do not actually intend to acquire properties through tax sale - they only want to collect the interest and fees. Homeowners may believe they have lost their properties in foreclosure and walk away, but the purchasers never record a new deed.
- What's more, the windfall from the interest and fees does not generate revenue for the local government; it all goes to the investors.
- Many advocates observe that tax sale leads to evictions, homelessness, and property abandonment. Baltimore's neighborhoods are already plagued by all three.

## The following organizations OPPOSE HB 243 as amended:

- |  |  |  |
|--|--|--|
| 1) 1199SEIU United Healthcare Workers East                   | 14) Economic Action Maryland                       | 27) NHS of Baltimore   |
| 2) Baltimore Renters United                                  | 15) Fight Blight Bmore                             | 28) Northeast Community Organization (NECO)                            |
| 3) Campaign for Justice Safety and Jobs                      | 16) Food & Water Watch                             | 29) Organizing Black   |
| 4) CASA  | 17) Habitat for Humanity of the Chesapeake         | 30) Parity Baltimore   |
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| 6) Chesapeake Physicians for Social Responsibility           | 19) Jews United for Justice                        | 32) Public Justice Center  |
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| 10) Community Law Center                                     | 23) Maryland Volunteer Lawyers Service             | 36) The SOS Fund   |
| 11) Community Legal Services of Prince George's County, Inc. | 24) Mothers On The Move                            | 37) University of Baltimore School of Law Community Development Clinic |
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| 13) Dr. Marvin J. Perry, Morgan State University MSU         | 26) NAACP Legal Defense and Educational Fund (LDF) |  |

**MML-HB 243 - OPP.pdf**

Uploaded by: Justin Fiore

Position: UNF



## Maryland Municipal League

*The Association of Maryland's Cities and Towns*

# TESTIMONY

March 26, 2024

**Committee:** Senate Budget & Taxation

**Bill:** \_\_\_\_\_ HB 243 – Property Tax – Tax Sales – Revisions

**Position:** Oppose

**Reason for Position:**

The Maryland Municipal League opposes House Bill 243. While much of our opposition has been addressed by the House amendments, we remain opposed to the provision that bars a local government from using the tax sale process to recover water/sewer debt.

This is understandably more of a municipal problem than county, as the majority of public water and sewer systems are operated by municipalities. Under this legislation, a homeowner can accumulate \$1,000's of unpaid water/sewer bills. Without the ability to collect via the tax sale process, more jurisdictions may be forced to utilize water shutoffs if they haven't already prohibited the practice locally. Sewer cannot be shut off.

This is not a theoretical problem. The fiscal note contains 2022 tax sales data showing 578 “Owner-occupied Water/Sewer Liens Offered for Sale” in Maryland at an aggregate amount of \$570,840 (\$988 on average). Local government simply won't be able to recover those funds on a remotely reasonable timeline under HB 243, instead waiting for a second non-water/sewer lien amounting to \$1,000+ or sale of the property.

The League has worked with the General Assembly for decades to strike a balance on tax sales, both as the only meaningful tax collection tool afforded to local governments and to protect vulnerable homeowners. We have repeatedly supported the Homeowner Protection Program (HPP) and view it as a much better solution to the concerns this provision seeks to address.

Information on the “exciting future” of HPP and a number of other recent reforms can be found in the [2023 Annual Maryland Tax Sale Report](#).

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For these reasons the League respectfully requests that this committee provide House Bill 243 with an unfavorable report or remove the inclusion of municipalities to 14-849.1 on page 11 of the reprint.

**FOR MORE INFORMATION CONTACT:**

Theresa Kuhns

Angelica Bailey Thupari, Esq.

Bill Jorch

Justin Fiore

Chief Executive Officer

Director, Advocacy & Public Affairs

Director, Public Policy &

Deputy Director, Advocacy & Public Affairs

# **HB 243 UNF Tax Sale Water Bill.pdf**

Uploaded by: Matt Hill

Position: UNF



**C. Matthew Hill**  
Public Justice Center  
201 North Charles Street, Suite 1200  
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**HB 243: Property Tax - Tax Sales - Revisions**  
**Hearing before the Senate Budget and Taxation Committee on March 26, 2024**

**Position: Unfavorable**

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Public Justice Center (PJC) is a nonprofit public interest law firm that assists over 800 renters and their families each year. We stand with tenants to protect and expand their rights to safe, habitable, affordable, and non-discriminatory housing. We oppose HB 243, as amended in the House, because it would leave thousands of renting families across the state subject to eviction on less than 30-days' notice in a tax sale foreclosure over error-prone water bills that may not be the responsibility of the tenant. **We urge the Committee to vote unfavorable on HB 243.**

HB 243 as originally drafted was a critical step forward in advancing fairness and equity in tax sale foreclosure. However, the House amended HB 243 to allow renter-occupied homes, among other residences, to be sold at tax sale foreclosure for delinquent water bills. This is a massive step backward for Maryland. The Water Taxpayer Protection Act of 2019 ensured that no home would be sent to tax sale for water bills in Baltimore City. HB 243 would gut that protection.

**Tenants only receive 30-days' notice of a tax sale foreclosure eviction. Because low-income families cannot find affordable replacement housing in only 30 days, they are often evicted and nearly 20% of families evicted become homeless.<sup>1</sup>** This notice period is far less than an eviction notice in any other type of mortgage foreclosure or other proceeding. Many times the tenant is not responsible for the water bill or the tax sale foreclosure. At times, the water is included in the rent. Sometimes the landlord does not pass along the water bills to the tenant timely for the tenant to pay, or there is a dispute between the landlord and tenant over the amount of the water bill, *i.e.*, the landlord failed to fix the running toilet for 6 months. Because water bills must remain in the name of the owner of the property, it is very difficult for tenants to obtain information on the water bill from the water agency, dispute inaccurate bills, and set up any payment plan. Erroneous

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<sup>1</sup> <https://www.mdeconomy.org/eviction-prevention-funds/>

*The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.*



bills and administrative backlogs have been endemic to Baltimore DPW for years. Tenants are often not responsible for a water bill arrearage, and yet HB 243 as amended will allow their homes to be sold at tax sale for as little as \$350 in past due water bills. This is as little as 2-3 months of typical water bills.

**HB 243 as amended will increase the number of renting families who are evicted and face homelessness in Baltimore City by throwing their homes into the byzantine, predatory tax sale foreclosure process over error-prone water bills.**

This will have a significant, disparate impact on Black Marylanders as well. Nearly half (47%) of Black households in Maryland rent their homes compared to less than a quarter (23%) of white households. **Disproportionately Black, renting families deserve the same protections from tax sale foreclosure – the most rapid eviction process in the state with only 30-days notice to renters – as disproportionately white homeowners.** Anything less is a failure of racial equity.

As a compromise, we have supported an amendment that would limit tax sale foreclosure on water bills solely to those properties that have been deemed vacant and abandoned by the local jurisdictions. This would accomplish the goal of collecting funds from vacant properties without punishing renting families.

We ask that the Committee issue an **Unfavorable Report on HB 243**. If you have any questions, please contact Matt Hill, Esq., [hillm@publicjustice.org](mailto:hillm@publicjustice.org) (410) 625-9409 Ext. 229.

# **HB 243.pdf**

Uploaded by: Nneka Nnamdi

Position: UNF



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HB 243

**Ways and Means Committee**

Date: Tuesday, March 26, 2024

Time: 12:00 PM

**Position: OPPOSE**

The SOS Fund, an independent 501(c)(3) non-profit organization, addresses the systemic housing instability experienced by historically red-lined communities in Baltimore City. This instability has resulted in generations of residents losing their homes, thus denying them the wealth-building capacity of homeownership. **The SOS Fund opposes HB 243 because re-introducing water bills into tax sale places homeowners with tangled titles and misclassified properties at increased risk of losing their homes to tax sale. Additionally, it increases the risk of eviction for renters as their landlord's properties are at a higher likelihood of tax sale foreclosure.**

HB 243 sets out to limit the provision on water bills to say that the collector (Baltimore City Department of Finance) shall withhold owner-occupied residential property from tax sale for water bills alone, along with removing the \$250 dollar threshold. Both of these actions spring from the same false premise - that tax sale is an appropriate tool for community development.

In effect, this proposal will negate the hard fought advocacy undertaken by legislators and advocates who removed water bills from the tax sale because they understand the rampant inaccuracies seen with water billing, and the fact that many homeowners are living in homes that are incorrectly classified as non-owner occupied properties because the title is in this name of a parent or grandparent. This misclassification would mean that they would be included in the tax sale if their water bills become delinquent. We cannot, in good conscience, support a bill that endangers these residents.

Furthermore this bill removes the provision requiring municipalities to create payment plans. This is a step in the wrong direction, as we believe it to be of the utmost importance that city government develop actionable payment plans so that they might work with vulnerable homeowners to get their bills paid in a timely manner and in addition, place residential properties in payment plans so that the revenue from the delinquency interest be captured by the city.

For the above reasons,

**The SOS Fund urges a UNFAVORABLE report.**

Please contact Nneka Nnamdi, Executive Director, with any questions [nneka@thesosfund.com](mailto:nneka@thesosfund.com)

443.810.3665

# **CLC Written Testimony Senate HB 243 Property Tax –**

Uploaded by: Shana Roth-Gormley

Position: UNF



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**HB 243**

**Tax Sales – Homeowner Protection Program – Funding**

Hearing before the Senate Budget and Taxation Committee

March 26, 2024

**POSITION: Oppose**

Community Law Center (CLC) is a 501(c)(3) nonprofit organization, which provides direct legal representation to Maryland neighborhoods and nonprofits, and advocates on issues that impact our community clients, including to reform the tax sale system and to prevent and remediate property vacancy and abandonment.

**CLC opposes HB 243, which would roll back tax sale protections and put residents at risk of losing their homes.** In 2019, the Maryland legislature passed a law to prevent any residential property or house of worship in Baltimore City from going to tax sale solely for water bills. (These properties could still go to tax sale if they had other liens in addition to water bills.) Since the law went into effect in 2020, thousands of properties avoided going to tax sale, and families and houses of worship were able to keep their properties and stay in their homes.

Now, HB 243 as amended would roll back these protections. Families and community anchors that over the past four years have been protected from tax sale may now be at risk of having their properties go to tax sale – meaning that they may lose their homes, and all their equity and the generational wealth they have built up, over a few hundred dollars in water bills.

We are deeply concerned about the impacts that this legislation could have on families and communities. The most impacted groups will be renters, whose protection will be removed now that the bill has been amended to focus on owner-occupants instead of all residential properties, and families who are living in their family homes but who are not listed on the deed – perhaps because the person on the deed passed away and the property has not yet gone through the probate process.

HB 243 as amended will cause families to lose their homes through eviction and foreclosure – particularly low income Black families in Baltimore City. Families that are already struggling will be forced to try and navigate a complex legal system to save their homes from tax sale. The result will be the loss of homes and equity for families, and the loss of community members and increased property vacancy for neighborhoods. We have seen that many tax sale purchasers who participate in tax sale auctions are only interested in collecting the interest and fees from property owners, and have no intention of acquiring properties through tax sale. The purchasers may not take a foreclosure case to judgment or record a new deed, leaving properties in limbo with title issues and no clarity on who is responsible for maintenance and future taxes. What was an occupied property has now become vacant and abandoned, as a result of tax sale.

We urge you to oppose HB 243, to protect Maryland families and communities. Thank you for the opportunity to testify.

For the above reasons,

**CLC urges a UNFAVORABLE VOTE ON HB 243.**

Please contact Shana Roth-Gormley, Staff Attorney at Community Law Center, with any questions.

ShanaR@communitylaw.org | 410-366-0922 x 118

# **Amended Opposition Testimony on HB 243 (Final).pdf**

Uploaded by: William Steinwedel

Position: UNF



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**House Bill 243 – Property Tax – Tax Sales -- Revisions  
In the Senate Budget and Taxation Committee  
Hearing on March 26, 2024  
Position: UNFAVORABLE**

*Maryland Legal Aid (MLA) submits written opposition testimony in response to the amendments added to HB 243.*

MLA is the largest public interest law firm in the state of Maryland and represents many homeowners in tax sale cases. On February 6, 2024, MLA testified in favor of HB 243 both orally and in-person because of the many positive reforms to the Maryland tax sale process that the bill provided. Unfortunately, in a subsequent amendment the bill unnecessarily limited tax sale protection for residential properties in Baltimore City. The amendment provides tax sale protection for *owner-occupied* properties only, thereby exposing some homeowners and renters to loss of housing by tax sale foreclosure based on water only liens. For that reason, MLA now opposes HB 243 as amended.

While some proponents of the amendment to HB 243 argue that the damage done by this amendment is small, MLA fundamentally disagrees. The amendment overturns the Water Taxpayer Protection Act, which the General Assembly unanimously passed in 2019 (SB 0096/CH 0320), to protect all households, including renters, and places of worship in Baltimore City from tax sale foreclosure based on unaffordable or miscalculated water bills. With amended HB 243, rental properties in Baltimore City would become subject to tax sale based on water bill delinquency even though the tenants may have been paying the water and sewer costs to the landlord. Unsuspecting renters are entitled only to 30 days' notice to vacate the foreclosed property. Importantly, proponents of this change under HB 243 have not proposed to increase the amount of notice to tenants, for instance, by aligning that notice period with the 90-day minimum required for tenants in a mortgage foreclosure.

Additionally, HB 243 as amended impacts residential properties that are being passed as part of an estate. If the city government has misclassified an owner-occupied property as a non-owner-occupied property, as it is prone to doing in our experience, HB 243 could result in some homeowners losing their homes via tax sale for water bill defaults in direct contradiction to the intent of the bill sponsors. Finally, places of worship are considered non-owner-occupied properties, which means this amendment may result in a church, temple, synagogue, or mosque going into tax sale due to a water bill default.

Despite our opposition to this amendment, MLA still believes that there are positive aspects of this bill that the legislature should consider either now or in the future. One such aspect is the limiting of tax sales to only properties where the tax sale default is greater than \$1,000.00. Under the present statute, Md. Code Tax Prop. §14-811, permits properties in every jurisdiction except

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for Baltimore City to go to tax sale for a balance owed of just \$250.00. In Baltimore City, properties are to be removed from tax sale if the balance owed is less than \$750.00. HB 243 affords greater protections by removing all properties from tax sales where the amount owed is less than \$1,000.00. Low-income homeowners in Maryland who apply can receive the Homeowners Tax Credit, but in most jurisdictions, the tax credit is not enough to cover all the taxes owed. It is harmful for homeowners to lose their home in a tax sale due to a small amount of property taxes owed. MLA had a client who had to file a Chapter 13 bankruptcy because of small amounts of property taxes owed every year. MLA was able through the Chapter 13 bankruptcy and the HAF program to prevent this homeowner from going into foreclosure, but this homeowner should have never faced this issue.

Another positive aspect of the bill is that HB 243 also allows homeowners whose property has been purchased at tax sale ten (10) months prior, as opposed to seven (7) months, to redeem the tax sale certificate without having to satisfy attorney's fees and costs. These costs typically are at least \$750.00 in addition to the amount owed on the tax sale certificate and interest that begins on the date the tax lien certificate is sold at auction. Redeeming a tax sale certificate can be an arduous and expensive process. Usually, the homeowner must pay the attorney's fees accrued by the tax sale purchaser before even paying the taxes to the taxing authority. The taxing authority generally requires a release from the tax sale purchaser before even allowing the homeowner to redeem. In addition, some jurisdictions require that the homeowner pay in cash or money order, even though most financial transactions are now done with electronic methods and/or a debit card, which can be very difficult for a low-income homeowner to obtain. Providing additional time in which to satisfy attorney's fees and costs, in addition to the tax sale certificate itself, makes the process simpler and allows more homeowners to cure the tax sale default and keep their homes.

MLA also generally supports improvements to make the Maryland tax sale system fairer and more equitable for low-income homeowners. MLA has seen how the tax sale process can be abused by aggressive investors, which can result in a homeowner losing their home for a very small amount of money. MLA once represented a homeowner in a case that went all the way to the Supreme Court of Maryland and one of the issues was the confusing process that a homeowner must manage just to redeem their property. MLA's client was ultimately victorious, and the courts allowed the homeowner to redeem without satisfying additional attorney's fees due to the actions of the tax sale purchaser, but the fact that this tax sale purchaser attempted to obtain the home despite the fact that the homeowner having sufficient funds to redeem and obtaining these funds in a timely matter shows that the tax sale system in Maryland desperately needs reform.

Unfortunately, due to the amendment that provides tax sale protection for *owner-occupied* properties only, MLA no longer supports this bill. However, we urge the General Assembly to continue to attempt to make the tax sale process more equitable and fairer for low-income homeowners in the current and future sessions. If you have further questions, do not hesitate to contact William Steinwedel, Supervising Attorney, Foreclosure Legal Assistance Project, Maryland Legal Aid Bureau, at (410) 951-7643.