

CANDACE McLAREN LANHAM
Chief Deputy Attorney General

CAROLYN A. QUATTROCKI
Deputy Attorney General

LEONARD HOWIE
Deputy Attorney General



ANTHONY G. BROWN
Attorney General

CHRISTIAN E. BARRERA
Chief Operating Officer

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

PETER V. BERNS
General Counsel

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO
(410) 576-6588

February 1, 2024

TO: The Honorable Vanessa Atterbearly
Chair, Ways and Means Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: HB29- Real Property - Transfer to Heir - Exemption From Prepayment -
Favorable

The Maryland Office of Attorney General urges this Committee to favorably report House Bill 29. This bill eliminates real property tax prepayment requirements on instruments of writing transferring real property from the estate of a decedent to that decedent's heirs.

Real property should transfer to a decedent's heirs irrespective of when the taxes on the property are paid. Some heirs may not have the means to pay taxes prior to inheriting. If House Bill 29 passes, heirs can leverage the real property for loans, etc., in order to pay the necessary transfer taxes. According to the U.S. Department of Agriculture, heir property is "the leading cause of Black involuntary land loss."¹ House Bill 29 is a means of stemming the tide of such land loss and is consistent with nationwide progressive trends with respect to real property laws.²

¹ See Lizzie Presser, *Their Family Bought Land One Generation After Slavery. The Reels Brothers Spent Eight Years in Jail for Refusing to Leave It*, ProPublica, July 15, 2019, available at:

<https://features.propublica.org/blackland-loss/heirs-property-rights-why-black-families-lose-land-south/>

² See Lizzie Presser, *How to Close Heirs Property Loopholes*, ProPublica, July 15, 2019, available at

<https://www.propublica.org/article/what-can-heirs-property-owners-do-to-protect-their-land-loss> (noting that

For the foregoing reasons, the Maryland Office of the Attorney General urges a favorable report of House Bill 29.

cc: Delegate Terri Hill
Committee Members

advocates call for “Legislation that allows heirs’ property owners to access exemptions from property taxes that are available to all homeowners.”).