

HOUSE BILL 54

Q1, N1

4lr0603

(PRE-FILED)

By: **Delegate Atterbeary**

Requested: September 7, 2023

Introduced and read first time: January 10, 2024

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 24, 2024

CHAPTER _____

1 AN ACT concerning

2 **Property Tax – Transfer to Heir or Legatee – Payment Plans**

3 FOR the purpose of exempting ~~an instrument~~ a grant of land transferring residential real
4 property from the estate of a decedent to an heir or a legatee of the decedent from
5 certain requirements for the payment of taxes on real property if the heir or legatee
6 of the decedent enters into a payment plan to pay all the taxes due and owed on the
7 property; exempting a grant of land that is subject to a payment plan for property
8 taxes from certain requirements for the payment of taxes if the grantee agrees to
9 assume the grantor's obligations under the payment plan; requiring the State Tax
10 Sale Ombudsman to contract with a vendor to operate an installment payment
11 program for the payment of taxes in which any homeowner may enroll; authorizing
12 the governing body of a county or municipal corporation to establish, by law, an
13 installment payment program for taxes in arrears on any residential property; and
14 generally relating to the payment of property taxes.

15 BY repealing and reenacting, without amendments,
16 Article – Real Property
17 Section 3–104(a) and (b)
18 Annotated Code of Maryland
19 (2023 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article – Real Property
22 Section 3–104(c)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2023 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article – Tax – Property
5 Section 2–112
6 Annotated Code of Maryland
7 (2019 Replacement Volume and 2023 Supplement)

8 BY adding to
9 Article – Tax – Property
10 Section 10–209
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2023 Supplement)

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

15 **Article – Real Property**

16 3–104.

17 (a) (1) The Clerk of the Circuit Court may record an instrument that effects a
18 change of ownership if the instrument is:

19 (i) Endorsed with the certificate of the collector of taxes of the
20 county in which the property is assessed, required under subsection (b) of this section;

21 (ii) 1. Accompanied by a complete intake sheet; or

22 2. Endorsed by the assessment office for the county as
23 provided in subsection (g)(8) of this section; and

24 (iii) Accompanied by a copy of the instrument, and any survey, for
25 submission to the Department of Assessments and Taxation.

26 (2) The Supervisor of Assessments shall transfer ownership of property in
27 the assessment records, effective as of the date of recordation, upon receipt from the Clerk
28 of the Circuit Court of a copy of the instrument, the completed intake sheet, and any survey
29 submitted under paragraph (1) of this subsection.

30 (b) (1) (i) Except as provided in subsection (c) of this section, property may
31 not be transferred on the assessment books or records until:

32 1. All public taxes, assessments, and charges currently due
33 and owed on the property have been paid to the treasurer, tax collector, or director of
34 finance of the county in which the property is assessed; and

1 2. All taxes on personal property in the county due by the
2 transferor have been paid when all land owned by the transferor in the county is being
3 transferred.

4 (ii) The certificate of the collecting agent designated by law, showing
5 that all taxes, assessments, and charges have been paid, shall be endorsed on the deed, and
6 the endorsement shall be sufficient authority for transfer on the assessment books.

7 (2) (i) Except as provided in subsection (c) of this section, in Allegany,
8 Cecil, Charles, Dorchester, Harford, Howard, Kent, Queen Anne's, Somerset, and St.
9 Mary's counties no property may be transferred on the assessment books or records until:

10 1. All public taxes, assessments, any charges due a
11 municipal corporation, and charges due on the property have been paid as required by law;
12 and

13 2. All taxes on personal property in the county due by the
14 transferor have been paid when all land owned by the transferor in the county and
15 municipal corporation is being transferred.

16 (ii) The certificate of the collecting agent and municipal corporation
17 designated by law showing that all taxes, assessments, and charges have been paid, shall
18 be endorsed on the deed and the endorsement shall be sufficient authority for transfer on
19 the assessment books.

20 (c) (1) (i) 1. The requirements for prepayment of personal property
21 taxes in subsection (b) of this section do not apply to grants of land made:

22 [1.] A. By or on behalf of any mortgagee, lien creditor,
23 trustee of a deed of trust, judgment creditor, trustee in bankruptcy or receiver, and any
24 other court-appointed officer in an insolvency or liquidation proceeding; or

25 [2.] B. By a deed in lieu of foreclosure to any holder of a
26 mortgage or deed of trust or to the holder's assignee or designee.

27 **2. THE REQUIREMENTS FOR PAYMENT OF REAL**
28 **PROPERTY TAXES IN SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO GRANTS**
29 **OF LAND THAT TRANSFER RESIDENTIAL REAL PROPERTY FROM THE ESTATE OF A**
30 **DECEDENT TO AN HEIR OR A LEGATEE OF THE DECEDENT, IF THE HEIR OR LEGATEE**
31 **OF THE DECEDENT ENTERS INTO A PAYMENT PLAN TO PAY ALL PUBLIC TAXES,**
32 **ASSESSMENTS, AND CHARGES CURRENTLY DUE AND OWED ON THE PROPERTY WITH:**

33 **A. THE COUNTY OR MUNICIPAL CORPORATION TO**
34 **WHICH THE TAXES, ASSESSMENTS, AND CHARGES ARE DUE; OR**

1 **B. THE STATE TAX SALE OMBUDSMAN.**

2 **3. ~~THE CLERK OF THE CIRCUIT COURT~~ COLLECTOR OF**
 3 **TAXES FOR THE COUNTY OR MUNICIPAL CORPORATION TO WHICH THE TAXES,**
 4 **ASSESSMENTS, OR CHARGES ARE DUE SHALL PROVIDE THE HEIR OR LEGATEE OF A**
 5 **DECEDENT TO WHOM PROPERTY IS TRANSFERRED UNDER SUBSUBPARAGRAPH 2 OF**
 6 **THIS SUBPARAGRAPH WITH THE TOLL-FREE TELEPHONE NUMBER AND WEBSITE**
 7 **ADDRESS OF THE STATE TAX SALE OMBUDSMAN AND A BRIEF DESCRIPTION OF THE**
 8 **SERVICES AND PROGRAMS AVAILABLE THROUGH THE OMBUDSMAN'S OFFICE.**

9 **4. WHEN AN HEIR OR A LEGATEE OF A DECEDENT**
 10 **ENTERS INTO A PAYMENT PLAN WITH A COUNTY, A MUNICIPAL CORPORATION, OR**
 11 **THE STATE TAX SALE OMBUDSMAN UNDER SUBSUBPARAGRAPH 2 OF THIS**
 12 **SUBPARAGRAPH, THE COLLECTOR OF TAXES FOR THE COUNTY OR MUNICIPAL**
 13 **CORPORATION OR THE STATE TAX SALE OMBUDSMAN SHALL PROVIDE THE HEIR OR**
 14 **LEGATEE WITH AN AFFIDAVIT OF THE PAYMENT PLAN, WHICH THE HEIR OR**
 15 **LEGATEE SHALL PROVIDE TO THE CLERK OF THE CIRCUIT COURT TO RECORD AN**
 16 **INSTRUMENT TRANSFERRING OWNERSHIP TO THE HEIR OR LEGATEE.**

17 (ii) Notwithstanding any other provision of law, and except as
 18 provided in subparagraph (iii) of this paragraph, after the recordation of a deed or other
 19 instrument that effects a grant of land described in subparagraph [(i)] (I)1 of this
 20 paragraph, the land shall be free and clear of, and unencumbered by, any lien or claim of
 21 lien for any unpaid taxes on personal property.

22 (iii) Subparagraph (ii) of this paragraph does not apply to:

23 1. Any lien for unpaid taxes on personal property that
 24 attached to the land by recording and indexing a notice as provided in § 14-804(b) of the
 25 Tax – Property Article prior to the recording of the mortgage, lien, deed of trust, or other
 26 encumbrance giving rise to the grant of land described in subparagraph [(i)] (I)1 of this
 27 paragraph; or

28 2. Unpaid taxes on personal property owed by the transferee
 29 or subsequent owner of the land after a grant of land described in subparagraph [(i)] (I)1
 30 of this paragraph.

31 (iv) This paragraph does not affect the rights of the personal property
 32 tax lienholder to make a claim to any surplus proceeds from a judicial sale of land resulting
 33 in a grant of land described in subparagraph [(i)] (I)1 of this paragraph.

34 (2) Subsection (b) of this section does not apply in Charles, St. Mary's,
 35 Dorchester, Harford, Howard, Kent, Prince George's, Worcester, Carroll, Montgomery,
 36 Frederick and Washington counties to any deed executed as a mere conduit or for
 37 convenience in holding and passing title, known popularly as a straw deed or, as provided

1 in § 4–108 of this article, a deed making a direct grant in lieu of a straw deed, or to a deed
2 which is a supplementary instrument merely confirming, correcting, or modifying a
3 previously recorded deed, if there is no actual consideration paid or to be paid for the
4 execution of the supplementary instrument.

5 (3) Subsection (b) of this section does not apply in Baltimore City and Anne
6 Arundel, Baltimore, Carroll, Frederick, St. Mary's, or Washington counties to any deed
7 transferring property to the county when the controller or treasurer of the county has
8 certified that the conveyance does not impair the security for any public taxes, assessments,
9 and charges due on the remaining property of the grantor.

10 (4) (i) Property may be transferred on the assessment books or records
11 in July, August, or September if instead of paying the taxes required under subsection (b)(1)
12 of this section on a property transfer by assumption, a lender or the attorney handling the
13 transfer of title files with the county treasurer, tax collector, or director of finance of the
14 county in which the property is assessed a statement that certifies that the lender
15 maintains a real estate tax escrow account.

16 (ii) Upon receipt of the statement required in subparagraph (i) of
17 this paragraph, the county treasurer, tax collector, or director of finance shall endorse on
18 the deed an appropriate certification and the endorsement shall be sufficient authority for
19 transfer on the assessment books.

20 (5) (I) [At] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
21 PARAGRAPH, AT the time of transfer of real property subject to a semiannual payment
22 schedule for the payment of property taxes, only those semiannual payments that are due
23 for the current taxable year under § 10–204.3 of the Tax – Property Article must be paid
24 prior to the transfer of the property.

25 (II) THE SEMIANNUAL PAYMENTS THAT ARE DUE FOR THE
26 CURRENT TAXABLE YEAR UNDER § 10–204.3 OF THE TAX – PROPERTY ARTICLE ARE
27 NOT REQUIRED TO BE PAID BEFORE THE TRANSFER OF THE PROPERTY IF:

28 1. THE PROPERTY IS RESIDENTIAL REAL PROPERTY
29 THAT IS BEING TRANSFERRED FROM THE ESTATE OF A DECEDENT TO AN HEIR OR A
30 LEGATEE OF THE DECEDENT; AND

31 2. THE HEIR OR LEGATEE OF THE DECEDENT ENTERS
32 INTO A PAYMENT PLAN TO PAY ALL PUBLIC TAXES, ASSESSMENTS, AND CHARGES
33 CURRENTLY DUE AND OWED ON THE PROPERTY WITH:

34 A. THE COUNTY OR MUNICIPAL CORPORATION TO
35 WHICH THE TAXES, ASSESSMENTS, AND CHARGES ARE DUE; OR

36 B. THE STATE TAX SALE OMBUDSMAN.

1 (III) THE ~~CLERK OF THE CIRCUIT COURT~~ COLLECTOR OF TAXES
 2 FOR THE COUNTY OR MUNICIPAL CORPORATION TO WHICH THE TAXES,
 3 ASSESSMENTS, OR CHARGES ARE DUE SHALL PROVIDE THE HEIR OR LEGATEE OF A
 4 DECEDENT TO WHOM PROPERTY IS TRANSFERRED UNDER SUBPARAGRAPH (II) OF
 5 THIS PARAGRAPH WITH THE TOLL-FREE TELEPHONE NUMBER AND WEBSITE
 6 ADDRESS OF THE STATE TAX SALE OMBUDSMAN AND A BRIEF DESCRIPTION OF THE
 7 SERVICES AND PROGRAMS AVAILABLE THROUGH THE OMBUDSMAN'S OFFICE.

8 (IV) WHEN AN HEIR OR A LEGATEE OF A DECEDENT ENTERS
 9 INTO A PAYMENT PLAN WITH A COUNTY, A MUNICIPAL CORPORATION, OR THE STATE
 10 TAX SALE OMBUDSMAN UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
 11 COLLECTOR OF TAXES FOR THE COUNTY OR MUNICIPAL CORPORATION OR THE
 12 STATE TAX SALE OMBUDSMAN SHALL PROVIDE THE HEIR OR LEGATEE WITH AN
 13 AFFIDAVIT OF THE PAYMENT PLAN, WHICH THE HEIR OR LEGATEE SHALL PROVIDE
 14 TO THE CLERK OF THE CIRCUIT COURT TO RECORD AN INSTRUMENT
 15 TRANSFERRING OWNERSHIP TO THE HEIR OR LEGATEE.

16 (6) (I) THE REQUIREMENTS FOR PAYMENT OF REAL PROPERTY
 17 TAXES IN SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO A GRANT OF LAND
 18 THAT IS SUBJECT TO A PAYMENT PLAN FOR PROPERTY TAXES WITH A COUNTY, A
 19 MUNICIPAL CORPORATION, OR THE STATE TAX SALE OMBUDSMAN IF THE GRANTEE
 20 ENTERS INTO AN AGREEMENT WITH THE COUNTY, MUNICIPAL CORPORATION, OR
 21 THE STATE TAX SALE OMBUDSMAN TO ASSUME THE GRANTOR'S OBLIGATIONS
 22 UNDER THE PAYMENT PLAN.

23 (II) THE COLLECTOR OF TAXES FOR THE COUNTY OR
 24 MUNICIPAL CORPORATION OR THE STATE TAX SALE OMBUDSMAN SHALL PROVIDE
 25 THE GRANTEE WITH AN AFFIDAVIT OF THE PAYMENT PLAN, WHICH THE GRANTEE
 26 SHALL PROVIDE TO THE CLERK OF THE CIRCUIT COURT TO RECORD AN
 27 INSTRUMENT TRANSFERRING OWNERSHIP TO THE GRANTEE.

28 **Article – Tax – Property**

29 2–112.

30 (a) (1) In this section the following words have the meanings indicated.

31 (2) “Homeowner” has the meaning stated in § 9–105 of this article.

32 (3) “Tax” has the meaning stated in § 14–801 of this article.

33 (b) There is a State Tax Sale Ombudsman in the Department.

34 (c) The Ombudsman:

1 (1) shall be appointed by the Director;

2 (2) shall be in the management service of the State Personnel Management
3 System; and

4 (3) may be removed from office only after a hearing before the Department
5 and a finding of incompetency or other good cause.

6 (d) The Ombudsman shall:

7 (1) assist homeowners to understand the process for collection of
8 delinquent taxes;

9 (2) actively assist homeowners to apply for tax credits, discount programs,
10 and other public benefits that may assist the homeowners to pay delinquent taxes and
11 improve their financial situation;

12 (3) refer homeowners to legal services, housing counseling, and other social
13 services that may assist homeowners to pay delinquent taxes and improve their financial
14 situation;

15 (4) maintain a website that functions as a clearinghouse for information
16 concerning:

17 (i) the process for collection of delinquent taxes; and

18 (ii) services and programs that are available to assist homeowners
19 to pay delinquent taxes and improve their financial situation; and

20 (5) maintain a toll-free telephone number that a homeowner may call to
21 obtain individualized personal assistance with delinquent taxes.

22 (e) A county may, by law, establish a County Tax Sale Ombudsman to fulfill all
23 the responsibilities of the State Tax Sale Ombudsman under subsection (d) of this section
24 with respect to homeowners within the county.

25 **(F) (1) THE OMBUDSMAN SHALL CONTRACT WITH A VENDOR TO**
26 **OPERATE AN INSTALLMENT PAYMENT PROGRAM FOR THE PAYMENT OF TAXES IN**
27 **WHICH ANY HOMEOWNER MAY ENROLL.**

28 **(2) THE INSTALLMENT PAYMENT PROGRAM SHALL ALLOW A**
29 **HOMEOWNER TO:**

30 **(I) MAKE ADVANCE PAYMENTS OF TAXES;**

31 **(II) MAKE PAYMENTS OF TAXES CURRENTLY DUE; OR**

1 (III) MAKE PAYMENTS OF TAXES IN ARREARS.

2 (3) (I) A HOMEOWNER WHOSE DWELLING IS SUBJECT TO A DEED
3 OF TRUST, A MORTGAGE, OR ANY OTHER ENCUMBRANCE THAT INCLUDES THE
4 ESCROWING OF TAX PAYMENTS MAY NOT ENROLL IN THE INSTALLMENT PAYMENT
5 PROGRAM FOR THE ADVANCE PAYMENT OF TAXES.

6 (II) AN ADVANCE PAYMENT OF TAXES IS CALCULATED BY
7 APPLYING THE CURRENT PROPERTY TAX RATE TO THE ASSESSMENT OF THE
8 HOMEOWNER'S PROPERTY FOR THE PRIOR YEAR.

9 (III) IF THE ADVANCE PAYMENT IS DIFFERENT THAN THE TAXES
10 DUE AS FINALLY DETERMINED, THE VENDOR SHALL:

11 1. BILL THE HOMEOWNER FOR THE UNPAID BALANCE;
12 OR

13 2. REFUND ANY EXCESS TAX PAID.

14 (IV) THE FAILURE BY A HOMEOWNER TO MAKE AN ADVANCE
15 PAYMENT UNDER THE INSTALLMENT PAYMENT PROGRAM MAY NOT BE CONSIDERED
16 TO BE A FAILURE TO PAY THE PROPERTY TAX WHEN DUE EXCEPT AS PROVIDED
17 UNDER TITLE 10, SUBTITLE 1 OF THIS ARTICLE.

18 (4) THE OMBUDSMAN SHALL NOTIFY THE COLLECTOR TO WHOM THE
19 TAXES ARE OWED WHEN A HOMEOWNER ENTERS INTO AN INSTALLMENT PAYMENT
20 PLAN UNDER THIS SUBSECTION.

21 (5) IF A HOMEOWNER IS IN COMPLIANCE WITH THE TERMS OF AN
22 INSTALLMENT PAYMENT PLAN, THE COLLECTOR MAY NOT TAKE ACTION UNDER
23 TITLE 14, SUBTITLE 8 OF THIS ARTICLE TO COLLECT ANY PROPERTY TAXES IN
24 ARREARS THAT ARE INCLUDED IN THE INSTALLMENT PAYMENT PLAN.

25 (6) A HOMEOWNER IS NOT IN COMPLIANCE WITH THE TERMS OF AN
26 INSTALLMENT PAYMENT PLAN IF THE HOMEOWNER FAILS TO MAKE A PAYMENT FOR
27 A PERIOD OF 90 DAYS AFTER THE DATE THE PAYMENT IS DUE, OR A LONGER PERIOD
28 DETERMINED BY THE OMBUDSMAN.

29 (7) IF A HOMEOWNER IS NOT IN COMPLIANCE WITH THE TERMS OF AN
30 INSTALLMENT PAYMENT PLAN:

31 (I) THE OMBUDSMAN:

1 1. MAY TERMINATE THE INSTALLMENT PAYMENT PLAN;
2 AND

3 2. SHALL NOTIFY THE COLLECTOR TO WHOM THE TAXES
4 ARE OWED; AND

5 (ii) THE COLLECTOR MAY TAKE ACTION UNDER TITLE 14,
6 SUBTITLE 8 OF THIS ARTICLE TO COLLECT ANY PROPERTY TAXES IN ARREARS THAT
7 WERE INCLUDED IN THE INSTALLMENT PAYMENT PLAN.

8 ~~(4)~~ (8) THE COST OF THE CONTRACT WITH THE VENDOR TO
9 OPERATE THE INSTALLMENT PAYMENT PROGRAM SHALL BE PAID ENTIRELY BY
10 REASONABLE FEES IMPOSED ON HOMEOWNERS ENROLLED IN THE PROGRAM.

11 10-209.

12 (A) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE
13 GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY, BY LAW,
14 ESTABLISH AN INSTALLMENT PAYMENT PROGRAM FOR TAXES IN ARREARS ON ANY
15 RESIDENTIAL PROPERTY.

16 (B) ANY FEE OR CHARGE OF ANY KIND THAT IS INCLUDED ON A PROPERTY
17 TAX BILL MAY BE PAID THROUGH THE INSTALLMENT PAYMENT PROGRAM
18 AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION.

19 (C) (1) IF A PERSON IS IN COMPLIANCE WITH THE TERMS OF AN
20 INSTALLMENT PAYMENT PROGRAM UNDER THIS SECTION, THE COLLECTOR MAY
21 NOT TAKE ACTION UNDER TITLE 14, SUBTITLE 8 OF THIS ARTICLE TO COLLECT ANY
22 PROPERTY TAXES IN ARREARS THAT ARE INCLUDED IN THE INSTALLMENT PAYMENT
23 PROGRAM.

24 (2) A PERSON IS NOT IN COMPLIANCE WITH THE TERMS OF AN
25 INSTALLMENT PAYMENT PROGRAM IF THE PERSON FAILS TO MAKE A PAYMENT FOR
26 A PERIOD OF 90 DAYS AFTER THE DATE THE PAYMENT IS DUE, OR A LONGER PERIOD
27 DETERMINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE
28 GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION.

29 (3) IF A PERSON IS NOT IN COMPLIANCE WITH THE TERMS OF AN
30 INSTALLMENT PAYMENT PROGRAM, THE COLLECTOR MAY:

31 (i) TERMINATE THE PERSON'S ENROLLMENT IN THE
32 INSTALLMENT PAYMENT PROGRAM; AND

(II) TAKE ACTION UNDER TITLE 14, SUBTITLE 8 OF THIS ARTICLE TO COLLECT THE PROPERTY TAXES IN ARREARS THAT WERE INCLUDED IN THE INSTALLMENT PAYMENT PROGRAM.

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

(1) ANY ADDITIONAL ELIGIBILITY CRITERIA FOR AN INSTALLMENT PAYMENT PROGRAM UNDER THIS SECTION;

(2) THE PROCESS FOR ENROLLING IN AN INSTALLMENT PAYMENT PROGRAM;

**(3) THE FREQUENCY AND DUE DATES OF INSTALLMENT PAYMENTS;
AND**

(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.