

By: Delegate Walkup

Introduced and read first time: January 17, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Kent County - Sanitary Commission - Enforcement of Lien for Unpaid Benefit**
3 **Assessments**

4 FOR the purpose of authorizing the governing body of Kent County to authorize by local
5 law the sale of real property to enforce a lien based on unpaid benefit assessments
6 or other charges; authorizing the sanitary commission in Kent County to request,
7 under certain circumstances, that the county tax collector sell realproperty to
8 enforce a lien in accordance with certain procedures; and generally relating to the
9 enforcement of a lien by the sanitary commission in Kent County.

10 BY repealing and reenacting, with amendments,
11 Article - Environment
12 Section 9-658
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 1995 Supplement)

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

17 **Article - Environment**

18 9-658.

19 (a) When the sanitary commission has determined a benefit assessment, and
20 except as otherwise provided in this section, the sanitary commission shall levy a benefit
21 assessment, so that the levy will be effective on the July 1 that next follows the first March
22 31 that occurs on or before which the construction is completed on the project for which
23 the benefit assessment is made.

24 (b) (1) The Allegany County Sanitary Commission may make the levy of a
25 benefit assessment effective on the date on which the construction is completed on the
26 project for which the benefit assessment is made.

27 (2) If the Allegany County Sanitary Commission makes a levy on the date on
28 which the construction is completed, it shall prorate the levy on the basis of the benefit
29 assessment for an entire year and the time remaining until July 1.

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1 (c) (1) The Dorchester County Sanitary Commission may make the levy of a
2 benefit assessment effective on:

3 (i) The date on which the construction is substantially completed; or

4 (ii) The system is in use for the project for which the benefit
5 assessment is made.

6 (2) If the Dorchester County Sanitary Commission makes a levy on the date
7 on which the construction is substantially completed or when the system is in use, it shall
8 prorate the levy on the basis of the benefit assessment for an entire year and the time
9 remaining until July 1.

10 (d) While unpaid, benefit assessments and other charges are a lien on the parcel
11 for which made.

12 (e) The lien granted by this section is subordinate only to State taxes and
13 municipal taxes.

14 (f) (1) As to each lien that arises against a parcel in the district, the sanitary
15 commission shall keep a public record that:

16 (i) Identifies the owners of the parcel;

17 (ii) Describes the parcel and gives any lot number of record that
18 applies to the parcel; and

19 (iii) Shows the amount of the lien.

20 (2) The sanitary commission shall file the record of liens among the land
21 records of the county where the parcel is located.

22 (3) The record of liens shall be legal notice of all existing liens in the
23 district.

24 (g) (1) To enforce the collection of unpaid benefit assessments or other charges
25 that are at least 60 days overdue, the sanitary commission, at any time, may:

26 (i) Sue any person who was an owner of record of the parcel at any
27 time since the benefit assessment was last paid; or

28 (ii) File a bill in equity to enforce a lien through a decree of sale of
29 property against any person who was an owner of record of the parcel at any time since
30 the benefit assessment was last paid.

31 (2) In addition to the actions that the sanitary commission may take under
32 paragraph (1) of this subsection, in Allegany County, Dorchester County, and Somerset
33 County, the sanitary commission may disconnect the service.

34 (3) When recorded, the lien is legal notice to any person who has any
35 interest in a parcel.

1 (H) (1) THE GOVERNING BODY OF KENT COUNTY MAY AUTHORIZE BY
2 LOCAL LAW THE SALE OF REAL PROPERTY TO ENFORCE A LIEN BASED ON UNPAID
3 BENEFIT ASSESSMENTS OR OTHER CHARGES UNDER THIS SUBTITLE.

4 (2) IF THE SALE OF REAL PROPERTY IS AUTHORIZED UNDER
5 PARAGRAPH (1) OF THIS SUBSECTION, IN ADDITION TO ANY REMEDY UNDER
6 SUBSECTION (G) OF THIS SECTION, THE SANITARY COMMISSION MAY REQUEST
7 THAT THE COUNTY TAX COLLECTOR CONDUCT A SALE OF REAL PROPERTY TO
8 ENFORCE A LIEN AT A COUNTY TAX SALE IN ACCORDANCE WITH THE SAME
9 PROCEDURES GOVERNING THE SALE OF PROPERTY FOR DELINQUENT PROPERTY
10 TAXES.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1996.