

By: Delegate Walkup

Introduced and read first time: January 17, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 1996

CHAPTER ____

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 real property to
8 enforce a lien in accordance with certain procedures; providing for the application
9 of this Act; and generally relating to the enforcement of a lien by the sanitary
10 commission in Kent County.

11 BY repealing and reenacting, with amendments,
12 Article - Environment
13 Section 9-658
14 Annotated Code of Maryland
15 (1993 Replacement Volume and 1995 Supplement)

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

18 Article - Environment

19 9-658.

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

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

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

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

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

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

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

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

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

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

22 (i) Identifies the owners of the parcel;

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

25 (iii) Shows the amount of the lien.

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

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

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

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

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

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

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

6 (H) (1) THE GOVERNING BODY OF KENT COUNTY MAY AUTHORIZE BY
7 LOCAL LAW THE SALE OF REAL PROPERTY TO ENFORCE A LIEN BASED ON UNPAID
8 BENEFIT ASSESSMENTS OR OTHER CHARGES UNDER THIS SUBTITLE. THE
9 PROCEDURES FOR ESTABLISHMENT, NOTIFICATION, AND ENFORCEMENT OF A LIEN
10 AUTHORIZED BY THE GOVERNING BODY IN ACCORDANCE WITH THIS SUBSECTION
11 SHALL CONFORM TO THE PROVISIONS OF CHAPTER 152 OF THE CODE OF KENT
12 COUNTY, GOVERNING COLLECTION OF REAL PROPERTY TAXES IN ARREARS.

13 (2) IF THE SALE OF REAL PROPERTY IS AUTHORIZED UNDER
14 PARAGRAPH (1) OF THIS SUBSECTION, IN ADDITION TO ANY REMEDY UNDER
15 SUBSECTION (G) OF THIS SECTION, THE SANITARY COMMISSION MAY REQUEST
16 THAT THE COUNTY TAX COLLECTOR CONDUCT A SALE OF REAL PROPERTY TO
17 ENFORCE A LIEN AT A COUNTY TAX SALE IN ACCORDANCE WITH THE SAME
18 PROCEDURES GOVERNING THE SALE OF PROPERTY FOR DELINQUENT PROPERTY
19 TAXES AND THE COUNTY TAX COLLECTOR MAY CONDUCT THE SALE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
21 retroactively and shall be applied to and interpreted to affect all Kent County benefit
22 assessments due and unpaid on and after July 1, 1995.

23 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1996.