

SENATE BILL 664
EMERGENCY BILL

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C8

1998 Regular Session
8lr2455
CF 8lr2456

By: **Senator McFadden**

Introduced and read first time: February 6, 1998

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 1998

CHAPTER _____

1 AN ACT concerning

2 **Taxes - Property of ~~the Housing Authorities~~ Authority of Baltimore City**

3 FOR the purpose of clarifying the applicability of a certain provision providing a tax
4 exemption and providing for payments in lieu of taxes for property of ~~a housing~~
5 ~~authority~~ the Housing Authority of Baltimore City; making this Act an
6 emergency measure; and generally relating to a tax exemption and payments in
7 lieu of taxes for certain property of ~~a housing authority~~ the Housing Authority of
8 Baltimore City.

9 BY repealing and reenacting, with amendments,
10 Article 44A - Housing Authorities
11 Section 1-104
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1997 Supplement)

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

16 **Article 44A - Housing Authorities**

17 1-104.

18 (a) (1) IN THIS SECTION, "~~ENTITY RELATED TO AN AUTHORITY~~ THE
19 HOUSING AUTHORITY OF BALTIMORE CITY" MEANS AN ENTITY:

20 (I) THAT IS WHOLLY OWNED BY ~~AN AUTHORITY~~ THE HOUSING
21 AUTHORITY OF BALTIMORE CITY; OR

1 (II) IN WHICH AN AUTHORITY THE HOUSING AUTHORITY OF
 2 BALTIMORE CITY OR AN ENTITY WHOLLY OWNED BY AN AUTHORITY THE HOUSING
 3 AUTHORITY OF BALTIMORE CITY HAS AN OWNERSHIP INTEREST.

4 [(1)] (2) The property of an authority or of a nonprofit housing
 5 corporation OR ANY PROPERTY USED AS HOUSING FOR PERSONS OF ELIGIBLE
 6 INCOME THAT IS OWNED BY AN ENTITY RELATED TO AN AUTHORITY THE HOUSING
 7 AUTHORITY OF BALTIMORE CITY, is declared to be used for essential public and
 8 governmental purposes and such property and an authority shall be exempt from all
 9 taxes and special assessments of the city, the county, the State, or any political
 10 subdivision thereof.

11 [(2)] (3) In lieu of such taxes and special assessments, an authority, AN
 12 ENTITY RELATED TO AN AUTHORITY THE HOUSING AUTHORITY OF BALTIMORE CITY,
 13 or a nonprofit housing corporation shall make payments to the city, the county, or the
 14 political subdivision of the State in which a housing project is wholly or partly located
 15 in such amount, if any, as may be set by mutual agreement between such authority,
 16 ENTITY RELATED TO AN AUTHORITY THE HOUSING AUTHORITY OF BALTIMORE CITY,
 17 or nonprofit housing corporation and the city, the county, or the political subdivision
 18 of the State; provided, however, that the sum to be paid to the local government shall
 19 not exceed an amount equal to the regular taxes levied upon similar property.

20 (b) (1) Except as set forth in paragraph (2) or (3) of this subsection, all real
 21 property of an authority shall be exempt from levy and sale by virtue of an execution,
 22 and no execution or other judicial process shall issue against the same nor shall any
 23 judgment against an authority be a charge or lien upon its real property.

24 (2) The provisions of paragraph (1) of this subsection shall not limit a
 25 right to foreclose or otherwise enforce:

26 (i) Any mortgage or deed of trust recorded against any property of
 27 an authority; or

28 (ii) Any pledge or lien given by an authority on its rents, fees, or
 29 revenues.

30 (3) The provisions of paragraphs (1) and (2) of this subsection may not
 31 deprive any city or county of its right to collect any service charge agreed upon in lieu
 32 of taxes in the same manner as all such taxes are now, or may hereafter be, collectible
 33 under the laws of this State and of said cities or counties.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 35 measure, is necessary for the immediate preservation of the public health and safety,
 36 has been passed by a ye and nay vote supported by three-fifths of all the members
 37 elected to each of the two Houses of the General Assembly, and shall take effect from
 38 the date it is enacted.

