

HOUSE BILL 755

Q1

71r1397
CF SB 486

By: **Delegates Ali, Barkley, Elmore, George, Kaiser, N. King, Manno, McConkey, Riley, Rosenberg, and Sossi**

Introduced and read first time: February 9, 2007

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax Credit – Replacement Home Purchased After Acquisition of**
3 **Dwelling for Public Use**

4 FOR the purpose of providing for a tax credit against the State, county, and municipal
5 corporation property taxes for certain property purchased by certain owners of
6 certain property that is acquired for public use; providing for the computation
7 and duration of the credit; requiring the State Department of Assessments and
8 Taxation to adopt certain regulations; defining certain terms; providing for the
9 application of this Act; and generally relating to a property tax credit for certain
10 property purchased by certain owners of certain property acquired for public
11 use.

12 BY adding to

13 Article – Tax – Property

14 Section 9–110

15 Annotated Code of Maryland

16 (2001 Replacement Volume and 2006 Supplement)

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

19 **Article – Tax – Property**

20 **9–110.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (2) “ACQUIRED DWELLING” MEANS A DWELLING:

4 (I) THAT WAS OWNED BY A QUALIFIED DISPLACED
5 HOMEOWNER;

6 (II) THAT BY NEGOTIATION OR CONDEMNATION WAS
7 ACQUIRED FROM THE QUALIFIED DISPLACED HOMEOWNER FOR PUBLIC USE BY
8 THE STATE OR A POLITICAL SUBDIVISION OR INSTRUMENTALITY OF THE STATE,
9 WHERE THE ACQUIRING AGENCY HAD THE POWER TO ACQUIRE THE DWELLING
10 FOR PUBLIC USE BY CONDEMNATION; AND

11 (III) FOR WHICH THE QUALIFIED DISPLACED HOMEOWNER
12 WAS ELIGIBLE FOR A CREDIT UNDER § 9-105 OF THIS SUBTITLE FOR THE
13 TAXABLE YEAR IN WHICH THE DWELLING WAS ACQUIRED FOR PUBLIC USE.

14 (3) “ACQUISITION YEAR” MEANS THE TAXABLE YEAR IN WHICH
15 AN ACQUIRED DWELLING WAS ACQUIRED FOR PUBLIC USE BY THE STATE OR A
16 POLITICAL SUBDIVISION OR INSTRUMENTALITY OF THE STATE.

17 (4) “DWELLING” HAS THE MEANING STATED IN § 9-105 OF THIS
18 SUBTITLE.

19 (5) “QUALIFIED DISPLACED HOMEOWNER” MEANS A PROPERTY
20 OWNER WHO:

21 (I) QUALIFIED FOR A CREDIT UNDER § 9-105 OF THIS
22 SUBTITLE FOR AN ACQUIRED DWELLING FOR THE ACQUISITION YEAR; AND

23 (II) DID NOT RECEIVE COMPENSATION FOR INCREASED
24 PROPERTY TAXES RESULTING FROM THE LOSS OF THE CREDIT UNDER § 9-105
25 OF THIS SUBTITLE.

26 (6) “REPLACEMENT DWELLING” MEANS A DWELLING THAT IS
27 PURCHASED BY A QUALIFIED DISPLACED HOMEOWNER BY THE END OF THE
28 TAXABLE YEAR FOLLOWING THE ACQUISITION YEAR.

1 **(7) "TAXABLE ASSESSMENT" HAS THE MEANING STATED IN**
2 **§ 9-105 OF THIS SUBTITLE.**

3 **(B) THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION SHALL**
4 **GRANT A TAX CREDIT AS PROVIDED IN THIS SECTION AGAINST THE STATE,**
5 **COUNTY, OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON A**
6 **REPLACEMENT DWELLING.**

7 **(C) (1) THE PROPERTY TAX CREDIT UNDER THIS SECTION:**

8 **(I) SHALL BE GRANTED FOR 5 YEARS BEGINNING WITH THE**
9 **FIRST TAXABLE YEAR AFTER THE TAXABLE YEAR IN WHICH THE REPLACEMENT**
10 **DWELLING WAS PURCHASED; AND**

11 **(II) SHALL EQUAL THE FOLLOWING PERCENTAGES OF THE**
12 **STATE, COUNTY, OR MUNICIPAL CORPORATION PROPERTY TAX ATTRIBUTABLE**
13 **TO THE ELIGIBLE HOMESTEAD ASSESSMENT OF THE ACQUIRED DWELLING, AS**
14 **DETERMINED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION:**

- 15 1. **100% FOR THE FIRST TAXABLE YEAR;**
- 16 2. **80% FOR THE SECOND TAXABLE YEAR;**
- 17 3. **60% FOR THE THIRD TAXABLE YEAR;**
- 18 4. **40% FOR THE FOURTH TAXABLE YEAR; AND**
- 19 5. **20% FOR THE FIFTH TAXABLE YEAR.**

20 **(2) THE STATE, COUNTY, OR MUNICIPAL CORPORATION**
21 **PROPERTY TAX ATTRIBUTABLE TO THE ELIGIBLE HOMESTEAD ASSESSMENT OF**
22 **THE ACQUIRED DWELLING IS THE PRODUCT OF MULTIPLYING THE APPLICABLE**
23 **STATE, COUNTY, OR MUNICIPAL CORPORATION TAX RATE FOR THE CURRENT**
24 **YEAR TIMES THE ELIGIBLE HOMESTEAD ASSESSMENT OF THE ACQUIRED**
25 **DWELLING, AS DETERMINED UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

26 **(3) FOR PURPOSES OF PARAGRAPH (2) OF THIS SUBSECTION,**
27 **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE ELIGIBLE HOMESTEAD**
28 **ASSESSMENT OF THE ACQUIRED DWELLING IS THE AMOUNT BY WHICH THE**

1 ACQUISITION YEAR ASSESSMENT OF THE ACQUIRED DWELLING EXCEEDS THE
2 PRODUCT OF MULTIPLYING THE PRIOR YEAR'S TAXABLE ASSESSMENT OF THE
3 ACQUIRED DWELLING TIMES:

4 (I) FOR PURPOSES OF THE COUNTY OR MUNICIPAL
5 CORPORATION PROPERTY TAX WHERE THE REPLACEMENT DWELLING AND THE
6 ACQUIRED DWELLING ARE LOCATED IN THE SAME COUNTY OR THE SAME
7 MUNICIPAL CORPORATION, THE HOMESTEAD CREDIT PERCENTAGE APPLICABLE
8 TO THE COUNTY PROPERTY TAX OR MUNICIPAL CORPORATION PROPERTY TAX
9 FOR THE ACQUISITION YEAR;

10 (II) FOR PURPOSES OF THE COUNTY OR MUNICIPAL
11 CORPORATION PROPERTY TAX WHERE THE REPLACEMENT DWELLING AND THE
12 ACQUIRED DWELLING ARE NOT LOCATED IN THE SAME COUNTY OR THE SAME
13 MUNICIPAL CORPORATION, 110%; AND

14 (III) FOR PURPOSES OF THE STATE PROPERTY TAX, 100%.

15 (4) THE ELIGIBLE HOMESTEAD ASSESSMENT DETERMINED
16 UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL BE REDUCED, BUT NOT
17 BELOW ZERO, BY THE AMOUNT, IF ANY, BY WHICH THE ACQUISITION YEAR
18 ASSESSMENT OF THE ACQUIRED DWELLING EXCEEDS THE ASSESSMENT OF THE
19 REPLACEMENT DWELLING FOR THE FIRST TAXABLE YEAR FOR WHICH THE
20 CREDIT UNDER THIS SECTION IS ALLOWED.

21 (D) THE DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL ADOPT
22 REGULATIONS TO CARRY OUT THIS SECTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 June 1, 2007, and shall be applicable to all taxable years beginning after June 30,
25 2007.