

# HOUSE BILL 1386

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CF SB 962

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By: ~~Delegate Bartlett~~ Delegates Bartlett, Barve, Cardin, Doory, Elmore, George, Gilchrist, Hixson, Howard, Ivey, Jennings, Kaiser, N. King, Krebs, McKee, Murphy, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

Introduced and read first time: March 5, 2007  
Assigned to: Rules and Executive Nominations  
Re-referred to: Ways and Means, March 12, 2007

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Agricultural Ownership Entities - Homestead Tax Credit**

3 FOR the purpose of altering certain definitions to include partners in certain general  
4 partnerships and shareholders of certain corporations within the definition of  
5 "homeowner" for purposes of a certain property tax credit under certain  
6 circumstances; defining a certain term; providing for the application of this Act;  
7 authorizing the State Department of Assessments and Taxation to accept  
8 certain applications on or before a certain date; and generally relating to  
9 including partners or shareholders in certain agricultural ownership entities  
10 within the definition of "homeowner" for purposes of a certain property tax  
11 credit under certain circumstances.

12 BY repealing and reenacting, without amendments,  
13 Article - Tax - Property  
14 Section 9-105(a)(1)  
15 Annotated Code of Maryland  
16 (2001 Replacement Volume and 2006 Supplement)

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### 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 BY repealing and reenacting, with amendments,  
 2 Article – Tax – Property  
 3 Section 9–105(a)(3), (6), and (7) and (c)(4)  
 4 Annotated Code of Maryland  
 5 (2001 Replacement Volume and 2006 Supplement)

6 BY adding to  
 7 Article – Tax – Property  
 8 Section 9–105(a)(8)  
 9 Annotated Code of Maryland  
 10 (2001 Replacement Volume and 2006 Supplement)

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

13 **Article – Tax – Property**

14 9–105.

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

16 (3) “Homeowner” means an individual who has a legal interest in a  
 17 dwelling or who is an active member of an agricultural [limited liability] **OWNERSHIP**  
 18 entity that has a legal interest in a dwelling.

19 (6) “Agricultural [limited liability] **OWNERSHIP** entity” means a  
 20 **FAMILY CORPORATION, GENERAL PARTNERSHIP**, limited liability company, or  
 21 limited liability partnership that:

22 (i) owns real property that:

23 1. includes land receiving an agricultural use  
 24 assessment under § 8–209 of this article; and

25 2. includes land used as a homesite that is part of or  
 26 contiguous to a parcel described in item 1 of this item;

27 (ii) owns personal property used to operate the agricultural  
 28 land; and

29 (iii) owns no other property.

1 (7) "Active member" means:

2 (I) A SHAREHOLDER IN A FAMILY CORPORATION;

3 (II) A PARTNER IN A GENERAL PARTNERSHIP; OR

4 (III) a member of a limited liability company or partner in a  
5 limited liability partnership who has or shares the authority to manage, control, and  
6 operate the limited liability company or limited liability partnership and who shares  
7 the assets and earnings of the limited liability company or limited liability partnership  
8 under an operating agreement under § 4A-402 of the Corporations and Associations  
9 Article or under a partnership agreement.

10 (8) "FAMILY CORPORATION" MEANS A CORPORATION THAT DOES  
11 NOT HAVE ANY STOCKHOLDERS OTHER THAN THE HOMEOWNER AND THE  
12 FOLLOWING MEMBERS OF THE HOMEOWNER'S FAMILY:

13 (I) A SPOUSE OR FORMER SPOUSE;

14 (II) A CHILD OR STEPCHILD;

15 (III) A PARENT OR STEPPARENT;

16 (IV) A BROTHER OR SISTER;

17 (V) A SON-IN-LAW, DAUGHTER-IN-LAW, STEPSON-IN-LAW,  
18 OR STEPDAUGHTER-IN-LAW;

19 (VI) A GRANDCHILD OR STEPGRANDCHILD; OR

20 (VII) A GRANDPARENT OR STEPGRANDPARENT.

21 (c) (4) (i) For a homeowner who is an active member of an agricultural  
22 [limited liability] OWNERSHIP entity to qualify for the property tax credit under this  
23 section:

24 1. the dwelling must have been owned and occupied by  
25 the active member:

1                   A.     at the time of its transfer to the agricultural [limited  
2 liability] **OWNERSHIP** entity; or

3                   B.     if the agricultural [limited liability] **OWNERSHIP**  
4 entity is a limited liability company and the dwelling was originally transferred to the  
5 agricultural [limited liability] **OWNERSHIP** entity as part of a conversion from a  
6 partnership under § 4A-211 of the Corporations and Associations Article, then at the  
7 time of its transfer to the former partnership; and

8                   2.     the agricultural [limited liability] **OWNERSHIP** entity  
9 and the active member who occupies the dwelling must file an application with the  
10 Department establishing initial eligibility for the credit on or before June 30 for the  
11 following taxable year and, at the request of the Department, must file an application  
12 in any future year to verify continued eligibility.

13                   (ii)    Failure to file a timely application may result in  
14 disqualification from the Homestead Tax Credit Program for the following taxable  
15 year.

16                   (iii)   The credit may only be granted to one dwelling owned by the  
17 agricultural [limited liability] **OWNERSHIP** entity.

18                   (iv)    Participation in the credit program as the active member of  
19 an agricultural [limited liability] **OWNERSHIP** entity disqualifies any other dwellings  
20 owned by the active member for the credit.

21                   SECTION 2. AND BE IT FURTHER ENACTED, That, on or before September  
22 30, 2007, the State Department of Assessments and Taxation may accept applications  
23 for the Homestead Tax Credit under § 9-105 of the Tax – Property Article for the  
24 taxable year beginning July 1, 2007, from a shareholder in a family corporation or a  
25 partner in a general partnership who is eligible for the credit as a result of Section 1 of  
26 this Act.

27                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 June 1, 2007, and shall be applicable to all taxable years beginning after June 30,  
29 2007.