

HOUSE BILL 390

Q1

9lr1344

By: **Delegates Pendergrass, Carr, DeBoy, Eckardt, Guzzone, Hecht, Holmes, Howard, Manno, McDonough, Montgomery, Riley, Smigiel, Sophocleus, Sossi, F. Turner, Valderrama, and Walkup**

Introduced and read first time: February 2, 2009

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Homestead Property Tax Credit – Eligibility of Employees of the Federal**
3 **Government Stationed Out of State**

4 FOR the purpose of providing that a homeowner who is an employee of the federal
5 government stationed out of state may qualify for the homestead property tax
6 credit if the homeowner is otherwise eligible for the credit but does not actually
7 reside in a dwelling for the required time period under certain circumstances;
8 providing for the calculation of the homestead property tax credit for a certain
9 taxable year under certain circumstances; providing for the application of this
10 Act; and generally relating to the homestead property tax credit.

11 BY repealing and reenacting, without amendments,
12 Article – Tax – Property
13 Section 9–105(a)(1) through (3) and (b)
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2008 Supplement)

16 BY adding to
17 Article – Tax – Property
18 Section 9–105(c)(6)
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2008 Supplement)

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

23 **Article – Tax – Property**

24 9–105.

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 meanings indicated.

2 (2) (i) “Dwelling” means:

3 1. a house that is:

4 A. used as the principal residence of the homeowner; and

5 B. actually occupied or expected to be actually occupied
6 by the homeowner for more than 6 months of a 12-month period beginning with the
7 date of finality for the taxable year for which the property tax credit under this section
8 is sought; and

9 2. the lot or curtilage on which the house is erected.

10 (ii) “Dwelling” includes:

11 1. a condominium unit that is occupied by an individual
12 who has a legal interest in the condominium;

13 2. an apartment in a cooperative apartment corporation
14 that is occupied by an individual who has a legal interest in the apartment; and

15 3. a part of real property used other than primarily for
16 residential purposes, if the real property is used as a principal residence by an
17 individual who has a legal interest in the real property.

18 (3) “Homeowner” means an individual who has a legal interest in a
19 dwelling or who is an active member of an agricultural ownership entity that has a
20 legal interest in a dwelling.

21 (b) If there is an increase in property assessment as calculated under this
22 section, the State and the governing body of each county and of each municipal
23 corporation shall grant a property tax credit under this section against the State,
24 county, and municipal corporation property tax imposed on real property by the State,
25 county, or municipal corporation.

26 (c) **(6) IF A HOMEOWNER OTHERWISE ELIGIBLE FOR A CREDIT**
27 **UNDER THIS SECTION DOES NOT ACTUALLY RESIDE IN A DWELLING FOR THE**
28 **REQUIRED TIME PERIOD BECAUSE THE HOMEOWNER IS AN EMPLOYEE OF THE**
29 **UNITED STATES GOVERNMENT TEMPORARILY STATIONED OUT OF STATE, THE**
30 **HOMEOWNER MAY QUALIFY FOR THE PROPERTY TAX CREDIT UNDER THIS**
31 **SECTION.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That, if a homeowner was
33 denied the homestead property tax credit for a dwelling under § 9–105 of the Tax –

1 Property Article for any taxable year beginning before July 1, 2009, because of the
2 homeowner's failure to occupy the dwelling in accordance with § 9-105 of the Tax –
3 Property Article and the homeowner's failure to occupy the dwelling was the result of
4 the homeowner being a federal government employee stationed out of State, the
5 homestead property tax credit for the taxable year beginning July 1, 2009, shall be
6 calculated based on the prior year's taxable assessment of the property determined as
7 if the homeowner had continuously qualified for the homestead property tax credit.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 June 1, 2009, and shall be applicable to all taxable years beginning after June 30,
10 2009.