

HOUSE BILL 913

Q1, D4

11r2099
CF 11r2808

By: **Delegates Zucker, Hixson, Arora, Clagett, Dumais, Kaiser, Luedtke,
A. Miller, Mitchell, S. Robinson, Rosenberg, Ross, and Summers**
Introduced and read first time: February 11, 2011
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Homestead Property Tax Credit – Eligibility – Child Support Payments**

3 FOR the purpose of authorizing the Child Support Enforcement Administration to
4 send a certain certification to the State Department of Assessments and
5 Taxation concerning certain child support obligors; requiring the
6 Administration to send a certain notice to certain obligors; providing for the
7 right of an obligor to challenge the Administration's certification by requesting
8 an investigation within a certain time frame; requiring the Administration to
9 conduct a certain investigation and notify the obligor of the outcome; requiring
10 the Administration to correct a certain amount under certain circumstances;
11 authorizing the Administration and obligor to negotiate a payment plan;
12 prohibiting the Administration from notifying the Department under certain
13 circumstances; requiring the Department to revoke the homestead property tax
14 credit of certain homeowners under certain circumstances; authorizing the
15 Administration and the Department to adopt certain regulations; providing for
16 the application of this Act; providing for a delayed effective date; and generally
17 relating to eligibility of certain child support obligors for the homestead
18 property tax credit.

19 BY adding to
20 Article – Family Law
21 Section 10–113.3
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2010 Supplement)

24 BY repealing and reenacting, without amendments,
25 Article – Tax – Property
26 Section 9–105(a)(1), (5), and (7) through (9)
27 Annotated Code of Maryland
28 (2007 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–105(b)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

BY adding to
Article – Tax – Property
Section 9–105(i–1)
Annotated Code of Maryland
(2007 Replacement Volume and 2010 Supplement)

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

Article – Family Law
10–113.3.

**(A) (1) SUBJECT TO THE PROVISIONS OF SUBSECTIONS (B) THROUGH
(D) OF THIS SECTION, THE ADMINISTRATION MAY CERTIFY TO THE
DEPARTMENT OF ASSESSMENTS AND TAXATION ANY OBLIGOR WHO IS IN
ARREARS UNDER A CHILD SUPPORT ORDER IF:**

(I) THE AMOUNT OF ARREARS EXCEEDS \$150; AND

**(II) THE ADMINISTRATION IS PROVIDING SERVICES IN THE
CASE UNDER TITLE IV, PART D OF THE FEDERAL SOCIAL SECURITY ACT.**

(2) THE CERTIFICATION SHALL INCLUDE;

**(I) THE FULL NAME OF THE OBLIGOR AND ANY OTHER
NAMES KNOWN TO BE USED BY THE OBLIGOR; AND**

**(II) THE ADDRESS AND SOCIAL SECURITY NUMBER OF THE
OBLIGOR.**

**(B) BEFORE THE ADMINISTRATION SENDS A CERTIFICATION TO THE
DEPARTMENT OF ASSESSMENTS AND TAXATION, THE ADMINISTRATION SHALL
NOTIFY THE OBLIGOR THAT:**

(1) A CERTIFICATION MAY BE MADE BY THE ADMINISTRATION;

**(2) THE DEPARTMENT OF ASSESSMENTS AND TAXATION MAY
REVOKE THE HOMESTEAD PROPERTY CREDIT THAT THE OBLIGOR RECEIVES;**

1 **(3) THE OBLIGOR HAS A RIGHT TO REQUEST AN INVESTIGATION**
2 **AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION; AND**

3 **(4) THE OBLIGOR MAY CONTACT THE ADMINISTRATION TO**
4 **NEGOTIATE A PAYMENT PLAN UNDER SUBSECTION (D) OF THIS SECTION.**

5 **(C) (1) WITHIN 30 DAYS OF THE DATE OF THE NOTICE TO THE**
6 **OBLIGOR UNDER SUBSECTION (B) OF THIS SECTION, AN OBLIGOR WHO**
7 **DISPUTES THE EXISTENCE OR AMOUNT OF THE ARREARAGE MAY REQUEST THAT**
8 **THE ADMINISTRATION CONDUCT AN INVESTIGATION OF THE ARREARAGE.**

9 **(2) (I) ON RECEIPT OF A REQUEST FOR INVESTIGATION FROM**
10 **THE OBLIGOR, THE ADMINISTRATION SHALL CONDUCT AN INVESTIGATION AS**
11 **TO THE EXISTENCE OR AMOUNT OF THE ARREARAGE.**

12 **(II) ON COMPLETION OF THE INVESTIGATION, THE**
13 **ADMINISTRATION SHALL NOTIFY THE OBLIGOR OF THE OUTCOME OF THE**
14 **INVESTIGATION.**

15 **(III) AFTER THE INVESTIGATION, IF THE ADMINISTRATION**
16 **FINDS THERE IS AN ERROR, THE ADMINISTRATION SHALL CORRECT THE**
17 **AMOUNT OF THE REPORTED ARREARS.**

18 **(IV) IF A CORRECTION RESULTS IN AN AMOUNT OF \$150 IN**
19 **ARREARS OR LESS, THE ADMINISTRATION MAY NOT MAKE A CERTIFICATION TO**
20 **THE DEPARTMENT OF ASSESSMENTS AND TAXATION UNDER THIS SECTION.**

21 **(D) (1) WITHIN 30 DAYS OF THE DATE OF THE NOTICE SENT TO THE**
22 **OBLIGOR UNDER SUBSECTION (B) OF THIS SECTION, AN OBLIGOR MAY CONTACT**
23 **THE ADMINISTRATION TO NEGOTIATE A PAYMENT PLAN.**

24 **(2) IF THE ADMINISTRATION AND OBLIGOR AGREE TO A PAYMENT**
25 **PLAN, THE ADMINISTRATION MAY NOT MAKE A CERTIFICATION TO THE**
26 **DEPARTMENT OF ASSESSMENTS AND TAXATION UNDER THIS SECTION.**

27 **(E) ON RECEIPT OF A CERTIFICATION FROM THE ADMINISTRATION,**
28 **THE DEPARTMENT OF ASSESSMENTS AND TAXATION SHALL REVOKE THE**
29 **HOMESTEAD PROPERTY TAX CREDIT AS PROVIDED UNDER § 9-105 OF THE**
30 **TAX – PROPERTY ARTICLE.**

31 **(F) IF THE ADMINISTRATION DETERMINES THAT AN OBLIGOR IS NO**
32 **LONGER MORE THAN \$150 IN ARREARS, THE ADMINISTRATION MAY CERTIFY**
33 **THAT FACT TO THE DEPARTMENT OF ASSESSMENTS AND TAXATION.**

(G) THE SECRETARY OF HUMAN RESOURCES AND THE DIRECTOR OF THE DEPARTMENT OF ASSESSMENTS AND TAXATION MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

Article – Tax – Property

9–105.

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

(5) (i) “Dwelling” means:

1. a house that is:

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

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

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

(ii) “Dwelling” includes:

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

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

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

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

(8) “Legal interest” means an interest in a dwelling:

(i) as a sole owner;

(ii) as a joint tenant;

(iii) as a tenant in common;

(iv) as a tenant by the entirety;

(v) through membership in a cooperative;

(vi) under a land installment contract, as defined in § 10–101 of the Real Property Article; or

(vii) as a holder of a life estate.

(9) “Taxable assessment” means the assessment on which the property tax rate was imposed in the preceding taxable year, adjusted by the phased-in assessment increase resulting from a revaluation under § 8–104(c)(1)(iii) of this article, less the amount of any assessment on which a property tax credit under this section is authorized.

(b) (1) **[If] EXCEPT AS PROVIDED IN SUBSECTION (I–1) OF THIS SECTION, IF** there is an increase in property assessment as calculated under this section, the State and the governing body of each county and of each municipal corporation shall grant a property tax credit under this section against the State, county, and municipal corporation property tax imposed on real property by the State, county, or municipal corporation.

(I–1) (1) ON RECEIPT OF CERTIFICATION FROM THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION UNDER § 10–113.3 OF THE FAMILY LAW ARTICLE, THE DEPARTMENT SHALL REVOKE THE PROPERTY TAX CREDIT UNDER THIS SECTION FOR THE HOMEOWNER FOR THE TAXABLE YEAR IN WHICH THE DEPARTMENT RECEIVED THE CERTIFICATION.

(2) (I) IF THE DEPARTMENT REVOKES THE PROPERTY TAX CREDIT UNDER THIS SECTION FOR A HOMEOWNER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HOMEOWNER IS NOT ELIGIBLE FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION UNTIL THE DEPARTMENT RECEIVES NOTICE FROM THE CHILD SUPPORT ENFORCEMENT ADMINISTRATION UNDER § 10–113.3(F) OF THE FAMILY LAW ARTICLE.

(II) IF A HOMEOWNER REGAINS ELIGIBILITY FOR THE PROPERTY TAX CREDIT UNDER THIS SECTION, THE CREDIT ALLOWED SHALL BE CALCULATED BASED ON THE PRIOR YEAR’S TAXABLE ASSESSMENT OF THE DWELLING DETERMINED AS IF THE CREDIT HAD NOT BEEN LOST FOR THE INTERVENING TAXABLE YEARS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012, and shall be applicable to all taxable years beginning on or after June 30, 2013.