

Chapter 284

(Senate Bill 666)

AN ACT concerning

Carroll County – Property Tax Credit for Housing Units at Independent Living Retirement Communities

FOR the purpose of authorizing the governing body of Carroll County or of a municipal corporation in Carroll County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain housing units at independent living retirement communities; authorizing the governing body of Carroll County or of a municipal corporation in Carroll County to provide, by law, for certain provisions necessary to carry out the tax credit; specifying that the full benefit of the tax credit be assigned to certain residents; providing for the application of this Act; defining a certain term; and generally relating to a property tax credit in Carroll County for certain housing units in certain independent living retirement communities.

BY adding to

Article – Tax – Property

Section 9–308(f)

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

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

Article – Tax – Property

9–308.

(F) (1) ~~(H)~~ IN THIS SUBSECTION, “INDEPENDENT LIVING RETIREMENT COMMUNITY” MEANS A ~~CONTINUING CARE~~ COMMUNITY OR FACILITY FOR THE AGED THAT:

(1) 1. PROVIDES CONTINUING CARE AS DEFINED IN § 10–401 OF THE HUMAN SERVICES ARTICLE;

2. IS LICENSED AS A RELATED INSTITUTION UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE; ~~AND~~

3. IS CERTIFIED BY THE DEPARTMENT OF AGING;

AND

4. IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE OR IS OWNED OR OPERATED BY A PERSON THAT IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; OR

(II) OFFERS AN AGE-RESTRICTED LIFE OCCUPANCY AGREEMENT AND REQUIRES PAYMENT OF AN ENTRANCE FEE.

~~(H) “INDEPENDENT LIVING RETIREMENT COMMUNITY” INCLUDES ANY COMMUNITY OR FACILITY THAT OFFERS A LIFE OCCUPANCY AGREEMENT.~~

(2) THE GOVERNING BODY OF CARROLL COUNTY OR OF A MUNICIPAL CORPORATION IN CARROLL COUNTY MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THAT PORTION OF THE REAL PROPERTY OWNED BY AN INDEPENDENT LIVING RETIREMENT COMMUNITY THAT IS USED AS HOUSING UNITS.

(3) THE GOVERNING BODY OF CARROLL COUNTY OR OF A MUNICIPAL CORPORATION IN CARROLL COUNTY MAY PROVIDE, BY LAW, FOR:

(I) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SUBSECTION;

(II) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SUBSECTION;

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT UNDER THIS SUBSECTION; AND

(IV) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SUBSECTION.

(4) IF THE GOVERNING BODY OF CARROLL COUNTY OR OF A MUNICIPAL CORPORATION IN CARROLL COUNTY AUTHORIZES A TAX CREDIT UNDER THIS SUBSECTION, THE FULL BENEFIT OF THE TAX CREDIT SHALL BE ASSIGNED TO RESIDENTS OF THE INDEPENDENT LIVING RETIREMENT COMMUNITY.

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 after June 30, 2012.

Approved by the Governor, May 2, 2012.