

HOUSE BILL 965

Q1

3lr2294

By: **Delegate Dumais**

Introduced and read first time: February 7, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Homestead Tax Credit – Eligibility – Definition of Legal Interest**

3 FOR the purpose of altering the definition of “legal interest” to include an interest in a
4 dwelling as a settlor, grantor, or beneficiary of a trust under certain
5 circumstances, so as to include certain settlors, grantors, or beneficiaries of
6 trusts as eligible to apply for the homestead property tax credit; providing for
7 the application of this Act; and generally relating to the homestead property tax
8 credit.

9 BY repealing and reenacting, without amendments,
10 Article – Tax – Property
11 Section 9–105(a)(1), (5), and (7) and (b)
12 Annotated Code of Maryland
13 (2012 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Tax – Property
16 Section 9–105(a)(8)
17 Annotated Code of Maryland
18 (2012 Replacement Volume)

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

21 **Article – Tax – Property**

22 9–105.

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

24 (5) (i) “Dwelling” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. a house that is:
2 A. used as the principal residence of the homeowner; and
3 B. actually occupied or expected to be actually occupied
4 by the homeowner for more than 6 months of a 12-month period beginning with the
5 date of finality for the taxable year for which the property tax credit under this section
6 is sought; and

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

8 (ii) “Dwelling” includes:

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

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

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

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

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

20 (i) as a sole owner;

21 (ii) as a joint tenant;

22 (iii) as a tenant in common;

23 (iv) as a tenant by the entireties;

24 (v) through membership in a cooperative;

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

27 (vii) as a holder of a life estate; **OR**

28 **(VIII) AS A SETTLOR, GRANTOR, OR BENEFICIARY OF A TRUST**

29 **IF:**

1 **1. THE SETTLOR, GRANTOR, OR BENEFICIARY OF**
2 **THE TRUST RESIDES IN THE DWELLING AS HIS OR HER PRINCIPAL RESIDENCE;**
3 **AND**

4 **2. LEGAL TITLE TO THE DWELLING IS HELD IN THE**
5 **NAME OF THE TRUST OR IN THE NAMES OF THE TRUSTEES FOR THE TRUST.**

6 (b) (1) If there is an increase in property assessment as calculated under
7 this section, the State and the governing body of each county and of each municipal
8 corporation shall grant a property tax credit under this section against the State,
9 county, and municipal corporation property tax imposed on real property by the State,
10 county, or municipal corporation.

11 (2) A property tax credit granted under this section shall be applicable
12 to any State, county, or municipal corporation property tax and any property tax
13 imposed for a bicounty commission.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
15 construed to apply retroactively and shall be applied to all taxable years beginning
16 after June 30, 2007.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 June 1, 2013.