

HOUSE BILL 497

Q1

5lr1391
CF SB 356

By: **Delegate Anderson (By Request – Baltimore City Administration) and
Delegates Conaway, Glenn, Haynes, and B. Robinson**

Introduced and read first time: February 11, 2015

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2015

CHAPTER _____

1 AN ACT concerning

2 **Property Tax – Exemption – Low Income Housing – Ownership by Limited**
3 **Liability Company**

4 FOR the purpose of providing an exemption, under certain circumstances, from property
5 tax for certain real property if, under certain circumstances, the owner of the real
6 property is a certain limited liability company or is a certain limited partnership
7 whose managing general partner is a certain limited liability company; providing
8 that the real property may be exempt from property tax only under certain
9 circumstances; making conforming changes; providing for the application of this Act;
10 and generally relating to a property tax exemption for certain housing for low income
11 families.

12 BY repealing and reenacting, with amendments,
13 Article – Tax – Property
14 Section 7–503
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2014 Supplement)

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

19 **Article – Tax – Property**

20 7–503.

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 (a) (1) In this subsection, “essential service facilities” includes dining halls,
2 community rooms, and infirmaries.

3 (2) Real property that meets the requirements of subsection (b) of this
4 section is not subject to property tax if the owner of the real property is:

5 (i) 1. A. a person who meets the ownership requirements of
6 § 7–202 of this title;

7 B. a nonprofit corporation that is exempt from income tax
8 under § 10–104 of the Tax – General Article; [or]

9 C. **A LIMITED LIABILITY COMPANY THAT IS WHOLLY**
10 **OWNED BY A NONPROFIT CORPORATION THAT IS EXEMPT FROM INCOME TAX UNDER**
11 **§ 10–104(2) OF THE TAX – GENERAL ARTICLE; OR**

12 D. a nonprofit housing corporation as defined in § 12–104(b)
13 of the Housing and Community Development Article; and

14 2. engaged solely in constructing, operating, or managing
15 rental housing and other related essential service facilities that:

16 A. are substantially completed or substantially rehabilitated
17 on and after July 1, 1973, or, in Montgomery County, substantially completed or
18 substantially rehabilitated on and after January 1, 1968;

19 B. are partially or totally financed under a government
20 program that provides housing for low income families; and

21 C. are operated on a nonprofit basis with the revenues from
22 the operation of the housing and facilities controlled under the government program in
23 order not to produce any net income; or

24 (ii) 1. a limited partnership whose managing general partner is:

25 A. a housing authority as defined in § 12–101 of the Housing
26 and Community Development Article; [or]

27 B. a nonprofit corporation that is exempt from income tax
28 under § 10–104(2) of the Tax – General Article;

29 C. **A LIMITED LIABILITY COMPANY THAT IS WHOLLY**
30 **OWNED BY A NONPROFIT CORPORATION THAT IS EXEMPT FROM INCOME TAX UNDER**
31 **§ 10–104(2) OF THE TAX – GENERAL ARTICLE; or**

1 **D.** a for profit corporation in which 100% of the stock is owned
2 by a nonprofit corporation that is exempt from income tax under § 10–104(2) of the Tax –
3 General Article; and

4 2. engaged in the operation, construction, or management of
5 a qualified low income housing project as defined in the Internal Revenue Code.

6 (b) The real property described in subsection (a) of this section may be exempt
7 from property tax only if:

8 (1) the governing body of the political subdivision where the real property
9 is located approves an agreement between:

10 (i) the political subdivision and the owner for real property
11 described in subsection (a)(2)(i)1A [and], B, AND C and (a)(2)(ii)1B, C, AND D of this
12 section; or

13 (ii) the county and, where applicable, municipal corporation and the
14 owner for real property described in subsection [(a)(2)(i)1C] **(A)(2)(I)1D** and (a)(2)(ii)1A of
15 this section; and

16 (2) under the agreement the owner pays the political subdivision or the
17 county and, where applicable, municipal corporation a negotiated amount in lieu of the
18 property tax.

19 (c) (1) Except as provided under paragraph (2) of this subsection, an
20 agreement under subsection (b) of this section may provide for abating or reducing property
21 tax previously imposed on the real property.

22 (2) For an agreement concerning real property described under subsection
23 [(a)(2)(i)1C] **(A)(2)(I)1D** of this section, the abatement or reduction of property tax
24 previously imposed is from the date during the taxable year when the instrument
25 transferring title to that real property was recorded.

26 (d) (1) For property described in subsection (a)(2)(i)1 and 2 of this section, any
27 amount negotiated under this section in lieu of the property tax shall be divided between
28 the State and the political subdivision in the ratio that the tax rate of the State, and the
29 political subdivision each bears to the total of the tax rates of the State and the political
30 subdivision.

31 (2) For property described in subsection [(a)(2)(i)1C] **(A)(2)(I)1D** of this
32 section, any amount negotiated under this section in lieu of property tax shall be divided
33 between the county and, where applicable, the municipal corporation in the ratio that the
34 tax rate of the county and municipal corporation each bears to the total of the tax rates of
35 the county and municipal corporation. The payment to the county and, where applicable,
36 the municipal corporation may not exceed an amount equal to property tax imposed on
37 similar property.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2015, and shall be applicable to all taxable years beginning after June 30, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.