

HOUSE BILL 1178

Q6

EMERGENCY BILL

5lr2960

By: **Delegate Lafferty**

Introduced and read first time: February 23, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Recordation and Transfer Taxes – Exemption – Purchase Money Mortgage or**
3 **Purchase Money Deed of Trust**

4 FOR the purpose of providing certain exemptions under the recordation tax and State
5 transfer tax for a certain purchase money mortgage or certain purchase money deed
6 of trust related to a transfer from a certified community development financial
7 institution under certain circumstances; providing for the application of this Act;
8 making this Act an emergency measure; and generally relating to exemptions under
9 the recordation tax and State transfer tax for certain purchase money mortgages or
10 purchase money deeds of trust.

11 BY repealing and reenacting, with amendments,
12 Article – Tax – Property
13 Section 12–108(ff)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Tax – Property
18 Section 13–207(a)(24)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2014 Supplement)

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

23 **Article – Tax – Property**

24 12–108.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ff) An instrument of writing that transfers residential real property from a
2 certified community development financial institution to the immediately preceding
3 mortgagor or grantor of the property under the circumstances specified in § 7–105.1 of the
4 Real Property Article [is] **AND A PURCHASE MONEY MORTGAGE OR PURCHASE MONEY**
5 **DEED OF TRUST RELATED TO THAT TRANSFER ARE** not subject to recordation tax.

6 13–207.

7 (a) An instrument of writing is not subject to transfer tax to the same extent that
8 it is not subject to recordation tax under:

9 (24) § 12–108(ff) of this article (Transfer from a certified community
10 development financial institution).

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
12 apply retroactively and shall be applied to and interpreted to affect any recording on or
13 after April 14, 2014, of an instrument of writing that is not subject to recordation tax under
14 § 12–108(ff) of the Tax – Property Article as enacted by this Act.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
16 measure, is necessary for the immediate preservation of the public health or safety, has
17 been passed by a yea and nay vote supported by three–fifths of all the members elected to
18 each of the two Houses of the General Assembly, and shall take effect from the date it is
19 enacted.