

HB1035/665469/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1035
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 3, 7, 8, 13, 15, 17, 22, and 24, in each instance, before “property” insert “certain owner-occupied residential”; in line 4, after “amount;” insert “exempting a person redeeming certain owner-occupied residential property in Baltimore City from the requirement that the person pay the tax collector any taxes, interest, and penalties accruing after the date of the tax sale;”; in line 6, after “redemption” insert “on certain owner-occupied residential property”; in line 11, after “provide” insert “in a certain manner”; in line 14, after “passed;” insert “providing that a certain payoff amount provided by the holder of a certificate of sale for owner-occupied residential property in Baltimore City shall be deemed valid for a certain period of time; prohibiting the application of certain restrictions on the filing of a complaint to foreclose the right of redemption for certain owner-occupied residential property in Baltimore City under certain circumstances;”; in line 20, after “payments” insert “for certain owner-occupied residential properties”; strike beginning with “altering” in line 22 down through “sale;” in line 23 and substitute “authorizing Baltimore City to sell certain owner-occupied residential property at a tax sale for a certain lien for unpaid water and sewer service under certain circumstances; defining a certain term; providing for the application of this Act;”; in line 28, after “Section” insert “14-801,”; and in the same line, after “14-811,” insert “14-828(a),”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

“14-801.

(a) In §§ 14-801 through 14-854 of this subtitle, the following words have the meanings indicated.

(Over)

(b) “Other taxing agency” means any municipal corporation or other public or quasi-public corporation that may impose a tax of any kind which is or may become a lien on real property.

(c) “OWNER-OCCUPIED RESIDENTIAL PROPERTY” MEANS, WITH RESPECT TO A PROPERTY LOCATED IN BALTIMORE CITY, THE PRINCIPAL RESIDENCE OF A HOMEOWNER AS DEFINED IN § 9-105(A)(7) OF THIS ARTICLE.

(D) (1) “Tax” means any tax, or charge of any kind due to the State or any of its political subdivisions, or to any other taxing agency, that by law is a lien against the real property on which it is imposed or assessed.

(2) “Tax” includes interest, penalties, and service charges.”;

and in line 19, after the second “OF” insert “OWNER-OCCUPIED RESIDENTIAL”.

On page 4 in line 22, on page 5 in line 8, on page 8 in line 24, and on page 10 in line 26, in each instance, after “CITY,” insert “FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY,”.

On page 10, in line 20, strike the brackets.

On page 11, in line 6, after “OF” insert “OWNER-OCCUPIED RESIDENTIAL”; and in line 37, after “CITY,” insert “FOR A PROCEEDING CONCERNING AN OWNER-OCCUPIED RESIDENTIAL PROPERTY,”.

AMENDMENT NO. 3

On page 2, in line 11, strike “ANY” and substitute “OWNER-OCCUPIED RESIDENTIAL”; and in line 12, strike “\$500” and substitute “\$750”.

On page 12, in line 7, after “(1)” insert “**(I) FOR A PROPERTY OTHER THAN OWNER-OCCUPIED RESIDENTIAL PROPERTY,**”; in the same line, after the semicolon, insert “**OR**

(II) FOR AN OWNER-OCCUPIED RESIDENTIAL PROPERTY, THE LIEN IS FOR AT LEAST \$750;”;

in lines 7 and 11, in each instance, strike the brackets; in lines 7 and 12, in each instance, strike “\$500”; in line 10, after “(b)” insert “**(1)**”; in the same line, strike “(a)” and substitute “**(A)(1)(I)**”; in line 11, after “property” insert “**OTHER THAN OWNER-OCCUPIED RESIDENTIAL PROPERTY**”; and after line 12, insert:

“(2) NOTWITHSTANDING SUBSECTION (A)(1)(II) OF THIS SECTION, THE MAYOR AND CITY COUNCIL MAY ENFORCE A LIEN ON OWNER-OCCUPIED RESIDENTIAL PROPERTY FOR UNPAID WATER AND SEWER SERVICE THAT IS LESS THAN \$750 IF THE PROPERTY IS BEING SOLD TO ENFORCE ANOTHER LIEN.”

AMENDMENT NO. 4

On page 2, after line 12, insert:

“14-828.

(a) If the property is redeemed, the person redeeming shall pay the collector:

(1) the total lien amount paid at the tax sale for the property together with interest;

(2) any taxes, interest, and penalties paid by any holder of the certificate of sale;

(Over)

(3) EXCEPT FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY IN BALTIMORE CITY, any taxes, interest, and penalties accruing after the date of the tax sale;

(4) in the manner and by the terms required by the collector, any expenses or fees for which the plaintiff or the holder of a certificate of sale is entitled to reimbursement under § 14–843 of this subtitle; and

(5) for vacant and abandoned property sold under § 14–817 of this subtitle for a sum less than the amount due, the difference between the price paid and the unpaid taxes, interest, penalties, and expenses.”.

AMENDMENT NO. 5

On page 2, in line 19, strike “12” and substitute “9”.

On page 4 in line 23, on page 8 in line 26, and on page 10 in line 28, in each instance, strike “10” and substitute “7”.

AMENDMENT NO. 6

On page 5, in line 21, strike “A” and substitute “EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 6 OF THIS SUBPARAGRAPH, A”; in line 18, after “PROPERTY” insert “, BY FIRST-CLASS CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE,”; in line 26, strike “SENT” and substitute “RECEIVED BY THE HOLDER OF THE CERTIFICATE OF SALE”; and after line 32, insert:

“5. THE PAYOFF AMOUNT TO REDEEM THE PROPERTY PROVIDED BY THE HOLDER OF THE CERTIFICATE OF SALE IN ACCORDANCE WITH SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH SHALL BE DEEMED VALID FOR A PERIOD OF 30 DAYS FROM THE DATE THE HOLDER OF THE CERTIFICATE OF SALE SENDS THE OWNER OF THE PROPERTY THE PAYOFF AMOUNT.

6. IF THE OWNER OF PROPERTY SENDS MORE THAN 2 REQUESTS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE RESTRICTIONS ON FILING A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION MAY NOT APPLY TO A THIRD OR SUBSEQUENT REQUEST.

AMENDMENT NO. 7

On page 12, before line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any tax sale certificate issued before the effective date of this Act.”;

and in line 13, strike “2.” and substitute “3.”.