

HOUSE BILL 405

Q4

6lr1440
CF SB 18

By: **Delegates Turner, Barve, Brooks, Ebersole, Hill, Hixson, Jalisi, Lam,
Pena-Melnyk, Pendergrass, and Sophocleus**

Introduced and read first time: January 29, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Sales and Use Tax – Exemption – Energy for Homeowners Association**

3 FOR the purpose of exempting from the sales and use tax sales of certain energy to a
4 homeowners association for use in property owned or maintained by the homeowners
5 association; requiring the Comptroller to provide certain information on the
6 Comptroller's Web site; and generally relating to the sales and use taxation of certain
7 sales of energy.

8 BY repealing and reenacting, with amendments,

9 Article – Tax – General

10 Section 11–207(a)

11 Annotated Code of Maryland

12 (2010 Replacement Volume and 2015 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Tax – General**

16 11–207.

17 (a) The sales and use tax does not apply to:

18 (1) a sale of electricity, steam, or artificial or natural gas for use in
19 residential condominiums;

20 (2) a sale of electricity, steam, or artificial or natural gas that is delivered
21 under a residential or domestic rate schedule on file with the Public Service Commission;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) a sale of coal, firewood, heating oil, or propane gas or similar liquefied
2 gas for use in residential property that contains not more than 4 units, cooperative housing,
3 condominiums, or other similar residential living arrangements;

4 (4) a sale of electricity through 3 or more bulk meters for use in a nonprofit
5 planned retirement community of more than 2,000 housing cooperative or condominium
6 units if:

7 (i) ownership of units is restricted by age;

8 (ii) any unit is served by an individual meter; and

9 (iii) on or before July 1, 1979, at least 3 bulk meters served the
10 community; [or]

11 (5) a sale of electricity generated by solar energy equipment or residential
12 wind energy equipment, as defined under § 11-230 of this subtitle, for use in residential
13 property owned by an eligible customer-generator under § 7-306 of the Public Utilities
14 Article; OR

15 **(6) A SALE OF ELECTRICITY, STEAM, OR ARTIFICIAL OR NATURAL GAS**
16 **TO A HOMEOWNERS ASSOCIATION FOR USE IN PROPERTY OWNED OR MAINTAINED**
17 **BY THE HOMEOWNERS ASSOCIATION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016,
19 the Comptroller shall include on the Comptroller's Web site conspicuous notice of the
20 exemption authorized by this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2016.