

# HOUSE BILL 1017

Q2

(6lr0748)

## ENROLLED BILL

— *Ways and Means/Budget and Taxation* —

Introduced by **Prince George’s County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o’clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George’s County – Property Tax Deferrals – Elderly and Disabled**  
3 **Homeowners**

4 **PG 412–16**

5 FOR the purpose of requiring that, in Prince George’s County, ~~a certain rate of interest~~  
6 ~~shall be paid~~ *the interest payable* on certain county property tax payment deferrals  
7 *may not exceed a certain rate of interest*; requiring the governing body of Prince  
8 George’s County to establish and promote a certain public awareness campaign  
9 related to certain property tax deferral programs; authorizing the governing body of  
10 Prince George’s County to provide, by law, a certain payment deferral of the county  
11 property tax for certain residential real property; requiring the governing body of  
12 Prince George’s County under certain circumstances to specify the duration and  
13 certain amounts and restrictions for the payment deferral; requiring the payment of  
14 certain deferred property taxes under certain circumstances; requiring the governing

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 body of Prince George's County under certain circumstances to provide certain  
 2 information in a taxpayer's annual property tax bill; requiring that a payment  
 3 deferral be authorized by a certain written agreement to be recorded in certain land  
 4 records; providing for a certain lien attachment under certain circumstances;  
 5 prohibiting the charging of certain penalties during a certain period of time; defining  
 6 a certain term; providing for the application of this Act; and generally relating to  
 7 property tax deferrals in Prince George's County for certain residential real property.

8 BY repealing and reenacting, with amendments,

9 Article – Tax – Property

10 Section 10–204

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2015 Supplement)

13 BY adding to

14 Article – Tax – Property

15 Section 10–204.7

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2015 Supplement)

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

19 That the Laws of Maryland read as follows:

20 **Article – Tax – Property**

21 10–204.

22 (a) Notwithstanding Subtitle 1 of this title, the governing body of a county may  
 23 authorize, by law, a payment deferral of county property tax for residential real property  
 24 occupied as the principal residence of the owner.

25 (b) An owner is eligible for a payment deferral under subsection (a) of this section  
 26 if the owner or at least 1 of the owners:

27 (1) has resided in the dwelling for a period of at least 5 consecutive years;

28 (2) (i) is at least 65 years of age;

29 (ii) has been found permanently and totally disabled and has  
 30 qualified for benefits under:

31 1. the Social Security Act;

32 2. the Railroad Retirement Act;

33 3. any federal act for members of the United States armed  
 34 forces; or

1                                   4.     any federal retirement system; or

2                                   (iii)   has been found permanently and totally disabled by a county  
3 health officer or the Baltimore City Commissioner of Health; and

4                                   (3)     meets the income eligibility requirements determined under subsection  
5 (c) of this section.

6                                   (c)     The governing body of a county that authorizes a payment deferral under  
7 subsection (a) of this section shall specify:

8                                   (1)     the amount of the tax that may be deferred, not exceeding the increase  
9 in the county property tax from the date the taxpayer elects to defer the payment of the  
10 tax;

11                                  (2)     restrictions on the amount of the real property eligible for a payment  
12 deferral under subsection (a) of this section, except that the amount of eligible property  
13 may not be less than the dwelling and curtilage, as determined by the supervisor;

14                                  (3)     the duration of the payment deferral under subsection (a) of this  
15 section;

16                                  (4)     the rate of interest to be paid on the county property tax payment from  
17 the due date without a deferral until the date that the county property tax is paid, **EXCEPT**  
18 **THAT IN PRINCE GEORGE'S COUNTY THE RATE OF INTEREST ~~SHALL BE~~ MAY NOT**  
19 **EXCEED 4%**;

20                                  (5)     that any mortgagee or beneficiary under a deed of trust be entitled to  
21 receive notice of the deferral and of the amount of tax to be deferred; and

22                                  (6)     the level of income to determine eligibility for the payment deferral  
23 under subsection (a) of this section.

24                                  (d)     The county property tax that is deferred under this section and any interest  
25 specified in the law authorizing the deferral are due when the deferral ends as specified in  
26 the law authorizing the deferral.

27                                  (e)     The governing body of a county that authorizes a payment deferral under  
28 subsection (a) of this section shall specify the cumulative amount of the deferral and related  
29 interest in the taxpayer's annual property tax bill.

30                                  (f)     A lien shall attach to the property in the amount of all deferred taxes and  
31 interest. The lien shall remain attached until the deferred taxes and interest are paid.

(g) The governing body of a county that authorizes a payment deferral under subsection (a) of this section shall authorize the deferral by written agreement. The agreement shall reflect the terms and conditions of the deferral including notice of the lien. The agreement shall be recorded in the land records of the county.

**(H) (1) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL ESTABLISH AND PROMOTE A COUNTYWIDE PUBLIC INFORMATION, AWARENESS, AND EDUCATION CAMPAIGN ON THE PROPERTY TAX DEFERRAL AVAILABLE UNDER THIS SECTION.**

**(2) THE CAMPAIGN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL DISSEMINATE INFORMATION ABOUT THE PROPERTY TAX DEFERRAL THROUGH WRITTEN NOTICE IN THE ANNUAL PROPERTY TAX BILL, PUBLICATION ON THE APPROPRIATE COUNTY WEB SITES, POSTERS, AND ANY OTHER MEDIUM LIKELY TO REACH RESIDENT TAXPAYERS WHO MAY BE ELIGIBLE FOR THE DEFERRAL PROGRAM UNDER THIS SECTION.**

**[(h)] (I)** Penalties may not be charged during the period of the deferral on any tax payments deferred under this section.

**10-204.7.**

**(A) IN THIS SECTION, "GROSS INCOME" HAS THE MEANING STATED IN § 9-102 OF THIS ARTICLE.**

**(B) NOTWITHSTANDING SUBTITLE 1 OF THIS TITLE, THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY MAY AUTHORIZE, BY LAW, A PAYMENT DEFERRAL OF COUNTY PROPERTY TAX FOR RESIDENTIAL REAL PROPERTY OCCUPIED AS THE PRINCIPAL RESIDENCE OF THE OWNER.**

**(C) AN OWNER IS ELIGIBLE FOR A PAYMENT DEFERRAL UNDER SUBSECTION (B) OF THIS SECTION IF:**

**(1) THE OWNER OR AT LEAST ONE OF THE OWNERS:**

**(I) HAS RESIDED IN THE DWELLING FOR A PERIOD OF AT LEAST 5 CONSECUTIVE YEARS; AND**

**(II) IS AT LEAST 70 YEARS OF AGE; AND**

**(2) THE COMBINED GROSS INCOME OF ALL INDIVIDUALS WHO ACTUALLY RESIDE IN THE DWELLING, EXCLUDING AN INDIVIDUAL WHO PAYS A REASONABLE AMOUNT FOR RENT OR ROOM AND BOARD OR IS A DEPENDENT OF A**

1 RENTER UNDER § 152 OF THE INTERNAL REVENUE CODE, DOES NOT EXCEED  
2 \$45,000.

3 (D) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL SPECIFY:

4 (1) THE AMOUNT OF THE TAX THAT MAY BE DEFERRED;

5 (2) RESTRICTIONS ON THE AMOUNT OF THE REAL PROPERTY  
6 ELIGIBLE FOR A PAYMENT DEFERRAL UNDER SUBSECTION (B) OF THIS SECTION,  
7 EXCEPT THAT THE AMOUNT OF ELIGIBLE PROPERTY MAY NOT BE LESS THAN THE  
8 DWELLING AND CURTILAGE, AS DETERMINED BY THE SUPERVISOR;

9 (3) THE DURATION OF THE PAYMENT DEFERRAL UNDER SUBSECTION  
10 (B) OF THIS SECTION;

11 (4) THAT A RATE OF INTEREST OF UP TO 4% SHALL BE PAID ON THE  
12 COUNTY PROPERTY TAX PAYMENT FROM THE DUE DATE WITHOUT A DEFERRAL  
13 UNTIL THE DATE THAT THE COUNTY PROPERTY TAX IS PAID; AND

14 (5) THAT ANY MORTGAGEE OR BENEFICIARY UNDER A DEED OF  
15 TRUST BE ENTITLED TO RECEIVE NOTICE OF THE DEFERRAL AND OF THE AMOUNT  
16 OF TAX TO BE DEFERRED.

17 (E) THE COUNTY PROPERTY TAX THAT IS DEFERRED UNDER THIS SECTION  
18 AND ANY INTEREST SPECIFIED IN THE LAW AUTHORIZING THE DEFERRAL ARE DUE:

19 (1) WHEN THE DEFERRAL ENDS AS SPECIFIED IN SUBSECTION (D)(3)  
20 OF THIS SECTION;

21 (2) WHEN THE ELIGIBLE OWNER DIES; OR

22 (3) IMMEDIATELY ON TRANSFER OF OWNERSHIP OF THE PROPERTY  
23 FOR WHICH THE PROPERTY TAX HAS BEEN DEFERRED.

24 (F) THE GOVERNING BODY OF PRINCE GEORGE'S COUNTY SHALL SPECIFY  
25 THE CUMULATIVE AMOUNT OF THE DEFERRAL AND RELATED INTEREST IN THE  
26 TAXPAYER'S ANNUAL PROPERTY TAX BILL.

27 (G) (1) A LIEN SHALL ATTACH TO THE PROPERTY IN THE AMOUNT OF ALL  
28 DEFERRED TAXES AND INTEREST.

29 (2) THE LIEN SHALL REMAIN ATTACHED UNTIL THE DEFERRED TAXES  
30 AND INTEREST ARE PAID.

1 (H) (1) THE GOVERNING BODY OF PRINCE GEORGE’S COUNTY SHALL  
2 AUTHORIZE THE DEFERRAL BY WRITTEN AGREEMENT.

3 (2) THE AGREEMENT SHALL REFLECT THE TERMS AND CONDITIONS  
4 OF THE DEFERRAL, INCLUDING NOTICE OF THE LIEN.

5 (3) THE AGREEMENT SHALL BE RECORDED IN THE LAND RECORDS OF  
6 THE COUNTY.

7 (I) (1) THE GOVERNING BODY OF PRINCE GEORGE’S COUNTY SHALL  
8 ESTABLISH AND PROMOTE A COUNTYWIDE PUBLIC INFORMATION, AWARENESS, AND  
9 EDUCATION CAMPAIGN ON THE PROPERTY TAX DEFERRAL AVAILABLE UNDER THIS  
10 SECTION.

11 (2) THE CAMPAIGN UNDER PARAGRAPH (1) OF THIS SUBSECTION  
12 SHALL DISSEMINATE INFORMATION ABOUT THE PROPERTY TAX DEFERRAL  
13 THROUGH WRITTEN NOTICE IN THE ANNUAL PROPERTY TAX BILL, PUBLICATION ON  
14 THE APPROPRIATE COUNTY WEB SITES, POSTERS, AND ANY OTHER MEDIUM LIKELY  
15 TO REACH RESIDENT TAXPAYERS WHO MAY BE ELIGIBLE FOR THE DEFERRAL  
16 PROGRAM UNDER THIS SECTION.

17 (J) PENALTIES MAY NOT BE CHARGED DURING THE PERIOD OF THE  
18 DEFERRAL ON ANY TAX PAYMENTS DEFERRED UNDER THIS SECTION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
20 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.