

HOUSE BILL 1604

Q6

7lr0669

By: **Howard County Delegation**

Introduced and read first time: February 22, 2017

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Transfer Tax Exemption and Rate Reduction – Law**
3 **Enforcement Officers and Fire and Rescue Services Members**

4 **Ho. Co. 17–17**

5 FOR the purpose of exempting from the Howard County transfer tax the sale of residential
6 real property to certain law enforcement officers and fire and rescue services
7 members under certain circumstances; establishing the maximum Howard County
8 transfer tax rate applied to the sale of residential real property to certain law
9 enforcement officers and fire and rescue services members under certain
10 circumstances; establishing certain qualifications for the transfer tax exemption or
11 rate reduction; providing for the recapture of the transfer tax exempted or reduced
12 under this Act under certain circumstances; defining a certain term; and generally
13 relating to the transfer tax in Howard County.

14 BY repealing and reenacting, with amendments,
15 The Public Local Laws of Howard County
16 Section 20.300
17 Article 14 – Public Local Laws of Maryland
18 (1977 Edition and August 2008 Supplement, as amended)

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

21 **Article 14 – Howard County**

22 20.300.

23 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A tax is
24 hereby imposed upon every instrument of writing conveying title to real or leasehold

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 property offered for a record and recorded in Howard County with the clerk of the circuit
2 court, for all or only that portion of such property described in such instrument which is
3 actually located in Howard County, provided that conveyances to the state or to any agency
4 or instrumentality thereof, or any political subdivision of the state, or any nonprofit
5 hospital or religious or charitable organization, association or corporation, shall not be
6 subject to the tax imposed by this section. The term "instrument of writing," as used in this
7 section shall be deemed to include any deed, lease, assignment of leasehold property or any
8 other device the purpose of which is to convey title to real property, but shall not include
9 any mortgage, deed of trust, conditional sales contract or any other device the purpose of
10 which is to afford a security in real property rather than to convey title thereto.

11 **(B) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
12 **MEANINGS INDICATED.**

13 **(II) "FIRE AND RESCUE SERVICES MEMBER" MEANS A HOWARD**
14 **COUNTY FIRE AND RESCUE SERVICES MEMBER.**

15 **(III) "LAW ENFORCEMENT OFFICER" MEANS A HOWARD**
16 **COUNTY POLICE OFFICER OR HOWARD COUNTY DEPUTY SHERIFF.**

17 **(2) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (3) AND (4) OF**
18 **THIS SUBSECTION, FOR A SALE OF RESIDENTIAL REAL PROPERTY IN HOWARD**
19 **COUNTY TO A LAW ENFORCEMENT OFFICER OR TO A FIRE AND RESCUE SERVICES**
20 **MEMBER:**

21 **(I) THE TRANSFER TAX IMPOSED UNDER SUBSECTION (A) OF**
22 **THIS SECTION DOES NOT APPLY TO THE LAW ENFORCEMENT OFFICER'S OR FIRE AND**
23 **RESCUE SERVICES MEMBER'S FIRST PURCHASE OF RESIDENTIAL REAL PROPERTY**
24 **IN HOWARD COUNTY; AND**

25 **(II) THE RATE OF THE TRANSFER TAX IMPOSED UNDER**
26 **SUBSECTION (A) OF THIS SECTION MAY NOT EXCEED 0.7% WHEN APPLIED TO THE**
27 **LAW ENFORCEMENT OFFICER'S OR FIRE AND RESCUE SERVICES MEMBER'S SECOND**
28 **OR SUBSEQUENT PURCHASE OF RESIDENTIAL REAL PROPERTY IN HOWARD**
29 **COUNTY.**

30 **(3) TO QUALIFY FOR AN EXEMPTION OR RATE REDUCTION UNDER**
31 **THIS SUBSECTION, AT LEAST ONE GRANTEE, OTHER THAN A CO-MAKER OR**
32 **GUARANTOR, MUST:**

33 **(I) OCCUPY THE RESIDENCE AS A PRINCIPAL PLACE OF**
34 **RESIDENCE; AND**

1 **(II) BE EMPLOYED AS A LAW ENFORCEMENT OFFICER OR FIRE**
2 **AND RESCUE SERVICES MEMBER FOR A MINIMUM OF 3 YEARS FOLLOWING THE**
3 **PURCHASE OF THE RESIDENTIAL REAL PROPERTY.**

4 **(4) IF A LAW ENFORCEMENT OFFICER OR FIRE AND RESCUE SERVICES**
5 **MEMBER WHO RECEIVED A TRANSFER TAX EXEMPTION OR RATE REDUCTION UNDER**
6 **THIS SUBSECTION SUBSEQUENTLY FAILS TO SATISFY THE REQUIREMENTS OF**
7 **PARAGRAPH (3) OF THIS SUBSECTION, THE LAW ENFORCEMENT OFFICER OR FIRE**
8 **AND RESCUE SERVICES MEMBER SHALL PAY THE BALANCE OF THE TRANSFER TAX**
9 **THAT WOULD HAVE BEEN OTHERWISE PAYABLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2017.