

Chapter 714

(Senate Bill 1098)

AN ACT concerning

Baltimore City – Tax Sales – Water Liens

FOR the purpose of prohibiting the tax collector in Baltimore City from selling certain property when the tax in arrears consists only of unpaid charges for water and sewer service; authorizing the Mayor and City Council of Baltimore City to enforce a lien for unpaid charges for water and sewer service if the property is being sold to enforce another lien; requiring the Baltimore City Department of Public Works to report to the members of the Baltimore City delegation to the General Assembly on or before a certain date on certain matters; making technical and conforming changes; providing for the termination of this Act; and generally relating to tax sales of property in Baltimore City.

BY repealing and reenacting, without amendments,
 Article – Tax – Property
 Section 14–801
 Annotated Code of Maryland
 (2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
 Article – Tax – Property
 Section 14–808, 14–811, and 14–849.1
 Annotated Code of Maryland
 (2012 Replacement Volume and 2017 Supplement)

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

Article – Tax – Property

14–801.

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

(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.

14–808.

(a) (1) Except for property that has been transferred by a municipality or county to a land bank authority established under § 1–1403 of the Local Government Article, **AND EXCEPT AS PROVIDED UNDER § 14–811 OF THIS SUBTITLE**, the collector shall proceed to sell and shall sell under this subtitle, at the time required by local law but in no case, except in Baltimore City, later than 2 years from the date the tax is in arrears, all property in the county in which the collector is elected or appointed on which the tax is in arrears.

(2) The collector is required to sell, but failure of the collector to sell within the 2–year period does not affect the validity or collectability of any tax, or the validity of any sale thereafter made.

(b) In Calvert County the collector shall proceed to advertise and sell any real property immediately after the tax is delinquent for a period of 1 year.

(c) In St. Mary’s County, the Board of County Commissioners shall set by resolution the date and time of a tax sale.

(d) In Garrett County, the Board of County Commissioners shall set by resolution the date and time of a tax sale.

14–811.

(a) Except as provided in subsection (b) of this section, the collector may withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than \$250 in any 1 year.

(b) (1) In Baltimore City, the collector shall withhold from sale owner–occupied residential property, when:

(1) the total taxes on the property, including interest and penalties, amount to less than \$750; ~~OR.~~

(2) **IN BALTIMORE CITY, THE COLLECTOR SHALL WITHHOLD FROM SALE RESIDENTIAL PROPERTY, IF THE TAXES ON THE PROPERTY CONSIST ONLY OF A LIEN FOR UNPAID CHARGES FOR WATER AND SEWER SERVICE.**

14-849.1.

(a) In Baltimore City, the Mayor and City Council may not sell a property solely to enforce a lien for unpaid charges for water and sewer service unless:

(1) [(i) for a property other than owner-occupied residential property,] the lien is for at least \$350; [or

(ii) for an owner-occupied residential property, the lien is for at least \$750;]

(2) THE PROPERTY IS NOT ~~AN OWNER OCCUPIED~~ A RESIDENTIAL PROPERTY; and

~~[(2)] (3)~~ the unpaid charges for water and sewer service are at least 3 quarters in arrears.

(b) (1) Notwithstanding subsection [(a)(1)(i)] **(A)** of this section, the Mayor and City Council may enforce a lien on a property other than ~~owner-occupied~~ residential property for unpaid water and sewer service that is less than \$350 if the property is being sold to enforce another lien.

(2) Notwithstanding subsection [(a)(1)(ii)] **(A)** 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.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2019, the Baltimore City Department of Public Works shall report to the members of the Baltimore City delegation to the General Assembly, in accordance with § 2-1246 of the State Government Article, on:

(1) specific outreach and education efforts made to houses of worship regarding payment plans, emergency assistance, and other assistance programs for delinquent water bills;

(2) the administrative review process by which a customer may file a claim for the review of or in order to dispute the customer's bill; and

~~(3) the retention by the Department of any outside professional entity to conduct a review of the Department's customer service and bill dispute resolution processes; and~~

~~(4) (3) alternative collection methods implemented after this Act takes effect.~~

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018. It shall remain effective for a period of ~~2 years~~ 1 year and 3 months and, at the end of December 31, ~~2020~~ 2019, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved by the Governor, May 15, 2018.