

SENATE BILL 1098

Q1

8lr0649

By: **Senators Robinson and Young**

Introduced and read first time: February 14, 2018

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Tax Sales – Water Liens**

3 FOR the purpose of prohibiting the tax collector in Baltimore City from selling certain
4 property when the tax in arrears consists only of unpaid charges for water and sewer
5 service; authorizing the Mayor and City Council of Baltimore City to enforce a lien
6 for unpaid charges for water and sewer service if the property is being sold to enforce
7 another lien; making technical and conforming changes; and generally relating to
8 tax sales of property in Baltimore City.

9 BY repealing and reenacting, without amendments,
10 Article – Tax – Property
11 Section 14–801
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Tax – Property
16 Section 14–808, 14–811, and 14–849.1
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2017 Supplement)

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

21 **Article – Tax – Property**

22 14–801.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (c) "Owner-occupied residential property" means, with respect to a property
5 located in Baltimore City, the principal residence of a homeowner as defined in §
6 9-105(a)(7) of this article.

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

10 (2) "Tax" includes interest, penalties, and service charges.

11 14-808.

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

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

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

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

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

28 14-811.

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

32 (b) In Baltimore City, the collector shall withhold from sale owner-occupied
33 residential property, when:

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

3 **(2) THE TAXES ON THE PROPERTY CONSIST ONLY OF A LIEN FOR**
4 **UNPAID CHARGES FOR WATER AND SEWER SERVICE.**

5 14-849.1.

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

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

10 (ii) for an owner-occupied residential property, the lien is for at least
11 \$750;]

12 **(2) THE PROPERTY IS NOT AN OWNER-OCCUPIED RESIDENTIAL**
13 **PROPERTY; and**

14 **[(2) (3)** the unpaid charges for water and sewer service are at least 3
15 quarters in arrears.

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

20 (2) Notwithstanding subsection [(a)(1)(ii)] **(A)** of this section, the Mayor
21 and City Council may enforce a lien on owner-occupied residential property for unpaid
22 water and sewer service [that is less than \$750] if the property is being sold to enforce
23 another lien.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2018.