

# SENATE BILL 598

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5lr2178  
CF HB 585

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By: **Senator Hettleman**

Introduced and read first time: January 23, 2025

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax – Low–Income Housing Tax Credit – Valuation of Property**

3 FOR the purpose of requiring the supervisor of assessments for a county to evaluate a  
4 certain net operating income calculation when determining the value of commercial  
5 real property that is developed under a certain provision of federal law; and generally  
6 relating to low–income housing.

7 BY repealing and reenacting, with amendments,  
8 Article – Tax – Property  
9 Section 8–105(a)  
10 Annotated Code of Maryland  
11 (2019 Replacement Volume and 2024 Supplement)

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

14 **Article – Tax – Property**

15 8–105.

16 (a) (1) Except for land that is actively devoted to farm or agricultural use, the  
17 supervisor:

18 (i) may value income producing real property by using the  
19 capitalization of income method or any other appropriate method of valuing the real  
20 property; and

21 (ii) shall consider an income method in valuing income producing  
22 commercial real property.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) For income producing single-family residential real property, the  
2 supervisor may value the property by using the same methods that are used for  
3 single-family residential real property that is owner-occupied.

4           (3) **(I)** In determining the value of commercial real property developed  
5 under § 42 of the Internal Revenue Code, the supervisor **SHALL EVALUATE EACH OF THE**  
6 **FOLLOWING:**

7                   [(i)] **1.** [shall consider] the impact of applicable rent restrictions,  
8 affordability requirements, or any other related restrictions required by § 42 of the Internal  
9 Revenue Code and any other federal, State, or local programs;

10                   [(ii)] **2.** [may not consider income tax credits under § 42 of the  
11 Internal Revenue Code as income attributable to the real property; and

12                   [(iii)] may consider] the replacement cost approach only if the value  
13 produced by the replacement cost approach is less than the value produced by the income  
14 approach for the property and it is reflective of the value of the real property; **AND**

15                   **3. THE ACTUAL OR ANTICIPATED NET OPERATING**  
16 **INCOME ATTRIBUTABLE TO THE REAL PROPERTY, CAPITALIZED AT THE PREVAILING**  
17 **MARKET RATE FOR CONVENTIONAL MULTIFAMILY PROPERTIES IN THE SAME**  
18 **GEOGRAPHIC AREA, UPWARD ADJUSTED BETWEEN 1.5% AND 2% TO ACCOUNT FOR**  
19 **AFFORDABILITY RESTRICTIONS AND OTHER ENCUMBRANCES REQUIRED UNDER §**  
20 **42 OF THE INTERNAL REVENUE CODE.**

21                   **(II) IN DETERMINING THE VALUE OF COMMERCIAL REAL**  
22 **PROPERTY DEVELOPED UNDER § 42 OF THE INTERNAL REVENUE CODE, THE**  
23 **SUPERVISOR MAY NOT CONSIDER INCOME TAX CREDITS UNDER § 42 OF THE**  
24 **INTERNAL REVENUE CODE AS INCOME ATTRIBUTABLE TO THE REAL PROPERTY.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
26 1, 2025, and shall be applicable to all taxable years beginning after June 30, 2025.