

Chapter 169

(House Bill 1085)

AN ACT concerning

Housing Authorities – Tax-Exempt Status – Modifications

FOR the purpose of exempting certain ~~property owned by public housing authorities, certain subsidiary entities of public housing authorities, and certain nonprofit housing corporations from State and local taxation; directing public housing authorities, certain subsidiary entities of public housing authorities, and certain nonprofit housing corporations to make payments in lieu of taxes that may be set by agreements with political subdivisions; and generally relating to the tax-exempt status of public housing authorities in the State~~ real property owned by certain nonprofit entities created by public housing authorities from State and local property taxation; directing certain nonprofit entities created by public housing authorities to make payments in lieu of taxes that may be set by mutual agreement with a political subdivision; and generally relating to a tax exemption for nonprofit entities created by public housing authorities.

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 12–104
Annotated Code of Maryland
(2019 Replacement Volume and 2024 Supplement)

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

Article – Housing and Community Development

12–104.

(a) [(1)] In this section [the following words have the meanings indicated],
“HOUSING AUTHORITY ENTITY” MEANS AN ENTITY:

[(2)] “Baltimore Housing Authority entity” means an entity:

(i) that is controlled or wholly owned by the Housing Authority of
Baltimore City; or

(ii) in which the Housing Authority of Baltimore City or an entity
controlled or wholly owned by the Housing Authority of Baltimore City has an ownership
interest, either directly or indirectly, through one or more wholly or partially owned
subsidiary entities.

(3) “Howard County Housing Commission entity” means an entity:

(i) that is controlled or wholly owned by the Howard County Housing Commission; or

(ii) in which the Howard County Housing Commission or an entity controlled or wholly owned by the Howard County Housing Commission has an ownership interest, either directly or indirectly, through one or more wholly or partially owned subsidiary entities.

(4) “Montgomery County Housing Authority entity” means an entity that is controlled or wholly owned by the Housing Opportunities Commission of Montgomery County.]

(1) THAT IS CONTROLLED OR WHOLLY OWNED BY AN AUTHORITY; OR

(2) IN WHICH AN AUTHORITY OR AN ENTITY CONTROLLED OR WHOLLY OWNED BY AN AUTHORITY HAS AN OWNERSHIP INTEREST, EITHER DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE WHOLLY OR PARTIALLY OWNED SUBSIDIARY ENTITIES.

(b) [(1)] A nonprofit entity shall be deemed controlled by [the Housing Authority of Baltimore City] **AN AUTHORITY** under subsection [(a)(2)] **(A)** of this section if:

[(i)] the nonprofit entity is established by the Housing Authority of Baltimore City under § 12–502(h) of this title; and

(ii) the Housing Authority of Baltimore City:

1. has the power to appoint a majority of the board of directors of the nonprofit entity; or

2. is the sole member of the nonprofit entity.

(2) A nonprofit entity shall be deemed controlled by the Howard County Housing Commission under subsection (a)(3) of this section if:

(i) the nonprofit entity is established by the Howard County Housing Commission under § 12–502(h) of this title; and

(ii) the Howard County Housing Commission:

1. has the power to appoint a majority of the board of directors of the nonprofit entity; or

2. is the sole member of the nonprofit entity.

(3) A nonprofit entity shall be deemed controlled by the Housing Opportunities Commission of Montgomery County under subsection (a)(4) of this section if:

(i) the nonprofit entity is established by the Housing Opportunities Commission of Montgomery County under § 12–502(h) of this title; and

(ii) the Housing Opportunities Commission of Montgomery County:

1. has the power to appoint a majority of the board of directors of the nonprofit entity;

2. holds a majority of all managing member interests in the entity;

3. holds a majority of the general partner interests in the entity; or

4. holds a majority of all ownership interests in the entity.]

(1) THE NONPROFIT ENTITY IS ESTABLISHED BY AN AUTHORITY UNDER § 12–502(H) OF THIS TITLE; AND

(2) THE AUTHORITY:

(I) HAS THE POWER TO APPOINT A MAJORITY OF THE BOARD OF DIRECTORS OF THE NONPROFIT ENTITY; OR

(II) IS THE SOLE MEMBER OF THE NONPROFIT ENTITY.

(c) (1) In this subsection, “nonprofit housing corporation” means a nonprofit or charitable private corporation that provides safe and sanitary housing to persons of eligible income in such a way that the corporation works essentially like an authority under this Division II.

(2) Property is used for essential public and governmental purposes and is exempt from all taxes and special assessments of the State or a political subdivision if the property:

(i) belongs to an authority or a nonprofit housing corporation; [or

(ii) is used as housing for persons of eligible income and is owned in whole or in part, directly or indirectly, through one or more wholly or partially owned subsidiary entities of a Baltimore Housing Authority entity; or

(iii) 1. is used, or if under construction will be used, as housing for persons of eligible income and is owned in whole or in part, directly or indirectly, through one or more wholly or partially owned subsidiary entities of a Howard County Housing Commission entity;

2. has improvements, or has improvements under construction, located on land that is owned by:

A. the Howard County Housing Commission; or

B. an entity that is controlled or wholly owned by the Howard County Housing Commission; and

3. has improvements, or has improvements under construction, owned by an entity:

A. for which the Howard County Housing Commission publicly solicited development partners pursuant to its procurement policies; or

B. that has a general partner or managing member that is controlled or wholly owned by the Howard County Housing Commission; or

(iv) is used as housing for persons of eligible income and is owned by a Montgomery County Housing Authority entity.]

(II) IS USED AS HOUSING FOR PERSONS OF ELIGIBLE INCOME AND IS OWNED IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE WHOLLY OR PARTIALLY OWNED SUBSIDIARY ENTITIES OF A HOUSING AUTHORITY ENTITY; OR

(III) 1. IS USED, OR IF PLANNED OR UNDER CONSTRUCTION WILL BE USED, AS HOUSING FOR PERSONS OF ELIGIBLE INCOME AND IS OWNED IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE WHOLLY OR PARTIALLY OWNED SUBSIDIARY ENTITIES OF A HOUSING AUTHORITY ENTITY; AND

2. HAS IMPROVEMENTS, OR HAS IMPROVEMENTS PLANNED OR UNDER CONSTRUCTION, LOCATED ON LAND THAT IS OWNED BY:

A. AN AUTHORITY; OR

B. AN ENTITY THAT IS CONTROLLED OR WHOLLY OWNED BY AN AUTHORITY.

(3) In lieu of those taxes and special assessments, an authority, a nonprofit housing corporation, [a Baltimore Housing Authority entity, a Howard County Housing Commission entity, or a Montgomery County Housing Authority entity] **OR A HOUSING AUTHORITY ENTITY** shall pay the political subdivision in which a housing project is wholly or partly located an amount, if any, that may be set by mutual agreement and that does not exceed the amount of regular taxes levied on similar property.

(d) (1) Except as provided in paragraph (2) or (3) of this subsection:

(i) all real property of an authority is exempt from levy and sale by virtue of an execution;

(ii) an execution or other judicial process may not issue against the real property; and

(iii) a judgment against an authority is not a charge or lien on the authority's real property.

(2) Paragraph (1) of this subsection does not limit a right to foreclose or otherwise enforce:

(i) a mortgage or deed of trust recorded against property of an authority; or

(ii) a pledge or lien given by an authority on its rents, fees, or revenues.

(3) This subsection does not deprive a political subdivision of its right to collect money agreed to be paid in lieu of taxes in the same manner as taxes are now or may be collected under State law and the laws of the political subdivision.

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

Approved by the Governor, April 22, 2025.