

Article - Tax - Property

[\[Previous\]](#)[\[Next\]](#)

§13–203.

(a) (1) Except as provided in subsections (a–1) and (b) of this section, the rate of the transfer tax is 0.5% of the consideration payable for the instrument of writing.

(2) The consideration:

(i) includes the amount of any mortgage or deed of trust assumed by the grantee; and

(ii) subject to item (i) of this paragraph, includes only the amount paid or delivered in return for the sale of the property and does not include the amount of any debt forgiven or no longer secured by a mortgage or deed of trust on the property.

(a–1) (1) Except as provided in subsection (b) of this section, the rate of the transfer tax is 0.5% of the consideration paid for the transfer of a controlling interest in a real property entity as defined in § 13–103 of this title that has developed real property under Section 42 of the Internal Revenue Code, the Low Income Housing Tax Credit Program.

(2) The consideration under this subsection shall be the actual payment made by the purchaser to the seller for the purchase of the interest.

(b) (1) In this subsection, “first–time Maryland home buyer” means an individual who has never owned in the State residential real property that has been the individual’s principal residence.

(2) If there are two or more grantees, this subsection does not apply unless each grantee is a first–time Maryland home buyer or a co–maker or guarantor of a purchase money mortgage or purchase money deed of trust as defined in § 12–108(i) of this article for the property and the co–maker or guarantor will not occupy the residence as the co–maker’s or guarantor’s principal residence.

(3) Notwithstanding any other provision of law, for a sale of improved residential real property to a first–time Maryland home buyer who will occupy the property as a principal residence, the rate of the transfer tax is 0.25% of the consideration payable for the instrument of writing and the transfer tax shall be paid entirely by the seller.

(4) To qualify for the exemption under paragraph (3) of this subsection, each grantee or an agent of the grantee shall provide a statement that is signed under oath by the grantee or agent of the grantee stating that:

(i) 1. the grantee is an individual who has never owned in the State residential real property that has been the individual's principal residence; and

2. the residence will be occupied by the grantee as the grantee's principal residence; or

(ii) 1. the grantee is a co-maker or guarantor of a purchase money mortgage or purchase money deed of trust as defined in § 12-108(i) of this article for the property; and

2. the grantee will not occupy the residence as the co-maker's or guarantor's principal residence.

(5) A statement under paragraph (4) of this subsection by an agent of a grantee shall state that the statement:

(i) is based on a diligent inquiry made by the agent with respect to the facts set forth in the statement; and

(ii) is true to the best of the knowledge, information, and belief of the agent.

[\[Previous\]](#)[\[Next\]](#)