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HEARING DATE: February 21, 2023

BILL: HB0779

TITLE: Tax Sales – Revisions

SDAT POSITION: SUPPORT WITH AMENDMENTS

The Department suggests an amendment to HB0779 to give a property owner the opportunity to exercise their right to file a motion to strike foreclosure and pay off their lien before the county's new right to the same filing, created in this bill, kicks in.

Currently, when the lien purchaser fails to take title 90 days after foreclosure, the homeowner gains the right to move to strike the foreclosure judgment. Tax-Prop § 14-847(d)(1). This clears the way for the homeowner to pay off the balance and clear their title.

HB0779 would give the local jurisdiction the same right after the same 90 days.

While the bill does prevent the county from moving to strike in their favor if the homeowner has already entered a motion first, it'll be a race to the courthouse after 90 days, and the homeowner won't likely move as quickly as the county.

To give property owners the first chance to maintain their ownership, SDAT suggests amending the bill on page 3, line 25 from 90 days to 180 days at least, so that the homeowner has the first opportunity to submit a motion to strike, before the county gains that right.