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February 26, 2026

**TO:** The Honorable Kriselda Valderrama  
Chair, Economic Matters Committee

**FROM:** Tiffany Clark  
Director, Legislative Affairs, Office of the Attorney General

**RE:** House Bill 1009 – Transfer of Real Property – Recordation Certification and  
State Transfer Tax (Land Transfer Accountability Act) (Letter of Concern)

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The Office of the Attorney General (OAG) respectfully submits this letter of concern regarding House Bill 1009 - Transfer of Real Property – Recordation Certification and State Transfer Tax (Land Transfer Accountability Act). HB 1009 proposes to require the OAG, in collaboration with the State Department of Assessments and Taxation (SDAT), to review changes of ownership of real property transferred from the United States to private parties and to issue Certificates of Compliance certifying that each transfer "complies with all applicable State and federal laws, rules, and regulations."

While we appreciate the sponsor's intent to ensure accountability and legal compliance in the transfer of federally held real property, we have identified the following significant concerns that warrant the Committee's attention:

HB 1009 imposes a new and substantial legal certification function that falls outside the OAG's traditional role. The OAG serves as legal counsel to State agencies and officials; it does not typically perform transactional legal review or issue certifications of legal compliance on behalf of private parties. The scope of review required to certify compliance with "all applicable State and federal laws, rules, and regulations" could encompass deed review and interpretation, research of recorded documents, title searches, and analysis of complex federal disposition requirements—functions more appropriately performed by private title counsel retained by the transacting parties.

HB 1009 also exposes the State to significant liability. By requiring the OAG to issue a Certificate of Compliance certifying that a transfer is legally compliant, the bill would place the State in a position of potential liability if a certified transfer is later challenged or determined to be deficient. The bill provides no limitation on the legal consequences of an erroneous certification, no indemnification for the State, and no clear standard for what "legal compliance" encompasses. This ambiguity substantially increases the State's legal and financial exposure.

Additionally, HB 1009 would require significant new OAG resources. SDAT's records indicate that approximately 50–60 federal-to-private property transfers occur in Maryland each year. The legal review necessary to support each Certificate of Compliance, including research, analysis, and written determinations, is estimated to require at least 25% of a single Assistant Attorney General's (AAG) time, and could necessitate the creation of an entirely new AAG position. While the bill contemplates a fee structure, there is no guarantee fees that would fully offset the costs of hiring, training, and sustaining dedicated personnel for this function.

We appreciate the sponsor's work on this important issue and remain available to work collaboratively with the sponsor and Committee to address these considerations as the legislation advances.

Cc: Members of the Committee