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To: Honorable Chair and Members of the Judiciary Committee
From: MLTA Legislative Committee
Date: February 23, 2026 [Hearing date: February 25, 2026]
Subject: **HB 0738** – Real Property - Transfer-on-Death Deed - Establishment
Position: **Favorable With Amendments**

The Maryland Land Title Association (MLTA) asks that you return a recommendation of **favorable with amendments** for **House Bill 0738** – Real Property - Transfer-on-Death Deed - Establishment.

The MLTA, while having opposed past versions of this bill, has worked diligently with Delegate Phillips office and the stakeholders in favor of the legislation in an effort to find common ground that not only provides another option for constituents seeking to preserve ownership of real property, but does so in a manner that provides an insurable title in Maryland once the beneficiaries of a transfer on death deed (TODD) seek to refinance or sell the property.

Given the short time period between the February 3, 2026, first reading of HB 0738 and the Judiciary Committee hearing on February 25, 2026, most of MLTA's concerns have been addressed in a revised version of the bill before this Committee. Below, however, are the MLTA's remaining concerns with the legislation presently before you that time may not have allowed the drafters to address.

A major concern brought out in past testimony at previous hearings on HB 0738's predecessor bills has been the loss of heirship property due to tax sales. HB 0738, however, makes no provision for a revision to the ownership information used in generating tax bills. In Maryland, Baltimore City and the counties get their tax information from the State Department of Assessments and Taxation (SDAT). A change in SDAT's records is triggered by the submittal of a State of Maryland Land Instrument Intake Sheet that accompanies deeds and other instruments of transfer and is provided to SDAT by the Land Records offices of each circuit court.

Since a TODD effects a transfer upon the death of a TODD grantor, SDAT receives no notice of the change in ownership and the real property tax bill continues to issue to the deceased owner at the deceased owner's address. The MLTA respectfully requests that HB 0738 be amended to provide TODD beneficiaries with a form instrument that can be recorded in the Land Records following the death of a TODD grantor. If this instrument is filed along with a State of Maryland Land Instrument Intake Sheet and forwarded by the clerks to SDAT, the proper mechanism will be in place to assure that real property tax bills can be sent to the proper individuals.

The MLTA respectfully requests that you return a recommendation of **favorable with amendments** for **House Bill 0738**.