Bill No. 52 -2022

Introduced by: Deb Jung

AN ACT amending the criteria, including the duration, for a property tax credit for seniors and retired military personnel in accordance with Chapter 267, Acts of the General Assembly of 2022; specifying that an owner of multiple residential properties may not receive the credit; and generally relating to property tax credits.

Introduced and read first time Sept 6, 2022. Ordered posted and hearing scheduled.

By order, Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Sept 19, 2022.

By order, Michelle Harrod, Administrator

This Bill was read the third time on Oct 3, 2022 and Passed. Passed with amendments V, Failed

By order, Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4 day of Oct, 2022 at 5:00 p.m.

By order, Michelle Harrod, Administrator

Approved by the County Executive Oct 13, 2022

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.
Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:

By amending:

Title 20 - Taxes, Charges, And Fees.

Subtitle 1 – Real property tax; administration, credits, and enforcement.

Sec. 20.129E. - Property tax credit for seniors and retired military personnel.

Title 20 - Taxes, Charges, And Fees

Subtitle 1 – Real property tax; administration, credits, and enforcement.

Sec. 20.129E. - Property tax credit for seniors and retired military personnel.

(a) Definitions. In this section, the following terms have the meanings indicated:

(1) Armed Forces of the United States shall mean the Army, Navy, Air Force, Marines, and Coast Guard UNIFORMED SERVICES OF THE UNITED STATES AS DEFINED IN 10 U.S.C. § 101, THE MILITARY RESERVES, OR THE NATIONAL GUARD.

(2) Dwelling has the meaning set forth in section 9-105 of the Tax-Property Article of the Annotated Code of Maryland.

(3) Eligible County tax means the amount of County tax on the lesser of [[<$500,000.00]] $650,000 or the assessed value of the dwelling reduced by the amount of any assessment on which a property tax credit is granted under section 9-105 of the Tax-Property Article of the Annotated Code of Maryland.

(b) Credit Established and Eligibility. In accordance with section 9-258 of the Tax-Property Article of the Annotated Code of Maryland, the owner of a dwelling may receive a property tax credit against the County property tax imposed on the property containing the dwelling if the property is owned by an individual:

(1) Who is at least 65 years old and has lived in the same dwelling for the preceding number of years specified in subsection (c) of this section;

(2) Who is at least 65 years old and is a retired member of the Armed Forces of the United States; or
A surviving spouse, who has not remarried, of an individual described in item (2) of this subsection.

(c) **Longevity qualification.**

The longevity qualification provided in subsection (b)(1) of this section is:

(1) Tax Year 2022: at least 38 years; and
(2) Tax Year 2023: at least 36 years; and
(3) (2) Subsequent Tax Years Tax Year 2023 and subsequent Tax Years: at least 30 years.

(d) **Amount of Credit.** An individual who meets the qualifications of subsection (b) of this section is eligible for a property tax credit equal to 20 percent of the eligible County tax.

(e) **Duration of Credit.** The credit may be granted {[for a period of up to five] **EIGHT** years and} as long as the property owner remains qualified under subsection (b) of this section.

(f) **Prohibition.** **NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION:**

(1) A property owner who is granted a credit under this section may not be granted a credit under section 20-129 of this Code during the same fiscal year. **AND**

(2) A property owner who owns more than one residential property may not be granted a credit under this section.

(g) (1) **Application.** To receive the tax credit, a property owner shall submit an initial application to the Department of Finance:

(i) On the form that the Department of Finance requires;
(ii) That demonstrates that the owner is entitled to the credit; and
(iii) On or before the date that the Department of Finance sets.

(2) **[[After the initial application is accepted, the]]** THE Department of Finance shall automatically renew the tax credit [[for four consecutive years]] unless the property owner is no longer eligible.
(h) Administration. The Department of Finance may adopt guidelines, regulations, or procedures to administer this section.

(i) Publicity.

(1) The Director of Finance shall develop and carry out a plan to publicize the credit authorized by this section. The plan shall be designed to reach those taxpayers most likely to be eligible for the credit.

(2) The Office on Aging and Independence, or another appropriate unit of County Government that the County Executive selects, shall develop and carry out a plan to educate senior citizens about the credit authorized by this section.

(j) Effective Date. The tax credit authorized by subsection (b) of this section applies to tax years beginning after June 30, 2023.

Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that:

1. this Act shall not affect the validity of any credits granted for tax years before July 1, 2023; and

2. a property owner who has applied for or received a credit under section 20.129E of the County Code prior to the effective date of this Act is eligible to receive a credit for additional years as provided by this Act notwithstanding any prior duration limit in Section 20.129E(e).

Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that this Act shall:

1. be construed to apply retroactively to the tax year beginning after June 30, 2022; and

2. be applied to and interpreted to provide a credit to a property owner who would have been entitled to a credit but for the former time limitation under Section 20.129E(e) of the County Code.

Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland that Section 3 of this Act shall not terminate a credit granted before the effective date of this Act.

Section 5. And Be It Further Enacted by the County Council of Howard County, Maryland that this Act shall become effective 61 days after its enactment.
Amendment 1 to Council Bill No. 52-2022

BY: Deb Jung

Legislative Day No. 14
Date: October 3, 2022

Amendment No. 1

(This amendment clarifies what is meant by “Armed Forces of the United States”.)


I certify this is a true copy of Amendment No. 1 to Council Bill No. 52-2022 passed on October 3, 2022

[Signature]
Council Administrator
Amendment 2 to Council Bill No. 52-2022

BY: Christiana Rigby

Legislative Day No. 14

Date: October 3, 2022

Amendment No. 2

(This Amendment would remove the change to the tax on portion of the assessed value that is eligible for the credit.)

1 On page 1, in line 19, strike both sets of square brackets and strike “$650,000”.

I certify this is a true copy of

Am 2 to C52-2022

passed on October 3, 2022

[Signature]
Council Administrator
Amendment 3 to Council Bill No. 52-2022

BY: Christiana Rigby

Amendment No. 3

(This Amendment specifies that the credit is only available for dwellings assessed at $650,000 or less when the credit is first sought.)

On page 1:
1. in line 22, before “In accordance” insert “(1)”
2. in line 26, strike “(1)” and substitute “(1)”
3. in line 28, strike “(2)” and substitute “(1)”

On page 2:
4. in line 1, strike “(3)” and substitute “(III)”
5. in line 2, strike “(2)” and substitute “(II)” and strike the period and substitute “AND”
6. After line 2, insert “(2) AN INDIVIDUAL IS ELIGIBLE TO RECEIVE A PROPERTY TAX CREDIT UNDER THIS SECTION IF THE DWELLING FOR WHICH THE CREDIT IS SOUGHT HAS A MAXIMUM ASSESSED VALUE OF $650,000 WHEN THE INDIVIDUAL FIRST APPLIES FOR THE CREDIT.”.

I certify this is a true copy of

Am 3 to CB 52-2022
passed on October 3, 2022

[Signature]
Council Administrator
Amendment 4 to Council Bill No. 52-2022

BY: Christiana Rigby

Legislative Day No. 14

Date: October 3, 2022

Amendment No. 4

(This Amendment specifies that an owner of multiple residential properties may not receive the credit.)

On the title page, in the purpose paragraph, insert after “2022;”, “specifying that an owner of multiple residential properties may not receive the credit;”.

On page 2:

• in line 13, after “Prohibition” insert “NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION:

(1)”.

• in line 14, strike the period and insert “; AND”

• after line 14, insert:

“(2) A PROPERTY OWNER WHO OWNS MORE THAN ONE RESIDENTIAL PROPERTY MAY NOT BE GRANTED A CREDIT UNDER THIS SECTION.”.

I certify this is a true copy of
A 4 to CB52-2022

passed on October 3, 2022

Marilyn J. Young
Council Administrator
Amendment 5 to Council Bill No. 52-2022

BY: Deb Jung

Legislative Day No. 14

Date: October 3, 2022

Amendment No. 5

(This amendment provides a reduction in the number of years required in the same house, extends the sunset provision to eight years, and creates a retroactive provision to allow those who may have timed out under the current ordinance to never-the-less receive the credit.)

1 On page 2:
2 In line 5, after the semicolon, insert “and”.
3 Strike line 6.
4 In line 7, strike “(3)” and substitute “(2)”, strike “Subsequent Tax Years” and substitute “Tax Year 2023 and subsequent Tax Years”, and strike “35” and substitute “30”.
5 In line 11, strike both sets of double brackets and strike “five” and substitute “EIGHT”.

7

8 On page 3:
9
10 In line 9, strike “2023” and substitute “2022”.
11
12 In line 12, strike “2023” and substitute “2022”.
13
14 in line 17, insert:
15 “Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that this Act shall:
16 1. be construed to apply retroactively to the tax year beginning after June 30, 2022; and
17 2. be applied to and interpreted to provide a credit to a property owner who would have been entitled to a credit but for the former time limitation under Section 20.129E(e) of the County Code.

1

I certify this is a true copy of

Council Administrator
Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland that Section 3 of this Act shall not terminate a credit granted before the effective date of this Act.

in line 18, strike “Section 3” and substitute “Section 4” “Section 5”.
(This Amendment alters the criteria for qualifying for a credit.)

In the parenthetical description of the amendment, before “retroactive” insert “reduction in the number of years required in the same house, extends the sunset provision to eight years, and creates a”.

Before line 1, insert:

“On page 2:
In line 5, after the semicolon, insert “and”.
Strike line 6.
In line 7, strike “(3)” and substitute “(2)”, strike “Subsequent Tax Years” and substitute “Tax Year 2023 and subsequent Tax Years”, and strike “35” and substitute “30”.
In line 11, strike both sets of double brackets and strike “five” and substitute “EIGHT”.”.

I certify this is a true copy of
A1 to A5 to CB52 - 2022
passed on October 3, 2022

Council Administrator
Amendment 2 to Amendment 5 to Council Bill No. 52-2022

BY: Deb Jung

Legislative Day No. 14

Date: October 3, 2022

Amendment No. 2

(This amendment protects those who have already been granted a credit.)

On page 1, after line 13, insert:

"Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland that Section 3 of this Act shall not terminate a credit granted before the effective date of this Act."

In line 14, strike "Section 4" and substitute "Section 5".

I certify this is a true copy of

[Signature]

Council Administrator
AN ACT amending the criteria, including the duration, for a property tax credit for seniors and retired military personnel in accordance with Chapter 267, Acts of the General Assembly of 2022; and generally relating to property tax credits.
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Sec. 20.129E. - Property tax credit for seniors and retired military personnel.

(a) Definitions. In this section, the following terms have the meanings indicated:

(1) Armed Forces of the United States shall mean the Army, Navy, Air Force, Marines, and Coast Guard.

(2) Dwelling has the meaning set forth in section 9-105 of the Tax-Property Article of the Annotated Code of Maryland.

(3) Eligible County tax means the amount of County tax on the lesser of [[$500,000.00]] $650,000 of the assessed value of the dwelling reduced by the amount of any assessment on which a property tax credit is granted under section 9-105 of the Tax-Property Article of the Annotated Code of Maryland.

(b) Credit Established and Eligibility. In accordance with section 9-258 of the Tax-Property Article of the Annotated Code of Maryland, the owner of a dwelling may receive a property tax credit against the County property tax imposed on the property containing the dwelling if the property is owned by an individual:

(1) Who is at least 65 years old and has lived in the same dwelling for the preceding number of years specified in subsection (c) of this section;

(2) Who is at least 65 years old and is a retired member of the Armed Forces of the United States; or
(i) Publicity.

(1) The Director of Finance shall develop and carry out a plan to publicize the credit authorized by this section. The plan shall be designed to reach those taxpayers most likely to be eligible for the credit.

(2) The Office on Aging and Independence, or another appropriate unit of County Government that the County Executive selects, shall develop and carry out a plan to educate senior citizens about the credit authorized by this section.

(j) Effective Date. The tax credit authorized by subsection (b) of this section applies to tax years beginning after June 30, 2023.

Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that:

1. this Act shall not affect the validity of any credits granted for tax years before July 1, 2023;

2. a property owner who has applied for or received a credit under section 20.129E of the County Code prior to the effective date of this Act is eligible to receive a credit for additional years as provided by this Act notwithstanding any prior duration limit in Section 20.129E(e).

Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that this Act shall become effective 61 days after its enactment.
(3) A surviving spouse, who has not remarried, of an individual described in item (2) of this subsection.

c) Longevity qualification.

The longevity qualification provided in subsection (b)(1) of this section is:
(1) Tax Year 2022: at least 38 years;
(2) Tax Year 2023: at least 36 years; and
(3) Subsequent Tax Years: at least 35 years.

d) Amount of Credit. An individual who meets the qualifications of subsection (b) of this section is eligible for a property tax credit equal to 20% of the eligible County tax.

e) Duration of Credit. The credit may be granted [for a period of up to five years and]] as long as the property owner remains qualified under subsection (b) of this section.

(f) Prohibition. A property owner who is granted a credit under this section may not be granted a credit under section 20-129 of this Code during the same fiscal year.

(g) (1) Application. To receive the tax credit, a property owner shall submit an initial application to the Department of Finance:
(i) On the form that the Department of Finance requires;
(ii) That demonstrates that the owner is entitled to the credit; and
(iii) On or before the date that the Department of Finance sets.

(2) [[After the initial application is accepted, the]] THE Department of Finance shall automatically renew the tax credit [for four consecutive years]] unless the property owner is no longer eligible.

(h) Administration. The Department of Finance may adopt guidelines, regulations, or procedures to administer this section.
Amendment 5 to Council Bill No. 52-2022

BY: Deb Jung

Date: October 3, 2022

Amendment No. 5

(This amendment provides a retroactive provision to allow those who may have timed out under the current ordinance to nevertheless receive the credit.)

On page 3:

In line 9, strike “2023” and substitute “2022”.

In line 12, strike “2023” and substitute “2022”.

in line 17, insert:

"Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that this Act shall:

1. be construed to apply retroactively to the tax year beginning after June 30, 2022; and

2. be applied to and interpreted to provide a credit to a property owner who would have been entitled to a credit but for the former time limitation under Section 20.129E(e) of the County Code."

in line 18, strike “Section 3” and substitute “Section 4".
BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 13, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on ________________, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on ________________, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on ________________, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on ________________, 2022.

Michelle Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on ________________, 2022.

Michelle Harrod, Administrator to the County Council