

# FINAL

## COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 9

Bill No. 40-23

Introduced by Mr. Smith, Chair  
(by request of the County Executive)

By the County Council, May 1, 2023

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Introduced and first read on May 1, 2023  
Public Hearings set for and held on May 11 and May 18, 2023  
Bill VOTED on June 14, 2023

By Order: Laura Corby, Administrative Officer

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### A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Real Property Transfer  
2 Tax – Housing Trust Special Revenue Fund  
3

4 FOR the purpose of modifying the transfer tax rate for certain real property transactions;  
5 modifying a reference to the levying of transfer tax for certain budget purposes;  
6 providing for certain transfer tax revenues to be paid into the Housing Trust Special  
7 Revenue Fund; and generally relating to finance, taxation, and budget.  
8

9 BY repealing and reenacting, with amendments: §§ 4-3A-101(c); 4-11-111; and 4-11-  
10 124(a)  
11 Anne Arundel County Code (2005, as amended)  
12

13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
14 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:  
15

#### 16 **ARTICLE 4. FINANCE, TAXATION, AND BUDGET**

#### 17 **TITLE 3A. TRANSFER AND RECORDATION TAXES**

18  
19  
20 **4-3A-101. Real property transfer tax – Levied.**

21  
22 **(c) Amount of tax.**

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[[Brackets]] indicate matter deleted from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 (1) ~~[[A]]~~ EXCEPT AS PROVIDED IN PARAGRAPH (2), A tax is levied on each transfer  
2 recorded among the land records in the County at a rate of one percent of the consideration  
3 paid or to be paid for the transfer.

4  
5 (2) (I) A TAX IS LEVIED ON EACH TRANSFER RECORDED AMONG THE LAND  
6 RECORDS IN THE COUNTY FOR WHICH THE TOTAL CONSIDERATION IS \$1,000,000 OR MORE  
7 AT A RATE OF ONE AND ONE-HALF PERCENT OF THE CONSIDERATION PAID OR TO BE PAID  
8 FOR THE TRANSFER.

9  
10 (II) A TRANSFER OF AN INTEREST IN REAL PROPERTY THAT PROVIDES  
11 AFFORDABLE HOUSING FOR MODERATE- OR LOW-INCOME HOUSEHOLDS IN THE COUNTY,  
12 INCLUDING IN THE CITY OF ANNAPOLIS, IS NOT SUBJECT TO THE TAX RATE LEVIED UNDER  
13 SUBPARAGRAPH (I).

14  
15 **TITLE 11. BUDGET**

16  
17 **4-11-111. Expenditure of real property transfer tax.**

18  
19 Anne Arundel County may dedicate and, as provided in the annual County budget,  
20 expend:

21  
22 (1) up to 50% of the revenues received from the REAL PROPERTY transfer tax rate  
23 ~~[[imposed]]~~ LEVIED under ~~[[§ 4-3A-102(b)(1) of this Code]]~~ § 4-3A-101(C)(1) in each fiscal  
24 year for the payment of debts and costs incurred for the construction of water and  
25 wastewater facilities; and

26  
27 (2) if the County has an Agricultural Land Preservation Program certified under  
28 § 5-408 OF the State Finance and Procurement Article~~[[, § 5-408,]]~~ of the State Code, up to  
29 20% of the revenues received from the REAL PROPERTY transfer tax rate ~~[[imposed]]~~  
30 LEVIED under ~~[[§ 4-3A-102(B)(1) of this Code]]~~ § 4-3A-101(C)(1) in each fiscal year for the  
31 purchase of agricultural easements under the County Agricultural Land Preservation  
32 Program.

33  
34 **4-11-124. Housing Trust Special Revenue Fund.**

35  
36 (a) **Fund established.** There is a Housing Trust Special Revenue Fund into which shall  
37 be paid the revenue attributable to:


38  
39 (1) any REAL PROPERTY transfer tax rate ~~[[imposed]]~~ LEVIED under ~~[[§ 4-3A-~~  
40 ~~102(b)(2) of this Code]]~~ § 4-3A-101(C)(2) IN EXCESS OF THE REVENUE THAT WOULD BE  
41 DERIVED FROM THE REAL PROPERTY TRANSFER TAX RATE LEVIED UNDER 4-3A-101(C)(1);  
42 and

43  
44 (2) any special recordation tax rate in excess of the generally applicable rate that is  
45 ~~[[imposed]]~~ LEVIED on an instrument of writing for which the consideration payable or the  
46 principal amount of debt secured is \$1,000,000 or more.

47  
48 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect July 1,  
49 2023.

READ AND PASSED this 14<sup>th</sup> day of June, 2023

By Order:



Laura Corby  
Administrative Officer

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF  
BILL NO. 40-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES  
OF THE COUNTY COUNCIL.



Laura Corby  
Administrative Officer