

HOUSE BILL 59

Q1

(PRE-FILED)

5lr0140
CF SB 192

By: **Chair, Ways and Means Committee (By Request – Departmental – Housing and Community Development)**

Requested: October 6, 2024

Introduced and read first time: January 8, 2025

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2025

CHAPTER _____

1 AN ACT concerning

2 **Property Tax – Tax Sales – Revisions**

3 FOR the purpose of requiring that certain owner-occupied property be withheld from tax
4 sale; ~~requiring a county or municipal corporation to withhold from tax sale certain~~
5 ~~property when the taxes consist only of a lien for unpaid water and sewer service;~~
6 authorizing a county or a municipal corporation to withhold from tax sale certain
7 property designated for redevelopment purposes; altering the contents of certain
8 statements required to be sent to an owner of property subject to tax sale; altering
9 certain provisions of law concerning abandoned property that is sold for less than
10 the lien amount; establishing a maximum rate of redemption for owner-occupied
11 property sold at tax sale; prohibiting taxes, interest, and penalties accruing after the
12 date of a tax sale from being included in the payment required to redeem
13 owner-occupied residential property; ~~extending the period of time during which a~~
14 ~~holder of a certificate of sale is prohibited from filing a complaint to foreclose the~~
15 ~~right of redemption for owner-occupied residential property after the date of sale;~~
16 altering the contents of certain notices required to be sent to certain persons with an
17 interest in property sold at tax sale; ~~extending the period of time after a tax sale~~
18 ~~during which a certain notice may not be sent to certain persons with an interest in~~
19 ~~owner-occupied residential property sold at the tax sale;~~ requiring the plaintiff in an
20 action to foreclose the right of redemption for an owner-occupied property subject to
21 tax sale to send written notice of the proceeding to the State Tax Sale Ombudsman;
22 extending the period of time after issuance of a judgment foreclosing the right of
23 redemption before a plaintiff may take possession of a property that has tenants;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



altering certain notice requirements that apply before a plaintiff may take possession of a property that has tenants; ~~extending the amount of time that has to pass after a tax sale before the plaintiff or the holder of a certificate of sale for owner-occupied residential property may be reimbursed for certain expenses when the property is redeemed; prohibiting the sale of property to enforce a lien for unpaid charges for water and sewer service except under certain circumstances;~~ requiring a county to maintain a record of the information the county provides for the Annual Tax Sale Survey for a certain minimum number of years; altering certain requirements concerning eligibility for participation in the Homeowner Protection Program; and generally relating to tax sales.

BY repealing and reenacting, with amendments,

Article – Tax – Property

Section 14–811(b) and (e), 14–817.1(a), 14–820, 14–828(a), ~~14–833(a)(2), (a–1)(3)(v)3, 14–833(a–1)(3)(v)3, and (vi)3. and (4)(i)2,~~ (c)(2), and (d)(2), 14–836(b)(4)(i) and (7), ~~14–843(a)(4)(ii) and (b)(1)(ii),~~ 14–844(e), 14–845(c), ~~14–849.1,~~ 14–879(a), and 14–883(d)

Annotated Code of Maryland

(2019 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section ~~14–811(a)(2),~~ 14–817(c), ~~14–833(a)(2) and (a–14)(4)(i)2.,~~ 14–843(a)(4)(ii) and (b)(1)(ii), ~~14–849.1,~~ 14–883(a), and 14–884

Annotated Code of Maryland

(2019 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Tax – Property

14–811.

(a) (2) The governing body of a county or municipal corporation may withhold from sale owner-occupied residential property that meets objective criteria established by the governing body of the county or municipal corporation.

(b) (1) The collector may withhold from sale any **NON-OWNER-OCCUPIED** residential property, when the total taxes on the property, including interest and penalties, amount to less than \$750.

(2) [In Baltimore City, the] **THE** collector shall withhold from sale owner-occupied residential property, when the total taxes on the property, including interest and penalties, amount to less than [\$750] **\$1,000**.

(3) ~~¶~~In Baltimore City, the ~~THE~~ collector shall withhold from sale residential property or property that is exempt from taxation under § 7–204(1) or (2) of this article, if the taxes on the property consist only of a lien for unpaid charges for water and sewer service.

(e) [Baltimore City] **THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION** may withhold from sale property that has been designated for redevelopment purposes if the property meets objective criteria established by the Mayor and City Council of Baltimore City **OR THE GOVERNING BODY.**

14–817.

(c) (1) Abandoned property consisting of either a vacant lot or improved property cited as vacant and unfit for habitation on a housing or building violation notice may be sold for a sum less than the total amount of:

(i) all taxes on the property that are certified to the collector under § 14–810 of this subtitle;

(ii) interest and penalties on the taxes; and

(iii) expenses incurred in making the sale.

(2) The collector shall establish a minimum bid for abandoned property sold under this subsection.

(3) The person responsible for the taxes prior to the sale shall remain liable to the collector for the difference between the amount received in the tax sale under this section and the taxes, interest, penalties, and expenses remaining after the sale.

(4) The balance remaining after the tax sale shall be included in the amount necessary to redeem the property under § 14–828 of this subtitle.

(5) In a proceeding brought by the governing body of a county or municipal corporation to foreclose the right of redemption under this subtitle, the complaint may request a judgment for the county or municipal corporation in the amount of the balance.

(6) The balance remaining after the tax sale is no longer a lien on the property when:

(i) a judgment is entered foreclosing the owner's right of redemption;

(ii) the deed is recorded; and

(iii) all liens accruing subsequent to the date of sale are paid in full.

(7) The governing body of a county or municipal corporation may institute a separate action to collect the balance at any time within 7 years after the tax sale if the plaintiff is a private purchaser.

14-817.1.

(a) Within 60 days after a property is sold at a tax sale, the collector shall send to the person who last appears as owner of the property on the collector's tax roll, at the last address shown on the tax roll, a notice that includes:

(1) a statement that the property has been sold to satisfy unpaid taxes;

(2) the date of the tax sale;

(3) the amount of the highest bid;

(4) the lien amount on the property at the time of sale;

(5) a statement that the owner has the right to redeem the property until a court forecloses that right;

(6) a statement that the purchaser of the property may institute an action to foreclose the property:

(i) as early as 6 months from the date of the sale; or

(ii) if a government agency certifies that the property requires, or shall require, substantial repair to comply with applicable business codes, as early as 60 days from the date of the sale;

(7) a statement that if the property is redeemed before an action to foreclose the right of redemption is filed, the amount that shall be paid to redeem the property is:

(i) the total lien amount on the property at the time of sale, with interest;

(ii) any taxes, interest, and penalties paid by the holder of the certificate of sale; and

(iii) **FOR PROPERTY THAT IS NOT OWNER-OCCUPIED RESIDENTIAL PROPERTY**, any **DELINQUENT** taxes, interest, and penalties accruing after the date of the tax sale;

(8) a statement that, if the property is redeemed more than 4 months after the date of the tax sale, and before an action to foreclose the right of redemption is filed, the holder of the certificate of sale may be reimbursed for:

(i) attorney's fees for recording the certificate of sale;

(ii) a title search fee, not to exceed \$250; and

(iii) reasonable attorney's fees, not to exceed \$500;

(9) a statement that, if the property is redeemed after an action to foreclose the right of redemption has been filed, the amount that shall be paid to redeem the property is the sum of:

(i) the total lien amount on the property at the time of sale, with interest;

(ii) any taxes, interest, and penalties paid by the holder of the certificate of sale;

(iii) **FOR PROPERTY THAT IS NOT OWNER-OCCUPIED RESIDENTIAL PROPERTY**, any **DELINQUENT** taxes, interest, and penalties accruing after the date of the tax sale; and

(iv) attorney's fees and expenses to which the holder of the certificate of sale may be entitled under § 14-843(a)(4) and (5) of this subtitle; and

(10) the provisions of § 14-843(a) of this subtitle, reproduced as they appear in the Code.

14-820.

(a) The collector shall deliver to the purchaser a certificate of sale under the collector's hand and seal, or by the collector's authorized facsimile signature, acknowledged by the collector as a conveyance of land, which certificate shall set forth:

(1) that the property described in it was sold by the collector to the purchaser;

(2) the date of the sale;

(3) the amount for which the property was sold;

(4) the total amount of taxes due on the property at the time of sale together with interest, penalties and expenses incurred in making the sale;

(5) a description of the property in substantially the same form as the description appearing on the collector's tax roll. If the property is unimproved or has no street number, and the collector has procured a description of the property from the county or municipal corporation surveyor, this description shall be included in the certificate of sale. In Garrett County a copy of the description as required by § 14–813(f) of this subtitle, as that section relates specifically to Garrett County, shall be included in the certificate of sale;

(6) a statement that the rate of redemption is 6% a year, except as provided in subsection (b) of this section;

(7) the time when an action to foreclose the right of redemption may be instituted; and

(8) (i) that the certificate will be void unless foreclosure proceedings are brought within 2 years from the date of the certificate; or

(ii) that, unless foreclosure proceedings are brought within 3 months from the date of the certificate to any abandoned property [in Baltimore City] sold under § 14–817(c)(1) of this subtitle with a minimum bid less than the lien amount, the certificate:

1. is void as to a private purchaser; and

2. reverts to the Mayor and City Council **OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY, OR IF THE PROPERTY IS LOCATED IN A MUNICIPAL CORPORATION, THE GOVERNING BODY OF THE MUNICIPAL CORPORATION** for a period of 2 years from the date of the tax sale.

(b) **[The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE** rate of redemption is 6% a year except:

(1) in Allegany County the rate is 6% a year or as fixed by the County Commissioners;

(2) in Anne Arundel County the rate is 6% a year or as fixed by a law of the County Council;

(3) in Baltimore City the rate is 6% a year or as fixed by a law of the City Council;

(4) in Baltimore County the rate is 6% a year or as fixed by a law of the County Council;

(5) in Cecil County the rate is 6% a year or as fixed by the County Commissioners;

- 1 (6) in Calvert County the rate is 10% a year or as fixed by the County
2 Commissioners;
- 3 (7) in Caroline County the rate is 10% a year or as fixed by the County
4 Commissioners;
- 5 (8) in Carroll County the rate is 14% a year or as fixed by the County
6 Commissioners;
- 7 (9) in Dorchester County the rate is 10% a year or as fixed by the County
8 Commissioners;
- 9 (10) in Frederick County the rate is 6% a year or as fixed by the governing
10 body of Frederick County;
- 11 (11) in Garrett County the rate is 10% a year or as fixed by the County
12 Commissioners;
- 13 (12) in Harford County the rate is 6% a year or as fixed by a law of the
14 County Council;
- 15 (13) in Howard County the rate is 6% a year or as fixed by a law of the
16 County Council;
- 17 (14) in Kent County the rate is 6% a year or as fixed by the County
18 Commissioners;
- 19 (15) in Montgomery County the rate is 6% a year or as fixed by a law of the
20 County Council;
- 21 (16) in Prince George's County the rate is 6% a year or as fixed by a law of
22 the County Council;
- 23 (17) in Queen Anne's County the rate is 6% a year or as fixed by the County
24 Commissioners;
- 25 (18) in Somerset County, Charles County, Wicomico County, and Worcester
26 County the rate is 6% a year or as fixed by the County Commissioners or by a law of the
27 County Council;
- 28 (19) in Talbot County the rate is 6% a year or as fixed by a law of the County
29 Council; and
- 30 (20) in Washington County the rate is 6% a year or as fixed by the County
31 Commissioners.

(C) FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY, THE RATE OF REDEMPTION MAY NOT EXCEED 10% A YEAR.

[(c)] (D) The certificate of sale shall be in substantially the following form:

"I,, Collector of Taxes for the State of Maryland and the of, certify that on, 20..., I sold to, at public auction for the sum of Dollars and Cents, of which Dollars has been paid, the property in described as and assessed to, The property described in this certificate is subject to redemption. On redemption the holder of the certificate will be refunded the sums paid on account of the purchase price together with interest at the rate of 6% a year from the date of payment to the date of redemption (except as stated in [subsection (b) of] § 14-820 of the Tax – Property Article of the Annotated Code of Maryland), together with all other amounts specified by Chapter 761 of the Acts of 1943, and acts that amend that chapter. The balance due on account of the purchase price and all taxes, together with interest and penalties on the taxes, accruing after the date of sale, must be paid to the Collector before a deed can be delivered to the purchaser. After, 20..., a proceeding can be brought to foreclose all rights of redemption in the property. This certificate will be void unless such a proceeding is brought within 2 years from the date of this certificate, except that [in Baltimore City,] with respect to any abandoned property sold under § 14-817(c) of the Tax – Property Article of the Annotated Code of Maryland with a minimum bid less than the lien amount, the certificate will revert to the Mayor and City Council OF BALTIMORE CITY OR THE GOVERNING BODY OF THE COUNTY, OR IF THE PROPERTY IS LOCATED IN A MUNICIPAL CORPORATION, THE GOVERNING BODY OF THE MUNICIPAL CORPORATION, and will be void as to the private purchaser at tax sale unless such a proceeding is brought within 3 months from the date of the certificate.

Witness my hand and seal, this day of, 20.....
.....
Collector"

(To be followed by acknowledgment).

14-828.

(a) (1) If the property is redeemed, the person redeeming shall pay the collector:

(i) the total lien amount paid at the tax sale for the property together with interest;

(ii) any taxes, interest, and penalties paid by any holder of the certificate of sale;

(iii) except as provided under paragraph (2) of this subsection, any delinquent taxes, interest, and penalties accruing after the date of the tax sale;

(iv) in the manner and by the terms required by the collector, any expenses or fees for which the plaintiff or the holder of a certificate of sale is entitled to reimbursement under § 14–843 of this subtitle; and

(v) for vacant and abandoned property sold under § 14–817 of this subtitle for a sum less than the amount due, the difference between the price paid and the unpaid taxes, interest, penalties, and expenses.

(2) For owner–occupied residential property [in Baltimore City], any taxes, interest, and penalties accruing after the date of the tax sale may not be included in the redemption payment required under paragraph (1) of this subsection.

14–833.

(a) (2) Except as provided in subsections (a–1), (e), (f), and (g) of this section, at any time after ~~19~~ ~~12~~ months from the date of sale of owner–occupied residential property, a holder of any certificate of sale may file a complaint to foreclose all rights of redemption of the property to which the certificate relates.

(a–1) (3) The notices required under this subsection shall include at least the following:

(v) a statement that if the property is redeemed before an action to foreclose the right of redemption is filed, the amount that shall be paid to redeem the property is:

3. **FOR PROPERTY THAT IS NOT OWNER–OCCUPIED RESIDENTIAL PROPERTY**, any delinquent taxes, interest, and penalties accruing after the date of the tax sale; and

(vi) a statement that if the property is redeemed after an action to foreclose the right of redemption has been filed, the amount that shall be paid to redeem the property is the sum of:

3. **FOR PROPERTY THAT IS NOT OWNER–OCCUPIED RESIDENTIAL PROPERTY**, any delinquent taxes, interest, and penalties accruing after the date of the tax sale; and

(4) (i) 2. For owner–occupied residential property, the first of the two notices required under this subsection may not be sent until ~~7~~ ~~10~~ months after the date of sale.

(c) (2) A certificate for abandoned property sold under § 14–817(c) of this subtitle with a minimum bid less than the lien amount reverts to the **MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF THE** county or, **IF THE**

PROPERTY IS LOCATED IN A MUNICIPAL CORPORATION, THE GOVERNING BODY OF
THE municipal corporation and is void as to the private purchaser at tax sale unless:

(i) a proceeding to foreclose the right of redemption is filed within 3 months of the date of the certificate of sale; and

(ii) unless the holder is granted an extension by the court due to a showing of extraordinary circumstances beyond the certificate holder's control, the holder secures a decree from the circuit court in which the foreclosure proceeding was filed within 18 months from the date of the filing of the foreclosure proceeding.

(d) (2) If a certificate for abandoned property reverts to the Mayor and City Council of Baltimore City **OR THE GOVERNING BODY OF A COUNTY OR, IF THE PROPERTY IS LOCATED IN A MUNICIPAL CORPORATION, THE GOVERNING BODY OF THE MUNICIPAL CORPORATION** under this section, the Mayor and City Council **OR THE GOVERNING BODY** may:

(i) file a foreclosure proceeding in its own name; or

(ii) 1. resell the certificate; and

2. apply all money received on account of the sale to any outstanding balance remaining after the sale on the tax debt owed by the previous owner of the abandoned property.

14–836.

(b) (4) (i) Notwithstanding the provision of paragraph (3) of this subsection, the plaintiff shall send written notice of the proceeding to:

1. all persons having a recorded interest, claim, or lien, including a judgment, who have not been made a defendant in the proceeding, and, if the subject property is part of a homeowners association or condominium association, to the homeowners association or condominium association governing the property, at the last reasonably ascertainable address; [and]

2. each tenant of the subject property whose identity is known to the plaintiff, at the tenant's last reasonably ascertainable address; **AND**

3. IF THE SUBJECT PROPERTY IS OWNER–OCCUPIED, THE STATE TAX SALE OMBUDSMAN.

(7) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, after issuance of the judgment foreclosing right of redemption and at least [30] **90** days before taking possession of the property, the plaintiff shall give any tenant of the property written

notice of the plaintiff's intention to obtain possession of the property and that the tenant must vacate the property within [30] **90** days after the notice.

(ii) During the [30-day] **90-DAY** period immediately following issuance of the judgment foreclosing the right of redemption, the plaintiff may apply for, process, and obtain, but not execute upon, a writ for possession of the property.

(iii) The notice shall be sent:

1. by first-class mail, postage prepaid, **CERTIFICATE OF MAILING**, bearing a postmark from the United States Postal Service addressed to the tenant by name if the identity of the tenant is known to the plaintiff, and addressed to "occupant" if the identity of the tenant is not known;

2. to each separately leased area of the property that the plaintiff can reasonably ascertain is occupied; and

3. in an envelope prominently marked on the outside with the following phrase "Notice of Taking Possession of Property".

(IV) THE NOTICE REQUIRED UNDER THIS PARAGRAPH SHALL ALSO BE POSTED ON THE PROPERTY WITHIN ~~1-DAY~~ 10 DAYS OF FIRST BEING SENT UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.

14-843.

(a) (4) (ii) For owner-occupied residential property, if an action to foreclose the right of redemption has not been filed, and the property is redeemed more than ~~7~~ **10** months after the date of the tax sale, the holder of a certificate of sale may be reimbursed for the following expenses actually incurred:

1. costs for recording the certificate of sale;

2. a title search fee, not to exceed \$250;

3. the postage and certified mailing costs for the notices required under § 14-833(a-1) of this subtitle; and

4. reasonable attorney's fees, not to exceed \$500.

(b) (1) (ii) For owner-occupied residential property, the plaintiff or holder of a certificate of sale may not be reimbursed for expenses incurred within ~~7~~ **10** months after the date of sale.

14-844.

(e) [In Baltimore City where] **WHERE** abandoned property has been sold for a sum less than the amount due under § 14–817 of this subtitle, in a foreclosure proceeding brought by the Mayor and City Council **OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION**, the final order may include a judgment in favor of the city, **COUNTY, OR MUNICIPAL CORPORATION** and against the person liable for taxes prior to the sale, in the amount of the unpaid taxes, interest, penalties, and expenses otherwise due in a tax sale.

14–845.

(c) [In Baltimore City, with] **WITH** respect to abandoned property that is subject to § 14–817(c) of this subtitle:

(1) a defendant or any person described in § 14–836(b)(1) or (4)(i) of this subtitle may file an action to recover damages on the ground of inadequate notice within 3 years after the date of judgment foreclosing rights of redemption;

(2) damages in an action under item (1) of this subsection may not exceed the fair market value of that person’s interest in the property at the time of the sale; and

(3) a person may not file to reopen a judgment foreclosing rights of redemption based on inadequate notice.

14–849.1.

(a) ~~[In Baltimore City, the Mayor and City Council]~~ ~~**THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION**~~ may not sell a property to enforce a lien for unpaid charges for water and sewer service unless:

(1) the lien is for at least \$350;

(2) the property is not:

(i) a residential property; or

(ii) real property that is exempt from taxation under § 7–204(1) or (2) of this article; and

(3) the unpaid charges for water and sewer service are at least 3 quarters in arrears.

(b) Notwithstanding subsection (a) of this section, the Mayor and City Council ~~**OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION**~~ may enforce a lien on a property other than residential property or real

property that is exempt from taxation under § 7–204(1) or (2) of this article for unpaid water and sewer service that is less than \$350 if the property is being sold to enforce another lien.

(c) This section does not affect any other right or remedy of Baltimore City, ~~A COUNTY, OR A MUNICIPAL CORPORATION~~ for the collection of a water and sewer service charge.

14–879.

(a) (1) The Department shall conduct an annual survey of each county that conducts a tax sale under Part III of this subtitle to obtain the information specified in this section.

(2) Each county shall provide the Department all the information specified in this section on the form that the Department provides.

(3) The Department may not disburse or authorize the disbursement of any funds to a county under this article if the county has not provided all the information specified in this section.

(4) EACH COUNTY SHALL MAINTAIN A RECORD OF THE INFORMATION SPECIFIED IN THIS SECTION FOR AT LEAST 3 YEARS AFTER THE DATE OF A TAX SALE.

14–883.

(a) In this part the following words have the meanings indicated.

(d) “Homeowner” [has the meaning stated] **MEANS:**

(1) A HOMEOWNER AS DEFINED in § 9–105 of this article; OR

(2) IF A HOMEOWNER AS DEFINED IN § 9–105 OF THIS ARTICLE IS DECEASED:

(I) THE ESTATE OF THE HOMEOWNER;

(II) THE PERSONAL REPRESENTATIVE OF THE HOMEOWNER; OR

(III) AN HEIR OR LEGATEE OF THE HOMEOWNER WHO IS ENTITLED TO INHERIT THE HOMEOWNER’S DWELLING.

14–884.

(a) There is a Homeowner Protection Program administered by the Ombudsman in the Department.

(b) The purpose of the Program is to divert vulnerable homeowners from the private tax lien sale process under Part III of this subtitle into an alternative program with the primary purpose of:

(1) minimizing tax collection costs to homeowners;

(2) assisting homeowners to pay their taxes; and

(3) allowing homeowners to remain in their homes.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any tax sale certificate issued before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.