

HOUSE BILL 243

Q1

(PRE-FILED)

4lr4524

CF 4lr4525

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

Requested: September 19, 2023

Introduced and read first time: January 10, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring that certain property be withheld from tax sale; authorizing
4 a county or a municipal corporation to withhold from tax sale certain property
5 designated for redevelopment purposes; altering certain provisions of law concerning
6 abandoned property that is sold for less than the lien amount; altering certain
7 requirements concerning the rate of redemption for properties sold at tax sale;
8 prohibiting taxes, interest, and penalties accruing after the date of a tax sale from
9 being included in the payment required to redeem a property; extending the period
10 of time during which a holder of a certificate of sale is prohibited from filing a
11 complaint to foreclose the right of redemption for owner-occupied residential
12 property after the date of sale; extending the period of time after a tax sale during
13 which a certain notice may not be sent to certain persons with an interest in
14 owner-occupied residential property sold at the tax sale; requiring the plaintiff in an
15 action to foreclose the right of redemption for an owner-occupied property subject to
16 tax sale to send written notice of the proceeding to the State Tax Sale Ombudsman;
17 extending in all counties, except Talbot County, the amount of time that has to pass
18 after a tax sale before the plaintiff or the holder of a certificate of sale for
19 owner-occupied residential property may be reimbursed for certain expenses when
20 the property is redeemed; requiring the governing body of a county and any
21 municipal corporation that conducts a tax sale to establish a process by which an
22 owner of owner-occupied residential property sold at tax sale may redeem the
23 property through an installment payment plan; prohibiting the sale of property to
24 enforce a lien for unpaid charges for water and sewer service except under certain
25 circumstances; requiring a county to maintain a record of the information the county
26 provides for the Annual Tax Sale Survey for a certain minimum number of years;
27 and generally relating to tax sales.

28 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Tax – Property

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

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – Property

Section 14–817(c) and 14–836(a) and (b)(1), (2), (3), and (4)(ii)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 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) Except as provided in this section, the collector **[may] SHALL** withhold from sale any property, when the total taxes on the property, including interest and penalties, amount to less than \$250 in any 1 year.

(b) (1) The collector may withhold from sale any 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 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] 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:

1 (i) all taxes on the property that are certified to the collector under
2 § 14–810 of this subtitle;

3 (ii) interest and penalties on the taxes; and

4 (iii) expenses incurred in making the sale.

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

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

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

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

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

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

19 (ii) the deed is recorded; and

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

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

24 14–820.

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

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

30 (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] **GOVERNING BODY OF THE 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 SUBSECTIONS (C) AND (D) 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;

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

(20) in Washington County the rate is 6% a year or as fixed by the County Commissioners.

(C) THE RATE OF REDEMPTION AS FIXED BY THE GOVERNING BODY OF A COUNTY MAY NOT EXCEED 10% A YEAR.

(D) FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY, THE RATE OF REDEMPTION IS 6% A YEAR.

[(c)] (E) 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] **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 [9] 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) (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 **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] **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]
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.

(a) The plaintiff in any action to foreclose the right of redemption shall be the
holder of the certificate of sale.

(b) (1) Except as otherwise provided in this subsection, the defendants in any
action to foreclose the right of redemption shall be:

(i) the record title holder of the property as disclosed by a search
performed in accordance with generally accepted standards of title examination of the land
records of the county, of the records of the register of wills of the county, and of the records
of the circuit court for the county;

(ii) if the property is subject to a ground rent, the record title holder
of the fee-simple title and the owner of the leasehold title as disclosed by a search
performed in accordance with generally accepted standards of title examination of the land
records of the county, of the records of the register of wills of the county and of the records
of the circuit court for the county;

(iii) any mortgagee of the property or any assignee of the mortgagee
of record, named as such in any unreleased mortgage recorded in the land records of the
county;

(iv) the trustee under any deed of trust recorded against the property
or any holder of a beneficial interest in a deed of trust who files notice of the interest, which
notice shall include identification of the deed of trust, the book and page where the deed of
trust is recorded, and the address at which the holder may be served with a summons;

(v) the county where the property is located; and

(vi) if appropriate, the State.

(2) The plaintiff may choose not to include as a defendant any of the
persons enumerated in paragraph (1) of this subsection. However, the rights of any person
not included as a defendant are not affected by the proceedings.

(3) Subject to the provisions of paragraph (4) of this subsection, it is not necessary to name as defendant any other person that has or claims to have any right, title, interest, claim, lien or equity of redemption in the property sold by the collector. Any of these persons are included as defendants by the designation “all persons that have or claim to have any interest in property (giving a description of the property in substantially the same form as the description that appears on the Collector’s certificate of tax sale).” Any of these persons may be designated throughout the proceeding by the above designation and the cause may proceed against them by publication under order of court as provided in this subtitle.

(4) (i) Notwithstanding the provisions 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.

(ii) The notice under this subsection shall:

1. be sent by certified mail, postage prepaid, return receipt requested, bearing a postmark from the United States Postal Service; and

2. be accompanied by a copy of the complaint.

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.

(d) The [Mayor and City Council of Baltimore City may] **GOVERNING BODY OF A COUNTY AND ANY MUNICIPAL CORPORATION THAT CONDUCTS A TAX SALE UNDER § 14-809 OF THIS SUBTITLE SHALL** establish, by law, a process by which an owner of owner-occupied residential property sold at tax sale in accordance with this subtitle may redeem the property through an installment payment plan.

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] **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 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] **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 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 TAX SALE.

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, 2025.