

HOUSE BILL 1530

L2

EMERGENCY BILL

4lr3340

By: **St. Mary's County Delegation**

Introduced and read first time: March 3, 2014

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 7, 2014

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2014

CHAPTER _____

1 AN ACT concerning

2 **St. Mary's County Metropolitan Commission – ~~Collection of Unpaid Charges~~**

3 FOR the purpose of ~~repealing provisions that require certain connection charges and a~~
4 ~~certain system improvement charge of the St. Mary's County Metropolitan~~
5 ~~Commission to be treated as County taxes for collection purposes; repealing~~
6 ~~provisions that require property subject to a certain connection charge or a~~
7 ~~certain system improvement charge to be sold at the same time and in the same~~
8 ~~manner as properties are sold for County taxes under certain circumstances;~~
9 ~~repealing provisions that prohibit certain property redeemed from a County tax~~
10 ~~sale or sold after a final tax sale from being redeemed or sold until certain~~
11 ~~connection charges due on it are paid; repealing a provision that requires a~~
12 ~~certain unpaid water and sewer service bill to be collectible from the owner of~~
13 ~~the property served in a certain manner; requiring the St. Mary's County~~
14 Metropolitan Commission to establish certain procedures by which an owner of
15 certain residential property may apply for a waiver or an extension of time to
16 pay certain charges under certain circumstances, including a method by which
17 the owner may appeal a certain decision of the Commission to the Board of
18 County Commissioners or an entity designated by the Board of County
19 Commissioners; making this Act an emergency measure; and generally relating
20 to the collection of unpaid charges of the St. Mary's County Metropolitan
21 Commission.

22 BY repealing and reenacting, with amendments,
23 The Public Local Laws of St. Mary's County

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.



1 Section 113–12 D., 113–14 G., and 113–29 M.
2 Article 19 – Public Local Laws of Maryland
3 (2007 Edition and February 2013 Supplement, as amended)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article 19 – St. Mary’s County**

7 113–12.

8 D. (1) The connection charges set forth in subsections B. and C. of this
9 section shall be payable at the Office of the Commission at a time that is determined
10 by the Commission.

11 (2) If any connection charges remain unpaid for a period of thirty (30)
12 days after the payment is due, in addition to any other charges, the Commission may
13 impose a late charge not to exceed one and one-half (1 1/2) percent per month until all
14 delinquent charges are paid.

15 (3) If all or any part of a connection charge remains unpaid after
16 thirty (30) days after the due date of payment, the entire unpaid connection charge
17 shall be overdue and in default, at which time the Commission may proceed to enforce
18 payment.

19 (4) Any statute of limitations to the contrary notwithstanding, and
20 subject only to prior State and County taxes, the connection charge shall be a first lien
21 on the property against which it is assessed until paid.

22 ~~¶~~(5) For purposes of collection:

23 (A) The connection charges shall be treated as County taxes and
24 be advertised in the same manner as and with County taxes;

25 (B) All property subject to the connection charges shall be sold
26 for the connection charges at the same time and in the same manner as the properties
27 are sold for County taxes; and

28 (C) Applicable laws relating to the collection of County taxes
29 shall relate to the collection of the connection charges.

30 (6) Property redeemed from a County tax sale and property sold by the
31 County Commissioners after a final tax sale may not be redeemed or sold until the
32 connection charges due on it are paid.¶

33 ~~¶(7)¶(5)~~ To give notice to the general public of existing liens and
34 charges against any property within any sanitary district abutting on any water or

1 sewer main, the Commission shall keep a public record of all names of owners of
 2 property, locations of the property, lot numbers when of record, and the amount of the
 3 connection charges or other charges that may become liens.

4 ~~[(8)] (6)~~ The records shall be kept in the land records of St. Mary's
 5 County, and the Clerk of the Circuit Court for the County shall furnish space
 6 necessary to keep and preserve the records, that, when recorded in the public record,
 7 are legal notice of all existing liens within any sanitary district.

8 ~~[(9)] (7)~~ If any liens, connection charges, or other charges remain
 9 unpaid for thirty (30) days after becoming overdue, they may be collected by an action
 10 to enforce the liens, and any judgment or decree obtained shall have the force and
 11 effect of a judgment in personam.

12 ~~[(10)] (8)~~ The Commission may file an action to enforce the liens
 13 against the owner of record at the time the levy was made, or the owner of record at
 14 the time the suit is filed, or any owner of record between these dates.

15 **(11) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION**
 16 **SHALL ESTABLISH A PROCEDURE BY WHICH THE OWNER OF A RESIDENTIAL**
 17 **PROPERTY, THAT IS ALSO THE PRIMARY RESIDENCE OF THE OWNER SUBJECT**
 18 **TO THE CONNECTION CHARGES, MAY APPLY FOR A WAIVER OR AN EXTENSION**
 19 **OF TIME TO PAY THE CHARGES BECAUSE OF THE FINANCIAL HARDSHIP OF THE**
 20 **OWNER, INCLUDING A METHOD BY WHICH THE OWNER MAY APPEAL THE**
 21 **DECISION OF THE COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS,**
 22 **OR AN ENTITY DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS.**

23 113-14.

24 G. **(1)** If any bill shall remain unpaid for thirty (30) days after the due
 25 date, ~~it~~ it shall be collectible from the owner of the property served in the same manner
 26 as other debts are collectible in the County. ~~The~~ ~~THE~~ service charges and all penalties
 27 and late charges shall be a first lien against the property, and the same procedures as
 28 set forth in section 113-12.D. of this chapter shall be followed by the Commission in
 29 collecting those debts.

30 **(2) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION**
 31 **SHALL ESTABLISH A PROCEDURE BY WHICH THE OWNER OF A RESIDENTIAL**
 32 **PROPERTY, THAT IS ALSO THE PRIMARY RESIDENCE OF THE OWNER SERVED,**
 33 **MAY APPLY FOR A WAIVER OR AN EXTENSION OF TIME TO PAY THE SERVICE**
 34 **CHARGES BECAUSE OF THE FINANCIAL HARDSHIP OF THE OWNER, INCLUDING A**
 35 **METHOD BY WHICH THE OWNER MAY APPEAL THE DECISION OF THE**
 36 **COMMISSION TO THE BOARD OF COUNTY COMMISSIONERS, OR AN ENTITY**
 37 **DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS.**

1 113-29.

2 M. (1) The System Improvement Charge shall be payable at the Office of
3 the Commission at a time that the Commission determines.

4 (2) If any charges remain unpaid for a period of thirty (30) days after
5 the payment is due, in addition to any other charges, the Commission may impose a
6 late charge not to exceed one and one-half (1 1/2) percent per month until all
7 delinquent charges are paid.

8 (3) The entire unpaid System Improvement Charge shall be overdue
9 and in default after thirty (30) days after the payment is due for all or any part of the
10 System Improvement Charge required by the Commission, at which time the
11 Commission may proceed to enforce payment.

12 (4) Any statute of limitations to the contrary notwithstanding and
13 subject only to prior State and County taxes, the System Improvement Charge shall be
14 a first lien on the property against which it is assessed until paid.

15 ~~¶~~(5) For purposes of collection:

16 (A) The System Improvement Charge shall be treated as County
17 taxes and be advertised in the same manner as and with County taxes;

18 (B) All property subject to the System Improvement Charges
19 shall be sold for System Improvement Charges at the same time and in the same
20 manner as the properties are sold for County taxes; and

21 (C) Applicable laws relating to the collection of County taxes
22 shall relate to the collection of the System Improvement Charges.

23 (6) Property redeemed from a County tax sale and property sold by the
24 County Commissioners after a final tax sale may not be redeemed or sold until the
25 System Improvement Charges are paid.¶

26 ~~¶~~(7) ~~¶~~(5) To give notice to the general public of existing liens and
27 charges against any property within any sanitary district abutting on any water or
28 sewer main, the Commission shall keep a public record of all names of owners or
29 property, locations of the property, lot numbers when of record, and the amount of the
30 System Improvement Charges, water service charges, or [charges] that may become
31 liens.

32 ~~¶~~(8) ~~¶~~(6) If any liens, System Improvement Charges or other charges
33 remain unpaid for thirty (30) days after becoming overdue, they may be collected by an
34 action to enforce the liens, and any judgment or decree obtained shall have the force
35 and effect of a judgment in personam.

1 ~~[(9)] (7)~~ The Commission may file an action to enforce the liens
 2 against the owner of record at the time the levy was made, or the owner of record at
 3 the time the suit is filed, or any owner of record between these dates.

4 **(10) NOTWITHSTANDING ANY OTHER LAW, THE COMMISSION**
 5 **SHALL ESTABLISH A PROCEDURE BY WHICH THE OWNER OF A RESIDENTIAL**
 6 **PROPERTY, THAT IS ALSO THE PRIMARY RESIDENCE OF THE OWNER SUBJECT**
 7 **TO THE SYSTEM IMPROVEMENT CHARGE, MAY APPLY FOR A WAIVER OR AN**
 8 **EXTENSION OF TIME TO PAY THE CHARGE BECAUSE OF THE FINANCIAL**
 9 **HARDSHIP OF THE OWNER, INCLUDING A METHOD BY WHICH THE OWNER MAY**
 10 **APPEAL THE DECISION OF THE COMMISSION TO THE BOARD OF COUNTY**
 11 **COMMISSIONERS, OR AN ENTITY DESIGNATED BY THE BOARD OF COUNTY**
 12 **COMMISSIONERS.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 14 measure, is necessary for the immediate preservation of the public health or safety,
 15 has been passed by a ye and nay vote supported by three-fifths of all the members
 16 elected to each of the two Houses of the General Assembly, and shall take effect from
 17 the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.