

HOUSE BILL 1273

L1, M3

5l3086
CF 5l3085

By: **Delegate Otto**

Introduced and read first time: March 9, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Somerset County Sanitary Commission – Enforcement of Liens – Tax Sale**
3 **Authorization**

4 FOR the purpose of authorizing the Somerset County Sanitary Commission to request the
5 county tax collector to conduct a sale of real property to enforce a lien representing
6 certain unpaid assessments or charges in accordance with certain procedures;
7 authorizing the tax collector in Somerset County to conduct a county tax sale for the
8 purpose of enforcing a certain lien; and generally relating to the levy and collection
9 of benefit assessments by the Somerset County Sanitary Commission.

10 BY repealing and reenacting, with amendments,
11 Article – Environment
12 Section 9–658
13 Annotated Code of Maryland
14 (2014 Replacement Volume)

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

17 **Article – Environment**

18 9–658.

19 (a) When the sanitary commission has determined a benefit assessment, and
20 except as otherwise provided in this section, the sanitary commission shall levy a benefit
21 assessment, so that the levy will be effective on the July 1 that next follows the first March
22 31 that occurs on or before which the construction is completed on the project for which the
23 benefit assessment is made.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) The Allegany County Sanitary Commission may make the levy of a
2 benefit assessment effective on the date on which the construction is completed on the
3 project for which the benefit assessment is made.

4 (2) If the Allegany County Sanitary Commission makes a levy on the date
5 on which the construction is completed, it shall prorate the levy on the basis of the benefit
6 assessment for an entire year and the time remaining until July 1.

7 (c) (1) The Dorchester County Sanitary Commission may make the levy of a
8 benefit assessment effective on the date on which:

9 (i) The construction is substantially completed; or

10 (ii) The system is in use for the project for which the benefit
11 assessment is made.

12 (2) If the Dorchester County Sanitary Commission makes a levy on the
13 date on which the construction is substantially completed or when the system is in use, it
14 shall prorate the levy on the basis of the benefit assessment for an entire year and the time
15 remaining until July 1.

16 (d) While unpaid, benefit assessments and other charges are a lien on the parcel
17 for which made.

18 (e) The lien granted by this section is subordinate only to State taxes and
19 municipal taxes.

20 (f) (1) As to each lien that arises against a parcel in the district, the sanitary
21 commission shall keep a public record that:

22 (i) Identifies the owners of the parcel;

23 (ii) Describes the parcel and gives any lot number of record that
24 applies to the parcel; and

25 (iii) Shows the amount of the lien.

26 (2) The sanitary commission shall file the record of liens among the land
27 records of the county where the parcel is located.

28 (3) The record of liens shall be legal notice of all existing liens in the
29 district.

30 (g) (1) To enforce the collection of unpaid benefit assessments or other charges
31 that are at least 60 days overdue, the sanitary commission, at any time, may:

1 (i) Sue any person who was an owner of record of the parcel at any
2 time since the benefit assessment was last paid; or

3 (ii) File a bill in equity to enforce a lien through a decree of sale of
4 property against any person who was an owner of record of the parcel at any time since the
5 benefit assessment was last paid.

6 (2) In addition to the actions that the sanitary commission may take under
7 paragraph (1) of this subsection, in Allegany County, Dorchester County, Garrett County,
8 and Somerset County, the sanitary commission may disconnect the service.

9 (3) When recorded, the lien is legal notice to any person who has any
10 interest in a parcel.

11 (h) (1) The governing body of Kent County may authorize by local law the sale
12 of real property to enforce a lien based on unpaid benefit assessments or other charges
13 under this subtitle. The procedures for establishment, notification, and enforcement of a
14 lien authorized by the governing body in accordance with this subsection shall conform to
15 the provisions of Chapter 152 of the Code of Kent County, governing collection of real
16 property taxes in arrears.

17 (2) If the sale of real property is authorized under paragraph (1) of this
18 subsection, in addition to any remedy under subsection (g) of this section, the sanitary
19 commission may request that the county tax collector conduct a sale of real property to
20 enforce a lien at a county tax sale in accordance with the same procedures governing the
21 sale of property for delinquent property taxes and the county tax collector may conduct the
22 sale.

23 (i) (1) In addition to any remedy under subsection (g) of this section, in
24 Allegany County [and], Dorchester County, **AND SOMERSET COUNTY**, the sanitary
25 commission may request the county tax collector to conduct a sale of real property to enforce
26 a lien representing any unpaid benefit assessment or other charges under this subtitle at
27 a county tax sale in accordance with the same procedures governing the sale of property for
28 delinquent property taxes.

29 (2) In Allegany County, the tax collector in Allegany County may conduct
30 a county tax sale for the purpose of enforcing a lien as specified in paragraph (1) of this
31 subsection.

32 (3) In Dorchester County, the tax collector in Dorchester County may
33 conduct a county tax sale for the purpose of enforcing a lien as specified in paragraph (1) of
34 this subsection.

35 (4) **IN SOMERSET COUNTY, THE TAX COLLECTOR IN SOMERSET**
36 **COUNTY MAY CONDUCT A COUNTY TAX SALE FOR THE PURPOSE OF ENFORCING A**
37 **LIEN AS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.