

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 1273 (Delegate Otto)  
Rules and Executive Nominations

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Somerset County Sanitary Commission - Enforcement of Liens - Tax Sale  
Authorization

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This bill clarifies that the Somerset County Sanitary Commission has the authority to request the county tax collector to conduct a sale of real property to enforce a lien representing any unpaid benefit assessments or other charges. Any sale would be conducted using the same procedures for the sale of property for delinquent property taxes.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Somerset County revenues could potentially increase by a significant amount. County expenditures could increase by a minimal amount, with any increase offset by proceeds from the tax sale.

**Small Business Effect:** None.

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Analysis

**Current Law:** To enforce the collection of unpaid benefit assessments or other charges that are at least 60 days overdue, a sanitary commission, at any time, may (1) sue any person who was an owner of record of the parcel at any time since the benefit assessment was last paid or (2) file a bill in equity to enforce a lien through a decree of sale of property against any person who was an owner of record of the parcel at any time since the benefit assessment was last paid. In Allegany, Dorchester, Garrett, and Somerset counties, the sanitary commission may also disconnect the service.

**Background:** Tax sales of real property are a common method used by local governments to collect delinquent property taxes. When a property is purchased at a tax sale, the purchaser must pay to the tax collector any delinquent taxes, penalties, sale expenses, and under certain conditions, a high bid premium. The remainder of the purchase price is not paid to the collector until the purchaser forecloses on the property. The property owner has the right to redeem the property within six months from the date of the tax sale by paying the delinquent taxes, penalties, interest, and certain expenses of the purchaser. If the owner redeems the certificate, the purchaser is refunded the amounts paid to the collector plus the interest and expenses. If the owner does not redeem the certificate, the purchaser has the right to foreclose on the property after the six-month right of redemption period has passed. Generally within two years, if the right to foreclose is not exercised by the purchaser, the certificate is void and the purchaser is not entitled to a refund of any monies paid to the collector.

If a property is offered for tax sale and there is no private purchaser, the local taxing agency must buy and hold the property. The governing body of the local taxing agency has the same rights and remedies with regard to other purchasers, including the right to foreclose.

Chapters 125 and 126 of 2014 authorized the Dorchester County Sanitary Commission to make the same requests and established for the same procedures for the sale of the property as specified in this bill. Chapter 315 of 1998 authorized the same requests and established the same procedures for Allegany County.

**Local Fiscal Effect:** Somerset County revenues could potentially increase by a significant amount due to the sale of property that has unpaid benefit assessments or other charges. For example, the Somerset County Sanitary District currently has 601 accounts totaling \$649,687 in unpaid assessments and charges past due by at least one year. This bill could allow the sanitary district to recoup some or all of these past due charges through the sale of properties at a tax sale.

Somerset County advises that if the county does conduct a tax sale to enforce a lien as addressed by the bill, county expenditures could increase by approximately \$5,000. Somerset County further advises that it would pass the majority of these costs to the sanitary district through advertising and related fees. These costs, however, would be offset by the proceeds from the tax sale.

If the county could not sell the property, expenditures could increase due to maintenance costs on the unsold property. Although the specific amount cannot be reliably estimated at this time, it is assumed that any expenditure increase would be minimal.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 928 (Senator Mathias) - Budget and Taxation.

**Information Source(s):** Somerset County, Maryland Department of the Environment,  
Department of Legislative Services

**Fiscal Note History:** First Reader - March 20, 2015  
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