

# HOUSE BILL 411

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HB 264/19 – W&M

0lr1793

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By: **Delegate Long**

Introduced and read first time: January 23, 2020

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Homestead Property Tax Credit – Calculation of Credit for Dwelling Purchased**  
3 **by First-Time Homebuyer**

4 FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the  
5 governing body of a county to allow, by law, a first-time homebuyer in the State to  
6 calculate the homestead property tax credit using a certain method; requiring that  
7 the credit for a property that includes a newly purchased dwelling be calculated in a  
8 certain manner; providing that a certain homeowner receive the larger of the  
9 homestead property tax credit amounts as calculated using certain methods; making  
10 a conforming change; defining a certain term; providing for the application of this  
11 Act; and generally relating to the homestead property tax credit.

12 BY repealing and reenacting, without amendments,  
13 Article – Tax – Property  
14 Section 9–105(a)(1), (5), (7), and (9) and (b)  
15 Annotated Code of Maryland  
16 (2019 Replacement Volume)

17 BY repealing and reenacting, with amendments,  
18 Article – Tax – Property  
19 Section 9–105(e)(1) and (2)  
20 Annotated Code of Maryland  
21 (2019 Replacement Volume)

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

### Article – Tax – Property

24  
25 9–105.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (5) (i) “Dwelling” means:

3 1. a house that is:

4 A. used as the principal residence of the homeowner; and

5 B. actually occupied or expected to be actually occupied by  
6 the homeowner for more than 6 months of a 12-month period beginning with the date of  
7 finality for the taxable year for which the property tax credit under this section is sought;  
8 and

9 2. the lot or curtilage on which the house is erected.

10 (ii) “Dwelling” includes:

11 1. a condominium unit that is occupied by an individual who  
12 has a legal interest in the condominium;

13 2. an apartment in a cooperative apartment corporation that  
14 is occupied by an individual who has a legal interest in the apartment; and

15 3. a part of real property used other than primarily for  
16 residential purposes, if the real property is used as a principal residence by an individual  
17 who has a legal interest in the real property.

18 (7) “Homeowner” means an individual who has a legal interest in a  
19 dwelling or who is an active member of an agricultural ownership entity that has a legal  
20 interest in a dwelling.

21 (9) “Taxable assessment” means the assessment on which the property tax  
22 rate was imposed in the preceding taxable year, adjusted by the phased-in assessment  
23 increase resulting from a revaluation under § 8–104(c)(1)(iii) of this article, less the amount  
24 of any assessment on which a property tax credit under this section is authorized.

25 (b) (1) If there is an increase in property assessment as calculated under this  
26 section, the State and the governing body of each county and of each municipal corporation  
27 shall grant a property tax credit under this section against the State, county, and municipal  
28 corporation property tax imposed on real property by the State, county, or municipal  
29 corporation.

30 (2) A property tax credit granted under this section shall be applicable to  
31 any State, county, or municipal corporation property tax and any property tax imposed for  
32 a bicounty commission.

33 (e) (1) **(I) [For] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**

1 PARAGRAPH, FOR each taxable year, the property tax credit under this section is  
2 calculated by:

3 [(i)] 1. multiplying the prior year's taxable assessment by the  
4 homestead credit percentage as provided under paragraph (2) of this subsection;

5 [(ii)] 2. subtracting that amount from the current year's  
6 assessment; and

7 [(iii)] 3. if the difference is a positive number, multiplying the  
8 difference by the applicable property tax rate for the current year.

9 (II) 1. THIS SUBPARAGRAPH APPLIES ONLY IF A DWELLING  
10 WAS TRANSFERRED FOR CONSIDERATION TO NEW OWNERSHIP AND THE NEW  
11 HOMEOWNER IS A FIRST-TIME HOMEBUYER IN THE STATE.

12 2. IN THIS SUBPARAGRAPH, "HOMESTEAD CREDIT  
13 CARRYOVER AMOUNT" MEANS THE DIFFERENCE BETWEEN THE MOST RECENT  
14 TAXABLE ASSESSMENT OF A DWELLING BEFORE THE TRANSFER OF THE DWELLING  
15 TO A NEW HOMEOWNER AND THE ASSESSMENT THAT WOULD HAVE APPLIED TO THE  
16 DWELLING ABSENT THE CREDIT CALCULATED UNDER SUBPARAGRAPH (I) OF THIS  
17 PARAGRAPH.

18 3. A. THE MAYOR AND CITY COUNCIL OF  
19 BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY MAY ALLOW, BY LAW, A  
20 HOMEOWNER WHO IS A FIRST-TIME HOMEBUYER IN THE COUNTY TO CALCULATE  
21 UNDER THIS SUBPARAGRAPH THE AMOUNT OF THE CREDIT REQUIRED UNDER  
22 SUBSECTION (B) OF THIS SECTION.

23 B. THE PROPERTY TAX CREDIT UNDER THIS  
24 SUBPARAGRAPH IS CALCULATED BY MULTIPLYING THE HOMESTEAD CREDIT  
25 CARRYOVER AMOUNT BY THE APPLICABLE PROPERTY TAX RATE FOR THE CURRENT  
26 YEAR FOR THE HOMEOWNER'S PROPERTY.

27 C. THE HOMESTEAD CREDIT CARRYOVER AMOUNT USED  
28 TO CALCULATE THE CREDIT SHALL BE REDUCED BY 20% EACH YEAR BEGINNING IN  
29 THE SECOND YEAR A HOMEOWNER RECEIVES THE CREDIT AS CALCULATED UNDER  
30 THIS SUBPARAGRAPH.

31 D. THE CREDIT REQUIRED UNDER SUBSECTION (B) OF  
32 THIS SECTION IS EQUAL TO THE GREATER OF EITHER THE CREDIT CALCULATED  
33 UNDER THIS SUBPARAGRAPH OR THE CREDIT CALCULATED UNDER SUBPARAGRAPH  
34 (I) OF THIS PARAGRAPH.

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1                   (2) For each taxable year, the homestead credit percentage under  
2 paragraph [(1)(i)] **(1)(I)1** of this subsection is:

3                   (i) for the State property tax and for any property tax imposed for a  
4 bicounty commission, 110%;

5                   (ii) for the county property tax:

6                   1. the homestead credit percentage established by the county  
7 under paragraph (3) of this subsection; or

8                   2. if the county has not set a percentage for the taxable year  
9 under paragraph (3) of this subsection or has not notified the Department as required under  
10 paragraph (6) of this subsection, the homestead credit percentage in effect for the county  
11 for the preceding taxable year; and

12                   (iii) for the municipal corporation property tax:

13                   1. the homestead credit percentage established by the  
14 municipal corporation under paragraph (4) of this subsection; or

15                   2. if the municipal corporation has not set a percentage  
16 under paragraph (4) of this subsection or has not notified the Department as required under  
17 paragraph (7) of this subsection, the homestead credit percentage for the taxable year for  
18 the county in which the property is located.

19                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
20 1, 2020, and shall be applicable to all taxable years beginning after June 30, 2020.