

# HOUSE BILL 1189

Q2

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CF SB 63

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By: **Delegate Smith**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Property Tax Credit for Newly Constructed Dwellings –**  
3 **Reauthorization and Modification**

4 FOR the purpose of reauthorizing the Mayor and City Council of Baltimore City to grant,  
5 by law, a certain property tax credit against the property tax imposed on certain  
6 newly constructed dwellings in Baltimore City, subject to certain limitations;  
7 expanding the tax credit program to authorize the Mayor and City Council of  
8 Baltimore City to grant, by law, the property tax credit to certain owners of certain  
9 substantially rehabilitated dwellings in Baltimore City; authorizing the Mayor and  
10 City Council of Baltimore City to provide, by law, for a certain application period  
11 based in part on the completion date of a certain rehabilitation; providing that the  
12 property tax credit may not be granted on or after a certain date; making conforming  
13 changes; defining certain terms; altering certain definitions; providing for the  
14 application of this Act; and generally relating to a property tax credit in Baltimore  
15 City for newly constructed and substantially rehabilitated dwellings.

16 BY repealing and reenacting, with amendments,  
17 Article – Tax – Property  
18 Section 9–304(d)  
19 Annotated Code of Maryland  
20 (2019 Replacement Volume)

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

23 **Article – Tax – Property**

24 9–304.

25 (d) (1) (i) In this subsection the following words have the meanings  
26 indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) “ELIGIBLE DWELLING” MEANS RESIDENTIAL REAL  
2 PROPERTY WITH AN ASSESSED VALUE OF \$500,000 OR LESS THAT IS:

- 3 1. A NEWLY CONSTRUCTED DWELLING; OR  
4 2. A SUBSTANTIALLY REHABILITATED DWELLING.

5 (III) 1. “MAJOR BUILDING COMPONENT” MEANS A  
6 COMPONENT, AT LEAST 50% OF WHICH IS REPLACED, THAT:

- 7 A. IS SIGNIFICANT TO THE DWELLING AND ITS USE;  
8 B. IS NORMALLY EXPECTED TO LAST THE USEFUL LIFE  
9 OF THE DWELLING; AND  
10 C. IS NOT MINOR OR COSMETIC.

11 2. “MAJOR BUILDING COMPONENT” INCLUDES:

- 12 A. ROOF STRUCTURES;  
13 B. WALL OR FLOOR STRUCTURES;  
14 C. FOUNDATIONS; OR  
15 D. PLUMBING, CENTRAL HEATING AND AIR  
16 CONDITIONING, OR ELECTRICAL SYSTEMS.

17 [(ii)] (IV) 1. “Newly constructed dwelling” means residential  
18 real property that has not been previously occupied since its construction and for which the  
19 building permit for construction was issued:

- 20 A. on or after October 1, 1994, **BUT BEFORE JULY 1, 2019;**  
21 **OR**  
22 B. **ON OR AFTER JULY 1, 2020.**

23 2. “Newly constructed dwelling” includes a “vacant dwelling”  
24 as defined in subsection (c)(1) of this section that has been rehabilitated in compliance with  
25 applicable local laws and regulations and has not been previously occupied since the  
26 rehabilitation.

27 [(iii)] (V) “Owner” means “homeowner” as defined in § 9–105 of this

1 title.

2 (VI) 1. “SUBSTANTIALLY REHABILITATED DWELLING”  
3 MEANS RESIDENTIAL REAL PROPERTY THAT, ON OR AFTER JULY 1, 2020, HAS  
4 UNDERGONE REPAIRS, REPLACEMENTS, OR IMPROVEMENTS:

5 A. OF TWO OR MORE MAJOR BUILDING COMPONENTS;

6 B. THAT COMPLY WITH LOCAL LAWS AND REGULATIONS;  
7 AND

8 C. FOR WHICH THE DIRECT CONSTRUCTION COSTS  
9 INCURRED BY THE OWNER EXCEED \$6,500 OR, AFTER THE COMPLETION OF THE  
10 REPAIRS, REPLACEMENTS, OR IMPROVEMENTS, 30% OF THE PROPERTY’S ASSESSED  
11 VALUE IN THE TAXABLE YEAR.

12 2. “SUBSTANTIALLY REHABILITATED DWELLING” DOES  
13 NOT INCLUDE A REHABILITATED “VACANT DWELLING” AS DEFINED IN SUBSECTION  
14 (C)(1) OF THIS SECTION.

15 (2) The Mayor and City Council of Baltimore City may grant, by law, a  
16 property tax credit under this subsection against the county property tax imposed on  
17 [newly constructed] ELIGIBLE dwellings that are owned by qualifying owners.

18 (3) A property tax credit granted under this subsection may not exceed the  
19 amount of county property tax imposed on the real property, less the amount of any other  
20 credit applicable in that year, multiplied by:

21 (i) 50% for the first taxable year in which the property qualifies for  
22 the tax credit;

23 (ii) 40% for the second taxable year in which the property qualifies  
24 for the tax credit;

25 (iii) 30% for the third taxable year in which the property qualifies for  
26 the tax credit;

27 (iv) 20% for the fourth taxable year in which the property qualifies  
28 for the tax credit;

29 (v) 10% for the fifth taxable year in which the property qualifies for  
30 the tax credit; and

31 (vi) 0% for each taxable year thereafter.

1           (4) Notwithstanding the credit amount calculated under paragraph (3) of  
2 this subsection, the Mayor and City Council of Baltimore City may establish, by law,  
3 maximum limits on the cumulative property tax credit allowed under this subsection or on  
4 the amount of the credit allowed for any year.

5           (5) Owners of [newly constructed] **ELIGIBLE** dwellings may qualify for the  
6 tax credit authorized by this subsection by:

7           (i) **IF THE ELIGIBLE DWELLING IS A NEWLY CONSTRUCTED**  
8 **DWELLING**, purchasing [a] **THE** newly constructed dwelling;

9           (ii) occupying the [newly constructed] **ELIGIBLE** dwelling as their  
10 principal residence;

11           (iii) filing a State income tax return during the period of the tax credit  
12 as a resident of Baltimore City; and

13           (iv) satisfying other requirements as may be provided by the Mayor  
14 and City Council of Baltimore City.

15           (6) (i) The Mayor and City Council of Baltimore City may provide, by  
16 law, for two application periods during which owners can apply for the property tax credit  
17 under this subsection[, one that is] based on:

18                           **1. A. IF THE DWELLING IS A NEWLY CONSTRUCTED**  
19 **DWELLING**, the purchase date of the dwelling; **OR**

20                                           **B. IF THE DWELLING IS A SUBSTANTIALLY**  
21 **REHABILITATED DWELLING, THE DATE ON WHICH THE REHABILITATION IS**  
22 **COMPLETED**; and

23                           **2. [one that is based on] the date of the assessment notice.**

24           (ii) If granted, the tax credit shall be applied against the owner's  
25 property taxes as long as the owner remains the owner-occupant of the dwelling for which  
26 the credit is received.

27           (iii) The Mayor and City Council of Baltimore City shall provide for  
28 any procedures necessary and appropriate for implementing the application periods.

29           (7) The Mayor and City Council of Baltimore City may provide for  
30 additional procedures necessary and appropriate for the submission of an application for  
31 and the granting of a property tax credit under this subsection, including procedures for  
32 granting partial credits for eligibility for less than a full taxable year.

33           (8) The estimated amount of all tax credits received by owners under this

1 subsection in any fiscal year shall be reported by the Director of Finance of Baltimore City  
2 as a “tax expenditure” for that fiscal year and shall be included in the publication of the  
3 City’s budget for any subsequent fiscal year with the estimated or actual City property tax  
4 revenue for the applicable fiscal year.

5 (9) (i) After June 30, [2019] **2025**, additional owners of [newly  
6 constructed] **ELIGIBLE** dwellings may not be granted a credit under this subsection.

7 (ii) This paragraph does not apply to an owner’s continuing receipt  
8 of a credit as allowed in paragraph (3) of this subsection, with respect to a property for  
9 which a tax credit under this subsection was received for a taxable year ending on or before  
10 June 30, [2019] **2025**.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
12 1, 2020, and shall be applicable to all taxable years beginning after June 30, 2020.