

SENATE BILL 751

Q1

3lr1920
CF 3lr1922

By: **Senator Folden**

Introduced and read first time: February 6, 2023

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Property Tax Credit – Disabled or Fallen Law Enforcement Officer or Rescue**
3 **Worker – Alterations**

4 FOR the purpose of altering, for purposes of a certain property tax credit for a certain
5 dwelling, the definition of “fallen law enforcement officer or rescue worker” to include
6 disabled law enforcement officers or rescue workers who have died regardless of the
7 cause of death; repealing a certain requirement, and the authority of a county to
8 impose a requirement, that, for purposes of eligibility for the credit, the dwelling
9 must have been acquired by the disabled or fallen law enforcement officer or rescue
10 worker or the surviving spouse or cohabitant within a certain number of years after
11 a certain finding; requiring the amount of the credit for a newly acquired dwelling
12 owned by a disabled or fallen law enforcement officer or rescue worker or the
13 surviving spouse or cohabitant to be in the same proportion as the property tax credit
14 for a certain former dwelling; and generally relating to a property tax credit for a
15 dwelling owned by a disabled or fallen law enforcement officer or rescue worker or
16 the surviving spouse or cohabitant.

17 BY repealing and reenacting, with amendments,
18 Article – Tax – Property
19 Section 9–210
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2022 Supplement)

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

24 **Article – Tax – Property**

25 9–210.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Cohabitant” means an individual who for a period of at least 180 days
2 in the year before the death of a fallen law enforcement officer or rescue worker:

3 (i) had a relationship of mutual interdependence with the fallen law
4 enforcement officer or rescue worker; and

5 (ii) resided with the fallen law enforcement officer or rescue worker
6 in the dwelling.

7 (3) “Disabled law enforcement officer or rescue worker” means an
8 individual who:

9 (i) has been found to be permanently and totally disabled by an
10 administrative body or court of competent jurisdiction authorized to make such a
11 determination; and

12 (ii) became disabled:

13 1. as a result of or in the course of employment as a law
14 enforcement officer or a correctional officer; or

15 2. while in the active service of a fire, rescue, or emergency
16 medical service, unless the disability was the result of the individual’s own willful
17 misconduct or abuse of alcohol or drugs.

18 (4) (i) “Dwelling” means real property that:

19 1. is the legal residence of a disabled law enforcement officer
20 or rescue worker, a surviving spouse, or a cohabitant; and

21 2. is occupied by not more than two families.

22 (ii) “Dwelling” includes the lot or curtilage and structures necessary
23 to use the real property as a residence.

24 (5) “Fallen law enforcement officer or rescue worker” means [an individual
25 who dies]:

26 (i) **AN INDIVIDUAL WHO DIES** as a result of or in the course of
27 employment as a law enforcement officer or a correctional officer; [or]

28 (ii) **AN INDIVIDUAL WHO DIES** while in the active service of a fire,
29 rescue, or emergency medical service, unless the death was the result of the individual’s
30 own willful misconduct or abuse of alcohol or drugs; **OR**

1 (III) A DISABLED LAW ENFORCEMENT OFFICER OR RESCUE
2 WORKER WHO DIES, REGARDLESS OF THE CAUSE OF DEATH.

3 (6) "Surviving spouse" means a surviving spouse, who has not remarried,
4 of a fallen law enforcement officer or rescue worker.

5 (b) (1) The Mayor and City Council of Baltimore City or the governing body of
6 a county or municipal corporation may grant, by law, a property tax credit under this
7 section against the county or municipal corporation property tax imposed on a dwelling
8 that is owned by a disabled law enforcement officer or rescue worker, a surviving spouse of
9 a fallen law enforcement officer or rescue worker, or a cohabitant:

10 [(1)] (I) if the dwelling was owned by the disabled law enforcement officer
11 or rescue worker at the time the law enforcement officer or rescue worker was adjudged to
12 be permanently and totally disabled or by the fallen law enforcement officer or rescue
13 worker at the time of the fallen law enforcement officer's or rescue worker's death;

14 [(2)] (II) if the disabled law enforcement officer or rescue worker was
15 domiciled in the State as of the date the disabled law enforcement officer or rescue worker
16 was adjudged to be permanently and totally disabled or the fallen law enforcement officer
17 or rescue worker, the surviving spouse, or the cohabitant was domiciled in the State as of
18 the date of the fallen law enforcement officer's or rescue worker's death and the dwelling
19 was acquired by the disabled law enforcement officer or rescue worker [within 10 years of
20 the date] **AFTER** the disabled law enforcement officer or rescue worker was adjudged to be
21 permanently and totally disabled or by the surviving spouse or cohabitant [within 10 years
22 of] **AFTER** the fallen law enforcement officer's or rescue worker's death; **OR**

23 [(3)] (III) if the dwelling was owned by the surviving spouse or cohabitant
24 at the time of the fallen law enforcement officer's or rescue worker's death[; or].

25 [(4)] (2) [if the] **FOR A** dwelling **THAT** was acquired after the disabled
26 law enforcement officer or rescue worker, the surviving spouse, or the cohabitant qualified
27 for a credit for a former dwelling under [item (1), (2), or (3)] **PARAGRAPH (1)** of this
28 subsection, [to the extent of the previous credit] **THE CREDIT SHALL BE AWARDED FOR**
29 **THE NEWLY ACQUIRED DWELLING IN AN AMOUNT THAT REDUCES THE PROPERTY**
30 **TAXES OWED ON THE NEWLY ACQUIRED DWELLING BY THE SAME PROPORTION AS**
31 **THE CREDIT REDUCED THE PROPERTY TAXES ON THE FORMER DWELLING.**

32 (c) A county or municipal corporation may provide, by law, for:

33 (1) the amount and duration of a property tax credit allowed under this
34 section; **AND**

35 (2) [any additional limitation to the number of years the dwelling was
36 acquired within the date of an adjudication of disability or death; and

1 (3)] any other provision necessary to carry out the provisions of this section.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
3 1, 2023, and shall be applicable to all taxable years beginning after June 30, 2023.