



JUSTICE FOR ALL

February 13, 2024

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TO: The Honorable Vanessa Atterbeary, Chair, Ways and Means Committee

FROM: Steven Messmer

Tangled Title Attorney, Maryland Volunteer Lawyers Service

RE: HB591 – Real Property - Transfer to Heir or Legatee - Exemption From
Payment– Support

The Maryland Volunteer Lawyers Service urges this Committee to favorably report HB 591. This bill eliminates the requirement to prepay property taxes and other property bills before real property can transfer from the estate of a decedent to that decedent’s heirs or legatees.

An heir is someone that would inherit if there was no will, while a legatee is someone who inherits through a will.

Real property should transfer from a decedent’s estate irrespective of when the bills on the property are paid. Some heirs do not have the means to pay the property bills prior to inheriting. This leaves them with unclear title to the property, in a phenomenon called “heirs’ property” or “tangled title.” Many of our clients struggle to get clear title after the death of the homeowner due to a number of inequitable barriers, including the requirement to prepay taxes and other bills.

Without clear title, heirs do not qualify for the Homestead Tax Credit or home repair grants. They are also essentially ineligible for the Homeowner’s Tax Credit. Also, the wealth in the home is inaccessible to the heirs as they cannot leverage their real property in order to pay those taxes, replace the roof, send a kid to college or start a business. They are financially disadvantaged because they can’t pay their bills.

This bill is fiscal neutral as the property bills will still be attached to the property. Property bills are not forgiven with the transfer and are still enforced through the tax sale process. In many cases, when an heir is able to record the deed and apply for and receive housing stabilization assistance, they are in a stronger position to pay their property bills on time.

For the foregoing reasons, the Maryland Volunteer Lawyers Service urges a **favorable** report of House Bill 591.

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Maryland Volunteer Lawyers Service (MVLs) removes barriers to justice through free civil legal help, community engagement, and advocacy for equitable laws. Our vision is for a fair legal system that is free of injustice and equitably serves underrepresented Marylanders.