

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2015 Legislative Session

BILL NO. 2015-06

Introduced by: Board of Charles County Commissioners

REAL PROPERTY TRANSFER TAX

Date introduced: 06 / 09 / 2015

Public Hearing: 06 / 24 / 2015 @ 6:00 p.m.

Commissioners Action: 06 / 24 / 2015

Commissioner Votes: PFM: Y, KR: Y, DD: N, AS: Y, BR: N

Pass/Fail: Pass

Effective Date: 08 / 08 / 15

Remarks: _____

NOTE: CAPITALS indicate matter added to existing text.
[Brackets] indicate matter deleted from existing law.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2015 Legislative Session

Bill No. 2015-06
Chapter. No. 281
Introduced by Board of Charles County Commissioners
Date of Introduction June 9, 2015

BILL

AN ACT concerning:

Real Property Transfer Tax

FOR the purpose of

Establishing and imposing a county tax on transfers of real property, with certain exemptions thereto, as authorized by Subtitle 4, Title 13, of the Tax - Property Article of the Annotated Code of Maryland.

BY adding:

Chapter 281. Taxation
Article X. Transfer Tax
Sections 281.29 through 281.37
Code of Charles County, Maryland
(2013 Edition)

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland, read as follows:

CHAPTER 281 – TAXATION.
ARTICLE X. TRANSFER TAX

SECTION 281.29. DEFINITIONS.

Asterisks *** mean intervening code language remaining unchanged
NOTE: CAPITALS indicate language added to existing law.
[Brackets] indicate language deleted from existing law.

1 THE TERMS AND PHRASES IN THIS SECTION HAVE THE SAME MEANINGS AS IN
2 TITLE 13 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF
3 MARYLAND.

4
5 **SECTION 281.30. IMPOSITION OF TAX.**

6 A COUNTY TRANSFER TAX SHALL BE IMPOSED ON AN INSTRUMENT OF WRITING
7 RECORDED WITH THE CLERK OF THE CIRCUIT COURT FOR CHARLES COUNTY OR
8 FILED WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

9
10 **SECTION 281.31. RATE.**

11 THE RATE OF THE TRANSFER TAX IS 0.5% OF THE CONSIDERATION PAYABLE
12 FOR THE INSTRUMENT OF WRITING. THE CONSIDERATION INCLUDES THE
13 AMOUNT OF ANY MORTGAGE OR DEED OF TRUST ASSUMED BY THE GRANTEE IN
14 ACCORDANCE WITH § 13-412 OF THE TAX-PROPERTY ARTICLE OF THE
15 ANNOTATED CODE OF MARYLAND.

16
17 **SECTION 281.32. EVIDENCE OF CONSIDERATION.**

18 THE CONSIDERATION PAYABLE SHALL BE DESCRIBED IN:

- 19 A. THE RECITALS OR THE ACKNOWLEDGMENT OF THE INSTRUMENT OF
20 WRITING; OR
21 B. A STATEMENT UNDER OATH THAT ACCOMPANIES THE INSTRUMENT OF
22 WRITING AND THAT IS SIGNED BY A PARTY TO THE INSTRUMENT OF
23 WRITING OR BY AN AGENT OF A PARTY.

24
25 **SECTION 281.33. CALCULATION OF TAX.**

26 THE CALCULATION OF THE TRANSFER TAX SHALL BE DETERMINED IN THE SAME
27 MANNER AS PROVIDED BY § 13-205 OF THE TAX-PROPERTY ARTICLE,
28 ANNOTATED CODE OF MARYLAND.

29
30 **SECTION 281.34. EXEMPTIONS.**

31 THE TRANSFER TAX DOES NOT APPLY TO:

- 32 A. ALL MANDATORY EXEMPTIONS PROVIDED IN SUBTITLE 4, TITLE 13, OF
33 THE TAX-PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, AS
34 AMENDED FROM TIME TO TIME;

1 B. THE FIRST \$50,000 OF THE CONSIDERATION PAYABLE ON AN INSTRUMENT
 2 OF WRITING FOR RESIDENTIALLY IMPROVED OWNER-OCCUPIED REAL
 3 PROPERTY, PROVIDED THAT THE INSTRUMENT OF WRITING IS
 4 ACCOMPANIED BY A STATEMENT UNDER OATH SIGNED BY THE GRANTEE
 5 THAT THE RESIDENCE WILL BE OCCUPIED BY THE GRANTEE FOR AT
 6 LEAST SEVEN MONTHS OF ANY TWELVE-MONTH PERIOD AND THAT
 7 GRANTEE IS A FIRST-TIME HOMEBUYER.

8
 9 **SECTION 281.35. PAYMENT.**

10 A. THE TRANSFER TAX SHALL BE PAID TO THE CLERK, OR TO THE DEPARTMENT
 11 IF THE INSTRUMENT OF WRITING IS FILED WITH THE DEPARTMENT.

12 B. AN INSTRUMENT OF WRITING SUBJECT TO THE TRANSFER TAX MAY NOT BE
 13 RECORDED UNLESS A STATEMENT IS ATTACHED TO OR STAMPED ON THE
 14 INSTRUMENT OF WRITING THAT INDICATES:

15 (1) THAT THE TRANSFER TAX HAS BEEN PAID.

16 (2) THE AMOUNT OF TRANSFER TAX PAID.

17 C. THE PRESENCE OF THE STATEMENT REQUIRED BY SUBSECTION B OF THIS
 18 SECTION ON AN INSTRUMENT OF WRITING IS PRIMA FACIE EVIDENCE OF
 19 PAYMENT OF TRANSFER TAX.

20
 21 **SECTION 281.36. DISTRIBUTION OF REVENUE.**

22 THE REVENUE FROM THE TRANSFER TAX SHALL BE PAID TO THE COUNTY
 23 FINANCE DIRECTOR FOR CHARLES COUNTY FOR DEPOSIT IN THE COUNTY
 24 GENERAL FUND.

25
 26 **SECTION 281.37. LIMITATIONS IMPOSED BY STATE LAW.**

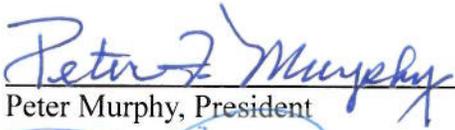
27 THE TRANSFER TAX IS SUBJECT TO THE PROVISIONS OF SUBTITLE 4, TITLE 13, OF
 28 THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS
 29 AMENDED FROM TIME TO TIME.

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 31 **SECTION 2.** BE IT FURTHER ENACTED that this bill shall become effective forty-five (45)
 32 calendar days after it becomes law.

33 Adopted this 24th day of June, 2015.

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COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND


Peter Murphy, President


Ken Robinson, Vice President

-DECLINED TO SIGN-
Debra M. Davis, Esq.


Amanda Stewart, M.Ed.

-DECLINED TO SIGN-
Bobby Rucci

ATTEST:


Danielle Mitchell, Clerk to the Commissioners