

COUNTY ORDINANCE NO. 03-02

A BILL ENTITLED

AN ACT CONCERNING the Deferral of Queen Anne's County Property Taxes for Elderly or Disabled Homeowners.

FOR THE PURPOSE of adopting a program for the deferral of property taxes on residential property for certain elderly or disabled homeowners as authorized by '10-204 at the Tax-Property Article of the Annotated Code of Maryland by adding a new Section 5-205 to the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that a new Section 5-205 be added to Title 5 of the Code of Public Local Laws of Queen Anne's County, to read as follows:

"5-205. Deferral of taxes to elderly or disabled homeowners.

(a) There is a 50-year deferral of County real property taxes on residential real property for eligible homeowners.

(b) A homeowner is eligible for a payment deferral if the owner or at least one of the owners:

(1) has resided in the dwelling as a principal residence for a period of at least five consecutive years;

(2) (i) is at least 65 years of age;

(ii) has been found permanently and totally disabled and has qualified for benefits under:

1. the Social Security Act;
2. the Railroad Retirement Act;
3. any federal act for members of the United States Armed Forces; or
4. any federal retirement system; or

(iii) has been found permanently and totally disabled by the County Health Officer; and

(3) meets the income eligibility requirements determined under subsection (c) of this section.

(c) Homeowners are eligible if their combined gross income, as defined in " 9-104 of the Tax-Property Article of the state Code, does not exceed \$100,000 per annum.

(d) The amount of real property eligible for a payment deferral shall be no more than the minimum lot size required by the zoning district in which the property is found, except that the amount of eligible property shall not be less than the dwelling and curtilage, as determined by the Supervisor of Assessments for Queen Anne's County.

(e) The amount of tax that may be deferred may not exceed the increase in the County property tax from the date the homeowner elects to defer the payment of the tax.

(f) The total amount of county property tax deferred plus interest calculated at the rate of 2% per annum shall be due and payable when the homeowner:

(1) ceases to be eligible for the deferral under subsection (b) of this section; or

(2) at the end of the 50-year duration of the deferral.

(g) Notice regarding tax deferrals under this section shall include:

(1) notice to any mortgagee or beneficiary under a deed of trust of the deferral and of the amount of tax to be deferred; and

(2) notice in the annual property tax bill of the cumulative amount of the deferral and all related interest.

(h) The election to defer taxes must be made before June 1 of a taxable year in order to receive deferral of the taxes for the succeeding taxable year.

(i) All County real property taxes not deferred are due and payable and subject to the same interest rates as all other County property taxes.

(j) A lien shall attach to the property in the amount of all deferred taxes and interest and shall remain attached until the deferred taxes and interest are paid.

(k) Tax deferrals for eligible homeowners are hereby authorized by written agreement. The agreement shall reflect the terms and conditions of the deferral including notice of the lien. The agreement shall be recorded in the land records of Queen Anne's County."

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

INTRODUCED BY: Commissioner Cassell

DATED: March 4, 2003

PUBLIC HEARING HELD: March 11, 2003 @ 8:30 p.m.

VOTE: 4 Yea 0 Nay

DATE: April 1, 2003