

Bill No.: \_\_\_\_\_  
Requested: \_\_\_\_\_  
Committee: \_\_\_\_\_

Drafted by: Scott  
Typed by: Elise  
Stored – 10/24/19  
Proofread by \_\_\_\_\_  
Checked by \_\_\_\_\_

By: **Delegate Feldmark**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Transfer Tax – Rate Increase Authorization**

3 **Ho. Co. 26–20**

4 FOR the purpose of authorizing the County Council of Howard County to increase the rate  
5 of the transfer tax to support certain public purposes; requiring the Director of  
6 Finance of Howard County to collect and distribute in certain amounts transfer tax  
7 proceeds attributable to an increase in the tax rate to certain special funds and to  
8 the county general fund to be used for certain purposes; making stylistic and  
9 technical changes; and generally relating to the transfer tax in Howard County.

10 BY repealing and reenacting, without amendments,  
11 The Public Local Laws of Howard County  
12 Section 20.300(a)  
13 Article 14 – Public Local Laws of Maryland  
14 (1977 Edition and August 2008 Supplement, as amended)  
15 (As enacted by Chapter 138 of the Acts of the General Assembly of 2018)

16 BY repealing and reenacting, with amendments,  
17 The Public Local Laws of Howard County  
18 Section 20.301 and 20.304  
19 Article 14 – Public Local Laws of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (1977 Edition and August 2008 Supplement, as amended)  
2 (As enacted by Chapter 311 of the Acts of the General Assembly of 2019)

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

5 **Article 14 – Howard County**

6 20.300.

7 (a) Except as provided in subsection (b) of this section, a tax is hereby imposed  
8 upon every instrument of writing conveying title to real or leasehold property offered for a  
9 record and recorded in Howard County with the clerk of the circuit court, for all or only  
10 that portion of such property described in such instrument which is actually located in  
11 Howard County, provided that conveyances to the state or to any agency or instrumentality  
12 thereof, or any political subdivision of the state, or any nonprofit hospital or religious or  
13 charitable organization, association or corporation, shall not be subject to the tax imposed  
14 by this section. The term “instrument of writing,” as used in this section shall be deemed  
15 to include any deed, lease, assignment of leasehold property or any other device the purpose  
16 of which is to convey title to real property, but shall not include any mortgage, deed of trust,  
17 conditional sales contract or any other device the purpose of which is to afford a security in  
18 real property rather than to convey title thereto.

19 20.301.

20 (A) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**  
21 tax imposed by this [section] **SUBTITLE** shall be levied at the rate of one percent of the  
22 actual consideration paid or to be paid for the conveyance of title and shall be collected by  
23 the Director of Finance before the Clerk of the Circuit Court may accept an instrument of  
24 writing for recordation.

25 (B) **THE HOWARD COUNTY COUNCIL MAY, BY LAW, INCREASE THE RATE OF**  
26 **THE TRANSFER TAX ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION TO**  
27 **SUPPORT THE PUBLIC PURPOSES SPECIFIED IN § 20.304(B) OF THIS SUBTITLE.**

28 20.304.

29 (A) The [director] **DIRECTOR** of [finance] **FINANCE** shall collect and distribute

1 transfer tax proceeds **ATTRIBUTABLE TO THE RATE OF THE TRANSFER TAX IMPOSED**  
2 **UNDER § 20.301(A) OF THIS SUBTITLE** in the following manner:

3           **(1)** 25% in a special fund known as “The School Site Acquisition and  
4 Construction Fund,” and disbursements from this fund shall be made only for the purposes  
5 set forth in section 9.102 of the Howard County Code;

6           **(2)** 25% in a special fund known as “The Park Land Watershed Facilities  
7 Fund,” and disbursements from this fund shall be made only for the purposes set forth in  
8 section 19.100 of the Howard County Code; and

9           **(3)** the remainder in the general fund of the county, with the stipulation  
10 that the county council shall budget this remainder as follows:

11                   **(I)** 50% plus the interest thereon for the Howard County  
12 Agricultural Land Preservation Fund;

13                   **(II)** 25% for community improvement and housing programs  
14 primarily serving low income individuals and families and the homeless and for urban  
15 renewal; and

16                   **(III)** 25% for the acquisition or leasing of land for new fire house sites  
17 and training facilities and the construction and maintenance of fire house and training  
18 facilities, the acquisition and maintenance of fire equipment, and supplementation of  
19 financial needs of fire companies.

20           **(B) THE DIRECTOR OF FINANCE SHALL COLLECT AND DISTRIBUTE ANY**  
21 **PROCEEDS ATTRIBUTABLE TO AN INCREASE IN THE TRANSFER TAX RATE**  
22 **AUTHORIZED UNDER § 20.301(B) OF THIS SUBTITLE IN THE FOLLOWING MANNER:**

23                   **(1) 25% IN A SPECIAL FUND KNOWN AS “THE SCHOOL SITE**  
24 **ACQUISITION AND CONSTRUCTION FUND,” AND DISBURSEMENTS FROM THIS FUND**  
25 **SHALL BE MADE ONLY FOR THE PURPOSES SET FORTH IN SECTION 9.102 OF THE**  
26 **HOWARD COUNTY CODE;**

27                   **(2) 25% IN A SPECIAL FUND KNOWN AS “THE PARK LAND**  
28 **WATERSHED FACILITIES FUND,” AND DISBURSEMENTS FROM THIS FUND SHALL BE**  
29 **MADE ONLY FOR THE PURPOSES SET FORTH IN SECTION 19.100 OF THE HOWARD**

1 COUNTY CODE; AND

2 (3) THE REMAINDER IN THE GENERAL FUND OF THE COUNTY, WITH  
3 THE STIPULATION THAT THE COUNTY COUNCIL SHALL BUDGET THIS REMAINDER AS  
4 FOLLOWS:

5 (I) 50% FOR COMMUNITY IMPROVEMENT AND HOUSING  
6 PROGRAMS PRIMARILY SERVING LOW INCOME INDIVIDUALS AND FAMILIES AND THE  
7 HOMELESS AND FOR URBAN RENEWAL; AND

8 (II) 50% FOR THE ACQUISITION OR LEASING OF LAND FOR NEW  
9 FIRE HOUSE SITES AND TRAINING FACILITIES AND THE CONSTRUCTION AND  
10 MAINTENANCE OF FIRE HOUSE AND TRAINING FACILITIES, THE ACQUISITION AND  
11 MAINTENANCE OF FIRE EQUIPMENT, AND SUPPLEMENTATION OF FINANCIAL NEEDS  
12 OF FIRE COMPANIES.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
14 1, 2020.