



Bill No. 18-03
Concerning: Elderly Individual & Retired
Military Tax Credit
Introduced: February 6, 2018
Recalled: April 10, 2018
Revised: April 17, 2018 Draft No. 1
Enacted: April 3, 2018/
Effective: June 2, 2018/
Expires: _____
Frederick County Code, Chapter 1-8
Section(s) 67

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Billy Shreve

AN ACT to: provide a property tax credit for elderly, longtime County residents and retired uniformed military service members.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter, 1-8 Section(s) 67

Other: _____

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Heading or defined term.

Added to existing law.

Deleted from existing law.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

Bill No. **18-03**

The County Council of Frederick County, Maryland, finds it necessary and appropriate to establish a property tax credit for elderly individuals residing in the same County dwelling for at least forty (40) years, and retired members of the Uniformed Services of the United States, the Military Reserves, or the National Guard.

NOW, THEREFORE, BE IT ENACTED, BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

§ 1-8-67. ELDERLY INDIVIDUALS AND UNIFORMED SERVICE MEMBERS PROPERTY TAX CREDIT.

(A) ~~[[Pursuant to]]~~ UNDER the authority ~~[[granted by the]]~~ IN Md. Code Ann., Tax Property Article § 9-258 the County ~~[[may grant, by law,]]~~ GRANTS a property tax credit against the county property tax imposed on the dwelling of an eligible individual.

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

(2) (a) "Dwelling" ~~[[has the meaning stated in Md. Code Ann., Tax Property Article § 9-105]]~~ MEANS:

(i) A HOUSE THAT IS:

A. USED AS THE PRINCIPAL RESIDENCE OF THE HOMEOWNER; AND

B. ACTUALLY OCCUPIED OR EXPECTED TO BE ACTUALLY OCCUPIED BY THE HOMEOWNER FOR MORE THAN 6 MONTHS OF A 12-MONTH PERIOD BEGINNING WITH THE DATE OF FINALITY FOR THE TAXABLE YEAR FOR WHICH THE PROPERTY TAX CREDIT UNDER THIS SECTION IS SOUGHT; AND

(ii) THE LOT OR CURTILAGE ON WHICH THE HOUSE IS ERECTED.

(b) "DWELLING" INCLUDES:

(i) A CONDOMINIUM UNIT THAT IS OCCUPIED BY AN INDIVIDUAL WHO HAS A LEGAL INTEREST IN THE CONDOMINIUM;

(ii) AN APARTMENT IN A COOPERATIVE APARTMENT CORPORATION THAT IS OCCUPIED BY AN INDIVIDUAL WHO HAS A LEGAL INTEREST IN THE APARTMENT; AND

(iii) A PART OF REAL PROPERTY USED OTHER THAN PRIMARILY FOR RESIDENTIAL PURPOSES, IF THE REAL PROPERTY IS

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USED AS A PRINCIPAL RESIDENCE BY AN INDIVIDUAL WHO HAS A LEGAL INTEREST IN THE REAL PROPERTY.

(3) “Eligible individual” means:

[(i)](a) an individual who is at least 65 years old and has lived in the same dwelling for at least the preceding 40 years; or

[(ii)](b) an individual who is at least 65 years old and is a retired member of the uniformed services of the United States as defined in 10 U.S.C. § 101, the military reserves, or the National Guard.

[(B)](C) (1) The property tax credit allowed under this section shall IS:

[(1)](a) ~~[[be equal to]]~~ 20% of the County property tax imposed on the property; and

[(2)](b) ~~[[be]]~~ granted for a period of **UP TO 5 TAXABLE years OR AS LONG AS THE ELIGIBLE INDIVIDUAL CONTINUES TO SATISFY ALL THE REQUIREMENTS.**

(2) THE PROPERTY TAX CREDIT AUTHORIZED BY THIS SECTION SHALL APPLY ONLY IN TAXABLE YEARS BEGINNING ON OR AFTER JULY 1, 2019.

(D) A PROPERTY TAX CREDIT UNDER THIS SECTION MAY NOT BE PROVIDED IN ANY TAXABLE YEAR IN WHICH A PROPERTY TAX CREDIT UNDER SECTION 1-8-66 IS ALLOWED.

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(E) THIS PROPERTY TAX CREDIT SHALL BE CALCULATED ONLY ON THE LESSER OF

(1) \$400,000 OR

(2) THE ASSESSED VALUE OF THE DWELLING REDUCED BY THE AMOUNT OF ANY ASSESSMENT ON WHICH A PROPERTY TAX CREDIT IS GRANTED UNDER MD CODE ANN., TAX PROPERTY ARTICLE, SECTION 9-105.

(F) (1) TO BE ELIGIBLE FOR THIS PROPERTY TAX CREDIT, A PROPERTY OWNER MUST SUBMIT AN APPLICATION TO THE DIRECTOR OF TREASURY ON OR BEFORE APRIL 1 IN ADVANCE OF EACH TAXABLE YEAR THAT THIS PROPERTY TAX CREDIT IS SOUGHT.

(2) AN APPLICATION MUST

(a) BE ON THE FORM THAT THE DIRECTOR REQUIRES; AND

(b) DEMONSTRATE THAT THE TAXPAYER SATISFIES ALL REQUIREMENTS FOR THIS CREDIT.

(G) THE DIRECTOR OF FINANCE MAY ADOPT GUIDELINES, REGULATIONS, OR PROCEDURES TO ADMINISTER THIS SECTION.

(H) (1) THIS PROPERTY TAX CREDIT APPLIES ONLY TO COUNTY PROPERTY TAX AND DOES NOT APPLY TO ANY OTHER TAX, INCLUDING ANY SPECIAL TAXING DISTRICT TAX, FIRE AND RESCUE

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DISTRICT TAX, ELECTRIC LIGHTING DISTRICT TAX OR ANY TAX
IMPOSED BY THE STATE, A MUNICIPALITY OR ANY OTHER
GOVERNMENTAL ENTITY.

(2) THE AMOUNT OF THIS PROPERTY TAX CREDIT MAY
NOT EXCEED THE AMOUNT DUE FOR NET FREDERICK COUNTY REAL
PROPERTY TAX.

EFFECTIVE DATE: THIS BILL SHALL TAKE EFFECT 60 DAYS AFTER
ENACTMENT.

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