

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 9

Bill No. 40-23

Introduced by Mr. Smith, Chair
(by request of the County Executive)

By the County Council, May 1, 2023

Introduced and first read on May 1, 2023
Public Hearings set for and held on May 11 and May 18, 2023
Bill VOTED on June 14, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Real Property Transfer
2 Tax – Housing Trust Special Revenue Fund

3
4 FOR the purpose of modifying the transfer tax rate for certain real property transactions;
5 modifying a reference to the levying of transfer tax for certain budget purposes;
6 providing for certain transfer tax revenues to be paid into the Housing Trust Special
7 Revenue Fund; and generally relating to finance, taxation, and budget.

8
9 BY repealing and reenacting, with amendments: §§ 4-3A-101(c); 4-11-111; and 4-11-
10 124(a)
11 Anne Arundel County Code (2005, as amended)

12
13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
14 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

15
16 **ARTICLE 4. FINANCE, TAXATION, AND BUDGET**

17
18 **TITLE 3A. TRANSFER AND RECORDATION TAXES**

19
20 **4-3A-101. Real property transfer tax – Levied.**

21
22 **(c) Amount of tax.**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 (1) ~~[[A]]~~ EXCEPT AS PROVIDED IN PARAGRAPH (2), A tax is levied on each transfer
2 recorded among the land records in the County at a rate of one percent of the consideration
3 paid or to be paid for the transfer.

4
5 (2) (I) A TAX IS LEVIED ON EACH TRANSFER RECORDED AMONG THE LAND
6 RECORDS IN THE COUNTY FOR WHICH THE TOTAL CONSIDERATION IS \$1,000,000 OR MORE
7 AT A RATE OF ONE AND ONE-HALF PERCENT OF THE CONSIDERATION PAID OR TO BE PAID
8 FOR THE TRANSFER.

9
10 (II) A TRANSFER OF AN INTEREST IN REAL PROPERTY THAT PROVIDES
11 AFFORDABLE HOUSING FOR MODERATE- OR LOW-INCOME HOUSEHOLDS IN THE COUNTY,
12 INCLUDING IN THE CITY OF ANNAPOLIS, IS NOT SUBJECT TO THE TAX RATE LEVIED UNDER
13 SUBPARAGRAPH (I).

14 15 **TITLE 11. BUDGET**

16 17 **4-11-111. Expenditure of real property transfer tax.**

18
19 Anne Arundel County may dedicate and, as provided in the annual County budget,
20 expend:

21
22 (1) up to 50% of the revenues received from the REAL PROPERTY transfer tax rate
23 ~~[[imposed]]~~ LEVIED under ~~[[§ 4-3A-102(b)(1) of this Code]]~~ § 4-3A-101(C)(1) in each fiscal
24 year for the payment of debts and costs incurred for the construction of water and
25 wastewater facilities; and

26
27 (2) if the County has an Agricultural Land Preservation Program certified under
28 § 5-408 OF the State Finance and Procurement Article~~[[, § 5-408,]]~~ of the State Code, up to
29 20% of the revenues received from the REAL PROPERTY transfer tax rate ~~[[imposed]]~~
30 LEVIED under ~~[[§ 4-3A-102(B)(1) of this Code]]~~ § 4-3A-101(C)(1) in each fiscal year for the
31 purchase of agricultural easements under the County Agricultural Land Preservation
32 Program.

33 34 **4-11-124. Housing Trust Special Revenue Fund.**

35
36 (a) **Fund established.** There is a Housing Trust Special Revenue Fund into which shall
37 be paid the revenue attributable to:


38
39 (1) any REAL PROPERTY transfer tax rate ~~[[imposed]]~~ LEVIED under ~~[[§ 4-3A-~~
40 ~~102(b)(2) of this Code]]~~ § 4-3A-101(C)(2) IN EXCESS OF THE REVENUE THAT WOULD BE
41 DERIVED FROM THE REAL PROPERTY TRANSFER TAX RATE LEVIED UNDER 4-3A-101(C)(1);
42 and

43
44 (2) any special recordation tax rate in excess of the generally applicable rate that is
45 ~~[[imposed]]~~ LEVIED on an instrument of writing for which the consideration payable or the
46 principal amount of debt secured is \$1,000,000 or more.

47
48 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect July 1,
49 2023.

READ AND PASSED this 14th day of June, 2023

By Order:



Laura Corby
Administrative Officer

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 40-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



Laura Corby
Administrative Officer