

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1996 Legislative Session

Bill No. _____ CB-2-1996
 Chapter No. _____ 3
 Proposed and Presented by _____ Council Member Maloney
 Introduced by _____ Council Member Maloney
 Co-Sponsors _____
 Date of Introduction _____ February 27, 1996

BILL

AN ACT concerning

Property Tax Credits

For the purpose of authorizing a tax credit against certain property taxes imposed on property leased, occupied, and used by a municipal corporation for certain purposes under certain circumstances; limiting the application of the credit; and generally relating to such property tax credits.

BY adding:

SUBTITLE 10. FINANCE AND TAXATION.
 DIVISION 8. TAX ASSESSMENT, LEVY, AND COLLECTION.
 Subdivision 6D. Leased Property Tax Credit -
 Municipal Corporations
 Section 10-241.04,
 The Prince George's County Code
 (1995 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 10-241.04 of the Prince George's County Code be and the same is hereby added:

SUBTITLE 10. FINANCE AND TAXATION.
DIVISION 8. TAX ASSESSMENT, LEVY, AND COLLECTION.
Subdivision 6D. Leased Property Tax Credit - Municipal Corporations.

Sec. 10-241.04. Tax credits for property leased by municipal corporations.

(a) In accordance with the provisions of Section 9-225 of the Tax-Property Article, Annotated Code of Maryland, there is a tax credit against the property tax imposed on real property for that portion of the property that is leased, occupied, and used by a municipal corporation and which meets each of the following conditions:

- (1) The portion of the property upon which the tax credit is based is leased, occupied, and used exclusively by the municipal corporation.
- (2) The credit does not apply when the municipal corporation subleases the property, uses the property for any profit-making purpose, or no longer occupies the property.
- (3) The municipal corporation is contractually liable to the owner for property taxes.
- (4) The owner of the property eligible for a tax credit pursuant to this Section is contractually obligated to reduce, by the amount of the tax credit, the amount of taxes for which the municipal corporation is otherwise contractually liable.

(b) The amount of the tax credit shall be the full amount of property tax imposed pursuant to Section 6-202 of the Tax-Property Article, Annotated Code of Maryland by Prince George's County on that portion of real property leased by a municipal corporation which meets the conditions of this Section. The amount of the tax credit shall not exceed the amount of the tax for which the municipal corporation is contractually liable. Tax credits shall be available on an annual tax year basis.

(c) An application for the tax credit shall be submitted to the Supervisor of Assessments and Taxation in Prince George's County and shall be signed under oath by both the owner of the real property and the municipal corporation which is or will become the lessee. A copy of the executed lease between the property owner and the lessee shall be submitted with the application.

(1) Applications for the tax credit shall be submitted to the Supervisor of Assessments and Taxation no later than April 1 prior to the tax year for which the credit is being requested.

(2) The Supervisor of Assessments and Taxation will determine the amount of the

assessed value attributable to the portion of the property used by the municipal corporation for qualifying purposes.

(3) After the Supervisor of Assessments and Taxation has made a determination, the owner, lessee, and the Director of Finance shall be notified of the amount of the assessed value upon which the tax credit will be based.

(4) The Director of Finance shall determine the amount of the tax credit and place a credit on the appropriate account.

(d) The Supervisor of Assessments and Taxation is authorized to develop an application form and establish procedures to administer the tax credit established in this Section.

(e) An owner of real property who has applied for the tax credit established in this Section may appeal to the Maryland Tax Court the denial of the tax credit or the determination of the amount of the assessed value upon which the tax credit will be based if notice of the appeal is made within 30 days of the decision of the Supervisor of Assessments and Taxation.

(f) Entitlement to the tax credit shall terminate when the municipal corporation no longer occupies the property or when the use of the property no longer meets any of the conditions of this Section. Upon termination of the lease or the cessation of possession by the tenant, the owner shall notify the Supervisor of Assessments and Taxation within thirty (30) days of such event. The Supervisor of Assessments and Taxation shall determine the date that the entitlement has ceased and the tax credit shall be removed from the property on an pro rata basis.

SECTION 2. BE IT FURTHER ENACTED that this Act shall be effective on the date it becomes law.

Adopted this 19th day of March, 1996.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Stephen J. Del Giudice
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY:
Wayne K. Curry
County Executive

KEY:
Underscoring indicates language added to existing law.