

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: McCurdy

Typed by: Sumer

Stored – 10/29/24

Proofread by _____

Checked by _____

By: **Montgomery County Delegation and Prince George’s County Delegation**

Requested by: The Chair on behalf of WSSC

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County and Prince George’s County – Washington Suburban**
3 **Sanitary Commission – Transfer of Property**

4 **MC/PG 104–25**

5 FOR the purpose of prohibiting the recording of a transfer of property within the
6 Washington Suburban Sanitary District unless the acquiring authority presents a
7 certain certificate of zero balance for water or sewer usage charges; altering the
8 definition of “acquiring authority”; requiring the Washington Suburban Sanitary
9 Commission to adopt regulations establishing a certificate of zero balance; and
10 generally relating to the Washington Suburban Sanitary Commission and the
11 transfer of property.

12 BY repealing and reenacting, with amendments,
13 Article – Public Utilities
14 Section 25–505
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2024 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Real Property
19 Section 3–104(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2023 Replacement Volume and 2024 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Real Property
5 Section 3–104(b)
6 Annotated Code of Maryland
7 (2023 Replacement Volume and 2024 Supplement)

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

10 **Article – Public Utilities**

11 25–505.

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

13 (2) “Acquiring authority” means:

14 (I) the State, Montgomery County, Prince George’s County, or any
15 municipality or unit of the State, Montgomery County, or Prince George’s County; **OR**

16 (II) **ANY ENTITY REGISTERED WITH THE STATE DEPARTMENT**
17 **OF ASSESSMENTS AND TAXATION TO DO BUSINESS IN THE STATE.**

18 (3) “Bill for water and sewer usage charges” includes, if applicable, the late
19 payment penalty provided under § 25–504(c) of this subtitle.

20 (4) **“CERTIFICATE OF ZERO BALANCE” MEANS A DOCUMENT ISSUED**
21 **BY THE COMMISSION CONFIRMING THE ABSENCE OF ANY OUTSTANDING BILL FOR**
22 **WATER OR SEWER USAGE CHARGES FOR A PROPERTY.**

23 (b) (1) Before acquiring property in the sanitary district, an acquiring
24 authority shall:

25 (i) determine if any bill for water and sewer usage charges is
26 outstanding against the property; and

1 (ii) require the payment of any outstanding bill for water or sewer
2 charges on the property before acquiring the property.

3 (2) If a bill for water and sewer usage charges is not paid before an
4 acquiring authority acquires the property, the acquiring authority shall:

5 (i) deduct the amount of the bill from the purchase price of the
6 property; and

7 (ii) pay the amount of the bill over to the Commission.

8 [(3) If the bill for water or sewer usage charges is not paid when the
9 acquisition of the property is completed, the acquiring authority:

10 (i) is responsible for the bill; and

11 (ii) shall pay the bill to the Commission on demand.]

12 (C) (1) BEFORE RECORDING THE TRANSFER OF THE PROPERTY ON THE
13 ASSESSMENT BOOKS OR RECORDS, AN ACQUIRING AUTHORITY SHALL:

14 (I) DETERMINE IF ANY BILL FOR WATER AND SEWER USAGE
15 CHARGES IS OUTSTANDING AGAINST THE PROPERTY;

16 (II) PAY OR CAUSE TO BE PAID ANY OUTSTANDING BILL FOR
17 WATER OR SEWER USAGE CHARGES ON THE PROPERTY; AND

18 (III) OBTAIN A CERTIFICATE OF ZERO BALANCE FROM THE
19 COMMISSION STATING THAT ALL OUTSTANDING WATER AND SEWER USAGE
20 CHARGES HAVE BEEN PAID.

21 (2) THE COMMISSION SHALL ISSUE A CERTIFICATE OF ZERO
22 BALANCE TO THE ACQUIRING AUTHORITY AFTER VERIFYING THE PAYMENT OF ALL
23 OUTSTANDING WATER AND SEWER USAGE CHARGES.

24 (D) (1) THE COMMISSION SHALL ADOPT REGULATIONS CONCERNING A
25 CERTIFICATE OF ZERO BALANCE.

1 **(2) THE REGULATIONS SHALL INCLUDE A MECHANISM FOR THE**
 2 **CLERK OF THE CIRCUIT COURT OF THE RELEVANT COUNTY TO DETERMINE**
 3 **WHETHER A PROPERTY WITHIN THE SANITARY DISTRICT IS SUBJECT TO THIS**
 4 **SECTION.**

5 **Article – Real Property**

6 3–104.

7 (a) (1) The Clerk of the Circuit Court may record an instrument that effects a
 8 change of ownership if the instrument is:

9 (i) Endorsed with the certificate of the collector of taxes of the
 10 county in which the property is assessed, required under subsection (b) of this section;

11 (ii) 1. Accompanied by a complete intake sheet; or

12 2. Endorsed by the assessment office for the county as
 13 provided in subsection (g)(8) of this section; and

14 (iii) Accompanied by a copy of the instrument, and any survey, for
 15 submission to the Department of Assessments and Taxation.

16 (2) The Supervisor of Assessments shall transfer ownership of property in
 17 the assessment records, effective as of the date of recordation, upon receipt from the Clerk
 18 of the Circuit Court of a copy of the instrument, the completed intake sheet, and any survey
 19 submitted under paragraph (1) of this subsection.

20 (b) (1) (i) Except as provided in subsection (c) of this section, property may
 21 not be transferred on the assessment books or records until:

22 1. All public taxes, assessments, and charges currently due
 23 and owed on the property have been paid to the treasurer, tax collector, or director of
 24 finance of the county in which the property is assessed; and

1 2. All taxes on personal property in the county due by the
2 transferor have been paid when all land owned by the transferor in the county is being
3 transferred.

4 (ii) The certificate of the collecting agent designated by law, showing
5 that all taxes, assessments, and charges have been paid, shall be endorsed on the deed, and
6 the endorsement shall be sufficient authority for transfer on the assessment books.

7 (2) (i) Except as provided in subsection (c) of this section, in Allegany,
8 Cecil, Charles, Dorchester, Harford, Howard, Kent, Queen Anne’s, Somerset, and St.
9 Mary’s counties no property may be transferred on the assessment books or records until:

10 1. All public taxes, assessments, any charges due a
11 municipal corporation, and charges due on the property have been paid as required by law;
12 and

13 2. All taxes on personal property in the county due by the
14 transferor have been paid when all land owned by the transferor in the county and
15 municipal corporation is being transferred.

16 (ii) The certificate of the collecting agent and municipal corporation
17 designated by law showing that all taxes, assessments, and charges have been paid, shall
18 be endorsed on the deed and the endorsement shall be sufficient authority for transfer on
19 the assessment books.

20 **(3) IN MONTGOMERY AND PRINCE GEORGE’S COUNTIES, PROPERTY**
21 **WITHIN THE WASHINGTON SUBURBAN SANITARY DISTRICT THAT IS SUBJECT TO §**
22 **25–505 OF THE PUBLIC UTILITIES ARTICLE MAY NOT BE TRANSFERRED ON THE**
23 **ASSESSMENT BOOKS OR RECORDS UNLESS THE FILING INCLUDES A CERTIFICATE OF**
24 **ZERO BALANCE.**

25 **[(3)] (4)** (i) On request, the treasurer, tax collector, or director of
26 finance for a county shall issue to the requester a certificate clearly enumerating by type
27 and amount any public taxes, assessments, and charges due to the county or municipality
28 against a property located in the county or municipality.

1 (ii) A certificate issued under this paragraph shall bar any charge or
2 assessment against the property levied on a bona fide purchaser for value with no notice of
3 the charge or assessment prior to the purchase of the property.

4 (iii) A collecting agent presented with a certificate issued under this
5 paragraph within 45 days after issuance shall endorse the deed as required under
6 paragraph (1)(ii) or (2)(ii) of this subsection on payment of all charges set forth in the
7 certificate and any applicable transfer or recordation taxes.

8 (iv) A county or municipality may collect a fee of up to \$55 for the
9 issuance of a certificate under this paragraph.

10 (v) The payment of a fee and the issuance of a certificate under this
11 paragraph may not preclude a claim by a county or municipality to payment of a charge or
12 assessment against:

13 1. The owner of the property at the time of the issuance of
14 the certificate; or

15 2. A person who acquires the property with knowledge of the
16 charge or assessment.

17 (vi) Each treasurer, tax collector, or director of finance of a county
18 shall adopt procedures to implement the requirements of this paragraph, including
19 procedures for obtaining a statement on a certificate issued under this paragraph of all
20 taxes, assessments, and charges due to a municipality on the transfer of ownership of a
21 property.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2025.