

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 05-0234**

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Introduced by: Councilmembers Mitchell, Conaway, Kraft, Harris, D’Adamo, Young, Welch,  
Holton, Clarke, Curran, Branch, Reisinger  
Introduced and read first time: July 11, 2005  
Assigned to: Taxation and Finance Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: August 14, 2006

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**AN ORDINANCE CONCERNING**

**Transfer Tax – Partial Exemption**

FOR the purpose of establishing a partial exemption from the local transfer tax for certain residential properties; specifying how the exemption is to be allocated between the buyer and seller; providing for a special effective date; and generally relating to the local transfer tax.

BY adding

Article 28 - Taxes  
Section(s) 17-2(d)  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 28. Taxes**

**Subtitle 17. Transfer Tax**

**§ 17-2. Tax imposed – in general.**

(D) *PARTIAL EXEMPTION FOR OWNER-OCCUPIED RESIDENCE.*

(1) *IN GENERAL.*

THE TAX IMPOSED BY THIS SUBTITLE DOES NOT APPLY TO THE FIRST \$22,000 OF THE CONSIDERATION PAYABLE ON THE CONVEYANCE OF OWNER-OCCUPIED RESIDENTIAL PROPERTY IF;

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

**Council Bill 05-0234**

1           (i) THE TOTAL CONSIDERATION PAYABLE ON THE CONVEYANCE IS LESS THAN  
2           \$250,000; AND

3           (ii) THE INSTRUMENT IN WRITING IS ACCOMPANIED BY A STATEMENT, SIGNED  
4           UNDER OATH BY THE BUYER, THAT THE BUYER WILL USE THE PROPERTY AS THE  
5           BUYER’S PRINCIPAL RESIDENCE BY ACTUALLY OCCUPYING THE PROPERTY FOR  
6           AT LEAST 7 MONTHS OF THE 12-MONTH PERIOD IMMEDIATELY FOLLOWING THE  
7           CONVEYANCE.

8           (2) *APPLICATION.*

9           (i) EXCEPT AS SPECIFIED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE BUYER  
10           SHALL RECEIVE THE ENTIRE EXEMPTION PROVIDED BY THIS SUBSECTION (D),  
11           IRRESPECTIVE OF (A) ANY CONTRACTUAL PROVISIONS CONCERNING THE DIVISION  
12           OF TAXES BETWEEN THE BUYER AND THE SELLER AND (B) THE PRESUMPTION  
13           UNDER STATE REAL PROPERTY ARTICLE § 14-104(B) {“DIVISION OF ... TAX:  
14           PRESUMPTION”}.

15           (ii) THE SELLER SHALL RECEIVE THE ENTIRE EXEMPTION PROVIDED BY THIS  
16           SUBSECTION (D) IF (A) THE SELLER HAS AGREED BY CONTRACT TO PAY THE  
17           ENTIRE AMOUNT OF THE TAX IMPOSED BY THIS SUBTITLE OR (B) THE  
18           SELLER IS RESPONSIBLE FOR PAYING THE ENTIRE AMOUNT OF THE TAX  
19           UNDER STATE REAL PROPERTY ARTICLE § 14-104(C) {“DIVISION OF ...  
20           TAX: FIRST-TIME MARYLAND HOME-BUYERS”}.

21           **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
22           are not law and may not be considered to have been enacted as a part of this or any prior  
23           Ordinance.

24           **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect ~~September 1,~~  
25           ~~2005~~ July 1, 2007, as to any instrument conveying title or securing a debt that contains a notary  
26           acknowledgment dated on or after ~~September 1, 2005~~ July 1, 2007, and is presented for  
27           recordation on or after ~~September 1, 2005~~ July 1, 2007.

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Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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Mayor, Baltimore City