

**CITY OF BALTIMORE**  
**COUNCIL BILL 23-0368**  
**(First Reader)**

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Introduced by: Councilmember Bullock, The City Council President

At the request of: The Administration (Department of Finance)

Introduced and read first time: March 27, 2023

Assigned to: Ways and Means Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Planning, Department of Housing and Community Development, Office of Sustainability, Commission for Historical and Architectural Preservation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Real Property Tax Credit for Energy Conservation Devices**

3 FOR the purpose of amending the energy conservation devices real property tax credit; and  
4 providing for a special effective date.

5 BY repealing and re-ordaining, with amendments

6 Article 28 - Taxes

7 Section 10-31

8 Baltimore City Code

9 (Edition 2000)

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

12 **Baltimore City Code**

13 **Article 28. Taxes**

14 **Subtitle 10. Credits**

15 **§ 10-31. Energy Conservation Devices (Real Property Tax Credit)**

16 (a) *Definitions.*

17 (1) *In general.*

18 In this section, the following terms have the meanings indicated.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1           (2) *DWELLING.*

2                   (1) *IN GENERAL.*

3                           “DWELLING” MEANS A HOUSE THAT IS:

4                                   (A) USED AS THE PRINCIPAL RESIDENCE OF THE HOMEOWNER; AND

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

10                   (II) *INCLUSIONS.*

11                           “DWELLING” INCLUDES:

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

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

17                                   (C) A PART OF REAL PROPERTY USED OTHER THAN PRIMARILY FOR  
18   RESIDENTIAL PURPOSES, IF THE REAL PROPERTY IS USED AS A  
19   PRINCIPAL RESIDENCE BY AN INDIVIDUAL WHO HAS A LEGAL  
20   INTEREST IN THE REAL PROPERTY.

21                   (II) *EXCLUSIONS.*

22                           “DWELLING” DOES NOT INCLUDE THE LOT OR CURTILAGE ON WHICH THE  
23                                   HOUSE, CONDOMINIUM, APARTMENT, OR OTHER IMPROVEMENT IS ERECTED.

24           (3) [(2)] *Eligible costs.*

25                           “Eligible costs” means reasonable costs incurred:

26                                   (i) within the 12 months before the initial application for the credit;

27                                   (ii) for the purchase or lease of a solar energy device or geothermal energy device,  
28   including any part, component, or accessory equipment necessary to operate  
29   the device; and

30                                   (iii) associated with installation of the solar energy device or the geothermal  
31   energy device.

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1 (4) [(3)] *Geothermal energy device.*

2 “Geothermal energy device” means an energy conserving device that:

3 (i) uses geothermal energy to heat or cool a structure or to provide hot water for  
4 use in the structure; and

5 (ii) meets national safety and performance standards set by a nationally recognized  
6 testing laboratory for that type of device.

7 (5) *HOUSE.*

8 “HOUSE” MEANS A STRUCTURE THAT HAS BEEN ADAPTED FOR OVERNIGHT  
9 ACCOMMODATION OF AN INDIVIDUAL.

10 (6) *PRINCIPAL RESIDENCE.*

11 “PRINCIPAL RESIDENCE” MEANS THE ONE DWELLING WHERE AN INDIVIDUAL  
12 REGULARLY RESIDES AND IS THE LOCATION DESIGNATED BY THE INDIVIDUAL FOR THE  
13 LEGAL PURPOSE OF VOTING, OBTAINING A DRIVER’S LICENSE, AND FILING INCOME TAX  
14 RETURNS.

15 (7) [(4)] *Solar energy device.*

16 “Solar energy device” means an energy conserving device that:

17 (i) uses solar energy to heat or cool a structure, to generate electricity to be used  
18 in the structure, or to provide hot water for use in the structure; and

19 (ii) meets national safety and performance standards set by a nationally recognized  
20 testing laboratory for that type of device.

21 (b) *Credit granted.*

22 (1) *IN GENERAL.*

23 In accordance with State Tax-Property Article § 9-203, a tax credit is granted against  
24 the City portion of real property tax on a dwelling to which a solar energy device or  
25 geothermal energy device is installed and in use.

26 (2) *LIMITATION.*

27 THE CITY MAY NOT GRANT MORE THAN 1 TAX CREDIT FOR EACH DWELLING.

28 (c) *Qualifications.*

29 The owner of a dwelling that uses a solar energy device or geothermal energy device may  
30 qualify for the tax credit authorized by this section by:

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1 (1) filing a state income tax return as a resident of Baltimore City for each taxable  
2 year for which the credit is sought;

3 (2) filing an application for the credit with the Director of the Department of Finance;  
4 and

5 (3) satisfying all other conditions imposed by the regulations of the Director of the  
6 Department of Finance.

7 (d) *Amount of credit.*

8 The credit against the City portion of real property tax on a dwelling under this section is  
9 the lesser of:

10 (1) 50% of the eligible costs UP TO A MAXIMUM OF \$5,000; or

11 [(2) \$5,000 for a heating system or \$1,500 for a hot water supply system.]

12 (2) 50% OF THE ELIGIBLE COSTS UP TO A MAXIMUM OF \$1,500 FOR EITHER A SOLAR  
13 ENERGY DEVICE OR GEOTHERMAL ENERGY DEVICE INSTALLED EXCLUSIVELY TO  
14 PROVIDE HOT WATER FOR USE IN THE DWELLING.

15 (e) *Credit not to exceed property tax.*

16 The amount of a credit applied in a tax year may not exceed the amount of City real  
17 property tax imposed on the dwelling in that tax year.

18 (F) *TAX CREDIT PERIOD.*

19 THE TAX CREDIT GRANTED UNDER THIS SECTION APPLIES IN THE TAXABLE YEAR  
20 IMMEDIATELY FOLLOWING THE SUBMISSION OF AN APPLICATION.

21 (G) *TRANSFER OF CREDIT.*

22 THE TAX CREDIT GRANTED UNDER THIS SECTION IS TRANSFERABLE TO A SUBSEQUENT  
23 OWNER IF:

24 (1) THE TRANSFER IS WITHIN THE 1-YEAR CREDIT ELIGIBILITY PERIOD; AND

25 (2) THE SOLAR ENERGY DEVICE OR GEOTHERMAL ENERGY DEVICE REMAINS IN USE IN  
26 THE DWELLING.

27 (H) [(f)] *Application.*

28 The application must be in the form and contain the information that the Director of the  
29 Department of Finance requires.

30 (I) [(g)] *Administration.*

31 The Director of the Department of Finance or the Director's designee:

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1 (1) shall, subject to Title 4 {"Administrative Procedure Act – Regulations"} of the  
2 City General Provisions Article, adopt rules and regulations to carry out this  
3 section, including procedures, forms, and documentation required to apply for the  
4 credit authorized by this section; and

5 (2) may settle disputed claims arising in connection with the credit authorized by this  
6 section.

7 (J) [(h)] *Reporting credits.*

8 The estimated amount of all tax credits received by owners under this section in any fiscal  
9 year shall be:

10 (1) reported by the Director of the Department of Finance as a "tax expenditure" for  
11 that fiscal year; and

12 (2) included in the publication of the City's budget for any subsequent fiscal year with  
13 the estimated or actual City property tax revenue for the applicable fiscal year.

14 (K) [(i)] *Annual report.*

15 The Director of the Department of Finance or the Director's designee must report  
16 annually to the Board of Estimates and to the Mayor and City Council any results and  
17 findings of any analysis of the tax credit, including the steps taken and proposed to be  
18 taken to promote and further the use of the tax credit program.

19 (L) *TERMINATION OF TAX CREDIT.*

20 THE DEPARTMENT OF FINANCE MAY NOT ACCEPT APPLICATIONS FOR THE TAX CREDIT  
21 GRANTED UNDER THIS SECTION AFTER JUNE 30, 2028.

22 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
23 enacted.