

**COUNTY COUNCIL OF CECIL COUNTY, MARYLAND
LEGISLATIVE SESSION 2016-07**

BILL NO. 2016-07

Title of Bill: Fees- Transfer of Interest in Land

Synopsis: A Bill to reinstate a fee for recording no-consideration transfers of an interest in land with the Clerk of Court for Cecil County.

Introduced by: Council President at the request of the County Executive

Introduced and order posted on: April 5, 2016

Public hearing scheduled on: May 26, 2016 at 7:00 p.m.

Consideration scheduled on: June 7, 2016

By: _____
Council Manager

PUBLIC HEARING

Notice of time and place of public hearing and title of Bill having been posted by ____ at the County Administration Building, 200 Chesapeake Blvd., Elkton, and having been published according to the Charter on _____, a public hearing was held on ____ and concluded on _____.

By: _____
Council Manager

Explanation: CAPITALS INDICATE LANGUAGE ADDED TO EXISTING ORDINANCE.
~~Strike Through~~ indicate language deleted from existing ordinance.
Underlining indicates language added to ordinance by amendment.
~~Double Strike through~~ indicates language stricken out of an Ordinance by amendment.

1 **WHEREAS**, Chapter 202 (Fees), Article I (Deed Transfer Fee), § 202-1 (Transfer of Interest In Land
2 Fee), of the Cecil County Code provides that there shall be paid to Cecil County, Maryland, before
3 recording any deed or other instrument involving the transfer of an interest in land, a transfer fee in the
4 amount of \$10.00; and,

5 **WHEREAS**, public local law that preceded the adoption of Chapter 202, Article I, § 202-1 provided
6 for the collection of a ten dollar (\$10.00) fee upon the filing of any instrument involving the transfer of an
7 interest in land including, but not limited to, transfers for no consideration; and,

8 **WHEREAS**, Chapter 202, Article I, § 202-1 does not include a fee for the recordation of a no-
9 consideration transfer of an interest in land; and,

10 **WHEREAS**, the County finds it necessary and proper to re-instate a fee for the recordation of a no-
11 consideration transfer of an interest in land.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,**
13 that Chapter 202 (Fees), Article I (Deed Transfer Fee), § 202-1 (Transfer of Interest In Land Fee), of the
14 Cecil County Code is amended as follows:

15 § 202-1 (Transfer of Interest In Land Fee)

16 A. There shall be paid to Cecil County, Maryland, before recording any deed or other
17 instrument involving the transfer of an interest in land, a transfer fee in the amount of 0.5% of the
18 consideration identified in the deed or other instrument recorded with the Clerk of the Court for Cecil
19 County, OR TWENTY FIVE DOLLARS (\$25.00) IF THE TRANSFER IS FOR ZERO CONSIDERATION.

20 B. An instrument of writing for residentially improved owner-occupied real property is
21 exempt from the transfer fee set forth above if the instrument of writing is accompanied by a statement,
22 under oath, signed by each grantee or an agent of the grantee, that:

23 (1) The grantee is an individual who has never owned in the state residential real
24 property that has been the individual's principal residence, and the residence will be occupied by the
25 grantee as the grantee's principal residence; or

26 (2) The grantee is a co-maker or guarantor of a purchase money mortgage or purchase
27 money deed of trust, as defined in MD Code Ann., § 12-108(i) of the Tax Property Article, for the property,
28 and the grantee will not occupy the residence as the co-maker's or guarantor's principal residence.

29 C. The statement required under this section by an agent of a grantee shall state that the
30 statement:

31 (1) Is based on a diligent inquiry made by the agent with respect to the facts set forth
32 in the statement; and

33 (2) Is true to the best of the knowledge, information, and belief of the agent.

34 D. Properties under contract as of June 1, 2015, shall be subject to the existing transfer fee of
35 \$10, provided that settlement on the transfer of land occurs on or before August 31, 2015; eligible
36 properties that fail to record the transfer on or before September 15, 2015, at the Cecil County
37 Department of Finance shall be assessed the new transfer fee of 0.5% unless otherwise exempt.

38 **AND BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND,** that
39 this Bill will be effective 60-days after adoption by the County Council, and shall continue in effect until
40 changed by the County Council.

CERTIFICATION

I, HEREBY CERTIFY that the above Bill was posted for the public on the public bulletin board with the date, time and location of the public hearing meeting, copies were made available for the public, a copy was distributed to the press, and copy was made available on the Cecil County website.

BY Council Manager