"County transfer tax" § 13-401 "Property" § 13-401

13-407. LIMITATIONS ON COUNTY TRANSFER TAXES.

(A) INCREASE IN COUNTY RATE LIMITED.

(1) UNLESS A GREATER RATE OF TAX WAS IMPOSED BEFORE JULY 1, 1979, A COUNTY MAY NOT IMPOSE COUNTY TRANSFER TAX ON A TRANSFER SUBJECT TO THE AGRICULTURAL LAND TRANSFER TAX UNDER SUBTITLE 3 OF THIS TITLE AT A RATE GREATER THAN THE COUNTY RATE APPLICABLE TO THE TRANSFER OF IMPROVED RESIDENTIAL PROPERTY IN THAT COUNTY.

(2) IF A COUNTY HAS IMPOSED A COUNTY TRANSFER TAX AT A RATE THAT EXCEEDS THE RATE APPLICABLE TO THE TRANSFER OF IMPROVED RESIDENTIAL PROPERTY, THE TOTAL RATE OF TAX THAT APPLIES TO A TRANSFER SUBJECT TO THE AGRICULTURAL LAND TRANSFER TAX MAY NOT EXCEED 5% PLUS THE RATE THAT APPLIES TO IMPROVED RESIDENTIAL PROPERTY UNDER THE COUNTY TRANSFER TAX.

(3) IF THE TOTAL RATE OF TAX THAT APPLIES TO A TRANSFER SUBJECT TO THE AGRICULTURAL LAND TRANSFER TAX EXCEEDS THE MAXIMUM RATE ALLOWED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE TAX THAT APPLIES TO THE TRANSFER:

(I) IS PAYABLE AT THE RATE SPECIFIED FOR THE AGRICULTURAL LAND TRANSFER TAX; AND

(II) THE RATE OF THE COUNTY TRANSFER TAX SHALL BE REDUCED AS NECESSARY TO COMPLY WITH THE 5% LIMIT.

(B) PROHIBITION ON COUNTY TRANSFER TAX.

AFTER JULY 1, 1979, FOR THE TRANSFER OF LAND SUBJECT TO THE AGRICULTURAL LAND TRANSFER TAX, A COUNTY MAY NOT:

(1) IMPOSE A COUNTY TRANSFER TAX AT A RATE ABOVE THE RATE THAT WAS IN EFFECT ON JULY 1, 1979; OR

(2) INCREASE THE RATE OF A COUNTY TRANSFER TAX ABOVE THE RATE THAT WAS IN EFFECT ON JULY 1, 1979.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 81, § 278F(j).

In this section, the defined term "county transfer tax" is substituted for the former reference to the "local transfer tax", for clarity.

In subsection (a)(2) of this section, the reference to the rate that applies to improved residential property "under the county transfer tax" is added for clarity.

In subsection (a)(3) of this section, the reference to