

**§ 17-2. Tax imposed — in general.**(a) *In general.*

- (1) A tax is hereby levied and imposed upon the transfer of any estate of inheritance or freehold, of any declaration or limitation of use, or any estate above 7 years, in Baltimore City, at the rate of 1½% of the taxable basis thereof, as hereinafter defined.
- (2) Except that the tax levied and imposed hereunder shall not apply to any lease or sublease for an initial term of not more than 7 years which contains any provisions for renewal for 1 or more succeeding stated terms of not more than 7 years each, if under such provision for renewal the right to effect or prevent each such renewal term shall be optional with either the landlord or the tenant.

(b) *When payable.*

Said tax shall be payable before the written instrument intending to effect such transfer shall be offered to the Clerk of the Circuit Court for Baltimore City for recordation.

(c) *How payable; receipt.*

- (1) The payment of the tax levied and imposed hereunder:
  - (i) shall be made to the Director of Finance of Baltimore City, at a place designated by the said Director of Finance; and
  - (ii) shall be evidenced by the affixing of an official receipt upon such written instrument by the Director of Finance or his authorized representative.
- (2) Such receipt shall be in such form as may be designated by the Director of Finance.

(d) *Partial exemption for owner-occupied residence.*

**Editor's Note:** Ordinance 06-312 added this subsection (d). Section 3 of Ord. 06-312 provides that it "takes effect July 1, 2007, as to any instrument conveying title or securing a debt that contains a notary acknowledgment dated on or after July 1, 2007, and is presented for recordation on or after July 1, 2007."

(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:

- (i) the total consideration payable on the conveyance is less than \$250,000; and
- (ii) the instrument in writing is accompanied by a statement, signed under oath by the buyer, that the buyer will use the property as the buyer's principal residence by actually occupying the property for at least 7 months of the 12-month period immediately following the conveyance.

(2) *Application.*

- (i) Except as specified in subparagraph (ii) of this paragraph, the buyer shall receive the entire exemption provided by this subsection (d), irrespective of (A) any contractual provisions concerning the division of taxes between the buyer and the seller and (B) the presumption under State Real Property Article § 14-104(b) {"Division of ... Tax: Presumption"}.
- (ii) The seller shall receive the entire exemption provided by this subsection (d) if (A) the seller has agreed by contract to pay the entire amount of the tax imposed by this subtitle or (B) the seller is responsible for paying the entire amount of the tax under State Real Property Article § 14-104(c) {"Division of ... Tax: First-time Maryland Home-buyers"}.

(City Code, 1966, art. 28, §122(a); 1976/83, art. 28, §68(a)(1<sup>st</sup> par.)) (Ord. 63-048; Ord. 67-926; Ord. 67-992; Ord. 67-1052; Ord. 67-1102; Ord. 69-511; Ord. 72-089; Ord. 75-807; Ord. 76-141; Ord. 76-151; Ord. 81-367; 06-312.)

**§ 17-3. Tax imposed — corporate transfers.**(a) *In general.*

A tax is hereby levied and imposed upon the transfer of real property affected by filing of articles of sale, lease, exchange, or other transfer of all or substantially all the property and assets of a corporation with respect to the property subject to the certificate required under State Corporations and Associations Article § 3-112, at the rate of 1½% of the taxable basis thereof, as hereinafter defined.

(b) *When and how payable.*

(1) The tax shall be payable pursuant to the provisions of State Tax-Property Article § 13-404.

(2) No written instrument evidencing the transfer of property taxable hereunder shall be received for recording in Baltimore City until the original of the articles of sale, lease, exchange or other transfer shall have been exhibited to the Clerk of the Circuit Court for Baltimore City showing that the tax herein levied and imposed has been paid to the State and, if any additional tax is payable on the written instrument, it has been paid.

(City Code, 1976/83, art. 28, §68(a)(2).) (Ord. 67-926; Ord. 67-992; Ord. 67-1052; Ord. 67-1102; Ord. 69-511; Ord. 72-089; Ord. 75-807; Ord. 76-141; Ord. 76-151; Ord. 81-367.)

**§ 17-4. Tax imposed — other instruments.**(a) *In general.*

No attornment agreement, memorandum of lease, assignment of lease, or other instrument (referred to collectively herein as "other instrument") intended to publicize or giving or intended to give constructive notice of the existence of a lease which has not been recorded but which is taxable hereunder, whether or not such other instrument gives such constructive notice in point of law, shall be received for recording until the original lease shall have been exhibited to the clerk and the tax paid thereon, in addition to whatever tax may be payable on such other instrument.