

Article - Tax - Property

13-305.

(a) An instrument of writing is not subject to the agricultural land transfer tax, if property tax on the land has been paid for 5 full consecutive taxable years before the transfer on the basis of an assessment other than the farm or agricultural use assessment under § 8-209 of this article.

(b) If the amount of agricultural land transferred is not greater than the applicable residential minimum zoning size in effect at the time of transfer, an instrument of writing for the residential use of the owner of the agricultural land or the owner's immediate family is not subject to the agricultural land transfer tax.

(c) (1) Except as provided in paragraph (2) of this subsection, an instrument of writing that transfers title to 20 acres or more of agricultural land that is eligible for farm or agricultural use assessment under § 8-209 of this article is not subject to the agricultural land transfer tax if the transferee:

(i) files with the supervisor before the transfer a declaration of intent to farm the agricultural land that specifies that the transferred agricultural land will remain in farm or agricultural use for at least 5 full consecutive taxable years; and

(ii) Applies for farm or agricultural use assessment under § 8-209 of this article for the land that is transferred.

(2) If there is a failure to comply with a declaration of intent filed under paragraph (1) of this subsection, the agricultural land transfer tax is due at the rate determined under § 13-303(a) and (b) of this subtitle on the instrument of writing that subsequently transfers title to the agricultural land:

(i) without the reduction that is authorized under § 13-303(c) of this subtitle; or

(ii) if property tax was paid on the basis of an assessment other than the farm or agricultural use assessment under § 8-209 of this article, for 5 full consecutive taxable years from the date of failure to comply with a declaration of intent, beginning with the 6th year the rate shall be reduced by 1 percentage point for each full consecutive taxable year that property tax on real property continues to be paid on the basis of a nonagricultural use assessment.

(d) (1) An instrument of writing that transfers title to less than 20 acres of agricultural land that is eligible for farm or agricultural use assessment under § 8-209 of this article is