



COMMISSION ON AGING

February 21, 2018

The Honorable Bobby Zirkin
Miller Senate, Office Building, 2 East Wing
11 Bladen Street
Annapolis, Maryland 21401

Re: SB 466

Dear Senator Zirkin:

I am writing to express the Montgomery County Commission on Aging's support for SB 466, which authorizes the Register of Wills to waive probate fees in certain circumstances where an heir to an estate comprised only of real property cannot afford to probate that estate in order to transfer title to the property.

Most higher-income families engage in estate planning, which ensures a smooth transfer of wealth, including title to real property, to the next generation. In contrast, lower-income property owners or those with less access to the legal system are more likely to use a simple will to divide property among children, or to die without a will. The situation becomes complex when there are multiple heirs, across more than one generation. It is even more complicated when the heirs are unable to probate the estate and transfer the property into their name because they cannot afford the required fees.

This situation can lead to various scenarios. Property may be abandoned and become a blight on a community. Heirs may not receive property tax and water bills sent to the owner of record, which could result in delinquencies and potential tax sales. The Maryland Association of Counties cited situations like this one in its support for the bill.

The Commission on Aging is particularly concerned with another scenario, in which an heir to an estate may reside on the property for years, dutifully paying the taxes and utilities and maintaining the premises. As she ages, her income may be reduced and her health may decline, making her less able to pay the taxes and manage upkeep of the home. Since she does not have title to the property, she cannot take advantage of property tax credit, home repair, or other programs that could help her to remain safely in her home and community. The fee waiver provided by SB 466 will help her to do so.

Thank you for your consideration of the Commission on Aging's support for this bill.

Sincerely,

Isabelle Schoenfeld, Chair Commission on Aging

cc: Senator Adelaide C. Eckardte
Montgomery County Delegation

Department of Health and Human Services

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