

LAWS OF DELAWARE
VOLUME 84
CHAPTER 60
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 120

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO EXPENDITURE OF REAL ESTATE TRANSFER TAX PROCEEDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 8102, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8102. Transfers of real property subject to county taxation [For application of this section, see 81 Del. Laws, c. 384, § 3].

(a) Notwithstanding any statute to the contrary, the county government of each county shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by the county, upon the transfer of real property within the unincorporated areas of the county; provided however, that any realty transfer tax which is imposed by any county government shall not be greater than 1½ percent of the value of the real property as represented by the document transferring the property; and further provided, that the county government shall exempt from such taxation “first-time home buyers“ , as that term is defined in § 5401 of Title 30, up to at least the value of the property or \$400,000 whichever is less and such county may by ordinance increase the exemption amount. Any revenues from a tax upon the transfer of real property derived from an ordinance hereinafter adopted by the government of Kent County pursuant to the provisions of this section shall first be dedicated for and applied to Kent County’s cost component of the Statewide Paramedic Funding Program as is more particularly set forth in § 9814 of Title 16.

(b) The provisions of §§ 5401 and 5403 of Title 30 shall apply with respect to any realty transfer tax imposed by a county government pursuant to the authority granted in this section.

(c) Any funds realized by a county pursuant to this section shall be segregated from the county’s general fund and the funds, and all interest thereon, shall be expended solely for the capital and operating costs of public safety services, economic development programs, public works services, capital projects and improvements, infrastructure projects and improvements, debt reduction, assessments of real property as provided for in § 8101 of this title, recreational amenities, workforce and affordable housing programs, and land preservation programs.

Approved June 28, 2023