



SPONSOR: Rep. Shupe & Rep. Ramone & Sen. Hocker
Reps. Gray, Hilovsky, Yearick

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 67

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX.

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

Section 1. Amend § 5402, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5402. Rate of tax; when payable; ~~exception~~ exceptions.

(a) ~~Every~~ (1) Except as provided under paragraph (a)(2) of this section, every person who makes, executes, delivers, ~~accepts~~ accepts, or presents for recording any document, except as defined or described in § 5401(5) of this title, or in whose behalf any document is made, executed, delivered, ~~accepted~~ accepted, or presented for recording shall be subject to pay for and in respect to the transaction, or any part thereof, a realty transfer tax at the rate of ~~3 percent~~ 3% of the value of the property represented by such document, unless the municipality or county where the property is located has enacted the full ~~4½ percent~~ 1.5% realty transfer tax authorized by under § 1601 of Title 22 or § 8102 of Title 9, in which case ~~2½ percent~~ 2.5%, which tax shall be payable at the time of making, execution, delivery, ~~acceptance~~ acceptance, or presenting of such document for recording. Said tax is to be apportioned equally between grantor and grantee.

(2) A grantor or grantee's portion of the realty transfer tax otherwise payable under paragraph (a)(1) of this section if all of the following apply:

a. Within the previous 12 months, 1 or more of the individuals paid the realty transfer tax under paragraph (a)(1) of this section for a different transaction.

b. One or more of the individuals file personal income taxes as a resident individual of this State using the addresses of both the property subject to the realty transfer tax under paragraph (a)(1) of this section and the property for which the realty transfer tax is payable under paragraph (a)(1) of this section to meet the requirements to be that individual's place of abode under § 1103 of Title 30.

SYNOPSIS

This Act creates an exemption from the realty transfer tax if 1 or more of the individuals otherwise subject to this tax paid the realty transfer tax for a different transaction within the previous 12 months and files personal income taxes using the addresses of both properties subject to the realty transfer tax to meet the requirements to be that individual's place of abode under § 1103 of Title 30.