

TAX SALE DEFERRAL POLICY

In accordance with Sections 113-12(D)(11), 113-14(G)(2) and 113-29(M)(10) of the Code of St. Mary's County, the following shall establish a policy under which certain property owners may request a waiver or an extension of time to pay certain delinquent MetCom charges and fees, which extension or waiver, if granted, may defer affected properties from being included in the next-scheduled St. Mary's County Tax Sale for delinquent MetCom charges and fees owed.

1. To be eligible to request relief under this Policy, the property for which relief is sought (the "Property") must:
 - a. be a residential property; and
 - b. serve as the principal residence of the person(s) seeking relief (the "Applicant").
2. This Policy applies to any MetCom System Improvement Charges, Capital Contribution Charges and/or Service Charges, together with any late fees and charges, including any unpaid charges relating to water turn-on/turn-off services, which are delinquent as of the date any deferral request is heard (all of which are referred to herein as the "Delinquent Charges"). This Policy does not apply to any Chesapeake Bay Restoration Fees.
3. To receive consideration under this Policy, a written request must be received by Commission staff between October 1st and November 30th (or the next business day thereafter), at the Commission Administrative Offices, 23121 Camden Way, California, Maryland 20619 .
4. All requests shall be submitted on the prescribed Tax Sale Deferral Request Form (the "Request Form") available from the Commission Administrative Offices or at www.metcom.org. The Request Form must be fully completed, and accompanied by all additional information as may be required, prior to the application deadline. Incomplete Request Forms or Request Forms not accompanied by all additional requested information will not be considered to be properly submitted until completed.
5. Applicant will be notified in writing of the date and time at which the request will be heard by the MetCom Board of Commissioners (the "Board"). All requests shall be heard by the Board by December 31st.
6. Unless otherwise permitted by the Board in writing, at least one Applicant must be present at the time the request is heard by the MetCom Board of Commissioners.
7. The Applicant will be given an opportunity to make a presentation to the Board. No agent may present on behalf of an Applicant, unless specifically permitted by the Board in advance. An Applicant may elect not to make a presentation and to rely solely upon the information contained in the Request Form.

8. The Applicant's case shall include all facts and information necessary to demonstrate Applicant's inability to pay the Delinquent Charges as the result of Applicant's financial hardship.
9. The Board may discuss the Applicant's case on the same day the request is heard or at any other time as may be designated by the Board. All cases shall be decided by the Board by December 31st of the year in which the request is filed.
10. In considering Applicant's case, the Board may, but is not required to, adopt certain income eligibility criteria as may be deemed necessary or appropriate under this Policy. Any such eligibility criteria as may be adopted shall be applied consistently to all requests received in a given calendar year. Any adjustments as may be necessary shall be made by the Board between January 1 and March 15.
11. The Board shall make a finding as to whether, in the Board's sole discretion, the Applicant has demonstrated an inability to pay the Delinquent Charges as the result of Applicant's financial hardship. In making its determination the Board shall consider:
 - a. whether the Applicant's financial hardship is greater than, or otherwise distinguishable from, the financial hardship, difficulties and economic conditions which affect MetCom's customer base in general;
 - b. whether the Applicant's financial hardship is created or exacerbated by the Applicant (i.e. whether the hardship could be avoided, minimized or mitigated by Applicant); and
 - c. whether the Applicant's financial hardship is due to changed circumstances which are likely of a fixed duration.
12. The Board's finding shall be made by a simple majority vote of those Commissioners present at the time the request was heard.
13. If the Board determines that the Applicant has demonstrated an inability to pay the Delinquent Charges as the result of Applicant's financial hardship, the Board shall either:
 - a. grant an extension of time to pay the Delinquent Charges, and prescribe a date by which the Delinquent Charges shall be paid by the Applicant; or
 - b. in extraordinary circumstances, grant a waiver of the Delinquent Charges, in which case the Delinquent Charges shall become uncollectable accounts receivable.
14. If an extension to pay, or a waiver of, the Delinquent Charges is granted under Section 13 above:
 - a. the Applicant's Property shall be removed from the St. Mary's County Tax Sale process for the next scheduled sale;

- b. apart from the Delinquent Charges, all regular monthly MetCom charges and fees shall continue to be billed for the Applicant's Property, commencing in the next billing cycle following the date on which the extension or waiver was granted;
 - c. commencing in the next billing cycle following the date on which the waiver or extension was granted, the Applicant's non-deferred charges shall be subject to all late fees and the Property shall be subjected to all normally prescribed collections processes and procedures, including but not limited to the St. Mary's County Tax Sale process for any year in which an extension or waiver has not been granted prior to the Tax Sale; and
 - d. any Delinquent Charges for which an extension to pay was granted, which are not paid in full by the date prescribed in Section 13(a) above, shall be subject to all late fees and collections processes and procedures, including but not limited to the St. Mary's County Tax Sale process for any year in which an extension or waiver has not been granted prior to the Tax Sale.
15. If an extension to pay, or a waiver of, the Delinquent Charges is not granted under Section 13 above:
- a. the Applicant's Property will not be removed for the St. Mary's County Tax Sale process for the next scheduled sale;
 - b. the Delinquent Charges shall continue to be due and payable in accordance with all prescribed and applicable billing and collections processes and procedures, including all applicable late fees; and
 - c. in addition to the Delinquent Charges, all regular monthly MetCom charges and fees shall continue to be billed for the Applicant's Property, commencing in the next billing cycle following the date on which the extension or waiver was denied.
16. If under Section 13(a) above, the date by which the payment of the Delinquent Charges must be made extends beyond November 30th of the following year, the Applicant must re-submit a Request Form, prior to November 30th in each year of the extension period, to ensure that the Applicant continues to qualify for relief under this Policy.
17. Any Applicant aggrieved by any decision of the Board rendered under this Policy shall have a right to appeal to the Board of County Commissioners of St. Mary's County, or an entity as may be designated by the Board of County Commissioners, within the times and procedures established by the Board of County Commissioners for making such an appeal. All such appeals shall be heard and decided prior to the date of the next scheduled St. Mary's County Tax Sale. Any decision of the Board shall remain in full force and effect until and unless any such decision is modified or overturned by a timely-filed and fully adjudicated appeal.