# **Department of Legislative Services**

Maryland General Assembly 2009 Session

## FISCAL AND POLICY NOTE

Senate Bill 302

(Senator Glassman, et al.)

**Budget and Taxation** 

# **Property Tax - Assessment Freeze and Annual Reassessment**

This bill changes the triennial assessment cycle for real property for property tax purposes to a one-year assessment cycle. The State Department of Assessments and Taxation (SDAT) must review real property assessments each year and physically inspect the exterior of each real property once every three years. The bill also reduces the percentage used to determine the Homestead Property Tax Credit for State, county, and municipal property tax purposes to 0% for one year, thereby limiting the annual property tax assessment increase, on owner-occupied residential properties to 0%.

The bill takes effect June 1, 2009. The property tax assessment freeze applies to the taxable year beginning July 1, 2009, and ending June 30, 2010.

# **Fiscal Summary**

**State Effect:** Special fund revenues decrease by \$21.0 million in FY 2010. This decrease may require either (1) an increase in the State property tax rate; or (2) a general fund appropriation to cover debt service on the State's general obligation bonds. Future year revenue changes depend on assessments and the State property tax rate. General fund expenditures increase by \$15.4 million in FY 2010. Future year expenditures reflect annualization and inflation.

(\$ in millions)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
SF Revenue	(\$21.0)				-
GF Expenditure	\$15.4	\$19.3	\$20.1	\$21.0	\$21.9
Net Effect	(\$36.4)	(\$19.3)	(\$20.1)	(\$21.0)	(\$21.9)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

**Local Effect:** Local property tax revenues decrease by \$23.1 million in FY 2010. Future year revenue changes depend on assessments and local property tax rates. Expenditures are not affected.

Small Business Effect: Potential meaningful.

# **Analysis**

**Current Law:** Real property is valued and assessed by SDAT once every three years. The cap on property assessment increases is set at 10% for State property tax purposes. A county or municipality can lower the cap percentage to 0% for local property tax purposes.

**Background:** The following is a discussion on how property tax assessments are conducted in Maryland and in other states.

Triennial Assessment Process in Maryland

Under current law, real property is valued and assessed once every three years. This approach, the triennial assessment process, was part of major property tax reform established in 1979. Under this process, assessors from SDAT physically inspect each property every three years. No adjustments are made in the interim, except in the case of (1) a zoning change; (2) a substantial change in property use; (3) extensive improvements to the property; or (4) a prior erroneous assessment. The assessor determines the current "full market value" of the property and any increase in value is phased in over a three-year period. Any decrease, however, is recognized immediately for assessment purposes.

Because only one-third of the properties in each county is reassessed in a given year, local governments can rely on prior years' growth in the other two-thirds of the base to reduce the full impact of any one-year decline in assessable base. Conversely, when market values are rising, assessed values lag behind the current market, resulting in a slower annual growth in the assessable base than the market may indicate. As a result, the triennial process and its three year phase-in schedule provide some cushion for taxpayers during periods of dramatically increasing property values and for local governments during a downturn in the housing market.

The Homestead Property Tax Credit Program

The Homestead Property Tax Credit Program (assessment caps) provides tax credits against State, county, and municipal real property taxes for owner-occupied residential SB 302 / Page 2

properties for the amount of real property taxes resulting from an annual assessment increase that exceeds a certain percentage or "cap" in any given year. The State requires the cap on assessment increases to be set at 10% for State property tax purposes; however, local governments have the authority to lower the cap.

A majority of local subdivisions have assessment caps below 10%: 18 counties in fiscal 2008, 19 counties in fiscal 2009, and 20 counties in fiscal 2010. **Exhibit 1** lists the counties with assessment caps below 10% in at least one of the three years from fiscal 2008 through 2010. Due to the continuing changes in property assessments, one county (Allegany) lowered their assessment cap in fiscal 2010 and one county (Prince George's) increased their assessment cap in fiscal 2010.

The Homestead Property Tax Credit Program is administered as follows:

- Increases in property assessments are equally spread out over three years. For example, if a property's assessment increased by \$120,000, from \$300,000 to \$420,000, the increase would be phased in through increments of \$40,000 annually for the next three years.
- If the assessment cap were set at 10%, however, the amount of assessment subject to taxes would increase by only \$30,000 in the first year, \$33,000 in the following year, and \$36,300 in the third year.
- Since the assessment cap was set lower than the actual market increase, the homeowner does not have to pay taxes on the property's full assessed value.

The Homestead Property Tax Credit Program has provided significant local property tax relief in recent years. This foregone revenue is estimated at \$1.0 billion in fiscal 2008, \$1.3 billion in fiscal 2009, and \$1.4 billion in fiscal 2010. While the State has set the assessment cap at 10%, a majority of jurisdictions have an assessment cap below 10%. The tax relief associated with an assessment cap below 10% is estimated at \$112.9 million in fiscal 2008, \$121.8 million in fiscal 2009, and \$126.2 million in fiscal 2010.

The extent to which the Homestead Property Tax Credit Program may actually restrict the ability of a county to raise property tax revenues depends on the county's need for revenues from the property tax and other legal and practical limitations. For example, a county impacted by a charter-imposed property tax limitation measure would presumably reduce tax rates to offset the impact of rising assessments in the absence of the homestead credit.

**Exhibit 1 Counties with Assessment Caps Below 10%** 

County	FY 2008	FY 2009	FY 2010
Allegany	10%	10%	7%
Anne Arundel	2%	2%	2%
Baltimore City	4%	4%	4%
Baltimore	4%	4%	4%
Caroline	5%	5%	5%
Carroll	7%	7%	7%
Cecil	8%	8%	8%
Charles	7%	7%	7%
Dorchester	5%	5%	5%
Frederick	5%	5%	5%
Garrett	5%	5%	5%
Harford	10%	9%	9%
Howard	5%	5%	5%
Kent	5%	5%	5%
Prince George's	4%	3%	5%
Queen Anne's	5%	5%	5%
St. Mary's	5%	5%	5%
Talbot	0%	0%	0%
Washington	5%	5%	5%
Worcester	3%	3%	3%

Source: State Department of Assessments and Taxation

**State Revenues:** Overall, State property tax revenues decrease by approximately \$21.0 million in fiscal 2010 from the combined effect of reducing the State homestead cap to 0% for fiscal 2010 and switching to an annual assessment process. Reducing the homestead cap decreases State and local property tax revenue, while switching from a triennial assessment to an annual assessment process increases property tax revenue since it removes any phased-in assessment for properties that do not receive the homestead property tax credit. Each of these effects is discussed below.

# Reducing Homestead Cap to 0%

Reducing the homestead cap to 0% for fiscal 2010 has the effect of freezing each residential property's taxable assessment at its fiscal 2009 level, provided that the property is eligible for the credit. As a result, State property tax revenues decrease by approximately \$38.5 million in fiscal 2010, as shown in **Exhibit 2**. Beginning in fiscal 2011, the State homestead cap returns to 10%.

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#### Annual Assessment

Periodic reassessments are performed to ensure that property owners are taxed uniformly on the current market value of their property. Most states require that real property be reassessed at a frequency of one to five years, as shown in **Exhibit 3**.

As noted, the bill requires real property to be assessed every year rather than every three years. As a result of this change, the bill removes the current phased-in assessments for properties that do not receive a homestead property tax credit. This will cause the assessment to jump from the current phased-in amount to the full cash value assessment beginning in fiscal 2010, which results in a higher property tax for these properties. Data provided by SDAT indicates that this could affect approximately 688,000 properties across the State, the majority being commercial properties, resulting in increased State property tax revenues of approximately \$17.6 million in fiscal 2010. **Exhibit 4** shows the number of affected properties for State property tax purposes, the estimated assessable base increase, and the resulting increase in State property tax revenue.

For the purposes of these estimates, it is assumed that State and local tax rates remain the same. The extent that the State and local governments alter their tax rates will effect the overall change in property tax revenues.

Debt service payments on the State's general obligation bonds are paid from the Annuity Bond Fund. Revenue sources for the fund include State property taxes, premium from bond sales, and repayments from certain State agencies, subdivisions, and private organizations. General funds may be appropriated directly to the Annuity Bond Fund to make up any differences between the debt service payments and funds available from property taxes and other sources. The fiscal 2010 State budget allowance includes \$785.0 million for general obligation debt service costs, all of which are special funds from the Annuity Bond Fund.

To offset the reduction in State property tax revenues, general fund expenditures could increase in an amount equal to the decrease in the Annuity Bond Fund revenues or the State property tax rate would have to be increased in order to meet debt service payments. This assumes that the Annuity Bond Fund does not have an adequate fund balance to cover the reduction in State property tax revenues.

Future year revenue changes over current estimates depend on property assessments and the State tax rate, neither of which can be reliably estimated at this time. However, it is assumed that the State tax rate will be set at a rate to sufficiently meet debt service requirements, based on annual assessable base estimates.

Exhibit 2
Effect of 0% Homestead Cap on State Property Tax Revenues
Fiscal 2010

County	State Accounts Receiving Homestead	Estimated State Base Loss	State Revenue Decrease
Allegany	20,271	(\$145,577,889)	(\$163,047)
Anne Arundel	148,784	(4,033,501,432)	(4,517,522)
Baltimore City	125,195	(1,202,326,164)	(1,346,605)
Baltimore	215,998	(4,322,974,226)	(4,841,731)
Calvert	25,176	(685,547,602)	(767,813)
Caroline	8,792	(139,514,266)	(156,256)
Carroll	49,488	(1,235,487,752)	(1,383,746)
Cecil	25,462	(480,253,585)	(537,884)
Charles	39,845	(877,801,970)	(983,138)
Dorchester	9,016	(125,796,788)	(140,892)
Frederick	65,872	(1,592,523,403)	(1,783,626)
Garrett	8,438	(82,295,740)	(92,171)
Harford	70,462	(1,528,961,626)	(1,712,437)
Howard	77,059	(2,488,248,564)	(2,786,838)
Kent	5,664	(105,326,401)	(117,966)
Montgomery	251,089	(8,447,346,548)	(9,461,028)
Prince George's	191,916	(4,260,678,614)	(4,771,960)
Queen Anne's	14,727	(432,362,745)	(484,246)
St. Mary's	26,271	(567,779,773)	(635,913)
Somerset	5,494	(49,324,415)	(55,243)
Talbot	10,944	(405,941,328)	(454,654)
Washington	36,561	(613,133,250)	(686,709)
Wicomico	22,875	(270,613,359)	(303,087)
Worcester	15,808	(315,333,375)	(353,173)
Statewide	1,471,207	(\$34,408,650,815)	(\$38,537,689)

# **Exhibit 3 Real Property Assessment Cycles by State**

Years i		Number of <u>States</u>
1	Arizona, California, Delaware, District of Columbia, Florida, Georgia, Hawaii, Kansas, Michigan, New Jersey, New Mexico, New York, North Dakota, Pennsylvania, South Dakota, Vermont	16
2	Colorado, Iowa, Missouri	3
3	Arkansas, Maryland, Texas, West Virginia	4
4	Alabama, Illinois, Kentucky, Louisiana, Maine, Mississippi, Oklahoma, Oregon, Virginia, Washington, Wyoming	11
5	Idaho, Indiana, Minnesota, Nevada, New Hampshire, South Carolina, Utah, Wisconsin	8
6	Alaska, Montana, Nebraska, Ohio, Tennessee	5
8	North Carolina	1
9	Massachusetts, Rhode Island	2
10	Connecticut	1
Source:	CCH Incorporated; National Conference of State Legislatures; Department	of Legislative

Source: CCH Incorporated; National Conference of State Legislatures; Department of Legislative

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Exhibit 4
Effect of No Phase-in for non-Homestead Property on State Property Tax Revenue
Fiscal 2010

County	State Accounts No Homestead	State Tax Base Increase	State Revenue Increase
Allegany	18,428	\$74,285,260	\$83,199
Anne Arundel	50,382	1,815,332,062	2,033,172
Baltimore City	94,186	1,786,891,976	2,001,319
Baltimore	62,325	1,967,961,573	2,204,117
Calvert	15,735	192,837,211	215,978
Caroline	7,134	72,386,609	81,073
Carroll	14,442	290,172,553	324,993
Cecil	19,899	160,525,516	179,789
Charles	20,309	188,769,299	211,422
Dorchester	13,281	84,373,321	94,498
Frederick	23,299	393,059,610	440,227
Garrett	19,688	200,222,384	224,249
Harford	22,669	613,286,307	686,881
Howard	19,113	648,428,516	726,240
Kent	7,201	103,458,432	115,873
Montgomery	61,665	1,997,004,558	2,236,645
Prince George's	78,605	3,423,474,846	3,834,292
Queen Anne's	10,140	142,145,321	159,203
St. Mary's	19,414	379,757,414	425,328
Somerset	10,545	42,135,848	47,192
Talbot	9,226	266,795,215	298,811
Washington	19,269	322,518,710	361,221
Wicomico	21,809	170,529,196	190,993
Worcester	49,085	357,125,317	399,980
Statewide	687,849	\$15,693,477,054	\$17,576,694

**State Expenditures:** Both SDAT and the Property Tax Assessment Appeals Board (PTAAB) will incur increased expenditures as a result of the shift from a triennial assessment to an annual assessment.

### SDAT Expenditures

The bill shifts the current triennial assessment process to an annual assessment process. As a result, SDAT is required to assess each property on an annual basis and make at least one physical inspection of each property every three years, thereby tripling the number of assessments the department currently conducts each year. There are approximately 2.2 million taxable property accounts in the State and approximately 1.6 million are owner-occupied residential properties. Under the current three-year assessment cycle, SDAT assesses approximately 700,000 properties each year. Staffing at the department's local assessment offices includes 215 field assessors, 46 supervisory positions, and 155 clerical staff.

**Exhibit 5** shows the number of assessment notices that were sent out from 2001 to 2008 for assessments conducted the prior year.

Exhibit 5
Property Tax Assessment Appeals - SDAT
(In Thousands)

<b>Group</b>	<b>Notices Sent</b>	Number Appealed	Percent Appealed
2000 – Group 3	632.4	23.4	3.7%
2001 – Group 1	686.1	24.7	3.6%
2002 – Group 2	690.9	30.4	4.4%
2003 – Group 3	646.3	26.5	4.1%
2004 – Group 1	647.5	25.9	4.0%
2005 – Group 2	702.3	30.9	4.4%
2006 – Group 3	710.6	33.4	4.7%
2007 – Group 1	677.1	32.5	4.8%
2008 – Group 2	735.8	49.3	6.7%

Source: State Department of Assessments and Taxation

The bill requires an annual assessment of approximately 2.2 million properties. About two-thirds of these properties would be valued via computer modeling, with the remaining one-thirds via physical inspection. The additional assessments will require a significant increase in staffing over current levels. As a result, general fund expenditures at SDAT will increase by \$14.5 million in fiscal 2010, which accounts for or a 120-day SB 302 / Page 9

start-up delay associated with the bill's June 1, 2009 effective date. This estimate reflects the cost of hiring 205 assessors and 96 clerical support positions to perform and process property assessments, as well as appeals. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. It does not however, include any estimate for new office space which may be necessary to house the new employees.

Total SDAT Expenditures	\$14,487,376
Operating Expenses	<u>637,281</u>
Printing, Processing, and Mailing New Forms	2,701,440
Salaries and Fringe Benefits	\$11,148,655

Future year expenditures reflect full salaries with 4.4% annual increases and 3% employee turnover; and 1% annual increases in ongoing operating expenses.

# PTAAB Expenditures

PTAABs hear appeals in matters relating to the assessment of property throughout the State. There is one board in each county and Baltimore City. Each board has four members (three members and one alternate) who are appointed by the Governor for five-year terms. The first appeal of an assessment goes to SDAT, which determines the original assessment. PTAABs serve as the second level of appeal, with subsequent appeals going to the Maryland Tax Court.

As shown in **Exhibit 6**, PTAABs heard over 80% of their cases in calendar 2007. Despite the marked increase in the percentage of cases heard in calendar 2007 as compared to 2006, 4,000 appeals remained pending at the conclusion of 2007. According to the boards, the backlogs of cases were due, in large part, to board member vacancies.

# Exhibit 6 Timeliness and Efficiency Measures Calendar 2005-2009

						Ann.
		Actual		Est.	Est.	Chg.
	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2005-2007</u>
Appeals Filed	6,940	8,788	8,963	9,500	9,500	13.6%
Appeals Heard	4,787	5,847	7,281	8,200	8,200	23.3%
Clearance Rate	69%	67%	81%	86%	86%	8.5%
Number of Appeals Pending at Year-end	2,527	4,084	4,000	3,400	2,800	25.8%

Source: Property Tax Assessment Appeals Boards

Current staffing for boards includes 1 administrator, 1 executive assistant, 5 secretaries, 2 clerks, and 96 board members. Board members are paid \$25 per hour and may only work 6 hours per day and a total of 30 hours per week. In addition, PTAAB currently provides clerical personnel and office space in Baltimore City and four counties (Baltimore, Montgomery, Prince George's, and Washington). In the other counties, clerical personnel and office space is provided by SDAT.

PTAAB indicates the number of appeals heard by its boards is proportionate to the number of properties that are assessed in a year. It is estimated that the bill would triple the number of appeals heard by PTAAB. As a result, PTAAB's general fund expenditures increase by \$907,500 in fiscal 2010, which accounts for or a 120-day start-up delay associated with the bill's June 1, 2009 effective date. This estimate reflects the cost of hiring three office secretaries and three office clerks to provide administrative and clerical support for new offices in Frederick, Harford, and Howard counties. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses as well as an increase in contractual services for board member salaries to accommodate the expected increase in the number of appeals.

<b>Total PTAAB Expenditures</b>	\$907,482
Operating Expenses	<u>121,719</u>
Contractual Services	579,930
Salaries and Fringe Benefits	\$205,833

Future year expenditures reflect full salaries with 4.4% annual increases and 3% employee turnover; and 1% annual increases in ongoing operating expenses.

**Local Fiscal Effect:** The bill significantly affects local government revenue for fiscal 2010 in the same manner as State revenues, depending on the local government Homestead Property Tax Credit percentage. Local governments that have a Homestead Property Tax Credit percentage below 10% will realize a relatively smaller revenue decrease than counties with a cap at 10%. County governments will realize an overall revenue loss of approximately \$21.6 million in fiscal 2010 as shown in **Exhibits 7** and **8**. It is estimated that total municipal government will decrease by approximately \$1.5 million in fiscal 2010.

Current county and municipal homestead cap percentages would return in fiscal 2011. Future year revenue changes over current estimates depend on property assessments and local tax rates, neither of which can be reliably estimated at this time. However, it is assumed that the local rates will be set at a rate to meet constant yield requirements, based on annual assessable base estimates.

Exhibit 7
Effect of 0% Homestead Cap on County Property Tax Revenues
Fiscal 2010

County	County Accounts Receiving Homestead	County Assessable Base FY 2010	Estimated County Base Loss	County Tax Rate	County Revenue Decrease
Allegany	20,271	\$1,959,093,363	(\$109,831,022)	\$0.9829	(\$1,079,529)
Anne Arundel	148,784	35,686,817,230	(641,563,458)	0.8880	(5,697,084)
Baltimore City	125,195	12,811,438,668	(438,730,504)	2.2680	(9,950,408)
Baltimore	215,998	43,197,920,949	(1,547,445,456)	1.1000	(17,021,900)
Calvert	25,176	8,241,913,976	(685,537,004)	0.8920	(6,114,990)
Caroline	8,792	1,573,092,882	(67,164,132)	0.8700	(584,328)
Carroll	49,488	13,786,624,440	(830,314,899)	1.0480	(8,701,700)
Cecil	25,462	5,932,752,527	(385,327,834)	0.9600	(3,699,147)
Charles	39,845	10,844,534,724	(619,399,818)	1.0260	(6,355,042)
Dorchester	9,016	1,401,669,611	(60,290,421)	0.8960	(540,202)
Frederick	65,872	17,696,826,495	(767,004,240)	1.0640	(8,160,925)
Garrett	8,438	1,030,416,713	(43,146,731)	1.0000	(431,467)
Harford	70,462	18,681,498,366	(1,386,758,285)	1.0820	(15,004,725)
Howard	77,059	25,787,287,722	(1,107,315,171)	1.1495	(12,728,588)
Kent	5,664	1,202,360,057	(50,538,101)	0.9720	(491,230)
Montgomery	251,089	116,670,109,402	(8,447,978,464)	0.9150	(77,299,003)
Prince George's	191,915	39,023,092,547	(1,716,768,503)	1.3190	(22,644,177)
Queen Anne's	14,727	4,787,456,197	(208,044,702)	0.7700	(1,601,944)
St. Mary's	26,271	6,318,217,911	(266,914,663)	0.8570	(2,287,459)
Somerset	5,494	706,270,497	(49,344,845)	0.9200	(453,973)
Talbot	10,944	2,857,501,847	0	0.4490	0
Washington	36,561	6,951,981,000	(296,910,451)	0.9480	(2,814,711)
Wicomico	22,875	3,965,059,520	(270,625,043)	0.8140	(2,202,888)
Worcester	15,808	3,164,542,462	(83,107,840)	0.7000	(581,755)
Statewide	1,471,206	\$384,278,479,106	(\$20,080,061,587)		(\$206,447,174)

Exhibit 8
Effect of No Phase-in for non-Homestead Property on County Property Tax Revenue
Fiscal 2010

	County Accounts	County Assessable	County	C 4	County
County	No Homestead	Base FY 2010	Tax Base Increase	County Tax Rate	Revenue Increase
Allegany	18,427	\$1,323,721,150	\$74,285,260	\$0.9829	\$730,150
Anne Arundel	50,172	23,804,780,461	1,810,257,787	0.8880	16,075,089
Baltimore City	93,959	16,447,186,982	1,730,929,212	2.2680	39,257,475
Baltimore	62,289	24,480,264,340	1,964,659,333	1.1000	21,611,253
Calvert	15,735	3,755,783,543	192,837,211	0.8920	1,720,108
Caroline	7,132	1,021,011,112	72,350,025	0.8700	629,445
Carroll	14,442	4,094,558,721	290,172,553	1.0480	3,041,008
Cecil	19,897	3,955,582,151	160,163,682	0.9600	1,537,571
Charles	20,309	5,454,003,664	188,769,299	1.0260	1,936,773
Dorchester	13,281	1,527,548,879	84,373,321	0.8960	755,985
Frederick	23,251	8,463,892,828	392,700,297	1.0640	4,178,331
Garrett	19,688	3,299,415,986	200,222,384	1.0000	2,002,224
Harford	22,669	6,577,814,347	613,286,307	1.0820	6,635,758
Howard	19,117	12,187,119,660	648,428,516	1.1495	7,453,686
Kent	7,201	1,521,409,994	103,458,432	0.9720	1,005,616
Montgomery	61,665	51,985,992,922	1,997,004,558	0.9150	18,272,592
Prince George's	78,598	32,957,575,006	3,423,458,046	1.3190	45,155,412
Queen Anne's	10,133	2,712,236,259	142,032,351	0.7700	1,093,649
St. Mary's	19,404	3,912,995,595	378,841,615	0.8570	3,246,673
Somerset	10,555	874,936,527	42,135,848	0.9200	387,650
Talbot	9,226	4,276,335,275	266,795,215	0.4490	1,197,911
Washington	19,269	5,309,467,270	322,518,710	0.9480	3,057,477
Wicomico	21,812	2,858,870,609	170,529,196	0.8140	1,388,108
Worcester	49,085	14,436,779,043	357,125,317	0.7000	2,499,877
Statewide	687,316	\$237,239,282,324	\$15,627,334,475		\$184,869,819

**Small Business Effect:** Small businesses that own real commercial property would see an increase in their assessment from their current phase-in amount to the full market value assessment with the shift to an annual assessment in fiscal 2010. As a result, their property tax payments will increase for fiscal 2010.

### **Additional Information**

Prior Introductions: None.

Cross File: HB 188 (Delegate Shewell, et al.) - Ways and Means.

**Information Source(s):** Baltimore City, Carroll County, Harford County, Montgomery County, Queen Anne's County, State Department of Assessments and Taxation, Property Tax Assessment Appeals Board, Town of La Plata, City of Laurel, Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2009

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