

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE

Senate Bill 859

(Senator King)

Budget and Taxation

Homestead Property Tax Credit - Eligibility - Child Support Payments

This bill requires the State Department of Assessments and Taxation (SDAT) to revoke the homestead property tax credit for a homeowner who is certified to be in arrears for child support payments by the Child Support Enforcement Administration (CSEA). The homestead property tax credit must be reinstated if the homeowner is certified to be up to date with child support payments. The bill specifies the procedures that must be followed by CSEA to certify the homeowner is in arrears for child support payments.

The bill takes effect June 1, 2012, and applies to all taxable years beginning after June 30, 2013.

Fiscal Summary

State Effect: Potential increase in Annuity Bond Fund revenues to the extent homestead property tax credits are revoked. The amount of the increase depends on the number of revocations and the amount of each homestead property tax credit. Based on current data, revenues may increase by \$22,900. State expenditures are not affected.

Local Effect: Potential increase in local property tax revenues to the extent homestead property tax credits are revoked. The amount of the increase depends on the number of revocations and the amount of each homestead property tax credit. Based on current data, revenues may increase by \$202,200. Local expenditures are not affected.

Small Business Effect: None.

Analysis

Current Law: The Homestead Property Tax Credit Program (assessment caps) provides tax credits against State, county, and municipal real property taxes for owner-occupied residential 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%: 20 counties in fiscal 2010, 2011, and 2012. **Exhibit 1** lists county assessment caps for fiscal 2010 through 2012. Due to the continuing changes in property assessments and/or other factors, two counties (Carroll and Queen Anne’s) lowered the assessment cap for fiscal 2012, and one county (Prince George’s) increased the assessment cap for 2012.

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.

Background: 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 2012 State budget includes \$878.4 million for general obligation debt service costs, including \$865.8 million in special funds from the Annuity Bond Fund, \$1.6 million in transfer tax revenues, and \$11.1 million in federal funds.

Exhibit 1
County Assessment Caps

County	FY 2010	FY 2011	FY 2012
Allegany	7%	7%	7%
Anne Arundel	2%	2%	2%
Baltimore City	4%	4%	4%
Baltimore	4%	4%	4%
Calvert	10%	10%	10%
Caroline	5%	5%	5%
Carroll	7%	7%	5%
Cecil	8%	8%	8%
Charles	7%	7%	7%
Dorchester	5%	5%	5%
Frederick	5%	5%	5%
Garrett	5%	5%	5%
Harford	9%	5%	5%
Howard	5%	5%	5%
Kent	5%	5%	5%
Montgomery	10%	10%	10%
Prince George's	5%	0%	1%
Queen Anne's	5%	5%	0%
St. Mary's	5%	5%	5%
Somerset	10%	10%	10%
Talbot	0%	0%	0%
Washington	5%	5%	5%
Wicomico	10%	10%	10%
Worcester	3%	3%	3%

Source: State Department of Assessments and Taxation

State Fiscal Effect: Revoking the homestead property tax credit for homeowners who are certified to be in arrears for child support payments will increase State property tax revenue in the years the tax credit is revoked. The amount of the increase will depend on the number of revocations and the amount of the each homestead tax credit that is revoked. To the extent homeowners are certified as no longer being in arrears for child support payments, the homestead property tax credit will be restored and calculated based on the prior year's taxable assessment of the dwelling as determined as if the credit had not been lost in the intervening taxable years.

CSEA has provided SDAT a list of approximately 112,000 individuals who are delinquent in child support payments. SDAT has identified 1,181 of these individuals as receiving the homestead property tax credit, of which 305 are the sole owner of a residence. Using an average homestead tax credit of \$67,045, as shown in **Exhibit 2**, and the current State property tax rate of \$0.112 per \$100 of assessment, Annuity Bond Fund revenues will increase by \$22,900 if all 305 homeowners who have been identified as being delinquent in child support payments lose their homestead property tax credit. This estimate is based on fiscal 2012 data. The actual impact, which would begin in fiscal 2014, may be different depending on assessment increases and market conditions.

Property assessments in Maryland increased significantly between fiscal 2000 and 2008. The average three-year increase in the full cash value of property undergoing reassessment totaled 5.7% in 2000 and 60.2% in 2006. Properties reassessed for 2007 realized an increase of 56.1% statewide; whereas, reassessments for 2008 realized an increase of 33.2%. However, the continual rapid increase in property assessments halted in 2009, as property valuation declined reflecting the national credit crisis and deteriorating economic conditions. Properties reassessed for 2010 realized a decrease of 16.1%, with only two counties not experiencing a decrease in property reassessments; for 2011 reassessments declined by 17.9%.

Under the State's triennial assessment process, the increase in the full cash value of property is phased in over a three-year period; however, any decrease in value is reflected immediately. As a result, the value of the homestead tax credit is declining as well as taxable assessments get closer to market assessments.

Exhibit 2
Average Assessment and Average Homestead Property Tax Credit
Fiscal 2012

County	Average Assessment	Average Homestead Credit
Allegany	\$106,756	\$9,354
Anne Arundel	254,274	127,031
Baltimore City	112,721	53,078
Baltimore	214,045	57,487
Calvert	342,575	24,150
Caroline	188,644	33,307
Carroll	293,465	26,376
Cecil	238,648	19,609
Charles	271,916	32,110
Dorchester	166,889	34,568
Frederick	272,111	32,237
Garrett	136,169	27,118
Harford	268,959	15,111
Howard	356,056	70,061
Kent	232,430	63,272
Montgomery	459,769	29,768
Prince George's	202,103	72,058
Queen Anne's	337,949	78,222
St. Mary's	263,066	57,220
Somerset	135,777	24,088
Talbot	271,216	241,887
Washington	196,722	25,153
Wicomico	169,333	18,742
Worcester	210,978	62,526
Total County	\$268,183	\$67,045

Source: State Department of Assessments and Taxation

Local Fiscal Effect: Local property revenues will increase in the same manner as the State increase in a given year. Based on the data used above, local property tax revenues may increase by approximately \$202,200. This estimate is based on fiscal 2012 data. The actual impact, which would begin in fiscal 2014, may be different depending on assessment increases and market conditions.

Additional Information

Prior Introductions: None.

Cross File: HB 913 (Delegate Zucker, *et al.*) - Ways and Means.

Information Source(s): State Department of Assessments and Taxation, Department of Human Resources, Department of Legislative Services

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