

Department of Legislative Services
2012 Session

FISCAL AND POLICY NOTE

House Bill 881
Ways and Means

(Delegate Glass, *et al.*)

Task Force to Review Property Tax Assessment Procedures and the Assessment Appeals Process

This bill establishes a Task Force to Review Property Tax Assessment Procedures and the Assessment Appeals Process. The State Department of Assessments and Taxation (SDAT) must provide staff support to the task force. The task force must submit a report of its findings and recommendations to the Governor and the General Assembly by January 1, 2013.

The bill takes effect July 1, 2012, and terminates June 30, 2013.

Fiscal Summary

State Effect: Given the State's fiscal difficulties, agency budgets have been constrained. Thus, the requirement to staff the task force and develop the report may not be absorbable within the existing budgeted resources of SDAT. Instead, general fund expenditures in FY 2013 may increase by a minimal amount for contractual staff to support the task force and complete the required evaluation as well as for reimbursements for task force members. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The task force must (1) review the current property tax assessment procedures; (2) study the current three-step process by which a property owner may appeal a property assessment or reassessment for property taxation purposes; (3) evaluate

the effectiveness of the current process, taking into account the ease of access and hearing accommodations; (4) evaluate reforms, including assessor training and assessor qualifications similar to licensed real estate appraisers, an expanded Property Tax Assessment Appeals Board (PTAAB) with required qualifications for board members, and process or procedural updates to cost effectively streamline the assessment and appeals process; and (5) recommend any process or procedural updates based on task force findings.

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.

PTAABs hear appeals in matters relating to the assessment of property throughout the State. There is one board in each county and Baltimore City that are appointed by the Governor for five-year terms. The boards in 19 counties consist of four members (three regular members and one alternative member). Due to the enactment of Chapter 10 of 2011, the boards in five jurisdictions (Baltimore City and Anne Arundel, Baltimore, Montgomery, and Prince George’s counties) consist of six members (three regular members and three alternative members). The first appeal of an assessment goes to SDAT, which determines the original assessment. PTAABs are the second level of appeal, with subsequent appeals going to the Maryland Tax Court. PTAAB has the following goals: to conduct appeals in a timely and efficient manner; and to render fair and accurate decisions.

Background: PTAABs heard 61% of their cases in calendar 2008, as shown in **Exhibit 1**, due to a marked increase in the number of appeals filed in calendar 2008 as compared to 2007. According to the boards, the backlog of cases was due to increased appeals and board member vacancies. The board heard 83% of their cases for calendar 2011.

Exhibit 1
Timeliness and Efficiency Measures
Calendar 2007-2011

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Appeals Filed	8,963	14,062	19,000	15,231	13,684
Appeals Heard	7,281	8,618	12,000	12,231	11,404
Clearance Rate	81%	61%	63%	80%	83%
Number of Appeals	4,000	5,993	7,500	7,274	7,821
Pending at Year-end					

Source: Property Tax Assessment Appeals Boards

Additional Information

Prior Introductions: SB 498 of 2011 received a hearing in the Senate Budget and Taxation Committee, but no further action was taken. Its cross file, HB 1280, received a hearing in the House Ways and Means Committee, but no further action was taken. SB 458 of 2010 received a hearing in the Senate Budget and Taxation Committee, but no further action was taken. Its cross file, HB 204, received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None.

Information Source(s): State Department of Assessments and Taxation, Property Tax Assessment Appeals Board, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2012
ncs/hlb

Analysis by: Michael Sanelli

Direct Inquiries to:
(410) 946-5510
(301) 970-5510