



Bill No: HB90 - Property Taxes - Authority of Counties to Establish a Subclass and Set a Special Rate for Commercial and Industrial Property

Committee: Ways and Means

Date: January 27, 2026

Position: Unfavorable

The Apartment and Office Building Association (AOBA) of Metropolitan Washington is the leading non-profit trade association representing the owners and managers of more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's counties. On behalf of its member companies, AOBA submits the following testimony in opposition to House Bill 90.

House Bill 90 allows counties to assess a special tax rate for commercial and industrial properties to fund transportation improvements and county school systems as required under the state's maintenance of effort law. The bill allows the counties to set a special rate up to 12.5 cents per \$100 of assessed value for the class of property to which the rate applies.

AOBA understands the need to raise additional revenue for transportation and education, given state and county budget challenges. However, the additional taxing authority in HB90 is neither necessary nor prudent. Counties have had the authority to create special taxing districts to fund transportation improvements since 2010 (SB 828).

Montgomery County established only one special taxing district located in the White Flint area of North Bethesda. Properties in the White Flint Special Taxing District have been charged 10-11 cents per \$100 of assessed value since 2011. This tax was projected to bring in \$45 million in revenue over 10 years. According to a 2021 Montgomery County Council staff memorandum, however, the District only generated about one-third of this expected revenue¹.

¹https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20210316/20210316_GOT E1.pdf

This revenue shortage is likely to persist if counties are granted the additional taxing authority outlined in HB90. The value of commercial office properties is linked to their capitalization rate, which is calculated by dividing the property's net operating income by its most recent purchase price. High office vacancy rates reduce net operating income, leading to a lower capitalization rate, and, consequently, a decrease in property values.

The commercial office market in Maryland continues to grapple with rising vacancy rates, due to increased telework and hybrid work schedules. Attached to this testimony is a graphic illustrating the state of the office market in Montgomery County, which is the largest office market in the state. Despite being in desirable, amenity-rich areas near transit, these properties continue to see their values decline from pre-pandemic highs.

These properties are not outliers. The most recent Montgomery County Economic Indicators Report shows the county office vacancy rate has risen to 18.4%.² This represents a two-percentage point increase year-over-year and six-percentage points above pre-pandemic levels³. As for the state of Maryland, office vacancy rates have seen a 0.5% increase between Q2 2024 and Q2 2025. Office vacancy rates are likely to continue climbing as long-term leases expire and employers continue to reduce their office space needs.

Lastly, some have argued that this taxing authority would make Maryland counties more competitive with those in Northern Virginia. However, that is unlikely because Virginia counties have distinct advantages as the state does not impose estate taxes, inheritance taxes, nor income taxes. Moreover, Virginia has a flat corporate income tax rate of 6 percent, which hovers around the national average but remains below its neighboring states. Finally, Virginia has a lower corporate tax rate, lower fuel energy taxes, and lower or no development impact taxes.

For these reasons, AOBA urges an unfavorable report on House Bill 90. For more information, please contact Hugo Cantu, Manager of Government Affairs for Maryland, at hcantu@aoba metro.org.

² https://montgomeryplanning.org/wp-content/uploads/2025/10/MoCo-Economic-Indicators-Briefing-Q2-2025_Final.pdf

³ <https://thinkmoco.com/countyperformance/>

STATE OF THE OFFICE MARKET MONTGOMERY COUNTY, MD



APARTMENT AND OFFICE
BUILDING ASSOCIATION
OF METROPOLITAN
WASHINGTON

Down 78% from the
pre-pandemic high of **\$133.8M**



*7500 Old Georgetown Road
Bethesda*

Sold in 2016 for \$18.4M,
assessed in 2025 at **\$7.3M**



*962 Wayne Ave
Silver Spring*

Sold in 2018 at \$70M,
assessed in 2025 at **\$50.7M**



*1 Inventa Place
Silver Spring*

Assessed at \$84 million in 2025;
down from \$98 million in 2022



*8403 Colesville Road
Silver Spring*

Assessed at \$14.35M,
auctioned in 2025 **13% below**



*6110 Executive Blvd.
Rockville*

Auctioned In 2025 for \$17.9M,
22% below its assessed value



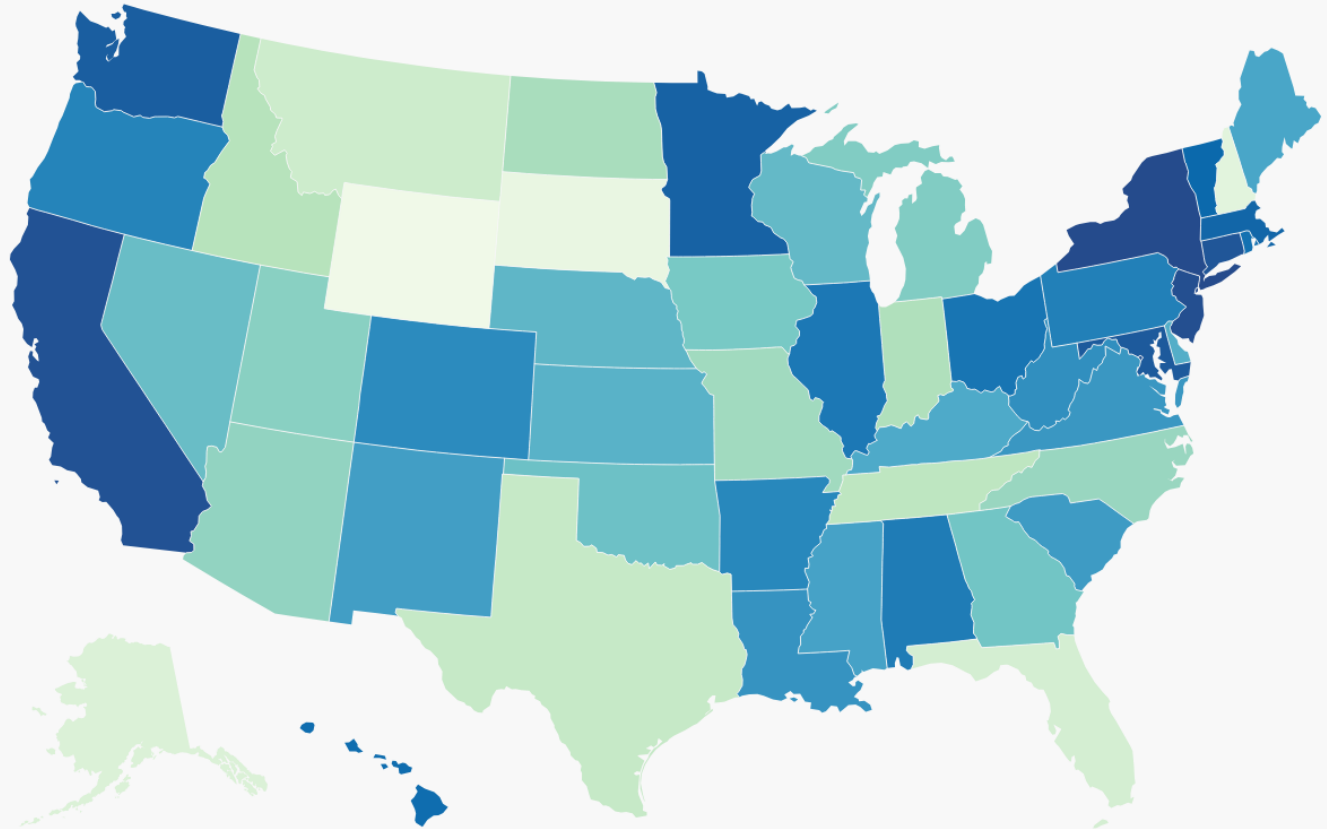
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2026 State Tax Competitiveness Index

Overall Rank



Note: A rank of 1 is best, 50 is worst. Rankings do not average to the total. States without a tax rank equally as 1. DC's score and rank do not affect other states. The report shows tax systems as of July 1, 2025 (the beginning of Fiscal Year 2026).

Source: Tax Foundation

2026 State Tax Competitiveness Index | Full Study

| State | Overall Rank | Corporate Tax Rank | Individual Income Tax Rank | Sales Tax Rank | Property Tax Rank | Unemployment Insurance Tax Rank |
|---------------|--------------|--------------------|----------------------------|----------------|-------------------|---------------------------------|
| Alabama | 37 | 16 | 35 | 48 | 18 | 19 |
| Alaska | 4 | 35 | 1 | 5 | 31 | 50 |
| Arizona | 14 | 13 | 9 | 45 | 10 | 1 |
| Arkansas | 34 | 15 | 40 | 43 | 16 | 10 |
| California | 48 | 41 | 49 | 46 | 27 | 26 |
| Colorado | 33 | 20 | 21 | 39 | 34 | 40 |
| Connecticut | 47 | 30 | 46 | 19 | 49 | 39 |
| Delaware | 24 | 50 | 43 | 2 | 2 | 2 |
| Florida | 5 | 17 | 1 | 16 | 20 | 8 |
| Georgia | 18 | 9 | 16 | 18 | 35 | 22 |
| Hawaii | 41 | 27 | 45 | 29 | 15 | 43 |
| Idaho | 9 | 21 | 14 | 8 | 3 | 36 |
| Illinois | 38 | 42 | 13 | 37 | 41 | 42 |
| Indiana | 10 | 7 | 20 | 14 | 4 | 15 |
| Iowa | 17 | 25 | 11 | 11 | 33 | 35 |
| Kansas | 23 | 26 | 28 | 21 | 26 | 4 |
| Kentucky | 25 | 19 | 25 | 20 | 30 | 30 |
| Louisiana | 31 | 10 | 15 | 50 | 22 | 9 |
| Maine | 26 | 40 | 23 | 9 | 45 | 21 |
| Maryland | 46 | 36 | 47 | 40 | 36 | 18 |
| Massachusetts | 43 | 33 | 42 | 22 | 48 | 45 |
| Michigan | 16 | 22 | 19 | 10 | 29 | 28 |
| Minnesota | 44 | 43 | 44 | 35 | 23 | 44 |
| Mississippi | 27 | 6 | 32 | 23 | 39 | 13 |
| Missouri | 12 | 5 | 17 | 25 | 12 | 5 |
| Montana | 6 | 24 | 12 | 3 | 17 | 25 |
| Nebraska | 22 | 14 | 26 | 12 | 46 | 3 |
| Nevada | 20 | 39 | 8 | 41 | 9 | 47 |