

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1044
Ways and Means

(Delegate McMillan, *et al.*)

Property Tax Appeals - Timeliness of Requests

This bill requires that a request for a property tax appeal to an appeal authority be considered to be filed within the time allowed for the appeal if (1) a postmark indicates that the request was mailed within the time allowed for the appeal or (2) a date and time of receipt stamp indicates that the request was received within the time allowed for the appeal. The bill repeals a similar provision of law pertaining to the timeliness of appeals to the Maryland Tax Court.

Fiscal Summary

State Effect: None. The State Department of Assessments and Taxation (SDAT) already records incoming mail, including assessment appeals, with a date and time receipt stamp. Pursuant to this bill, all property tax appeal authorities will be required to use a date and time receipt stamp when determining the timeliness of an assessment appeal. This requirement can be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: An appeal to the Maryland Tax Court is deemed to be filed within the time allowed for the appeal if a written petition is mailed to the Maryland Tax Court with a postmark date within the time allowed for the appeal.

Background: The assessment appeal process typically begins with an appeal of the notice of assessment. These notices are mailed in late December, and an appeal may be filed with the supervisor of assessments within 45 days of the date of the notice; for properties that transfer after January 1 but before the beginning of the taxable year, the new owner has 60 days from the date of transfer to file an appeal regarding the property value or classification. Following that appeal, the property owner receives a final notice. If the taxpayer is not satisfied with the outcome, the next appeal must be made to the Property Tax Assessment Appeals Board within 30 days from the date of the final notice. A further appeal may be taken to the Maryland Tax Court within 30 days of receiving notice from the board. Any further appeals are made through the judicial system, including the circuit court, the Court of Special Appeals, and the Court of Appeals.

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 value 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; (4) a prior erroneous assessment; (5) a residential use assessment is terminated; or (6) a subdivision occurs. 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.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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