

**MEMORANDUM**

December 8, 2016

TO: Government Operations and Fiscal Policy Committee

FROM: Amanda Mihill, Legislative Attorney 

SUBJECT: **Worksession:** Bill 42-16, Taxation – Property Tax Credit – Elderly Individuals and Veterans

Bill 42-16, Taxation – Property Tax Credit – Elderly Individuals and Veterans, sponsored by Lead Sponsor then-Council President Floreen and Co-Sponsors Councilmembers Navarro, Rice, and Katz, was introduced on October 18, 2016. A public hearing was held on November 15 (see testimony and correspondence on ©14-31).

Bill 42-16 would create a property tax credit for certain elderly individuals and veterans. Specifically, Bill 42-16 would provide a 20% county property tax credit for 5 years on an eligible individual's home. An eligible individual is an individual that is: (1) at least 65 years old and has lived in the same dwelling for the preceding 40 years; or (2) is at least 65 years old and is a retired member of the United States armed forces. Finally, an eligible individual may receive a property tax credit if the home for which they are seeking the credit is assessed at no more than \$500,000.

**Background**

The County has a number of programs to provide tax relief to different subsets of the County populous, including programs for senior citizens and veterans. These programs include the property tax credit for seniors of limited income (County Code §52-92), the residential real property tax deferral for seniors of limited income (County Code §52-22), and the property tax refund for disabled veterans and blind persons (County Code §52-23). In addition to these programs, senior citizens and veterans may be eligible for other, more generally applicable tax relief programs, such as the homeowners tax credit (County Code §52-85).

The County was granted the authority to institute the tax credit provided in Bill 42-16 earlier this year via House Bill 898 (©5-6). The enabling legislation provided for specific definitions for "eligible individual" (which are repeated in Bill 42-16), and provided for the maximum amount of property tax credit (no more than 20% of the tax imposed) and the maximum duration of the property tax credit (up to 5 years). The enabling legislation further allows the County to provide

for the maximum assessed value of a dwelling eligible for the tax credit and additional eligibility criteria.

### **Summary of Public Hearing Testimony and Correspondence**

The Council has heard from several residents and interested individuals. Most individuals that contacted the Council supported Bill 42-16 with amendments (©14-28). Suggested amendments will be addressed below. Two individuals, Joyce Siegel and Barbara Siegel opposed Bill 42-16. In their opposition letters, these individuals did not believe that the Council should encourage “aging in place” for senior residents (©29-31). The County Executive has not taken a position on Bill 42-16.

### **Issues for Committee Consideration**

***1. Should eligibility of the tax credit be expanded to include retired members of the U.S. Public Health Service and National Oceanic and Atmospheric Administration?*** As noted above, Bill 42-16 would provide for a property tax credit for retired members of the “United States armed forces” who are at least 65 years old. The Council heard testimony from Captain David Peterson, on behalf of the Montgomery County Chapter of the Military Officers Association of America, and received correspondence from Colonel James Currie, on behalf of the Commissioned Officers Association of the U.S. Public Health Service urging the Council to expand the tax credit to include retired members of the U.S. Public Health Service and National Oceanic and Atmospheric Administration (©14-19).

**Council staff comments:** The state enabling legislation for this tax credit limits eligibility to retired members of the armed forces. The United States armed forces consists of the Air Force, Army, Coast Guard, Marine Corps, and Navy. These 2 groups are part of the “military services”. Unless the state law is changed, the County implementing law cannot change this eligibility criteria. The sponsor of Bill 42-16 has been in contact with members of the state delegation and Council staff understands that legislation is expected to be considered during the next General Assembly session to broaden the eligibility for the tax credit to include all branches of the military service. Once that state legislation is adopted, the County can then amend its tax credit to include the entirety of the military services.

***2. Should eligibility for the tax credit be limited to seniors who have lived in their house for a certain number of years?*** Bill 42-16 would provide for a tax credit for a person who is at least 65 years old and has lived in the same dwelling for at least 40 years. Several residents urged the Council to remove – or reduce – the 40-year requirement (©20-24).

**Council staff comments:** The state enabling legislation for this tax credit specifically limits eligibility for the tax credits for senior residents to those who have lived in their house for at least 40 years. Unless the state law is changed, the County implementing law cannot change this eligibility criteria.

***3. Should the duration of the tax credit be limited to 5 years?*** Bill 42-16 would provide for a tax credit for up to 5 years. Mel and Elda Banks expressed their hope that the tax credit could be renewed every 5 years (©25).

**Council staff comments:** The state enabling legislation specifies that the property tax credit may be granted “for a period of up to 5 years” and does not provide for a “renewal” option. Unless the state law is changed, the County implementing law cannot change this limitation.

**4. Should the maximum assessed value of a dwelling be increased?** Bill 42-16 would limit eligibility of the tax credit to dwellings that have a maximum assessed value of \$500,000. Several residents urged the Council to increase the maximum assessed value, though they offered different maximum values (©26-28). Resident Pat Garvey suggested including yearly inflation adjustments to this cap (©28).

**Council staff comments:** Unlike the issues raised above, the state enabling legislation allows the County the discretion to set a maximum assessed value of a dwelling or not and to determine what the maximum assessed value should be. The Fiscal Impact Statement (©xx) estimates that the revenue loss from the amount of tax credits granted would likely be about \$1.14 million per year (assuming that the maximum assessed value was \$500,000.). If the maximum assessed value were increased to \$750,000, staff from the Department of Finance estimate that the revenue loss would likely be about \$1.62 million per year. In determining whether to raise the maximum assessed value cap, Committee members must weigh the benefits to eligible residents against the significant decline in revenue that is likely to result from increasing the cap.

**5. Other recommended amendments.** Bill 42-16 requires that a property owner submit an application to the Director on or before a date the Director sets. The County Attorney’s office recommends that the law establish the submission deadline and recommended April 1. **Council staff recommendation:** amend Bill 42-16 to require a property owner to submit an application by April 1 each year that the individual wants to receive the credit.

This packet contains:	<u>Circle #</u>
Bill 42-16	1
Legislative Request Report	4
State enabling legislation	5
Fiscal and Economic Impact statements	7
Select testimony and written correspondence	14

Bill No. 42-16  
Concerning: Taxation -- Property Tax  
Credit -- Elderly Individuals and  
Veterans  
Revised: 10/13/2016 Draft No. 4  
Introduced: October 18, 2016  
Expires: April 18, 2018  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President Floreen  
Co-Sponsors: Councilmembers Navarro, Rice, and Katz

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**AN ACT** to:

- (1) create a property tax credit for certain elderly individuals and veterans;
- (2) provide for the eligibility for the property tax credit; and
- (3) generally amend the law relating to property tax credits.

By adding

Montgomery County Code  
Chapter 52, Taxation  
Section 52-110, Property tax credit – elderly individuals and veterans

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 52-110 is added as follows:**

2    **52-110. Property tax credit – elderly individuals and veterans.**

3           (a) Definitions. In this Section, the following words have the meanings  
4           indicated:

5           Department means the Department of Finance.

6           Director means the Director of the Department or the Director's  
7           designee.

8           Dwelling has the same meaning as in §9-105 of the Tax-Property Article  
9           of the Maryland Code.

10          (b) Credit. As authorized by §9-257 of the Tax-Property Article of the  
11          Maryland Code, an eligible individual may receive a credit against the  
12          County property tax imposed on the dwelling of an eligible individual.

13          (c) Eligibility. An individual is eligible to receive a property tax credit if:

14           (1) the individual is at least 65 years old and:

15           (A) has lived in the same dwelling for at least the preceding 40  
16           years; or

17           (B) is a retired member of the United States armed forces; and

18           (2) the dwelling for which a property tax credit is sought has a  
19           maximum assessed value of \$500,000.

20          (d) Amount and duration of credit.

21           (1) The credit allowed under this Section is 20% of the county  
22           property tax imposed on the dwelling.

23           (2) The credit must be granted each year for 5 years if the individual  
24           remains eligible for the credit.

- 25 (e) Application.
- 26 (1) A property owner must submit an application to the Director on or
- 27 before the date that the Director sets for each year that the
- 28 individual remains eligible for the credit.
- 29 (2) An application must:
- 30 (A) be on the form that the Director requires; and
- 31 (B) demonstrate that the taxpayer is entitled to the credit.
- 32 (f) Regulations. The County Executive may issue regulations under Method
- 33 2 to administer this tax credit.

34 *Approved:*

35 \_\_\_\_\_

Roger Berliner, President, County Council Date

36 *Approved:*

37 \_\_\_\_\_

Isiah Leggett, County Executive Date

38 *This is a correct copy of Council action.*

39 \_\_\_\_\_

Linda M. Lauer, Clerk of the Council Date

## LEGISLATIVE REQUEST REPORT

Bill 42-16

*Taxation – Property Tax Credit – Elderly Individuals and Veterans*

**DESCRIPTION:** Bill 42-16 would create a property tax credit for certain elderly individuals and veterans and provide for the eligibility for the property tax credit.

**PROBLEM:** During the 2016 legislative session, the General Assembly enacted, and the Governor signed, House Bill 898 which authorized local governments to provide for a property tax credit for certain elderly individuals and veterans.

**GOALS AND OBJECTIVES:** To implement authority granted by the State.

**COORDINATION:** Finance

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Amanda Mihill, Legislative Attorney, 240-777-7815

**APPLICATION WITHIN MUNICIPALITIES:** Taxes and credits apply countywide

**PENALTIES:** N/A

Chapter 498

(House Bill 898)

AN ACT concerning

**Property Tax Credit – Elderly Individuals and Veterans**

FOR the purpose of authorizing the Mayor and City Council of Baltimore City and the governing body of a county or municipal corporation to provide a property tax credit against the county or municipal corporation property tax imposed on the dwelling of certain individuals who are elderly or veterans; providing for the amount and duration of the tax credit; authorizing the Mayor and City Council of Baltimore City and the governing body of a county or municipal corporation to provide for certain matters relating to the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit for certain individuals who are elderly or veterans.

BY adding to

Article – Tax – Property

Section 9–257

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Tax – Property**

**9–257.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DWELLING” HAS THE MEANING STATED IN § 9–105 OF THIS TITLE;

(3) “ELIGIBLE INDIVIDUAL” MEANS:

(I) AN INDIVIDUAL WHO IS AT LEAST 65 YEARS OLD AND HAS LIVED IN THE SAME DWELLING FOR AT LEAST THE PRECEDING 40 YEARS; OR

(II) AN INDIVIDUAL WHO IS AT LEAST 65 YEARS OLD AND IS A RETIRED MEMBER OF THE ARMED FORCES OF THE UNITED STATES.

**(B) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THE DWELLING OF AN ELIGIBLE INDIVIDUAL.**

**(C) THE PROPERTY TAX CREDIT ALLOWED UNDER THIS SECTION MAY:**

**(1) NOT EXCEED 20% OF THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON THE PROPERTY; AND**

**(2) BE GRANTED FOR A PERIOD OF UP TO 5 YEARS.**

**(D) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY OR THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY PROVIDE, BY LAW, FOR:**

**(1) THE MAXIMUM ASSESSED VALUE OF A DWELLING THAT IS ELIGIBLE FOR THE TAX CREDIT UNDER THIS SECTION;**

**(2) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SECTION;**

**(3) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND**

**(4) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE TAX CREDIT UNDER THIS SECTION.**

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016, and shall be applicable to all taxable years beginning after June 30, 2016.**

**Approved by the Governor, May 10, 2016.**



ROCKVILLE, MARYLAND

MEMORANDUM

November 8, 2016

TO: Nancy Floreen, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget  
Alexandre A. Espinosa, Director, Department of Finance

SUBJECT: FEIS for Bill 42-16, Taxation – Property Tax Credit – Elderly Individuals and Veterans

Please find attached the fiscal and economic impact statements for the above-referenced legislations.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer  
Lisa Austin, Offices of the County Executive  
Joy Nurmi, Special Assistant to the County Executive  
Patrick Lacefield, Director, Public Information Office  
David Platt, Department of Finance  
Dennis Hetman, Department of Finance  
Jane Mukira, Office of Management and Budget  
Naeem Mia, Office of Management and Budget

## Fiscal Impact Statement

### Bill 42-16, Taxation – Property Tax Credit – Elderly Individuals and Veterans

#### 1. Legislative Summary

Bill 42-16 provides a property tax credit for certain property owners who are at least 65 years of age and either, (1) have resided at the same property for at least 40 years, or (2) are retired from the military. The tax credit is available to all taxpayers who meet these requirements, if their property's assessed value is no more than \$500,000.

#### 2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

The estimated amount of the credit granted in the first year is approximately \$1.14 million, which is not currently budgeted in the FY17 approved budget.

The Department of Finance (Department) notes that there are 189 property tax accounts in the County that have been owned by the same entity for at least 40 years. The Commission on Veterans Affairs provided the Department data that was used to estimate that there are approximately 1,964 County residents who are at least 65 years of age and are also retired from the U.S. Armed Forces.

The Department notes that this program will likely have more eligible applicants than all other County-administered property tax credits combined. Therefore, the Department believes that it will need one additional full-time tax credit administrator (Grade 18 to 23) to handle this additional workload.

#### 3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

The amount of tax credits granted will likely be approximately \$1.14 million per year over the next 6 years. An additional expenditure for a new administrative position will range from \$74,000 to \$94,000 per year, including benefits, depending on the grade of the position.

The revenue loss would be approximately \$6.8 million over six years, and expenditures would be between \$444,000 and \$564,000 over six years. Expenditures are primarily personnel costs for administration of the tax credits. The Department of Finance currently administers 18 tax credit programs and two tax deferral programs with only one dedicated position. The scope and impact of this new tax credit program, though only incremental on an on-going basis, is such that additional dedicated resources are required to continue to effectively and efficiently administer these programs.

#### 4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

#### 5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

**Fiscal Impact Statement**  
**Bill 42-16, Taxation – Property Tax Credit – Elderly Individuals and Veterans**

Not applicable.

**6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

Not applicable.

**7. An estimate of the staff time needed to implement the bill.**

It is estimated that one additional full-time position is needed to properly implement the tax credit program.

The Department of Finance currently administers 18 tax credit programs and two tax deferral programs with only one dedicated position. The scope and impact of this new tax credit program, though only incremental on an on-going basis, is such that additional dedicated resources are needed to continue to effectively and efficiently administer these programs.

Initial implementation should take approximately 60 hours and includes developing informational material for print and for posting on County websites to explain the program, including the origin of the program, the application process, and the timing of the entire program (the estimated schedule to get from the receipt of an application by the Department of Finance to the actual posting of the tax credit to the tax bill). Initial implementation includes setting up internal tracking of applications and the credits in a MS Excel spreadsheet, to begin the program. It includes working with Finance-IT, and possibly DTS, to get the initial website(s) running. It also includes training Treasury Division staff on what to do when they receive applications in the mail, or are asked questions by customers at our two service counters. Initial implementation also includes making paper copies of application packets which will include the informational material.

After implementation, initial administration of the program entails accepting applications, reviewing them, making a decision, calculating the tax credits (initially in MS Excel, but potentially in a stand-alone application developed by Finance-IT or DTS) and then preparing files of tax credits for processing in the tax system. The number of applications received in the first year will likely be close to 2,000, if not higher. This will require full-time work for most of the year. In addition to the administrative work, the administrator will work with Finance-IT or DTS (or both) as the functional lead for developing a software application specific to this tax credit, because of the number of credits that will likely be granted. It is not possible to determine if a new software application is necessary, at this time.

## **Fiscal Impact Statement**

### **Bill 22-16, Taxation – Property Tax Credit – Elderly Individuals and Veterans**

After the first year, ongoing administration entails accepting applications, reviewing them, making a decision, calculating the tax credits and then preparing files of tax credits for processing in the tax system. For example:

- a. For taxpayers who have already received the credit in the previous year, ongoing administration entails certifying that the owner of record who received the tax credit in the previous year remains the owner of record; calculating the tax credit for the new year, and preparing files of tax credits for processing in the tax system.
- b. The administrative workload after the first year is expected to be lower, but the workload will be more than current staff have the ability to provide, without degradation of other customer service related work, as noted above.

**8. An explanation of how the addition of new staff responsibilities would affect other duties.**

If no additional staff are granted, these tax credits will be scheduled to be made after all other credits are given, and other work, such as tax refunds, will also be delayed in order to make certain that all of the tax credits are provided in as timely a manner as possible.

**9. An estimate of costs when an additional appropriation is needed.**

Not applicable.

**10. A description of any variable that could affect revenue and cost estimates.**

The number of eligible applicants may be higher or lower than estimated. There may be a number of applications that are ineligible because their property value is over \$500,000 or increases to over \$500,000 over time.

**11. Ranges of revenue or expenditures that are uncertain or difficult to project.**

See above.

**12. If a bill is likely to have no fiscal impact, why that is the case.**

Not applicable.

**13. Other fiscal impacts or comments.**

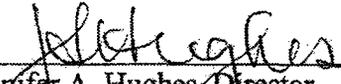
Not applicable.

**Fiscal Impact Statement**  
**Bill 42-16, Taxation – Property Tax Credit – Elderly Individuals and Veterans**

**14. The following contributed to and concurred with this analysis:**

Mike Coveyou, David Platt, Dennis Hetman, Finance

Jane Mukira, OMB;

  
\_\_\_\_\_  
Jennifer A. Hughes, Director  
Office of Management and Budget

11/10/16  
Date

**Economic Impact Statement**  
**Bill 42-16 Taxation – Property Tax Credit – Elderly Individuals and Veterans**

**Background:**

Bill 42-16 would create a property tax credit for certain elderly individuals and veterans and provide for the eligibility for the property tax credit. During the 2016 legislative session, the General Assembly enacted, and the Governor signed, House Bill 898 which authorized local governments to provide for a property tax credit for certain elderly individuals and veterans. An individual would be eligible to receive a property tax credit if: 1.) the individual is at least 65 years old and: (a) has lived in the same dwelling for at least the preceding 40 years; or (b) is a retired member of the United States armed forces and 2.) the dwelling for which a property tax credit is sought has a maximum assessed value of \$500,000.

**1. The sources of information, assumptions, and methodologies used.**

- U.S. Census Bureau, 2015 American Community Survey
- Commission of Veterans Affairs, 2015 report

The Department of Finance has formulated an estimate of the annual property tax credit as a result of the Bill assuming a median taxable assessment base of \$325,000 for properties valued less than \$500,000, a real property tax rate of \$1.0264, and an income tax offset credit of \$692. There are an estimated 189 property tax accounts in the County that have been owned by the same entity for at least 40 years. The Commission on Veterans Affairs provided data that was used to estimate that there are approximately 1,964 men and women in the County who are at least 65 years of age and who are also retired from the U.S. Armed Forces.

**2. A description of any variable that could affect the economic impact estimates.**

Given the assumed totals, the Department of Finance estimates the amount of credit granted in the first year to be approximately \$1.14 million:

	65+ and 40 years	Retired Military
Median Taxable Assessment at or below \$500,000	\$325,000	\$325,000
Weighted Real Property Tax Rate: FY2017	\$1.0264	\$1.0264
	\$3,335.80	\$3,335.80
Income Tax Offset (Tax Credit)	(\$692.00)	(\$692.00)
Estimated Tax Bill	\$2,643.80	\$2,643.80
Credit Bill 42-16: Section 52-110(d)(1)	20.00%	20.00%
Amount of Credit Allowed under Bill 42-16	\$528.76	\$528.76
Number of estimated applicants	189	1,964
Estimate Loss of Property Tax Revenues	<b>\$99,936</b>	<b>\$1,038,485</b>
<b>TOTAL ESTIMATED LOSS</b>		<b><u>\$1,138,420</u></b>

**Economic Impact Statement**  
**Bill 42-16 Taxation – Property Tax Credit – Elderly Individuals and Veterans**

Variables that could affect the economic impact estimate include the number of retired military and individuals over the age of 65 that have lived in the same dwelling for over 40 years. There is also the potential for overlap between the two groups that could slightly reduce estimates.

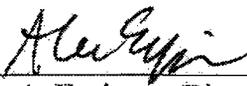
**3. The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.**

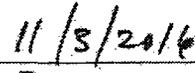
Based on the assumptions and calculations, Bill 42-16 could have a *de minimis* positive economic impact on the personal income for those individuals over the age of 65 and retired military that qualify for the credit. On a per household basis the credit equates to approximately \$528 per year for those eligible. On a macroeconomic level, the Bill will not dramatically alter employment, spending, or property values in any measurable way.

**4. If a Bill is likely to have no economic impact, why is that the case?**

This legislation will have an economic impact. See paragraph #3

**5. The following contributed to or concurred with this analysis:** David Platt, Dennis Hetman, and Rob Hagedoorn, Finance.

  
\_\_\_\_\_  
Alexandre A. Espinosa, Director  
Department of Finance

  
\_\_\_\_\_  
Date



Military Officers Association of America

Montgomery County Chapter  
P.O. Box 34127  
West Bethesda, Maryland 20827-0127

Testimony regarding Council Bill 42-16  
November 15, 2016

Good afternoon President Floreen and members of the County Council. I am David H. Peterson and I am here today on behalf of the Montgomery County Chapter, the local affiliate of the national Military Officers Association of America (MOAA). MOAA and its affiliated chapters are non-partisan advocates for our Nation's seven uniformed services.

This bill flows from State legislation enacted earlier this year (HB898), providing authority for a local property tax credit for certain individuals, and specifying certain conditions for eligibility. In general, my chapter members support the adoption of this legislation by Montgomery County. We do, however, have a concern about one aspect of the bill's provisions, and we seek your assistance and support for obtaining a modification to adjust its section on eligibility.

Our concern regarding Council Bill 42-16 is only with the "Eligibility" provision as drafted. Section 52-110(c)(1)(B), provides eligibility to retired members of the "armed forces," who also meet the age requirement. In the enabling State legislation, it is described as "An ACT concerning Property Tax Credit -- Elderly Individuals and Veterans." There is something of a disconnect in this formulation. Maryland has a definition of "veteran" used in other legislation that is more inclusive, encompassing all seven "uniformed services," not just the five "armed services." It is my chapter's respectful request that our County Council recognize that an unintended discrepancy may well exist in the state legislation, which would need a technical correction in the coming General Assembly session. We ask that the Council bring this circumstance to the attention of the County's House and Senate delegations, particularly those who serve on the House Ways and Means Committee, all of whom were co-sponsors of the House bill.

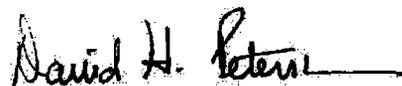
In my original reading of the enabling State legislation, my assumption was that it appeared to include language providing local jurisdictions with a certain amount of discretion in setting additional "eligibility criteria." Under Section 9-257 of the Tax-Property Article, Part D sets forth "The...governing body of a county...may provide, by law, for: (2) additional eligibility criteria for the tax

credit under this section." I was informed by your legislative attorney just recently such an assumption was incorrect and that only a modification to the enabling legislation could produce the outcome my chapter seeks.

I served in two of my country's uniforms over a 38 year career. I can see no justified explanation for limiting eligibility in this legislation, other than perhaps a drafting oversight by the General Assembly. Members of the Commissioned Corps of the United States Public Health Service and the Commissioned Corps of the National Oceanic and Atmospheric Administration take the same commissioning oath before the flag of our country, as do members of the armed forces. For their service to our Nation, they earn and receive the same pay, entitlements, and benefits as those earned by members of the other services. They are on duty 24/7/365, unless they are on leave, and they are always subject to orders to any assigned duty, and to recall. Drawing on my own career as an example, during my two late-career sea duty tours in command of NOAA ships, I was subject to the same accountabilities and responsibilities as Navy and Coast Guard officers in command. While more could be said if time permitted, I think this gives you a sense that a limitation on eligibility is quite inequitable...that a technical correction is warranted.

One last fact that I share with you is that both the PHS Corps and the NOAA Corps have their service headquarters right here in Montgomery County, PHS in Rockville and NOAA in Silver Spring.

Thank you for your attention to the MOAA Montgomery County Chapter's concerns regarding this legislation. It is our hope that you will view these constituent comments in the helpful spirit in which they are offered and intended.



Captain David H. Peterson, NOAA (Ret)  
President, Montgomery County Chapter  
c/o 7612 Anamosa Way  
Derwood, Maryland 20855



## Commissioned Officers Association of the U.S. Public Health Service

November 10, 2016

Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

Dear Council Members:

I am writing to you about Bill 42-16, which would provide tax relief to certain elderly individuals and retired veterans. I am Executive Director of the Commissioned Officers Association of the U.S. Public Health Service (USPHS), which has approximately 1700 members in Montgomery County. Of these perhaps 200 are retired from the USPHS and might be eligible for this tax relief. Including them in your legislation could result, as I am sure you understand, in more officers remaining in Montgomery County after they retire.

The problem that some have identified it is that the Maryland law that is the basis for the County Council's action uses the term "armed forces" to define those eligible for this tax relief. I don't believe that this is actually a problem, as Maryland law, Chapter 553, enacted in 2007, includes U.S. Public Health Service officers and officers of the National Oceanic and Atmospheric Administration as being members of a "military service" for purposes of taxation in Maryland. (Copy attached). We believe that "armed forces" and "military services" are totally synonymous terms, and that there is therefore no reason to deny PHS and NOAA officers the benefits of this proposed legislation. Federal law (42 U.S.Code 213 (d)) states that, "Active service of commissioned officers of the [U.S. Public Health] Service shall be deemed to be active military service in the Armed Forces of the United States . . .," reinforcing our contention that the terms "armed forces" and "military services" are synonymous. PHS officers are also recognized as "veterans" under this statutory provision and are entitled to all the privileges thereof. (Copy of statute attached).

We therefore urge you as members of the Montgomery County Council to include both PHS and NOAA officers in your eligibility criteria for tax relief. Their numbers are small, but we ask you to consider what they contribute to Montgomery County and to our country through their work at the FDA, NIH, and other locations in Montgomery County.

Please do not hesitate to contact me if you need additional information about the U.S. Public health Service and its status under Maryland law.

Sincerely,

James T. Currie  
Colonel, USA (Ret.), Ph.D.  
Executive Director

## CHAPTER 553

(House Bill 392)

AN ACT concerning

### Income Tax - Subtraction Modification - Military Retirement Income for Commissioned Officers

FOR the purpose of altering a certain subtraction modification under the State income tax for certain military retirement income to include certain individuals; defining certain terms; providing for the application of this Act; and generally relating to the State income ~~tax~~ taxation of certain retirement income.

BY repealing and reenacting, without amendments,  
Article - Tax - General  
Section 10-207(a)  
Annotated Code of Maryland  
(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,  
Article - Tax - General  
Section 10-207(q)  
Annotated Code of Maryland  
(2004 Replacement Volume and 2006 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### Article - Tax - General

10-207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(q) (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Military service" means:

1. induction into the armed forces of the United States for training and service under the Selective Training and Service Act of 1940 or a subsequent act of a similar nature;
2. membership in a reserve component of the armed forces of the United States;
3. membership in an active component of the armed forces of the United States;
4. membership in the Maryland National Guard; or
5. [with respect to a person separated from employment on or after July 1, 1991,] active duty with the commissioned corps of the Public Health Service, the National Oceanic and Atmospheric Administration, or the Coast and Geodetic Survey.

(iii) "Military retirement income" means retirement income received as a result of military service.

(2) The subtraction under subsection (a) of this section includes the first \$5,000 of military retirement income received by an individual during the taxable year.

**SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July 1, 2007, and shall be applicable to all taxable years beginning after December 31, 2006.

**Approved by the Governor, May 17, 2007.**

## 42 U.S. Code § 213 - Military benefits

Current through Pub. L. 113-234.

**(d) Active service deemed active military service with respect to laws administered by Secretary of Veterans Affairs**

Active service of commissioned officers of the [US Public Health] Service shall be deemed to be active military service in the Armed Forces of the United States for the purposes of all laws administered by the Secretary of Veterans Affairs (except the Servicemen's Indemnity Act of 1951) and section 417 of this title.

**(e) Active service deemed active military service with respect to Servicemembers Civil Relief Act**

Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for the purposes of all rights, privileges, immunities, and benefits now or hereafter provided under the Servicemembers Civil Relief Act (50 App. U.S.C. 501 et seq.).

**(f) Active service deemed active military service with respect to anti-discrimination laws**

Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for purposes of all laws related to discrimination on the basis of race, color, sex, ethnicity, age, religion, and disability.

# Email Viewer

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[Message](#) [Details](#) [Attachments](#) [Headers](#) [Source](#)

[HTML](#)

From: "Fred Marks" <fred@fmadirect.com>  
Date: 10/31/2016 5:31:56 PM  
To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>  
Cc:  
Subject: Property tax credit for seniors

Requiring one residence for 40 years is arbitrary and unfair. My wife and I have lived in just two houses in Gaithersburg for 52 years. Ask Sidney, he will confirm that. We are in our eighties and you just jacked up our property tax by 10% while giving Marriot a huge tax break. We need it; they don't.

Sincerely,

Fred and Patsy Marks

[Close](#)

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## Email Viewer

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From: "L CLAUDIA HANLON" <ponydublin@msn.com>

Date: 10/31/2016 3:46:34 PM

To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>

Cc:

Subject: Nancy Floreen's Bill 42-16

By simple arithmetic, to qualify just on the basis of length of time living in one residence, the owner living continuous at the same residence for 40 years would have been 20 years old to qualify financially. This would rarely apply to such a few, if any people at all, considering 40 years ago, would have been 1976 during the administration end (1977) of Ford and Carter 1977 to 1981 during a time of extremely high interest rates. How long do you expect people to live in large numbers in Montgomery County.

Sounds like very little research was done before putting out the "sweet words" to the seniors living on pensions whose only asset is a paid off mortgage but low on money for cost of living. This idea based on the info in Nancy Floreen's Newsletter is a total waste of Tax Payers Money. I add that this age to qualify is the only thing that was considered in my research.

There were other qualifications & regulations mentioned that probably just added to the complications of getting any tax help.

I have lived in Montgomery County since 1950 but not all in the same house. Thank you for your public service, but this is, in my opinion, not a good idea and a waste of your time & tax payer money.

L.C.Hanlon

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## Email Viewer

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From: "Joan Bull" <BULLJ1@WESTAT.com>

Date: 10/31/2016 3:39:05 PM

To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>

Cc:

Subject: Bill 42-16

I moved to Montgomery County when I was 2 and, except for a couple years in college, have lived here all my life.

I'll be 65 in a few years. But I won't qualify for the tax credit. You really expect me to have lived at the same address for at least 40 years? Was this bill designed to help, what, 5 people?

Joan Bull

Kensington, MD

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# Email Viewer

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From: "Robert Jenkins" <ry3684@gmail.com>

Date: 11/2/2016 10:27:16 AM

To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>, "Robert Jenkins" <ry3684@gmail.com>

Cc:

Subject: Bill 42-16

If a person needs to be 65 years old and have lived in the same house for 40 years, That means that in order to qualify for this tax relief you must have purchased the home prior to the age of 25. Many residents were just out of college and starting their careers and not able to buy their first home prior to the age of 25, thus severely limiting the numbers of long term residents that would qualify for this relief. I would like to suggest that the bill be amended to include any homeowner over the age of 66 and living in the county for more than 30 years. That would encourage senior citizens on fixed / retirement incomes to stay in their homes.

Regards

Robert Jenkins

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# Email Viewer

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[HTML](#)

From: "Cindy Davis" <cdavisgo123@gmail.com>  
Date: 11/5/2016 3:07:10 PM  
To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>  
Cc:  
Subject: Bill 42-16

Hello,  
I'd like to know if the tax credit will be income based in addition to age based. In addition, it would be more beneficial if the length of time to have lived in the dwelling is reduced to 25 years. Most people don't live in the homes they purchased at 20 years old.

Thank you for your time.

**\*Cindy Davis\***

RE/MAX Town Center  
12505 Park Potomac Ave., Suite #220  
Potomac, MD 20854  
301-637-9762 Office  
301-787-8744 Cell

Email is not secure or confidential. RE/MAX Town Center and our agents will NEVER ask you about wiring instructions by email. If you receive any email requesting bank information or suggesting updated wiring instructions, it is FRAUD. Do not comply and make sure you inform us immediately.\*

\* <<http://www.agentssucceedhere.com/>>\*

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[HTML](#)

From: "Mel Banks" <melbanks@earthlink.net>  
Date: 11/1/2016 12:06:08 PM  
To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>  
Cc: "eldabanks@earthlink.net" <eldabanks@earthlink.net>  
Subject: Proposed Real Estate Tax Credit for Seniors

Dear Council Members:

As life-long residents of Montgomery County, now retired on fixed income and facing ever-increasing real estate tax, health care costs, and other incrementally increasing fees and taxes, we face the choice of living out our lives here with an eroding standard of living, or relocating to a more tax friendly state (such as Delaware, with no sales tax, and real estate tax a third of what it is here.)

We applaud any effort to reduce our taxes, and the proposed 20% real estate tax credit for seniors with 40 years in the same home would certainly be a step in the right direction.

As worded in Ms. Floreen's email of 10/31/16, it sounds as if the annual credit is only for five years. Is this correct? If so, when the credit expires we'd be five years older, have lived in the home five more years, and in more need of the credit than before. Hopefully the credit can be renewed every five years, assuming we're still in the same house.

Thank you,

Mel and Elda Banks

Silver Spring, MD

[Close](#)

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B42-16

AM  
CC

**Stanley D. Abrams**  
15101 EMORY LANE  
ROCKVILLE, MARYLAND 20853  
TELEPHONE: (301) 460-1030

October 25, 2016

Hon. Nancy Floreen, President  
Montgomery County Council  
County Council Office Building  
Sixth Floor  
100 Maryland Avenue  
Rockville, Maryland 20853

**Re: Bill No. 42-16  
Property Taxation Credits**

Dear President Floreen:

The above referenced Bill grants a property tax credit to seniors (over age 65) and veterans who have lived in the same dwelling for at least the preceding 40 years, provided that that the property does not have a maximum assessed value of \$500,000.00. I believe this Bill should be adopted but with a maximum limit of \$750,000.00 for its application.

No one needs to tell you that Montgomery County is an expensive place to own a home and a \$500,000.00 limit on assessed value for those who have lived in a home for 40+ years and seen assessment rise over that period would not qualify even in areas of modest incomes. As an example even in my own middle income area in Rockville, assessed values 40 years ago were around \$55,000.00 - \$60,000.00 and today, they are between \$600,000.00 - \$650,000.00. This is not unusual. Even in older down county areas being redeveloped or near metro, such as Silver Spring, Wheaton, Glenmont and Rockville, property values have escalated. So if you really want to help seniors and veterans who have invested in and improved their homes for four decades or more and don't want or can't afford to move in a housing market dominated by expensive condos or expensive rentals, be realistic. Even resale MPDV's in certain areas are at or above \$500,000.00 in sales prices.

Please consider this request when the PHED Committee meets on this Bill.

Thank You,

  
Stanley D. Abrams

RECEIVED  
MONTGOMERY COUNTY  
COUNCIL

2016 OCT 28 AM 8:46

cc: Councilman George Levantahl  
Councilman Hans Reimer

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[HTML](#)

From: "Naomi Yount" <NaomiYount@Westat.com>  
Date: 10/31/2016 2:26:03 PM  
To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>  
Cc:  
Subject: Bill 42-16

Hello,

I am writing in support of the bill 42-16 which offers tax credits to longtime residents however I think the clause that exempts homeowners of houses that have an assessed value of over \$500,000 defeats part of that bill. There are many longtime residents who bought when the market was very low and have lived here for a long time, and now their dwelling is worth a lot, but they are not exactly benefiting from that increase in housing appraisal. They don't want to move, but are suffering from high property taxes.

Please look at the increase of the housing market over 40 years and the average home value and reassess that max value.

I am decades from qualifying for this so have no vested interest but do think this unfair for the residents/neighbors I do know who have been here the longest. They need the tax credit just as much as the next person. Maybe increase the assessed value to more than \$800,000?

Thanks  
Naomi Yount

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[HTML](#)

From: "Patrick Garvey" <garvp175@verizon.net>  
Date: 11/1/2016 6:03:02 PM  
To: "county.council@montgomerycountymd.gov" <county.council@montgomerycountymd.gov>  
Cc: "Councilmember.elrich@montgomerycountymd.gov" <Councilmember.elrich@montgomerycountymd.gov>, "Councilmember.Berliner@montgomerycountymd.gov" <Councilmember.Berliner@montgomerycountymd.gov>  
Subject: Tax Credit for long time seniors

Very good idea. Please include yearly inflation adjustments or the \$500,000 maximum value will severely limit this needed tax break. You might consider 35 years as the residential term since many retire after 35 years of working and start to be on limited fixed incomes. If you keep 40 years as the benchmark, then you eliminate a large number of retirees who must make decisions to relocate after retirement when fixed incomes are set and not keeping up with inflation. That additional 5 year gap forces folks to relocate to other locations due to MoCo cost of living index. Great idea however. Inflation should be part of the proposal. And a thorough examination of 40 yrs. versus 35 years for " long term" residents.

Patrick Garvey  
5105 Saratoga Ave  
Bethesda Md 20816

Pat Garvey  
Sent from my iPad

[Close](#)

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**From:** Floreen's Office, Councilmember [Councilmember.Floreen@montgomerycountymd.gov]  
**Sent:** Friday, November 04, 2016 10:37:18 AM  
**To:** Council President  
**Subject:** FW: Bill 42-16 draft letter to Council

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**From:** Joyce Siegel [mailto:joybsiegel@aol.com]  
**Sent:** Thursday, November 03, 2016 4:23 PM  
**To:** Berliner's Office, Councilmember <Councilmember.Berliner@montgomerycountymd.gov>; Elrich's Office, Councilmember <Councilmember.Elrich@montgomerycountymd.gov>; Floreen's Office, Councilmember <Councilmember.Floreen@montgomerycountymd.gov>; councilmemberkatz@montgomerycountymd.gov; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>; Leventhal's Office, Councilmember <Councilmember.Leventhal@montgomerycountymd.gov>  
**Subject:** Fwd: Bill 42-16 draft letter to Council

I am opposed to Bill 42-16 for a variety of reasons. Most people who purchased their homes 40 or more years ago have seen the value of their homes increase enormously. Yes, some have used that equity to get second and third mortgages in order to manage day-to-day expenses but many others are sitting on the increased equity...even lucky enough to have money in case assisted living or nursing care is needed and/or for their children.

My husband and I lived in our home for 46 years. The four bedroom split level, on one quarter acre, was way too big for two people. The gardening and house maintenance were getting too much. We sold our house to a young family and moved to a condo within a walk of metro. Our former home was meant for a family and we were happy to see it recycled, with the children going to the neighborhood schools. The street we used to live on has numerous elderly widows...one in a five bedroom split level. She can't drive. She can't garden. She's stuck in this huge house. Is that the best use of our housing stock? I think not.

Older people are being encouraged to age in place but for many that's not the best idea. I have several friends who are now prisoners of their large houses. They lost their husbands, decided to stay in their homes and now are totally trapped without the energy...or even the health to make a positive move. They can't drive any longer and have become totally dependent on others.

We should put our attention to providing affordable, appropriate housing for older people. Moving to the condo was the absolutely best thing we could have done. We are active in our new mixed age, ethnicity and income community. We enjoy the amenities...a pool, a walk to metro, a few social programs. We've made new friends and become very active in the governance of the condo.

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*Joyce Siegel*

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**From:** Floreen's Office, Councilmember [Councilmember.Floreen@montgomerycountymd.gov]  
**Sent:** Thursday, November 03, 2016 2:58:23 PM  
**To:** Council President  
**Subject:** FW: bill 42-16 opposed

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**From:** Barbara Siegel [mailto:barbsiegel@verizon.net]  
**Sent:** Thursday, November 03, 2016 2:07 PM  
**To:** Floreen's Office, Councilmember <Councilmember.Floreen@montgomerycountymd.gov>  
**Subject:** bill 42-16 opposed

Dear Council President Floreen,

I'm writing in opposition to bill 42-16.

Below I have included excerpts from a letter my 83 year old mother is submitting on the subject. I'm sure my views on 'aging in place' were formed by my mother - a housing activist from way back. She always talked about moving when they got older and that big houses should be for families.

Additionally, I don't understand why this bill is only geared to people whose homes are under \$500,000. Most people who have lived in the same home for 40 years in MoCo are likely to have homes valued over \$500,000. For example, I bought my house in 93 for \$230,000 (downtown Bethesda). A few years later we put an addition on (\$110,000). My home is now worth well over \$500,000. Why should we be excluded just because we bought smart and lived without a car for several years.

I also agree with my mother that the idea of aging in place is a disservice to the elderly. It's very expensive to live in a home. Where I can cut my own grass and do my own repairs, elderly need to hire help.

It's fine if people want to make the choice to stay in their own homes. That's up to them. I disagree with County Council encouraging it.

There was a profound difference between the experience of my parents (see below) and my in-laws. My in-laws stayed in their house until they had to. Within a month of moving my mother-in-law had a huge health set back - we think because of the confusion caused by the move (my father in law simply couldn't take care of the house any longer). My in-laws are living a miserable isolated existence while both of my parents are engaged, independent, and continuing to enjoy life. The true elderly do end up isolated in their single family home. By allowing them to ignore for as long as possible the unpleasant reality that 'time and tide wait for no man' they end up waiting until it's too late. If Council wants to make a positive difference in the lives of the elderly perhaps the better move would be to raise taxes on families that have lived in their house for more than 40 years.

Respectfully,

Barb Siegel

<http://look2listen.com>  
[Barb@look2listen.com](mailto:Barb@look2listen.com)

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*Through the process of graphic consultation, my clients and I use drawings, color, typography and other creative elements to find greater understanding and solutions in ways that are impossible with conversation alone. The amount of brain space dedicated to visual processing is greater than that for all other sensory processing combined; this process builds on our natural inclinations to broaden our thinking and improve performance.*