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Maryland property assessments count air as square footage

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One third of Maryland homeowners are now dealing with the triennial ritual of reassessment. The Maryland system of keeping assessments in line with market values has many virtues, especially compared with states that reassess only when a property is sold. Nonetheless, individual property assessment in this state has serious flaws in practice, and dealing with the State Department of Assessments and Taxation (SDAT) is — at least for me — a nightmare.

My story begins with my reassessment as of Jan. 1, 2015. The assessment just seemed much too high. I appealed and at the same time retained a professional appraiser, licensed by the state of Maryland, to conduct an appraisal of my property. I discovered that SDAT had recorded the main section of my house on the property record card as having 35 percent more square feet than my appraiser did. At first, I thought that there had been a measurement mistake when my new house, built in 2009, had first been put on the tax rolls. It should, I thought, be easy to straighten out the problem with a tape measure.

Wrong.

Here is the general problem: SDAT does not follow the industry standard in house measurement, the "American Measurement Standard" set by the American National Standards Institute (ANSI). This standard is mandatory for private appraisers and counts only usable floor space in calculating square footage. SDAT counts air — as in the imaginary floor that could exist on the second level of the main section of my house, but doesn't. Instead, I have open space there, so I can enjoy my cathedral ceiling.

The ANSI standard is clear: "Openings to the floor below cannot be included in the square footage calculation." So, I appealed to Maryland Tax Court and had a hearing last July. The tax court reduced my assessment, largely because the judge accepted my appraiser's judgment on the square feet of heated space in my house. I provided SDAT with a copy of the transcript of the hearing, and assumed that SDAT would correct the property record card.

Wrong again.

SDAT insists that its figure is OK and that I will have to obtain a court order to get the property record card changed. The tax court decision on the number of square feet in my house is not good enough for SDAT, which, I've learned, does not have to accept a judgment on house measurement by an independent authority, such as a licensed appraiser or the tax court.

It defies common sense that SDAT can count square feet of floor space that does not exist. It defies common sense that SDAT will not accept a decision of the tax court as to correct measurement. It is also unfair that SDAT will frequently offer appealers a token assessment reduction for their trouble, according to my experience and the collective experience of my neighbors. (Note to readers: The deadline to appeal the most recent estimates received at the end of December is coming up: Feb. 10th.)

SDAT has a feel-good website, containing among other things a "Property Owner's Bill of Rights" and an "Assessment Procedures Manual." Unfortunately, SDAT apparently feels no obligation to adhere to rules in these documents — particularly those requiring the reinstatement of an earlier estimate — when it comes to my house.

The Maryland legislature is now in session. I urge the legislature to pass a bill that does at least two things. First, it should compel SDAT to use ANSI'S American Measurement Standard as the standard for measuring square feet of a house. Second, the bill should provide authority for a local appeals board — each Maryland county has one — to order SDAT to correct errors on a property owner's property record card.

Meanwhile, the only recourse any of us has is to appeal our property assessment. I assume that I am not the only Maryland homeowner being treated this way and urge those of you with cathedral ceilings in particular to take a close look at your assessments. If you find errors on your property record card, appeal; it's your only recourse until SDAT improves its procedures. I myself have entered a new appeal, but every one of us must be willing "to fight city hall."

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