



Promoting stewardship,
conservation and restoration in the
Deep Creek Lake watershed

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Fact Sheet: Appealing Property Tax Assessments Due to Recreational Use Limitations

If you own Deep Creek Lake property south of Glendale Bridge, you recently received your Tax Assessment Notice.

Friends of Deep Creek Lake has gotten a number of calls and emails asking for advice on whether to appeal the property assessment and if so, how to do this. We contacted the Garrett County Tax Assessor's Office for guidance. We have compiled this Fact Sheet to supplement the useful information already provided in the Assessment Notice. Friends of Deep Creek Lake and the Assessor's Office hope property owners who to decide to appeal will have their documentation well organized and argument/s well framed in order to make the process run smoothly. From experience, we can assure you that the staff in the Assessor's Office is very helpful and a source of information and guidance in compiling your appeal and will be respectful during the hearing process.

This document will address:

1. The process of appealing
2. How to research comparables
3. How to present arguments for water quality decline and reduced recreational access

1. The Process of Appealing

Why appeal. If you believe the New Market Value for the total property as a whole, the land, or buildings, is out of line, you should consider filing an appeal. The appeal process is open to property owners in the year of the reassessment; the next one will be in three years. It is possible to file “out of cycle appeals”. If interested, you should contact the Assessor's Office directly. However, it is easier to do it now.

Why not appeal. Reduction in Market Value might impact the potential sales price if you are thinking about putting your property on the market in the near term. Given the uncertain housing market, we believe overall market trends will have more impacts on actual sales price than a slight adjustment in New Market Value assessment, but this is a consideration you should weigh.

Tips before deciding to proceed:

1. It will take time research, assemble documentation and develop argument/s why your assessed property value should be adjusted. If you do not have this time, you may want to reconsider filing.

2. Request a face to face meeting with the Hearing Officers. You need to be able to come to Oakland for your hearing appointment. The office does offers evening and Saturday hours. .
3. Do not rush. You have until the deadline listed on your Assessment Notice to file. It will not make any difference in outcome of the appeal if you file before this deadline.

2. Researching Comparables. *Your property Market Value is based on recent sales of comparable properties.*

At the same time, there are few identical properties in our area and even fewer which have sold recently. So the assessment valuation determination is part science and part art. Within this area of interpretation, you may raise issues about your property.

There are two sets of data to use.

1. Recent sales: What properties in your neighborhood have sold in last year or so? Which ones are most similar to your property? Get the addresses for these properties and submit a request to the Assessor's Office for the *Sale Analysis* and *Property Worksheets* for these properties. If you are not sure, go into the Assessor's Office and they will help you. A fact sheet on Sale Analysis is available at <http://www.dat.state.md.us/sdatweb/areasales.html>.

2. Properties in your area: To research other properties in your neighborhood, go to: <http://www.dat.state.md.us/sdatweb/real.html>. Under the "Homeowners" heading, click on 'Real Property Database'. The next screen will have a selection by county and whether you are researching by street address, tax map and parcel or account number. Select Garrett County and street address. Find your property; double check all the information is correct.

Key items to determine from these documents: value of land and buildings, lake frontage (located in the box on right, indicated by a number such as 100L, which means 100 feet lake front footage), and total square feet of the parcel. Now look at other properties in your immediate neighborhood, particularly ones which are more or less comparable and have more or less comparable recreational access and water quality. If you need help, the Tax Assessor's Office has Property Tax Maps to find other properties.

3. How to present arguments for reduced recreational access and use.

Lake aging impacts: Lake front and lake access properties have added value based on opportunities for lake use and enjoyment. An identical property located elsewhere in Garrett County would have much less value.

Increasingly, many property owners south of the Glendale Bridge are experiencing a reduction in lake enjoyment. Therefore, it is logical to make the case that such properties should be assessed at a lesser value than identical lake properties without such impacts.

There may already be a differential reflected in the Market Value. For other properties, this adjustment may not have been fully factored into the assessment. Such cases may include properties which were purchased a while ago; properties where the assumption of full recreational use was not accurate; properties sold during the market boom when any lake front/lake access went at a sky-high price; properties where the processes of water quality decline and/or recreational use are newly emergent.

Be assured: the Tax Assessor's Office does understand the impacts on declining water quality and limitations of recreational use. The Office has received related documents such as the Maryland Department of Natural Resources (DNR) information on Submerged Aquatic Vegetation (SAV) impacts and sediment study as well as a copy of the Code of Maryland which lists the “highest use” of Deep Creek Lake is for recreational purposes. The Hearing Officers are open to conversations about these impacts, and more importantly, valuation changes have been made based on these impacts.

Types of impacts to consider:

1. *Sediment accumulation, shallowing of coves and low water levels:* The Assessor's Office already adjusts the value of the property at the head of a cove. However, more and more property owners are not able to enjoy the boating season due to accumulation of sediment. What should be the expectation of “full season”? DNR sets the expectation by the term for the dock permits fees as the boating season, April 1 through October 31. If you have to pull your boat or dock out due to these impacts prior to October 31, then you have a shortened recreational season.
2. *SAV's and Algal blooms:* Coves and other areas south of Glendale Bridge are increasingly impacted by intrusive and invasive Submerged Aquatic Vegetation which hinders swimming and boating during part of the season. Increasingly, areas are seeing the spread of algal blooms which lead to reduction in swim-ability and are a potential indicator of water quality problems.
3. *Safety:* A number of property owners have complained about safety concerns near their docks. If these threaten “full enjoyment” then they could be used as basis for appeal.

Types of documentation that can be used to support your appeal:

1. *Maps of impacted area:* Location of your property and area of impacts.
2. *Photos of impacts* with dates, locations and relationship to your property: If you do not have photos, Friends of Deep Creek Lake may have some.
3. *Documentation whether these problems are persisting and/or emerging:* You must show these impairments are as result of on-going or emerging problems. You cannot base your argument on a one-time event such as the 2010 fish kill.
4. *Precedent:* If others in your immediate area have filed a successful appeal, use this precedent to support your appeal.

We are posting the following documents on our website which you may find helpful in framing your appeal:

- Principles section of Code of Maryland on Deep Creek Lake Management.
- Section in DCL Recreation and Land Use Plan with descriptions of areas impacted by SAVs and sediment.
- DNR Sediment Plan and Study Map showing 10 coves for focused study.

We hope you have found this Fact Sheet useful.

Please let us know if you have filed a successful appeal in the past.

Let us know if you are appealing this year.

If you have good photos of impacts in your areas, please consider sharing them and we will post on our web site. For each photo, please indicate the location, gps coordinates if you have them, and date of photo, comments about changes over time.

Let us know about the outcome of your hearing and tips you have for others who may consider appealing.

Send us an email at contact@friendsofdcl.org.