



Md. Property Tax Trips Members

By Jennifer Yachnin

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Despite representing California's 5th district since 2005, Rep. Doris Matsui (D) declared her permanent residence in Maryland in 2008 and was approved to receive tax benefits from the state.

The Maryland Department of Assessments and Taxation said Thursday that an individual representing Matsui contacted the state to request that the homestead designation be removed from her home in Chevy Chase—and for a bill to repay tax credits previously applied to the home.

Matsui's office acknowledged that the Californian had applied for and received a homestead exemption in Maryland as recently as March 2008 but could not confirm that the lawmaker had requested a status change after being contacted by Roll Call one day earlier.

"Staff called to verify that they had the [application] form when [the state] made the decision. I'm not aware of anything else,— Matsui spokeswoman Alexis Marks said.

Marks added that Matsui also maintains a California residence but does not receive a property tax benefit for that home, which Sacramento tax records confirm.

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According to Montgomery County tax records, Matsui's home, listed as her "principal residence," was valued at nearly \$1.4 million in 2008. The home received \$2,800 in tax breaks in its most recent bill, including a nearly \$2,000 discount from the county.

Matsui purchased the Maryland home in 1979 with her late husband, former Rep. Robert Matsui (D-Calif.). Doris Matsui, a former lobbyist, also served in President Bill Clinton's administration before being elected to fill her husband's House seat after his death in 2005.

Although the Maryland tax office is allowed to bill up to seven years of back taxes, it typically reserves the maximum for offenders who have intentionally violated homestead laws, such as individuals who rent out a property while still receiving the tax break, explained Bob Young, associate director of Maryland's tax office.

Instead, Matsui will be required to pay back taxes dating to 2005.

"Just because they're Congress people, I don't want to treat them favorably. I don't want to treat them unfairly either," Young said. "The same rules that would apply to any other homeowner apply to them."

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Young noted that at the time the Matsuis purchased their home in 1979, state policies likely would have automatically granted the property a homestead deduction if they opted to receive their tax bill at the same address as the home.

Maryland state lawmakers implemented more stringent requirements for the homestead tax break in 2007, requiring all homeowners to submit a questionnaire to continue receiving the tax break, which is designed for permanent residents.

Among the qualifications, homeowners are asked whether the property is a principal residence, as well as whether the address is used to file state and federal income taxes, procure a driver's license and vehicle registration, and register to vote.

Matsui's office said the lawmaker is registered to vote in California and maintains a Golden State driver's license. She owns multiple vehicles, with at least one registered in each California and in Maryland, Marks said.

Asked how Matsui qualified for the tax break, Marks said, "She submitted the form [to Maryland] and they gave it to her.—

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Publicly available Maryland property tax records also revealed at least three other House lawmakers with Maryland properties listed as a primary residence.

In two of those cases, Maryland tax officials acknowledged that state or county employees inaccurately entered the status into records, and not at the request of the lawmakers.

Both California Reps. Adam Schiff (D) and Dennis Cardoza (D) are listed in county tax records as primary residents for their homes in Montgomery and Anne Arundel counties, respectively.

According to Young, Cardoza's tax status was entered incorrectly into state property records based on another legal document required to finalize the home's purchase.

"We coded it ourselves as a principal residence based on that settlement document. Then we sent him an application [for the homestead tax break], he did not return it, which says to us he did not apply for it," Young said.

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Moreover, Young noted that Cardoza, who purchased his home in May 2008, did not receive any tax benefit based on his status, since Maryland homestead laws do not apply to properties during the first year of ownership.

"I specifically did not request it," Cardoza said in a telephone interview last week.

"I specifically asked for it not to be done because I did not want to violate the law," he added. Cardoza explained that he has sought to be adamant about his tax status, noting that multiple homestead-tax claims impaired the campaign of an opponent during his first campaign for the state legislature.

"I'm going to raise hell if they've done it incorrectly," Cardoza said. In a subsequent interview, the House Member said his office contacted the Anne Arundel County tax assessor and was informed the office had used the longtime standard of using a mailing address to determine primary residence.

Montgomery County tax officials confirmed Schiff's tax status was also incorrectly entered into tax records when he purchased the property with his wife, Eve, in 2003.

According to copies of sales documents provided by Schiff's office, the lawmaker correctly marked a box stating the home would not be his principal residence.

"The above reference property was incorrectly listed as owner occupied by our office. The Intake Sheet filed with the deed (copy included) stated that property would not be the owners [sic] Principle [sic] Residence,— Roberta Ward, manager of the Montgomery County branch of the state's tax office, wrote in a copy of those documents sent to Schiff.

According to tax records, Schiff has received a total of \$168 in tax credits since purchasing the home, now valued at more than \$890,000.

Similarly, in the third case, a Prince George's County condominium owned by Rep. Edolphus Towns (D-N.Y.) is also listed as a primary residence, although he did not apply for the status through a three-year statewide audit that began under the stricter rules, Young said.

Because Towns and his wife, Gwendolyn, purchased the home in 1997 prior to the rule change, they likely received the status automatically based on their mailing address.



“Obviously since we now know this is a Member of Congress ... we’re going to remove— the status, Young said.

According to county tax records, Towns has received less than \$250 in tax benefits to date on his 950-square-foot unit, recently reassessed at a value of \$112,000. “He has never applied for special treatment, — Towns aide Jesse McCollum said.

Although Matsui has requested to pay back taxes, Young said the state does not typically charge homeowners with back taxes if it determines a property inadvertently received the deductions and the owner did not actively seek to deceive the state.

“Our policy is that we will not take it away for back years. We’ll do it for current years,— Young said.

One other House Member, Rep. James Oberstar (D-Minn.), also receives the Maryland tax benefit, albeit via his wife, Jean, who is the sole owner listed on tax documents.

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Maryland tax officials noted that state law allows a property to receive the tax benefit if at least one individual listed on the deed qualifies for the homestead program.

According to the Montgomery County Board of Elections, Jean Oberstar is a registered voter at her Potomac, Md., address.

“It’s his wife’s house. She is a resident of Maryland,— Oberstar’s spokesman John Schadl said. Schadl noted that Oberstar’s primary residence is a home in Chisholm, Minn.

In March, Maryland tax officials revoked the property tax status of New York Democratic Rep. Eliot Engel’s Potomac home and began a review of California Democratic Rep. Pete Stark’s Anne Arundel County home.

About 1.4 million Maryland homes currently receive the homestead benefit, Young said.



In addition, a Roll Call review of D.C. property tax records in late March prompted city officials to amend the status of four House lawmakers.

District officials accepted blame for improperly bestowing the city’s homestead tax break on those lawmakers — Reps. Steve King (R-Iowa), Mike Rogers (R-Ala.), Phil Gingrey (R-Ga.) and Tom Petri (R-Wis.) — but nonetheless issued bills for back taxes, penalties and interest.

District records show another House lawmaker, Rep. Betty McCollum (D-Minn.), is also listed as currently receiving the homestead benefit, which can shave hundreds of dollars a year off tax bills and limits annual increases.

According to tax records, McCollum’s Dupont Circle condominium, purchased in 2003, is valued at \$115,000 for tax purposes, below its full assessed value of \$253,000.

McCollum’s office did not respond to multiple requests for comment.

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Under the District's homestead program, a taxpayer who owns a home in the city and uses it as the principal residence receives a reduction of \$67,500 on its assessed value, or a savings of \$573.75 on the 2009 tax bill.

In addition, properties that qualify for the homestead deduction are also protected from considerable jumps in assessed value. The District caps those increases at 10 percent above the previous year's tax assessment.

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