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Wednesday, Aug. 6, 2008

Water fee smacks HOAs in the wallet

Eight file appeals after charge climbs unexpectedly

by Sebastian Montes | Staff Writer

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Eight homeowners associations in Montgomery Village - as well as the Montgomery Village Foundation - are appealing a new county fee for water quality protection that in some cases jumped more than 600 percent over the year before.

Taken together, the appeals total \$49,256 for 140 distinct tracts in Montgomery Village, up from \$13,689.44 the year before. Individually, the fee might have been \$11.90 last year and \$200.37 in 2008, or \$13.63 to \$462.89. The county has 60 days to decide the appeals.

More than 2,300 other properties across the county saw unexpected increases, but the county has yet to hear from them, said Robert Hoyt, director of the county's Department of Environmental Protection.

The problem first surfaced in Montgomery Village as HOAs received their new property tax bills. Embedded in line 4 of each bill for parcels in which portions cannot absorb rainfall and run-off was the new rate for the Water Quality Protection Charge, which the county levies to keep the stormwater system up to grade.

Effective July 1, the County Council increased the charge by 40 percent, up to \$35.50 per 2,400 square feet of impervious surface. Individual homeowners pay \$35.50, but other private property owners pay according to a formula based on the amount of impervious surface on their land.

This applies to everything from churches to shopping malls, so long as the property in question drains into a residential stormwater pond. Government facilities and public schools are exempt.

For HOAs, the fee compounds quickly because of parking lots, privately owned streets and recreation centers.

It has left community leaders looking not only for financial relief, but for answers.

"We're not talking about a few dollars, we're talking about thousands and thousands of dollars more, for the exact same thing they did last year," said Patton Ridge board president Ed Brandt, where the fee jumped nearly four-fold, to \$8,610. "So they're going to have to justify this."

In East Village, the charge jumped from \$2,481 to \$11,643 this year, a situation that board president Terry O'Grady called "totally ridiculous."

"When they pass all of these things like that, I don't know sometimes what they're thinking," she said. "It's got to stop. They gotta start making some concessions for the homes corporations."

Eventually, those costs trickle down to Montgomery Village residents by hitting the HOAs' bottom line, foundation president Bob Hydorn said. For Village residents it is a "triple shot" - the flat fee they pay as a county resident, and the squeeze on their HOA and on the foundation, to which they pay separate dues.

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"It falls on the residents, any way you look at it," Hydorn said.

Among the foundation's questions is how a portion of its property tax bill - which is supposedly capped to a 10 percent annual increase - could have jumped in some cases 60 times that.

"We're willing to assist any way we can, but this is just not fair," Hydorn said. "How do you hit somebody's budget with a several thousand dollar increase?"

In response, County Executive Isiah Leggett (D) has pushed officials the last few days to understand the sudden increases. Part of the issue is that this year was the first time the Department of Environmental Protection did the assessment, having taken over from the Department of Permitting Services. The county also began using newly enhanced digital images - using "ortho-photo imagery" - to determine what surfaces are and are not impervious.

"It's a combination of different people and more accurate information," Hoyt said Monday. "It hasn't been just certain areas. It's throughout the county. ... We have double checked that."

Of the county's 270,000 separate accounts charged a water quality fee, more than 2,500 saw jumps based solely on the new calculation of impervious surface, Hoyt said. While DEP does not yet know how many of those parcels belong to HOAs, the county wants to be ready with a solution when other groups catch on to the new charge.

County Council President Michael J. Knapp supports the Village HOA's decision to appeal because it buys time to "sit back down and say, 'OK, which of these things that we're beginning to implement should we implement, and what should be phased in?' This appeal will give us the time to go back and look at how do we do that."

Near the top of the questions to straighten out is how the new technology, which increased the amount of land covered by the charge, coincided with the base increase - without the council's knowledge.

"That's kind of the kicker in the whole thing: How did we do these things at the same time?" said Knapp (D-Dist. 2) of Germantown. "... We recognize that perhaps maybe all of those pieces should not have happened at the same time."

In addition to the Montgomery Village Foundation, eight homeowners association in the Village have appealed dramatic increases in East Village, Patton Ridge, North Village, Northgate, Eastgate, Whetstone, Stedwick and Middle Village.

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