

**PUBLIC HEARING ON  
BILL 15-614, “CAPITOL HILL COMMUNITY GARDEN  
LAND TRUST REAL PROPERTY TAX EXEMPTION  
AND EQUITABLE REAL PROPERTY TAX RELIEF ACT  
OF 2003”**

**Before the  
Committee on Finance and Revenue  
Council of the District of Columbia**

**The Honorable Jack Evans, Chairman**

**March 3, 2004, 10:00 a.m.  
Room 120, John A. Wilson Building**



**Testimony of  
Thomas Branham  
Chief Assessor  
Office of Tax and Revenue**

**Natwar M. Gandhi  
Chief Financial Officer  
Government of the District of Columbia**

Good morning, Chairman Evans and members of the Committee on Finance and Revenue. I am Thomas Branham, chief assessor for the District in the Office of Tax and Revenue (OTR). I am pleased to appear before you today to comment on Bill 15-614, the “Capitol Hill Community Garden Land Trust Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2003.”

Bill 15-614 concerns property located in square 1100, lot 0109. This property presently exists as vacant land owned by the Greater Washington Mutual Homes Association, Inc. The bill provides that upon transfer of the land by deed to the Capitol Hill Community Garden Land Trust, the property would become exempt from all taxes, as long it is available for public use and not used for commercial purposes. In addition, the bill would grant forgiveness of taxes, interest, penalties, fees, and other charges assessed against the property from October 1, 1994, through the last day of the month following the effective date of the bill, provided the property is occupied and used by the Capitol Hill Community Garden Land Trust. Any payments made during the stated time period would be refunded.

The proposed legislation will result in unbudgeted reductions in real property tax revenue by approximately \$52,000 in FY 2004, due to outstanding real property taxes owed and relief of recordation and transfer taxes.

If the Council wishes to enact this measure, the bill might be amended to provide forgiveness of “all real property taxes owing since October 1, 2002, through the first day of the month following the effective date of this act.” Adding such language would prevent any lapse in the period of exemption and the need for

additional legislation. We also suggest the word “occupied” be stricken from the bill, as there is no building on the subject property to occupy.

If the Council does *not* approve Bill 15-614, the property would remain taxable, and the owner of record would continue to be responsible for paying all outstanding taxes and other charges.

Neither a garden nor vacant land is a qualifying use for tax exemption under DC Official Code § 47-1002. The issue raised by this bill is whether a special exception should be made for this particular lot. The OCFO consistently advises that it is best not to provide special exceptions, in order to preserve administrative efficiencies and taxpayers' sense of fairness. In view of these conditions and the fact that the property cannot qualify for exemption under the statute, OTR suggests it might be in the best interest of the District to retain this parcel on the tax rolls.

Chairman Evans, that completes my testimony on this bill. We thank you for the opportunity to comment, and we are available for any questions.

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