Real Property Tax Appeals Commission

IN ACCORDANCE WITH Section 47.825.1 of the District of Columbia Statutes you Are hereby notified of your assessment for the current year **2013** as finalized by the Real Property Tax Appeals Commission for the property described. If YOU WISH TO APPEAL THIS ASSESSMENT FURTHER, SEE THE INFORMATION BELOW

Date: November 30, 2012

Legal Description of Property

Square: 1869 Lot: 0818

Property Address: 5429 Connecticut Avenue NW

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	1,679,480	Land	1,679,480
Building	3,308,820	Building	2,920,520
Total	$ 4,988,300	Total	$ 4,600,000

Rationale:

Pursuant to DC Code §47-825.01a(c)(1)(B), the Stipulation Agreement entered into by the Office of Tax and Revenue and the Petitioner is accepted. The Stipulation Agreement resolves the matter of the Tax Year 2013 appeal.

COMMISSIONER SIGNATURE

Richard Amato, Esq.

FURTHER APPEAL PROCEDURES

Petitioners have the right to appeal from an adverse decision of the Commission to the Superior Court of the District of Columbia under the applicable provisions of the D.C. Code. Appeals to Superior Court must be filed no later than September 30th of the same year. In order to file an appeal with the D.C. Superior Court, petitioners must pay full year taxes to the Office of Tax and Revenue.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CHIEF FINANCIAL OFFICER
OFFICE OF TAX AND REVENUE
REAL PROPERTY TAX ADMINISTRATION

RPTAC ASSESSMENT STIPULATION FORM

Square	1869	Suffix		Lot (s)	0818
Property Address	5429 Connecticut Ave NW				
Petitioner	Kenneth Max				

STIPULATION AGREEMENT

IT IS HEREBY AGREED BY AND BETWEEN THE PETITIONER AND THE DISTRICT OF COLUMBIA THAT IN ORDER TO EXPEDITIOUSLY SETTLE THIS MATTER, EACH PARTY AGREES TO STIPULATE TO THE ESTIMATED MARKET VALUE FOR THE SUBJECT PROPERTY FOR TAX YEAR 2013 AS FOLLOWS:

	PROPOSED ASSESSED VALUE (Assessed value after First Level)	STIPULATED ASSESSED VALUE
LAND	1,679,480	1,679,480
IMPROVEMENTS	3,308,820	2,920,520
TOTAL	4,988,300	4,600,000

STIPULATED PERCENTAGE CHANGE: 8 % STIPULATED VALUE CHANGE $ 388,300

JUSTIFICATION: After reviewing the year end I&E information for fiscal year 2011, it is the opinion of the appraiser to recommend a slight reduction of the subject property's TY 2013 assessment.

BY ENTERING INTO THIS STIPULATION AGREEMENT, THE PARTIES AGREE THAT UPON ACCEPTANCE BY THE PARTIES AND THE REAL PROPERTY TAX APPEALS COMMISSION'S ADOPTION OF THE PARTIES' STIPULATED ASSESSMENT, THAT VALUE SHALL BECOME THE ASSESSED VALUE AND NEITHER PARTY, ITS HEIRS, ASSIGNS OR SUCCESSORS SHALL CONTEST THIS VALUE IN FURTHER HEARINGS BEFORE THE REAL PROPERTY TAX APPEALS COMMISSION OR APPEAL SUCH VALUE TO ANY COURT.

FOR THE DISTRICT OF COLUMBIA:

APPRAISER: Ellis Jarvis Date: 11-27-12

SUPERVISORY APPRAISER: E. Davis Date: 11/27/12
(All stipulations. Gen. Com. stipulations must originate with Supervisory Appraiser for changes greater than 25% or over $4 million. Major Commercial stipulations must originate with Supervisory Appraiser for changes greater than 25% or over $12 million.)

APPEALS & LITAGATION MANAGER/ RESIDENTIAL MANAGER: _____ Date: _____
Appeals & Litigation Manager (Commercial properties where value change is greater than 10% or over $5 million.)
Residential Manager (All stipulations)

CHIEF APPRAISER: _____ Date: _____
(Properties where value change is greater than 20% for Residential; greater than 20% or over $4 million for Gen. Com. greater than 20% or over $12 million for Major Commercial.)

DIRECTOR: _____ Date: _____
(Properties where value change is greater than 30% or over $20 million.)

FOR THE PETITIONER:

OWNER/AGENT: _____ Date: 11/27/12

AGENT'S COMPANY NAME: Willkie Artis, Ltd

Real Property Tax Appeals Commission

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Date: January 14, 2013

Legal Description of Property

Square: 1920 Lot: 0814

Property Address: 3222 Wisconsin Avenue, NW

		FINAL ASSESSMENT	
Land	$ 954,020	Land	$ 954,020
Building	$ 1,145,380	Building	$ 1,145,380
Total	$ 2,099,400	Total	$ 2,099,400

Rationale

The subject property is a 20 unit apartment building. The main disputed issues in this case are the expense ratio and the cap rate. The Petitioner contends that OTR's expense ratio is not reflective of stabilized expenses and that OTR has misclassified the building and should apply a higher cap rate in its analysis. The Petitioner also points to the fact that the building is rent controlled and lacking of any amenities.

The Commission has reviewed the income and expense information and the other documentation provided by the parties. The Commission finds OTR's expense ratio to be reasonable. The Commission also finds OTR's cap rate analysis to be reasonable and supported by the market and the property's location. The Commission sustains the proposed tax year 2013 assessment, accordingly.

COMMISSIONER SIGNATURES

Hillary Lovick, Esq.

Karla Christensen

Richard Amato, Esq.

FURTHER APPEAL PROCEDURES

Petitioners have the right to appeal from an adverse decision of the Commission to the Superior Court of the District of Columbia under the applicable provisions of the D.C. Code. Appeals to Superior Court must be filed no later than September 30th of the tax year. In order to file an appeal with the D.C. Superior Court, petitioners must pay full year taxes to the Office of Tax and Revenue.

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Date: January 14, 2013

Legal Description of Property

Square: 1920 Lot: 0815

Property Address: 3222 Wisconsin Avenue, NW

		FINAL ASSESSMENT	
Land	$ 950,980	Land	$ 950,980
Building	$ 359,920	Building	$ 359,920
Total	$ 1,310,900	Total	$ 1,310,900

Rationale

The subject property is a 12 unit apartment building. The main disputed issue in this case is how to account for the building's vacancy in valuing the subject. The Petitioner argues that the recent high vacancy has a substantial impact because of the small number of units. The Petitioner also argues that the building is rent controlled and has higher expenses because the owner pays all the utilities.

The Commission has reviewed the income and expense information and the other documentation provided by the parties. Although the building has experienced vacancy, OTR contends that its value estimate is supported by both market data and conditions. The Commission agrees with OTR and finds that the Petitioner failed to demonstrate by a preponderance of the evidence that OTR's proposed assessment is erroneous. The Commission sustains the proposed tax year 2013 assessment, accordingly.

COMMISSIONER SIGNATURES

Hillary Lovick, Esq. Karla Christensen Richard Amato, Esq.

FURTHER APPEAL PROCEDURES

Petitioners have the right to appeal from an adverse decision of the Commission to the Superior Court of the District of Columbia under the applicable provisions of the D.C. Code. Appeals to Superior Court must be filed no later than September 30th of the tax year. In order to file an appeal with the D.C. Superior Court, petitioners must pay full year taxes to the Office of Tax and Revenue.

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Date: January 14, 2013

Legal Description of Property

Square: 2801 Lot: 0095

Property Address: 5521 Colorado Avenue, NW

		FINAL ASSESSMENT	
Land	$ 928,360	Land	$ 928,360
Building	$ 4,572,540	Building	$ 4,572,540
Total	$ 5,500,900	Total	$ 5,500,900

Rationale

The subject is a 69 unit apartment building. The main disputed issue in this case is the appropriate capitalization rate to apply in an income valuation analysis. The Petitioner contends that OTR has misclassified the building and should apply a higher capitalization rate in its analysis. The Petitioner points to the building's age and lack of amenities to support these assertions. However, the Commission finds OTR's capitalization rate analysis to be reasonable and supported by market data, the building's location and income stream. The Petitioner failed to demonstrate by a preponderance of the evidence that OTR erred in its analysis. Accordingly, the proposed tax year 2013 assessment is sustained.

COMMISSIONER SIGNATURES

Hillary Lovick, Esq.

Karla Christensen

FURTHER APPEAL PROCEDURES

Petitioners have the right to appeal from an adverse decision of the Commission to the Superior Court of the District of Columbia under the applicable provisions of the D.C. Code. Appeals to Superior Court must be filed no later than September 30th of the tax year. In order to file an appeal with the D.C. Superior Court, petitioners must pay full year taxes to the Office of Tax and Revenue.

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Date: December 20, 2012

Legal Description of Property

Square: 2962 Lot: 0008

Property Address: 7442 9th Street NW

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	189,750	Land	189,750
Building	123,320	Building	123,320
Total	$ 313,070	Total	$ 313,070

Rationale

The subject of the appeal is the valuation of seven abutting residential townhouse properties located in the Brightwood section of the city. The properties are owned by a single entity and are tenant occupied. Each property is self-contained and assessed as individual single family properties by the office of Tax & Revenue (OTR). The Petitioner's appeal application form states that *valuation* is the main issue for the appeal.

The Petitioner's argument is based on the notion that the highest and best use of the properties are as rental units due to the fact that they have been rented and operated as a single entity since 1979. The Petitioner surmises that since the dwellings are finished with lower grade materials, the properties would not be competitive if offered as single family dwellings on the open market and should therefore be taxed as one economic unit rental property.

OTR's position is that the highest and best use of the properties, as they are currently configured, are as individual single family dwellings and should be taxed as such. The Commission agrees with this position. Since the Petitioner was unable to provide any proof or evidence to support the basis of her appeal, the Commission hereby sustains the proposed assessment for TY 2013.

COMMISSIONER SIGNATURES

Gregory Syphax

Hillary Lovick, Esq.

Karla Christensen

FURTHER APPEAL PROCEDURES

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Date: December 20, 2012

Legal Description of Property

Square: 2962 Lot: 0009

Property Address: 7440 9th Street NW

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	187,080	Land	187,080
Building	124,270	Building	124,270
Total	$ 311,350	Total	$ 311,350

Rationale

The subject of the appeal is the valuation of seven abutting residential townhouse properties located in the Brightwood section of the city. The properties are owned by a single entity and are tenant occupied. Each property is self-contained and assessed as individual single family properties by the office of Tax & Revenue (OTR). The Petitioner's appeal application form states that *valuation* is the main issue for the appeal.

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Date: December 20, 2012

Legal Description of Property

Square: 2962 Lot: 0010

Property Address: 7438 9th Street NW

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	187,080	Land	187,080
Building	131,270	Building	131,270
Total	$ 318,350	Total	$ 318,350

Rationale

The subject of the appeal is the valuation of seven abutting residential townhouse properties located in the Brightwood section of the city. The properties are owned by a single entity and are tenant occupied. Each property is self-contained and assessed as individual single family properties by the office of Tax & Revenue (OTR). The Petitioner's appeal application form states that *valuation* is the main issue for the appeal.

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Date: December 20, 2012

Legal Description of Property

Square: 2962 Lot: 0011

Property Address: 7436 9th Street NW

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	187,080	Land	187,080
Building	124,120	Building	124,120
Total	$ 311,200	Total	$ 311,200

Rationale

The subject of the appeal is the valuation of seven abutting residential townhouse properties located in the Brightwood section of the city. The properties are owned by a single entity and are tenant occupied. Each property is self-contained and assessed as individual single family properties by the office of Tax & Revenue (OTR). The Petitioner's appeal application form states that *valuation* is the main issue for the appeal.

The Petitioner's argument is based on the notion that the highest and best use of the properties are as rental units due to the fact that they have been rented and operated as a single entity since 1979. The Petitioner surmises that since the dwellings are finished with lower grade materials, the properties would not be competitive if offered as single family dwellings on the open market and should therefore be taxed as one economic unit rental property.

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Date: December 20, 2012

Legal Description of Property

Square: 2962 Lot: 0012

Property Address: 7434 9th Street NW

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	187,080	Land	187,080
Building	124,120	Building	124,120
Total	$ 311,200	Total	$ 311,200

Rationale

The subject of the appeal is the valuation of seven abutting residential townhouse properties located in the Brightwood section of the city. The properties are owned by a single entity and are tenant occupied. Each property is self-contained and assessed as individual single family properties by the office of Tax & Revenue (OTR). The Petitioner's appeal application form states that *valuation* is the main issue for the appeal.

The Petitioner's argument is based on the notion that the highest and best use of the properties are as rental units due to the fact that they have been rented and operated as a single entity since 1979. The Petitioner surmises that since the dwellings are finished with lower grade materials, the properties would not be competitive if offered as single family dwellings on the open market and should therefore be taxed as one economic unit rental property.

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Date: December 20, 2012

Legal Description of Property

Square: 2962 Lot: 0013

Property Address: 7432 9th Street NW

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	187,080	Land	187,080
Building	124,120	Building	124,120
Total	$ 311,200	Total	$ 311,200

Rationale

The subject of the appeal is the valuation of seven abutting residential townhouse properties located in the Brightwood section of the city. The properties are owned by a single entity and are tenant occupied. Each property is self-contained and assessed as individual single family properties by the office of Tax & Revenue (OTR). The Petitioner's appeal application form states that *valuation* is the main issue for the appeal.

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Date: December 20, 2012

Legal Description of Property

Square: 2962 Lot: 0014

Property Address: 7430 9th Street NW

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	189,940	Land	189,940
Building	123,250	Building	123,250
Total	$ 313,190	Total	$ 313,190

Rationale

The subject of the appeal is the valuation of seven abutting residential townhouse properties located in the Brightwood section of the city. The properties are owned by a single entity and are tenant occupied. Each property is self-contained and assessed as individual single family properties by the office of Tax & Revenue (OTR). The Petitioner's appeal application form states that *valuation* is the main issue for the appeal.

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OTR's position is that the highest and best use of the properties, as they are currently configured, are as individual single family dwellings and should be taxed as such. The Commission agrees with this position. Since the Petitioner was unable to provide any proof or evidence to support the basis of her appeal, the Commission hereby sustains the proposed assessment for TY 2013.

COMMISSIONER SIGNATURES

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Hillary Lovick, Esq.

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Date: January 9, 2013

Legal Description of Property

Square: 5359 Lot: 0324

Property Address: 4638 H Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	2,215,110	Land	2,215,110
Building	1,857,890	Building	1,857,890
Total	$ 4,073,000	Total	$ 4,073,000

Rationale:

The subject is a 74 unit contract based, Section 8 low income housing apartment building. The main disputed issues in this case are the appropriate expense ratio and cap rate to apply in an income valuation of the subject. The Petitioner contends that OTR's expense ratio is understated and not reflective of actual historical expenses. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low income housing.

In support of its higher cap rate argument, the Petitioner offers evidence of a Maryland Department of Assessments and Taxation practice of increasing cap rates 150-200 basis points in valuing low income housing tax credit properties. Although the subject is not a low income housing tax credit property, the Petitioner suggests that similar treatment is appropriate. The Commission does not find Maryland's practices persuasive or relevant as Maryland is a separately-governed jurisdiction with a distinct real estate and housing market from that in the District of Columbia.

The Commission has reviewed the income and expense information provided by the Petitioner and the other documentation submitted by the parties. In this case, the Commission finds the assessor's expense ratio and cap rate to be reasonable. The Petitioner failed to demonstrate by a preponderance of the evidence that OTR erred in its analysis. Therefore, the Commission sustains the proposed tax year 2013 assessment.

COMMISSIONER SIGNATURES

Hillary Lovick, Esq.

Karla Christensen

FURTHER APPEAL PROCEDURES

Petitioners have the right to appeal from an adverse decision of the Commission to the Superior Court of the District of Columbia under the applicable provisions of the D.C. Code. Appeals to Superior Court must be filed no later than September 30th of the same year. In order to file an appeal with the D.C. Superior Court, petitioners must pay full year taxes to the Office of Tax and Revenue.

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Date: January 9, 2013

Legal Description of Property

Square: 5410 Lot: 0800

Property Address: 3605 Minnesota Avenue SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	825,950	Land	825,950
Building	508,450	Building	508,450
Total	$ 1,334,400	Total	$ 1,334,400

Rationale:

The subject is a part of a 461-unit, contract based Section 8 and low income housing tax credit (LIHTC) apartment complex, and is one of five buildings treated as one economic unit for valuation purposes. The Petitioner argues that the subject LIHTC property has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that generally LIHTC properties have higher expenses and higher vacancy and credit loss because of the lower income population served by this housing type and that the Office of Tax and Revenue (OTR) must consider actual expenses and apply higher cap rates in its income analysis of these properties to fully account for the limited earning potential and risk associated with these properties.

In support of its higher cap rate argument, the Petitioner offers evidence of a Maryland Department of Assessments and Taxation practice of increasing cap rates 150-200 basis points in valuing LIHTC properties. The Commission does not find this evidence persuasive or relevant as Maryland is a separately-governed jurisdiction with a distinct real estate and housing market from that in the District of Columbia.

The Commission acknowledges that LIHTC properties are subject to restrictions that specifically limit the income of a percentage of the population eligible to reside in this housing type and that LIHTC properties are subject to HUD monitoring and reporting requirements. The Commission finds that other LIHTC properties of similar age, location, and condition to the subject LIHTC property are the best comparables to utilize as examples of current conditions and trends affecting LIHTC properties, assuming circumstances allow for such comparisons to be made by OTR. In valuing LIHTC properties through an income analysis, actual expenses should be closely examined and considered, and the cap rate applied should be reflective of the fact that the income of a portion of the population residing in this housing is restricted.

Square: 5410 Lot: 0800

Property Address: 3605 Minnesota Avenue SE

In this case, the main disputed issues are expenses and cap rate. The Commission has reviewed the income and expense information submitted by the Petitioner and the other documentation provided by the parties. In this case, the Commission finds OTR's analysis as to the expenses and the cap rate to be reasonable. The Petitioner's income and expense forms for tax year 2013 fail to provide sufficient detail as to the expenses to support the assertion that OTR's expense analysis is erroneous. The Petitioner failed to demonstrate by a preponderance of the evidence that OTR erred in its analysis; therefore, the proposed tax year 2013 assessment is sustained.

COMMISSIONER SIGNATURES

Hillary Lovick, Esq.

Karla Christensen

Richard Amato, Esq.

FURTHER APPEAL PROCEDURES

Petitioners have the right to appeal from an adverse decision of the Commission to the Superior Court of the District of Columbia under the applicable provisions of the D.C. Code. Appeals to Superior Court must be filed no later than September 30th of the same year. In order to file an appeal with the D.C. Superior Court, petitioners must pay full year taxes to the Office of Tax and Revenue.

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Date: January 9, 2013

Legal Description of Property

Square: 5411 Lot: 0802

Property Address: 3610 Minnesota Avenue SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	4,798,290	Land	4,798,290
Building	1,819,310	Building	1,819,310
Total	$ 6,617,600	Total	$ 6,617,600

Rationale:

The subject is a part of a 461-unit, contract based Section 8 and low income housing tax credit (LIHTC) apartment complex, and is one of five buildings treated as one economic unit for valuation purposes. The Petitioner argues that the subject LIHTC property has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that generally LIHTC properties have higher expenses and higher vacancy and credit loss because of the lower income population served by this housing type and that the Office of Tax and Revenue (OTR) must consider actual expenses and apply higher cap rates in its income analysis of these properties to fully account for the limited earning potential and risk associated with these properties.

In support of its higher cap rate argument, the Petitioner offers evidence of a Maryland Department of Assessments and Taxation practice of increasing cap rates 150-200 basis points in valuing LIHTC properties. The Commission does not find this evidence persuasive or relevant as Maryland is a separately-governed jurisdiction with a distinct real estate and housing market from that in the District of Columbia.

The Commission acknowledges that LIHTC properties are subject to restrictions that specifically limit the income of a percentage of the population eligible to reside in this housing type and that LIHTC properties are subject to HUD monitoring and reporting requirements. The Commission finds that other LIHTC properties of similar age, location, and condition to the subject LIHTC property are the best comparables to utilize as examples of current conditions and trends affecting LIHTC properties, assuming circumstances allow for such comparisons to be made by OTR. In valuing LIHTC properties through an income analysis, actual expenses should be closely examined and considered, and the cap rate applied should be reflective of the fact that the income of a portion of the population residing in this housing is restricted.

Square: 5411 Lot: 0802

Property Address: 3610 Minnesota Avenue SE

In this case, the main disputed issues are expenses and cap rate. The Commission has reviewed the income and expense information submitted by the Petitioner and the other documentation provided by the parties. In this case, the Commission finds OTR's analysis as to the expenses and the cap rate to be reasonable. The Petitioner's income and expense forms for tax year 2013 fail to provide sufficient detail as to the expenses to support the assertion that OTR's expense analysis is erroneous. The Petitioner failed to demonstrate by a preponderance of the evidence that OTR erred in its analysis; therefore, the proposed tax year 2013 assessment is sustained.

COMMISSIONER SIGNATURES

Hillary Lovick, Esq.

Karla Christensen

Richard Amato, Esq.

FURTHER APPEAL PROCEDURES

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Real Property Tax Appeals Commission

IN ACCORDANCE WITH Section 47.825.1 of the District of Columbia Statutes you Are hereby notified of your assessment for the current year **2013** as finalized by the Real Property Tax Appeals Commission for the property described. If YOU WISH TO APPEAL THIS ASSESSMENT FURTHER, SEE THE INFORMATION BELOW

Date: January 9, 2013

Legal Description of Property

Square: 5412 Lot: 0801

Property Address: 3501 East Capitol Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	4,001,590	Land	4,001,590
Building	2,695,310	Building	2,695,310
Total	$ 6,696,900	Total	$ 6,696,900

Rationale:

The subject is a part of a 461-unit, contract based Section 8 and low income housing tax credit (LIHTC) apartment complex, and is one of five buildings treated as one economic unit for valuation purposes. The Petitioner argues that the subject LIHTC property has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that generally LIHTC properties have higher expenses and higher vacancy and credit loss because of the lower income population served by this housing type and that the Office of Tax and Revenue (OTR) must consider actual expenses and apply higher cap rates in its income analysis of these properties to fully account for the limited earning potential and risk associated with these properties.

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Square: 5412 Lot: 0801

Property Address: 3501 East Capitol Street SE

In this case, the main disputed issues are expenses and cap rate. The Commission has reviewed the income and expense information submitted by the Petitioner and the other documentation provided by the parties. In this case, the Commission finds OTR's analysis as to the expenses and the cap rate to be reasonable. The Petitioner's income and expense forms for tax year 2013 fail to provide sufficient detail as to the expenses to support the assertion that OTR's expense analysis is erroneous. The Petitioner failed to demonstrate by a preponderance of the evidence that OTR erred in its analysis; therefore, the proposed tax year 2013 assessment is sustained.

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Date: January 9, 2013

Legal Description of Property

Square: 5413 Lot: 0802

Property Address: 127 35th Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	3,625,380	Land	3,625,380
Building	1,817,020	Building	1,817,020
Total	$ 5,442,400	Total	$ 5,442,400

Rationale:

The subject is a part of a 461-unit, contract based Section 8 and low income housing tax credit (LIHTC) apartment complex, and is one of five buildings treated as one economic unit for valuation purposes. The Petitioner argues that the subject LIHTC property has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that generally LIHTC properties have higher expenses and higher vacancy and credit loss because of the lower income population served by this housing type and that the Office of Tax and Revenue (OTR) must consider actual expenses and apply higher cap rates in its income analysis of these properties to fully account for the limited earning potential and risk associated with these properties.

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Square: 5413 Lot: 0802

Property Address: 127 35th Street SE

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Date: January 9, 2013

Legal Description of Property

Square: 5413N Lot: 0801

Property Address: 3425 East Capitol Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	1,635,620	Land	1,635,620
Building	640,980	Building	640,980
Total	$ 2,276,600	Total	$ 2,276,600

Rationale:

The subject is a part of a 461-unit, contract based Section 8 and low income housing tax credit (LIHTC) apartment complex, and is one of five buildings treated as one economic unit for valuation purposes. The Petitioner argues that the subject LIHTC property has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that generally LIHTC properties have higher expenses and higher vacancy and credit loss because of the lower income population served by this housing type and that the Office of Tax and Revenue (OTR) must consider actual expenses and apply higher cap rates in its income analysis of these properties to fully account for the limited earning potential and risk associated with these properties.

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Square: 5413N Lot: 0801

Property Address: 3425 East Capitol Street SE

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Date: January 9, 2013

Legal Description of Property

Square: 5422 Lot: 0001

Property Address: 3726 D Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	1,300,000	Land	1,077,716
Building	185,000	Building	185,000
Total	$ 1,485,000	Total	$ 1,262,716

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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COMMISSIONER SIGNATURES

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Date: January 9, 2013

Legal Description of Property

Square: 5422 Lot: 0002

Property Address: 380 37th Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	1,800,000	Land	1,363,474
Building	197,100	Building	197,100
Total	$ 1,997,100	Total	$ 1,560,574

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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Date: January 9, 2013

Legal Description of Property

Square: 5423 Lot: 0001

Property Address: 3708 Ely Place SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	536,670	Land	364,799
Building	64,030	Building	64,030
Total	$ 600,700	Total	$ 428,829

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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Date: January 9, 2013

Legal Description of Property

Square: 5423 Lot: 0002

Property Address: 3700 Ely Place SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	730,000	Land	535,422
Building	56,900	Building	56,900
Total	$ 786,900	Total	$ 592,322

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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Date: January 9, 2013

Legal Description of Property

Square: 5423 Lot: 0003

Property Address: 410 37th Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	590,340	Land	802,562
Building	196,560	Building	196,560
Total	$ 786,900	Total	$ 999,122

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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Date: January 9, 2013

Legal Description of Property

Square: 5423 Lot: 0004

Property Address: 379 37th Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	745,490	Land	1,013,480
Building	257,410	Building	257,410
Total	$ 1,002,900	Total	$ 1,270,890

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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Date: January 9, 2013

Legal Description of Property

Square: 5423 Lot: 0005

Property Address: 401 37th Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	1,035,180	Land	703,659
Building	449,420	Building	449,420
Total	$ 1,484,600	Total	$ 1,153,079

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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Date: January 9, 2013

Legal Description of Property

Square: 5423 Lot: 0006

Property Address: 411 37th Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	1,219,620	Land	829,031
Building	320,880	Building	320,880
Total	$ 1,540,500	Total	$ 1,149,911

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

In support of its higher cap rate argument, the Petitioner offers evidence of a Maryland Department of Assessments and Taxation practice of increasing cap rates 150-200 basis points in valuing low-income housing tax credit properties. Although the subject is not a low-income housing tax credit project, the Petitioner suggests that similar treatment is appropriate. The Commission does not find Maryland's practices persuasive or relevant as Maryland is a separately-governed jurisdiction with a distinct real estate and housing market from that in the District of Columbia.

The Commission has reviewed the subject's income and expense data and the other documentation submitted by the parties. The Commission finds OTR's analysis as to both the expenses and the cap rate to be reasonable. However, the Commission finds that an adjustment to the vacancy/delinquency rate and consideration of the reserves are appropriate and supported based on the income and expense history over the last two years. Accordingly, the Commission reduces the proposed tax year 2013 assessment as to the whole economic unit. Five assessments will be increased and eleven assessments will be reduced to achieve this overall decrease in estimated value.

COMMISSIONER SIGNATURES

Hillary Lovick, Esq. Karla Christensen Richard Amato, Esq.

FURTHER APPEAL PROCEDURES

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Real Property Tax Appeals Commission

IN ACCORDANCE WITH Section 47.825.1 of the District of Columbia Statutes you Are hereby notified of your assessment for the current year **2013** as finalized by the Real Property Tax Appeals Commission for the property described. If YOU WISH TO APPEAL THIS ASSESSMENT FURTHER, SEE THE INFORMATION BELOW

Date: January 9, 2013

Legal Description of Property

Square: 5436 Lot: 0001

Property Address: 3718 Ely Place SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	1,043,220	Land	709,124
Building	157,380	Building	157,380
Total	$ 1,200,600	Total	$ 866,504

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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Date: January 9, 2013

Legal Description of Property

Square: 5436 Lot: 0002

Property Address: 432 37th Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	977,660	Land	1,220,891
Building	25,240	Building	25,240
Total	$ 1,002,900	Total	$ 1,246,131

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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Date: January 9, 2013

Legal Description of Property

Square: 5436 Lot: 0003

Property Address: 420 37th Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	977,660	Land	1,156,797
Building	25,240	Building	25,240
Total	$ 1,002,900	Total	$ 1,182,037

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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Date: January 9, 2013

Legal Description of Property

Square: 5436 Lot: 0004

Property Address: 410 37th Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	644,110	Land	729,720
Building	15,290	Building	15,290
Total	$ 659,400	Total	$ 745,010

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Date: January 9, 2013

Legal Description of Property

Square: 5436 Lot: 0005

Property Address: 3721 D Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	1,176,930	Land	800,013
Building	47,870	Building	47,870
Total	$ 1,224,800	Total	$ 847,883

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Date: January 9, 2013

Legal Description of Property

Square: 5436 Lot: 0006

Property Address: 3733 D Street SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	1,100,000	Land	852,706
Building	125,200	Building	125,200
Total	$ 1,225,200	Total	$ 977,906

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Date: January 9, 2013

Legal Description of Property

Square: 5436 Lot: 0007

Property Address: 401 Ridge Road SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	496,470	Land	337,473
Building	299,030	Building	299,030
Total	$ 795,500	Total	$ 636,503

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Date: January 9, 2013

Legal Description of Property

Square: 5436 Lot: 0008

Property Address: 407 Ridge Road SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	787,740	Land	535,463
Building	7,760	Building	7,760
Total	$ 795,500	Total	$ 543,223

Rationale: The subject consists of 348 garden style units of contract-based, Section 8 low-income housing; the subject is located at Ely Place, 37th Place, D Street, and Ridge Road in SE Washington and includes 16 lots treated as one economic unit for valuation purposes. The Petitioner argues that the subject low-income housing project has limited growth potential as evidenced by the historically flat net operating income. The Petitioner also argues that OTR's income valuation analysis is flawed because it fails to adequately consider actual expenses, vacancy and credit loss, and reserves. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low-income housing.

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The Commission has reviewed the subject's income and expense data and the other documentation submitted by the parties. The Commission finds OTR's analysis as to both the expenses and the cap rate to be reasonable. However, the Commission finds that an adjustment to the vacancy/delinquency rate and consideration of the reserves are appropriate and supported based on the income and expense history over the last two years. Accordingly, the Commission reduces the proposed tax year 2013 assessment as to the whole economic unit. Five assessments will be increased and eleven assessments will be reduced to achieve this overall decrease in estimated value.

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Date: January 9, 2013

Legal Description of Property

Square: 5440 Lot: 0805

Property Address: 310 Anacostia Road SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	3,132,780	Land	3,132,780
Building	2,570,720	Building	2,570,720
Total	$ 5,703,500	Total	$ 5,703,500

Rationale: The subject is a 109 unit contract based, Section 8 low income housing apartment building. The main disputed issues in this case are the appropriate expense ratio and cap rate to apply in an income valuation of the subject. Prior to the RPTAC hearing, the OTR assessor reviewed the tax year 2013 income and expense information for the building and made adjustments to the income, vacancy/delinquency, and expenses to arrive at a new estimated value of $5,590,700. This new value is within 5% of the proposed assessment and therefore does not meet the five percent rule contained in D.C. Official Code §47-825.01a(e)(4)(C)(ii)(2012 Supp.). Accordingly, the OTR assessor recommends sustaining the proposed assessment.

The Petitioner contends that OTR's expense ratio is understated and not reflective of actual historical expenses. The Petitioner also argues that OTR must apply a higher cap rate in its analysis to fully account for the limited earning potential and risk associated with low income housing. In support of its higher cap rate argument, the Petitioner offers evidence of a Maryland Department of Assessments and Taxation practice of increasing cap rates 150-200 basis points in valuing low income housing tax credit properties. Although the subject is not a low income housing tax credit property, the Petitioner suggests that similar treatment is appropriate. The Commission does not find Maryland's practices persuasive or relevant as Maryland is a separately-governed jurisdiction with a distinct real estate and housing market from that in the District of Columbia. In this case, the Commission finds the OTR's cap rate analysis to be reasonable.

The Commission has reviewed the income and expense information provided by both parties. The Commission finds the assessor's adjustments to be reasonable however the resulting new value does not meet the five percent rule referenced above. Therefore, the proposed tax year 2013 assessment is sustained.

COMMISSIONER SIGNATURES

Hillary Lovick, Esq.

Karla Christensen

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Date: January 7, 2013

Legal Description of Property

Square: 5782 Lot: 0098

Property Address: 1244 W Street, SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	107,550	Land	44,492
Building	0	Building	0
Total	$ 107,550	Total	44,492

Rationale: Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to the Office of Tax and Revenue (OTR) was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

The property in question is one of six (6) abutting, unimproved, residentially zoned lots which combine to form a single 13,920 sq. ft. site. The property is located in Anacostia. Although the property, as a whole, was purchased as a development site in May 2007, the development plan failed due to poor market conditions. The site is assessed at an average rate of $44.06/sq. ft. Each lot is separately assessed by the Office of Tax & Revenue (OTR). The subject lot, consisting of 3,120 sq. ft. is assessed at a rate of $34.47/sq. ft.

Based upon the results of research conducted by the Commission, it has been determined that the proposed assessment for the subject lot is well above market. The Commission finds that the Petitioner's estimate of value of $198,500 ($14.26/sq .ft. Avg.) for the whole site is reasonable based on market data. Since the highest and best use of the subject lot requires it to be sold with the other five lots as a package, each lot should therefore be assessed at the same rate of $14.26/sq. ft.

COMMISSION SIGNATURES

Gregory Syphax — Hillary Lovick, Esq. — Karla Christensen

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Date: January 7, 2013

Legal Description of Property

Square: 5782 Lot: 0099

Property Address: 1242 W Street, SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	107,550	Land	44,492
Building	0	Building	0
Total	$ 107,550	Total	44,492

Rationale: Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to the Office of Tax and Revenue (OTR) was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Date: January 7, 2013

Legal Description of Property

Square: 5782 Lot: 0694

Property Address: 1252 W Street, SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	99,550	Land	27,379
Building	0	Building	0
Total	$ 99,550	Total	27,379

Rationale: Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to the Office of Tax and Revenue (OTR) was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

The property in question is one of six (6) abutting, unimproved, residentially zoned lots which combine to form a single 13,920 sq. ft. site. The property is located in Anacostia. Although the property, as a whole, was purchased as a development site in May 2007, the development plan failed due to poor market conditions. The site is assessed at an average rate of $44.06/sq. ft. Each lot is separately assessed by the Office of Tax & Revenue (OTR). The subject lot, consisting of 1,920 sq. ft. is assessed at a rate of $51.85/sq. ft.

Based upon the results of research conducted by the Commission, it has been determined that the proposed assessment for the subject lot is well above market. The Commission finds that the Petitioner's estimate of value of $198,500 ($14.26/sq .ft. Avg.) for the whole site is reasonable based on market data. Since the highest and best use of the subject lot requires it to be sold with the other five lots as a package, each lot should therefore be assessed at the same rate of $14.26/sq. ft.

COMMISSION SIGNATURES

Gregory Syphax

Hillary Lovick, Esq.

Karla Christensen

FURTHER APPEAL PROCEDURES

Petitioners have the right to appeal from an adverse decision of the Commission to the Superior Court of the District of Columbia under the applicable provisions of the D.C. Code. Appeals to Superior Court must be filed no later than September 30th of the tax year. In order to file an appeal with the D.C. Superior Court, petitioners must pay full year taxes to the Office of Tax and Revenue.

Real Property Tax Appeals Commission

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Date: January 7, 2013

Legal Description of Property

Square: 5782 Lot: 0810

Property Address: 1250 W Street, SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	99,550	Land	27,379
Building	0	Building	0
Total	$ 99,550	Total	27,379

Rationale: Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to the Office of Tax and Revenue (OTR) was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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COMMISSION SIGNATURES

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Date: January 7, 2013

Legal Description of Property

Square: 5782 Lot: 0811

Property Address: 1248 W Street, SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	99,550	Land	27,379
Building	0	Building	0
Total	$ 99,550	Total	27,379

Rationale: Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to the Office of Tax and Revenue (OTR) was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Based upon the results of research conducted by the Commission, it has been determined that the proposed assessment for the subject lot is well above market. The Commission finds that the Petitioner's estimate of value of $198,500 ($14.26/sq .ft. Avg.) for the whole site is reasonable based on market data. Since the highest and best use of the subject lot requires it to be sold with the other five lots as a package, each lot should therefore be assessed at the same rate of $14.26/sq. ft.

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Date: January 7, 2013

Legal Description of Property

Square: 5782 Lot: 0812

Property Address: 1246 W Street, SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	99,550	Land	27,379
Building	0	Building	0
Total	$ 99,550	Total	27,379

Rationale: Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to the Office of Tax and Revenue (OTR) was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0886

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	17,020	Land	17,020
Building	-0-	Building	-0-
Total	$ 17,020	Total	$ 17,020

Rationale:

Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to OTR was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

The property in question consists of 187 townhouse lots subject to a Planned Unit Development (PUD), which requires that 63 of the 187 townhouses built are affordable to households at both 60% and 80% of the area median income. The Petitioner argues that OTR's proposed assessments for the subject lots are not supported by land sales, the cost to build the 187 townhouses, or the income restrictions on the sale of 34% of the units. The Petitioner submitted a *Residual Land Value Analysis* based on the specific plan of development as evidence that the proposed assessments are unsupported. The Petitioner contends that project development costs and reduced sales proceeds resulting from the income restricted units has a direct-negative effect on land value. However, the Commission does not find this evidence persuasive. Although the Petitioner's argument may prove that the development plan is economically unfeasible at the present time, it does not necessarily mean the land value is too high (i.e., *Perhaps other development costs related to the specific project are too high instead*). The Petitioner did not provide any market land sales data to support the claim that the OTR's assessments are unsupported by land sales.

Square: 5877 Lot: 0886

Property Address: Pomeroy Road SE

The Commission finds that the lots are assessed at an average rate of $13.33/sf of land area and $12,935 per lot. The Commission's review of actual land sales suggests that the OTR's assessments are, in fact, well within the range of land values for properties located within the subject's general market area. The assessments are therefore deemed to be reasonable and are hereby sustained for Tax Year 2013.

COMMISSIONER SIGNATURES

Hillary Lovick, Esq. Gregory Syphax Karla Christensen

FURTHER APPEAL PROCEDURES

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0887

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		**FINAL ASSESSMENT**	
Land	14,320	Land	14,320
Building	-0-	Building	-0-
Total	$ 14,320	Total	$ 14,320

Rationale:

Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to OTR was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Square: 5877 Lot: 0887

Property Address: Pomeroy Road SE

The Commission finds that the lots are assessed at an average rate of $13.33/sf of land area and $12,935 per lot. The Commission's review of actual land sales suggests that the OTR's assessments are, in fact, well within the range of land values for properties located within the subject's general market area. The assessments are therefore deemed to be reasonable and are hereby sustained for Tax Year 2013.

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0888

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		**FINAL ASSESSMENT**	
Land	14,320	Land	14,320
Building	-0-	Building	-0-
Total	$ 14,320	Total	$ 14,320

Rationale:

Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to OTR was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Square: 5877 Lot: 0888

Property Address: Pomeroy Road SE

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Legal Description of Property

Square: 5877 Lot: 0889

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	14,320	Land	14,320
Building	-0-	Building	-0-
Total	$ 14,320	Total	$ 14,320

Rationale:

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Square: 5877 Lot: 0889

Property Address: Pomeroy Road SE

The Commission finds that the lots are assessed at an average rate of $13.33/sf of land area and $12,935 per lot. The Commission's review of actual land sales suggests that the OTR's assessments are, in fact, well within the range of land values for properties located within the subject's general market area. The assessments are therefore deemed to be reasonable and are hereby sustained for Tax Year 2013.

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0890

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		**FINAL ASSESSMENT**	
Land	12,530	Land	12,530
Building	-0-	Building	-0-
Total	$ 12,530	Total	$ 12,530

Rationale:

Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to OTR was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Square: 5877 Lot: 0890

Property Address: Pomeroy Road SE

The Commission finds that the lots are assessed at an average rate of $13.33/sf of land area and $12,935 per lot. The Commission's review of actual land sales suggests that the OTR's assessments are, in fact, well within the range of land values for properties located within the subject's general market area. The assessments are therefore deemed to be reasonable and are hereby sustained for Tax Year 2013.

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0891

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	14,310	Land	14,310
Building	-0-	Building	-0-
Total	$ 14,310	Total	$ 14,310

Rationale:

Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to OTR was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Square: 5877 Lot: 0891

Property Address: Pomeroy Road SE

The Commission finds that the lots are assessed at an average rate of $13.33/sf of land area and $12,935 per lot. The Commission's review of actual land sales suggests that the OTR's assessments are, in fact, well within the range of land values for properties located within the subject's general market area. The assessments are therefore deemed to be reasonable and are hereby sustained for Tax Year 2013.

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0892

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	12,520	Land	12,520
Building	-0-	Building	-0-
Total	$ 12,520	Total	$ 12,520

Rationale:

Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to OTR was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

The property in question consists of 187 townhouse lots subject to a Planned Unit Development (PUD), which requires that 63 of the 187 townhouses built are affordable to households at both 60% and 80% of the area median income. The Petitioner argues that OTR's proposed assessments for the subject lots are not supported by land sales, the cost to build the 187 townhouses, or the income restrictions on the sale of 34% of the units. The Petitioner submitted a *Residual Land Value Analysis* based on the specific plan of development as evidence that the proposed assessments are unsupported. The Petitioner contends that project development costs and reduced sales proceeds resulting from the income restricted units has a direct-negative effect on land value. However, the Commission does not find this evidence persuasive. Although the Petitioner's argument may prove that the development plan is economically unfeasible at the present time, it does not necessarily mean the land value is too high (i.e., *Perhaps other development costs related to the specific project are too high instead*). The Petitioner did not provide any market land sales data to support the claim that the OTR's assessments are unsupported by land sales.

Square: 5877 Lot: 0892

Property Address: Pomeroy Road SE

The Commission finds that the lots are assessed at an average rate of $13.33/sf of land area and $12,935 per lot. The Commission's review of actual land sales suggests that the OTR's assessments are, in fact, well within the range of land values for properties located within the subject's general market area. The assessments are therefore deemed to be reasonable and are hereby sustained for Tax Year 2013.

COMMISSIONER SIGNATURES

Hillary Lovick, Esq.

Gregory Syphax

Karla Christensen

FURTHER APPEAL PROCEDURES

Petitioners have the right to appeal from an adverse decision of the Commission to the Superior Court of the District of Columbia under the applicable provisions of the D.C. Code. Appeals to Superior Court must be filed no later than September 30th of the same year. In order to file an appeal with the D.C. Superior Court, petitioners must pay full year taxes to the Office of Tax and Revenue.

Real Property Tax Appeals Commission

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0893

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	14,310	Land	14,310
Building	-0-	Building	-0-
Total	$ 14,310	Total	$ 14,310

Rationale:

Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to OTR was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Square: 5877 Lot: 0893

Property Address: Pomeroy Road SE

The Commission finds that the lots are assessed at an average rate of $13.33/sf of land area and $12,935 per lot. The Commission's review of actual land sales suggests that the OTR's assessments are, in fact, well within the range of land values for properties located within the subject's general market area. The assessments are therefore deemed to be reasonable and are hereby sustained for Tax Year 2013.

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0894

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	14,280	Land	14,280
Building	-0-	Building	-0-
Total	$ 14,280	Total	$ 14,280

Rationale:

Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to OTR was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Square: 5877 Lot: 0894

Property Address: Pomeroy Road SE

The Commission finds that the lots are assessed at an average rate of $13.33/sf of land area and $12,935 per lot. The Commission's review of actual land sales suggests that the OTR's assessments are, in fact, well within the range of land values for properties located within the subject's general market area. The assessments are therefore deemed to be reasonable and are hereby sustained for Tax Year 2013.

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0895

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		FINAL ASSESSMENT	
Land	14,290	Land	14,290
Building	-0-	Building	-0-
Total	$ 14,290	Total	$ 14,290

Rationale:

Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to OTR was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Square: 5877 Lot: 0895

Property Address: Pomeroy Road SE

The Commission finds that the lots are assessed at an average rate of $13.33/sf of land area and $12,935 per lot. The Commission's review of actual land sales suggests that the OTR's assessments are, in fact, well within the range of land values for properties located within the subject's general market area. The assessments are therefore deemed to be reasonable and are hereby sustained for Tax Year 2013.

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0896

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		**FINAL ASSESSMENT**	
Land	12,500	Land	12,500
Building	-0-	Building	-0-
Total	$ 12,500	Total	$ 12,500

Rationale:

Pursuant to D.C. Code section 47-825.01a(e)(2)(C)(ii)(II), "OTR shall make any response filed with the Commission available to the real property owner for inspection and copying at least 7 days before the scheduled hearing." During the hearing, the Petitioner provided evidence to demonstrate that a written request to OTR was made to obtain the response and OTR failed to make the response available to the Petitioner within 7 days prior to the hearing. In circumstances where the response is not made available within the requisite time period, the referenced statutory provision provides that the response shall be excluded by the Commission at the hearing. In this case, the Petitioner invoked this statutory provision and the Commission agreed to exclude the assessor's response from the evidence to be considered in rendering a decision in this case.

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Square: 5877 Lot: 0896

Property Address: Pomeroy Road SE

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0897

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		**FINAL ASSESSMENT**	
Land	12,500	Land	12,500
Building	-0-	Building	-0-
Total	$ 12,500	Total	$ 12,500

Rationale:

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Square: 5877 Lot: 0897

Property Address: Pomeroy Road SE

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Date: December 27, 2012

Legal Description of Property

Square: 5877 Lot: 0898

Property Address: Pomeroy Road SE

ORIGINAL ASSESSMENT		**FINAL ASSESSMENT**	
Land	18,750	Land	18,750
Building	-0-	Building	-0-
Total	$ 18,750	Total	$ 18,750

Rationale:

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Square: 5877 Lot: 0898

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