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Real estate taxes and abatement from tax board

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It is not easy to receive an abatement of real estate taxes from the Mass. Appellate Tax Board.

The taxpayer has the burden of proving that the property has a lower value than was assessed by the local Board of Assessors.

Apparently, assessors have not heard that we are in a recession and that real estate values have actually gone down - both commercial and residential real estate values.

Although there are three methods of valuation, the income capitalization method is most frequently applied, if the property is income producing.

In the event the taxpayer's expert lacks credibility, the taxpayer will lose.

The city can win if the taxpayer's expert does not show a familiarity with the property or the location of the property or if the vacancy allowance or expense estimates are excessive.

The Appellate Tax Board does not mince words. In one case, the board said, "based on the evidence presented the board found that.... (the) testimony and opinion of value lacks credibility because (the) income capitalization analysis was so seriously flawed as to drain it of any plausibility." Any errors made by the appraiser can undermine the taxpayer's case.

In short, it is not easy to get an abatement. However, given the decline in real estate values, it is worthwhile for taxpayers to consider an appeal to the Appellate Tax Board.

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