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Real Estate Law: Property Tax Abatement

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This is the time of the year when building owners and managers should review their tax bills. Most cities and towns are sending the actual bills for fiscal year 2010 prior to December 31st. Owners and managers who have determined that their assessments are too high should take the following steps: (1) File an application for abatement with the local assessors on time; (2) Pay the tax on time; and (3) Appeal to the Mass. Appellate Tax Board on time.

A taxpayer must file the application for abatement with the Board of Assessors within 30 days after the actual tax bill is mailed.

The key is to do each of the foregoing steps and to do them on time. If they are not done on time, the taxpayer loses any rights he may have to an abatement.

Taxpayers should use the time prior to receiving the actual tax bill by reviewing the assessment to determine if it is fair and reasonable.

The valuation of commercial property is usually based upon an analysis of income and expenses. Accordingly, assessors ask taxpayers to file out and send to the assessors an income and expense form. The authority of the assessors to ask for this information is in Chapter 59 Section 38D of the Mass. General Laws. Taxpayers often are reluctant to submit this information to the assessors. However, it is essential that this information is provided.

Even with the income and expense data, assessors sometimes use the wrong methodology in valuation of commercial properties.

For this reason, owners should retain a lawyer and an appraiser experienced in this field very early in the process.

This should not discourage taxpayers from filing an application for abatement with the local assessors.

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