

Real Estate Assessments and Taxes - Understanding the Process

The three basic issues in understanding your real estate assessments and taxes:

- Assessing and the Fair Market Value of Your Home or Business
- Tax Billing
- The Appeal Process

Assessing and the Fair Market Value of Your Home or Business

The General Laws of the Commonwealth of Massachusetts require that each city and town keep all real estate assessments current. The State now requires that adjustments to assessments be made on an annual basis. An annual adjustment process should control some of the large changes in your assessment that could have occurred when using a triennial update process. The laws still require that the Department of Revenue inspect the town's revaluation process every three years.

The process of setting your property assessment involves studying sales of property in Charlton that occurred within specific time periods. As an example, the fiscal year 2019 assessments will be calculated to reflect the value of your property as of January 1, 2018. The sales used in the analysis will be all sales *ONLY* occurring in calendar year 2017.

The assessment of your home is based upon the factors involved in the sales of all homes in general and homes like yours in particular. "Like" yours generally refers to style and location of the home. If your home is a colonial, the major sales used to generate your assessment are other colonials. The value of your home is then refined for location, the number of baths and bedrooms, other buildings (garages, pools, etc.), and any other factor that might enhance or detract from value.

It is important to remember that the assessment is based on **past events**. The Board of Assessors looks back on the past sales activity. Conversely, a realtor looks forward to forecast what events will take place. The assessors' value is an opinion based on market analysis of past events. The actual sale price of a home will not be set by the assessor or the realtor. It will be set by both the buyer and the seller and their perception of the value of the property.

Tax Billing

The Town of Charlton issues tax bills on a quarterly basis. The billing cycle begins on July 1st each year. Subsequent bills are issued October 1st, January 1st and April 1st.

Tax bills are due August 1st, November 1st, February 1st and May 1st. If any of these dates fall on a weekend or a holiday, tax bills are due the next **business** day.

The July 1st and October 1st bills are considered “preliminary bills.” The amount on each bill is one quarter of the net amount paid in taxes for the previous fiscal year. This net amount would be the original tax less any abatements or exemptions granted in the prior year.

The January 1st bill is the critical bill in terms of appeal. This bill is based on the new valuations and the new tax rate. Typically the bill is higher than the first two preliminary bills. All property appeals are filed on the basis of this tax bill.

The Appeal Process

The key to the appeal process is understanding your rights and responsibilities. The Massachusetts General Laws, as they apply to property assessments, place the burden of understanding and proof on the taxpayer. It is your responsibility to properly and legally file an appeal and then to provide proof that the Assessors have failed to correctly value your property.

The Application

The key elements to filing a legal and proper application for abatement with the Board of Assessors are as follows.

1. The application must be received in the Assessors’ Office (or have a U. S. mail postmark) on or before the due date of the third quarter tax bill. The third quarter bill is the bill that is issued on or about January 1st and due on or about February 1st.
2. Application must be made on an approved form. Forms are available in the Assessors' Office or on the Town of Charlton Assessors website: www.townofcharlton.net. They can be picked up, mailed or faxed to you. Letters, phone calls, faxes, e-mail messages not submitted on the proper form are not legal appeals and must be denied automatically.
3. Your application should identify your property and the basis for appeal. The more information you submit, the better the Board can understand your problem.
4. Check the Assessors Records first. Make sure we have the correct data on your property. Come into the office or visit the towns’ website: www.townofcharlton.net, go to the Assessors page and view your property information online using the Patriot Properties link.

The Decision Process The Board of Assessors has three months from the date of your appeal to make a decision. The Board may ask you to attend a hearing or may require you to submit additional information. The Board reviews any information necessary. The process includes a review of the existing data, an inspection of the property, review of the neighborhood valuations in general, a review of comparable sales and assessments and the review of all material submitted with the application for abatement.

Within the three-month period the Board will either grant an abatement or issue a denial of your request.

Abatements

If an abatement is granted, you will receive a notice in the mail showing the corrected tax amounts. Most abatements are granted on the basis of corrected or new information submitted to the Board. The information is corrected in the record permanently. Examples of these corrections might be the number of bathrooms in the home, the measurements of portions of the home, the age of the home, topography factors, or location factors. These adjustments are typically permanent. This does not mean that your value will remain at a constant level. It means that these factors will now be used to calculate any future value.

Other types of corrections are not permanent changes. These corrections would be primarily for the condition of the home. Such corrections are reviewed on an annual basis by inspections to observe if deficiencies have been corrected.

Abatements are granted on the basis of property value and not the tax bill amount. A tax bill increase is not a valid appeal basis.

Denials

After review, the Board may choose to deny or it may be deemed denied unless further documentation of proof is submitted.

Appealing the Abatement or Denial

You have the right to appeal the decision of the Board of Assessors in the Appellate Tax Board (ATB). The ATB is a State appeal process.

There are a number of conditions that must be met to file a valid appeal.

1. You must first appeal your value to the local Board of Assessors and receive a decision from them.
2. You must apply to the ATB within three months of the date of the Board of Assessors' **decision** (not the date of the notice). The decision is either an abatement or denial notice.
3. All relevant fiscal year property taxes must be paid timely. Succinctly, you must not have paid any interest on your third or fourth quarter tax bills. There are some exceptions to this rule. The exceptions are complicated and, therefore, not included here. For further information please contact the Board of Assessors. **It is best to remember that an appeal does not stay the payment of taxes and that timely payment is a requirement for a successful appeal.**

The ATB process is organized to allow the taxpayer to personally present a case for overvaluation. This process is allowed under an informal filing with the ATB. Informal means simply that the ATB will not typically enforce the strict rules of trial or evidence. It is not necessary under an informal procedure to retain an attorney. The decision to retain legal services is your decision. Likewise, the Board of Assessors does not typically use legal services in the informal procedure

Once an appeal has been filed with the ATB, it is legal to negotiate a settlement with the Board of Assessors.

Understanding your rights and accepting the concept that the burden of responsibility and proof is with you, is key to the process. If you fail to pay your taxes or file documents in a timely fashion, the ATB will dismiss the case. The Board of Assessors has no discretion in these matters. Appeals that do not meet the basic filing requirements are dismissed.

Further information on property tax laws can be found in Chapters 58, 58A and 59 of the Massachusetts General Laws. The ATB can be reached at (617) 727-3100 or www.mass.gov/atb/

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If you have any questions or comments, please feel free to contact the Board of Assessors at (508) 248-2233



Town of Charlton
Board of Assessors

**INSTRUCTIONS FOR FILING AN APPLICATION
FOR ABATEMENT OF FISCAL YEAR 2019
REAL ESTATE OR PERSONAL PROPERTY TAX**

1. All applications for abatements must have a U.S. Postal Service postmark on or before Feb. 1st, received in office on or before Monday, FEBRUARY 4, 2019 by 5:00 PM. Applications sent by private delivery or facsimile machine (original application must also be sent) must be received on or before this date.

2. An application for abatement can only be accepted on an approved form. Other forms of written correspondence, conversations, or telephone inquiries do not constitute a legal application.

3. An application for abatement should be filed for each parcel (a tax bill) you wish to appeal

4. To assist the Board of Assessors in the timely processing of your application, the following basic information should be provided in your application form:

Section A. TAXPAYER INFORMATION

1. The name of the owner of the property
2. The name of the person filing this application (if you are not the taxpayer listed on the tax bill an affidavit from the taxpayer must accompany the application).
3. Your mailing address and telephone number.

Section B. PROPERTY IDENTIFICATION

1. The location of the property in dispute

Section C. REASON(S) ABATEMENT SOUGHT

Please check off the appropriate box.

- Overvaluation** (the assessment is too high) is one of the most common reasons, must demonstrate by sales of comparable properties.
- Disproportionate Assessment** means that you feel you are not assessed fairly when you compare your value to your neighbors or other similar homes.
- Incorrect usage Classification** refers to classification of the property as either residential or commercial.
- Data Error** refers to an error in the factual basis of the improvement (square footage, style, etc.)

After checking off a box, please use the Explanation Section to be specific about your reason or filing. Give your *OPINION OF VALUE* and include examples or any documents that you feel will assist the Assessors in understanding your position should be attached. See Optional Information Sheet attached to this application.

Section D. Please sign and date the application.

The back of the attached application explains other rights you may have and the procedures of the Board of Assessors. Please read the material carefully

Assessors' Use only
Date Received
Application No.

Name of City or Town

APPLICATION FOR ABATEMENT OF **REAL PROPERTY TAX**
 PERSONAL PROPERTY TAX
FISCAL YEAR _____
General Laws Chapter 59, § 59

THIS APPLICATION IS NOT OPEN TO PUBLIC INSPECTION (See General Laws Chapter 59, § 60)

Return to: Board of Assessors
 Must be filed with assessors not later than due date of first actual (**not** preliminary) tax payment for fiscal year.

INSTRUCTIONS: Complete **BOTH** sides of application. Please print or type.

A. TAXPAYER INFORMATION.

Name(s) of assessed owner: _____
 Name(s) and status of applicant (if other than assessed owner) _____
 Subsequent owner (aquired title after January 1) on _____, _____
 Administrator/executor. Mortgagee.
 Lessee. Other. Specify. _____
 Mailing address _____ Telephone No. () _____

 No. Street City/Town Zip Code
 Amounts and dates of tax payments _____

B. PROPERTY IDENTIFICATION. Complete using information as it appears on tax bill.

Tax bill no. _____ Assessed valuation \$ _____
 Location _____
 No. Street
 Description _____
 Real: _____ Parcel identification no. (map-block-lot) _____ Land area _____ Class _____
 Personal: _____ Property type(s) _____

C. REASON(S) ABATEMENT SOUGHT. Check reason(s) an abatement is warranted and briefly explain why it applies. Continue explanation on attachment if necessary.

<input type="checkbox"/> Overvaluation	<input type="checkbox"/> Incorrect usage classification
<input type="checkbox"/> Disproportionate assessment	<input type="checkbox"/> Other. Specify.
Applicant's opinion of: Value \$ _____	Class _____
Explanation _____	

FILING THIS FORM DOES NOT STAY THE COLLECTION OF YOUR TAXES. TO AVOID LOSS OF APPEAL RIGHTS OR ADDITION OF INTEREST AND OTHER COLLECTION CHARGES, THE TAX SHOULD BE PAID AS ASSESSED.

D. SIGNATURES.

Subscribed this _____ day of _____, _____		Under penalties of perjury.
Signature of applicant _____		
If not an individual, signature of authorized officer _____		Title _____
()	()	()
(print or type) Name _____	Address _____	Telephone _____
If signed by agent, attach copy of written authorization to sign on behalf of taxpayer.		

TAXPAYER INFORMATION ABOUT ABATEMENT PROCEDURE

REASONS FOR AN ABATEMENT. An abatement is a reduction in the tax assessed on your property for the fiscal year. To dispute your valuation or assessment or to correct any other billing problem or error that caused your tax bill to be higher than it should be, you must apply for an abatement.

You may apply for an abatement if your property is: 1) overvalued (assessed value is more than fair cash value on January 1 for any reason, including clerical and data processing errors or assessment of property that is non-existent or not taxable to you), 2) disproportionately assessed in comparison with other properties, 3) classified incorrectly as residential, open space, commercial or industrial real property, or 4) partially or fully exempt.

WHO MAY FILE AN APPLICATION. You may file an application if you are:

- the assessed or subsequent (acquiring title after January 1) owner of the property,
- the owner’s administrator or executor,
- a tenant paying rent who is obligated to pay more than one-half of the tax,
- a person owning or having an interest or possession of the property, or
- a mortgagee if the assessed owner has not applied.

In some cases, you must pay all or a portion of the tax before you can file.

WHEN AND WHERE APPLICATION MUST BE FILED. Your application must be filed with the board of assessors on or before the date the first installment payment of the actual tax bill mailed for the fiscal year is due, unless you are a mortgagee. If so, your application must be filed between September 20 and October 1. Actual tax bills are those issued after the tax rate is set. Applications filed for omitted, revised or reassessed taxes must be filed within 3 months of the date the bill for those taxes was mailed. **THESE DEADLINES CANNOT BE EXTENDED OR WAIVED BY THE ASSESSORS FOR ANY REASON. IF YOUR APPLICATION IS NOT TIMELY FILED, YOU LOSE ALL RIGHTS TO AN ABATEMENT AND THE ASSESSORS CANNOT BY LAW GRANT YOU ONE. TO BE TIMELY FILED, YOUR APPLICATION MUST BE (1) RECEIVED BY THE ASSESSORS ON OR BEFORE THE FILING DEADLINE OR (2) MAILED BY UNITED STATES MAIL, FIRST CLASS POSTAGE PREPAID, TO THE PROPER ADDRESS OF THE ASSESSORS ON OR BEFORE THE FILING DEADLINE AS SHOWN BY A POSTMARK MADE BY THE UNITED STATES POSTAL SERVICE.**

PAYMENT OF TAX. Filing an application does not stay the collection of your taxes. In some cases, you must pay the tax when due to appeal the assessors’ disposition of your application. Failure to pay the tax assessed when due may also subject you to interest charges and collection action. To avoid any loss of rights or additional charges, you should pay the tax as assessed. If an abatement is granted and you have already paid the entire year’s tax as abated, you will receive a refund of any overpayment.

ASSESSORS DISPOSITION. Upon applying for an abatement, you may be asked to provide the assessors with written information about the property and permit them to inspect it. Failure to provide the information or permit an inspection within 30 days of the request may result in the loss of your appeal rights.

The assessors have 3 months from the date your application is filed to act on it unless you agree in writing before that period expires to extend it for a specific time. If the assessors do not act on your application within the original or extended period, it is deemed denied. You will be notified in writing whether an abatement has been granted or denied.

APPEAL. You may appeal the disposition of your application to the Appellate Tax Board, or if applicable, the County Commissioners. The appeal must be filed within 3 months of the date the assessors acted on your application, or the date your application was deemed denied, whichever is applicable. The disposition notice will provide you with further information about the appeal procedure and deadline.

DISPOSITION OF APPLICATION (ASSESSORS’ USE ONLY)

Ch 59, § 61A return	GRANTED <input type="checkbox"/>	Assessed value	_____
Date sent _____	DENIED <input type="checkbox"/>	Abated value	_____
Date returned _____	DEEMED DENIED <input type="checkbox"/>	Adjusted value	_____
On-site inspection		Assessed tax	_____
Date _____		Abated tax	_____
By _____	Date voted/Deemed denied _____	Adjusted tax	_____
	Certificate No. _____		
	Date Cert./Notice sent _____	Board of Assessors	
Data changed _____	Appeal _____		_____
	Date filed _____		_____
Valuation _____	Decision _____		_____
	Settlement _____	Date: _____	

OPTIONAL INFORMATION

TO BE FILED WITH FISCAL YEAR 2019 ABATEMENT APPLICATION FOR RESIDENTIAL IMPROVED PROPERTY

If you are filing an application for abatement of the fiscal year 2019 value on your residential property the following information may be helpful to the Board of Assessors in making their decision on your application.

OWNERS NAME:

PROPERTY ADDRESS:

MAP: BLOCK: LOT:

FISCAL YEAR VALUE:
✓ **Type of Property:**
 Single Family
 Condo
 Multi-Family
 Other _____

OVERVALUATION SHOULD BE BASED ON EITHER THE SALE OR A SIMILAR TYPE OF PROPERTY OR THE ASSESSED VALUE OF SIMILAR PROPERTIES.

IF YOU ARE FILING BASED ON EITHER REASON, PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE.

FY 19 SALES COMPARISON: *Sale date must be between 1/1/17 and 12/31/17*

Sale #	Property Address	Map-Block-Lot	Sale Date	Sale Price	Comments
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____

ASSESSMENT COMPARISON:

Comp#	Property Address	Map Block Lot	FY15 Assessment	Comments
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

**Charlton Assessing Department
Information Requisition
Vacant Land Property**

Parcel ID	Assessed Owner
Property location	Assessed value
Contact name	Contact phone#
Mailing address	

General Information

This information requisition form is issued pursuant to the authority of the Assessors under M.G.H.L. Ch.59, Section 61A. Complete this form and return it to the Charlton Board of Assessors, Municipal office Building, 37 Main Street, Charlton, MA 01507. If tax bills were mailed on or before December 31st the deadline for filing an abatement application is Feb. 1st.

Complete this form by providing all information requested. Type or print clearly with a ball point pen.

Part one – Grounds for complaint

A. Overvaluation (The assessment exceeds the full and fair cash value of the property).

1. Indicate the assessed value of the property_____
2. Indicate your opinion of the value_____
3. Submit the required documents listed below.

Part two - Supporting Documentation

A. Acceptable Supporting Documentation should include:

1. Registered Engineer’s report (i.e. perc results, wetlands report, etc.)
2. Written determination that land is unbuildable from a municipal department (i.e. Conservation, Zoning Enforcement, Zoning Board of Appeals, Board of Health etc.)

Part Three: Complete the comparable tables below for three properties in your area.

COMPARABLE ASSESSMENTS	<u>PROPERTY</u>	<u>Comparable 1</u>	<u>Comparable 2</u>	<u>Comparable 3</u>
PARCEL ID				
Address				
Valuation				
Land Area				

IF AN APPRAISAL IS BEING SUBMITTED WITH YOUR APPLICATION FOR ABATEMENT HERE ARE SOME FACTS THAT SHOULD BE CONSIDERED BY YOU AND YOUR APPRIASER.

1. BE SURE YOUR APPRAISER UNDERSTANDS THE DATE OF VALUE FOR THIS APPRAISAL IS 1/1/18, THE DATE OF VALUATION SET BY THE MASSACHUSETTS DEPARTMENT OF REVENUE.
2. ALL SALES UTILIZED AS COMPARABLES SHOULD REFLECT DATE SALES FROM 1/1/2017 TO 12/31/2017.
3. DEFINES THE PURPOSE OF THE APPRAISAL AS “FOR TAX ABATEMENT PURPOSES”.
4. THAT YOUR APPRAISER IS MADE AWARE OF AND IS PREPARED TO APPEAR BEFORE THE BOARD OF ASSESSORS TO ANSWER QUESTIONS RELATIVE TO THE REPORT.
5. THAT YOU’RE APPRAISER UNDERSTANDS THE REQUIREMENTS SET FORTH UNDER USPAP (UNIFORM STANDARDS OF APPRAISAL PRACTICE) AS PROMULGATED BY THE APPRAISAL FOUNDATION AND UNDERSTANDS THE TYPES OF REPORTS FOR THE INTENDED PURPOSE.
6. YOUR APPRIASER SHOULD BE EITHER LICENSED OR CERTIFIED BY THE COMMONWEALTH OF MASSACHUSETTS.

SHOULD YOU HAVE ANY QUESTIONS RELATIVE TO THE ABOVE, PLEASE DO NOT HESITATE TO CONTACT OUR DIRECTOR OF ASSESSING, DEBORAH CECCARINI AT THE ASSESSORS OFFICE (508) 248-2203.

THANK YOU
CHARLTON BOARD OF ASSESSORS

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