

1 H.57

2 Introduced by Representative Botzow of Pownal

3 Referred to Committee on

4 Date:

5 Subject: Taxation; property tax; abatement; grievances; appeals

6 Statement of purpose of bill as introduced: This bill proposes to require the  
7 board of civil authority to abate property taxes, interest, or collection fees  
8 when there is a manifest error or a mistake of the town listers. This bill further  
9 proposes to permit with conditions appeals of property tax abatement decisions  
10 to the Superior Court pursuant to Civil Rule 74, and make the fact of future  
11 settlement agreements under this chapter nonconfidential while maintaining  
12 confidentiality as to specific terms. Finally, this bill proposes to require the  
13 Secretary of State and the Commissioner of Taxes to update the Handbook on  
14 Property Tax Assessment Appeals by July 2018.

15 An act relating to property tax abatement appeals

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 24 V.S.A. § 1535 is amended to read:

18 § 1535. ABATEMENT

19 (a) The board shall abate, in whole or part, taxes, interest, or collection fees  
20 accruing to the town when there is a manifest error or a mistake of the listers,

1 other than those arising out of a corrected classification of homestead or  
2 nonresidential property. The board may abate in whole or part taxes, interest,  
3 or collection fees, other than those arising out of a corrected classification of  
4 homestead or nonresidential property, accruing to the town in the following  
5 cases:

6 \* \* \*

7 (4) ~~taxes in which there is manifest error or a mistake of the listers;~~  
8 [Repealed.]

9 \* \* \*

10 Sec. 2. 24 V.S.A. § 1539 is added to read:

11 § 1539. APPEALS

12 A taxpayer or the selectboard members of a town aggrieved by a decision of  
13 the board under section 1535 of this chapter may appeal to the Superior Court  
14 in the same manner and under the same procedures as set forth in 32 V.S.A.  
15 chapter 131, subchapter 2. The claims, defenses, and other legal contentions  
16 raised in an appeal taken under this section must be warranted by existing law  
17 or by a nonfrivolous argument for the extension, modification, or reversal of  
18 existing law or the establishment of new law.

1 Sec. 3. 24 V.S.A. § 1540 is added to read:

2 § 1540. SETTLEMENT AGREEMENTS; CONFIDENTIALITY

3 Notwithstanding any provision to the contrary, the fact that parties have  
4 entered into a settlement agreement made pursuant to this chapter shall not be  
5 confidential and shall be published in the annual town report. The terms of any  
6 settlement agreement, however, may remain confidential.

7 Sec. 4. APPLICATION OF 24 V.S.A. § 1540

8 The provisions of 24 V.S.A. § 1540 as set forth in Sec. 3 of this act shall  
9 apply to settlement agreements entered into on and after the effective date of  
10 that section.

11 Sec. 5. HANDBOOK ON PROPERTY TAX ASSESSMENT APPEALS;

12 UPDATE

13 (a) The Secretary of State and the Commissioner of Taxes shall update the  
14 Handbook on Property Tax Assessment Appeals on or before July 1, 2018,  
15 after submitting a draft to members of the public and providing an opportunity  
16 for members of the public to submit oral and written comments.

17 (b) The update to the Handbook on Property Tax Assessment Appeals shall  
18 include the following:

19 (1) an explanation of the term “quasi-judicial”;

20 (2) an explanation of the powers and responsibilities of the board of  
21 civil authority, as defined in 24 V.S.A. § 1533;

1           (3) an explanation of the procedure for hearings before the board of civil  
2           authority, including pertinent deadlines and the timing of appeals; and

3           (4) an explanation of the statutes and regulations applicable to property  
4           tax abatement hearings.

5           (c) The Department of Taxes shall post on its website on or before July 1,  
6           2018 a list of statutes relevant to property tax assessment appeals. The  
7           Department of Taxes shall further update the list as necessary to reflect future  
8           changes in the law.

9           (d) The Secretary of State and the Commissioner of Taxes shall, in  
10          consultation with the Vermont League of Cities and Towns, publicize the  
11          updated Handbook on Property Tax Assessment Appeals to all Vermont towns  
12          and cities.

13          Sec. 6. EFFECTIVE DATES

14          (a) This section and Sec. 5 shall take effect on passage.

15          (b) Secs. 1–4 shall take effect on January 1, 2018.