

**TO: CITY OF BEVERLY PROPERTY OWNERS**  
**SUBJECT: THE ABATEMENT PROCESS**

The Board of Assessors has carefully reviewed the arms-length real estate sales that have taken place in Beverly, with particular attention to sales since January 1, 2008, in an effort to determine the fair market value as of January 1, 2009 of all properties within the city. Published newspaper reports based on information taken from the Registry of Deeds, Multiple Listing Service (MLS), and The Warren Group indicate that property values in Beverly are continuing to depreciate. Residential sales for calendar year 2008, the year used to determine values for FY 2010, show a median decrease of 4% for residential homes. A preliminary glance ahead at sales during 2009, which will be analyzed in more detail next year for the FY 2011 assessments, suggests that the slowdown may be decreasing. The 2009 sales, of course, do not impact current assessments but will be the focus of attention for FY 2011. It is important to remember that the assessments for FY 2010 reflect a property's market value as of January 1, 2009.

In seeking an abatement, the Board of Assessors requests that you review recent property sales in your market segment, with particular attention to sales that have taken place in 2008. Tax abatements are granted when it can be shown that the assessment exceeds the fair market value of a property as of January 1, 2009. There are listings of past sales available for your use at the Assessor's Office that include all the same sales that were used to determine your current assessment. You should ask for a copy of your property record card, review it for accuracy, and then compare it with similar properties that have recently sold. You should show from your analysis that these sales actually indicate a different value for your property than that proposed by the Board of Assessors. The Board will then review your application and your analysis, determine whether an interior inspection of your home will be required to correct a factual error, and notify you within three months of the time you file your application if an adjustment is warranted. If you disagree with the decision, you will have three months from the date of the decision to appeal it to the Appellate Tax Board (ATB) in Boston.

Abatement applications are frequently filed for reasons that fall beyond legitimate parameters for granting them. If you were granted a tax abatement in a previous year for a specific condition, you should not file again for the same reason. An adjustment has already been made for that condition on your property record and is already factored into your current assessment. We sometimes hear from people who state that they have lived in their home for 30 years and have never done a thing to it. We are quite certain that no one would today accept as a sale price the price he paid for the house 30 years ago. Elderly, retired homeowners frequently cite rising taxes as the reason for filing. No one questions the legitimacy and the seriousness of that situation. It has, however, no bearing on the value of their property. The Board of Assessors has no legal right to assess a property differently because of the financial condition of the homeowner. In fact, we shudder at the thought that any Assessor should ever be given that right because of the potential for abuse. We encourage people who are having difficulty paying their taxes to request information on any exemptions for which they may qualify or consider the tax deferral program that under certain circumstances permits deferring taxes in part or in whole until the property is sold in the future.

In short, we encourage everyone who files for a tax abatement to take it seriously. The more legitimate information you provide in proving your case, the more likely it will be granted.



**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. 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
Date changed _____	Appeal _____	_____
	Date filed _____	_____
Valuation _____	Decision _____	_____
	Settlement _____	Date: _____