

State of New Hampshire

Board of Tax and Land Appeals

Michele E. LeBrun, Chair
Albert F. Shamash, Esq., Member
Theresa M. Walker, Member

Anne M. Stelmach, Clerk



Governor Hugh J. Gallen
State Office Park
Johnson Hall
107 Pleasant Street
Concord, New Hampshire
03301-3834

In Re: City of Nashua

Docket No.: 29261-19RA

ORDER AND HEARING NOTICE

RSA 71-B:16 gives the board of tax and land appeals broad authority to order reassessments or to rectify assessments that have been “fraudulently, improperly, unequally, or illegally assessed.”¹ In Appeal of Wood Flour, Inc., 121 N.H. 991, 994 (1981), the supreme court found “[t]he board ... has broad authority to remedy the inequities of improper and illegal taxation” and noted “the general thrust of the statute [RSA 71-B:16] is to promote the legality of real estate taxes.” RSA 71-B:16 gives the board overarching authority to intercede, investigate and order a remedy in the form of a new assessment or reassessment. See also RSA 71-B:5, I (board has the authority to hear and determine all matters involving taxation of property by instituting its own investigation, holding hearings or taking other action as is necessary).

RSA 21-J:3, V, RSA 21-J:11 and RSA 21-J:11-a provide the department of revenue administration (“DRA”) general supervisory authority over municipal assessing to ensure “that all assessments of property . . . [are] in compliance with the laws of the state.”

¹ RSA 71-B:16 provides:

Order for Reassessment. The board may order a reassessment of taxes previously assessed or a new assessment to be used in the current year or in a subsequent tax year of any taxable property in the state:...

II. When it comes to the attention of the board from any source, except as provided in paragraph I, that a particular parcel of real estate or item of personal property has not been assessed, or that it has been fraudulently, improperly, unequally, or illegally assessed . . .

In addition:

Part II, Article 6 governs the valuation of property for taxation purposes. While it does not require physical inspections, it does require that property be assessed at market value at least every five years. *See Opinion of the Justices, 76 N.H. at 596.* Property assessment entails both a physical description of the property's features and size and a determination of the unit values for different classes of property.

Sirrell v. State, 146 N.H. 364, 382 (2001). Commonly accepted standards for mass appraisal established by the International Association of Assessing Officers indicates physical characteristics of properties should be reviewed periodically (every four to six years).

The board opens this docket to investigate concerns regarding the legality and proportionality of the "City's" assessments. The board's concerns arise, in part, from a property tax appeal: Corazzini v. City of Nashua, BTLA Docket No. 28712-16PT (September 13, 2018), the board heard testimony the City has not performed a complete "measure and list" or a cyclical review of the physical property data since "the early 1990's." In that appeal, the board also heard testimony that raises questions the City may be treating "sold" properties and "unsold" properties differently during the assessing process.

Related concerns have been recently reported in a number of articles published in the Nashua Telegraph and The Union Leader. While those articles detail numerous management issues within the City's assessing department, the board does not have jurisdiction over those issues. Rather, the board is concerned only insofar as they may impact the legality and proportionality of the City's assessments and the transparency of the assessing process. *See e.g. In Re: Town of Barrington Reassessment*, BTLA Docket No.: 22551-07RA (January 8, 2008), p. 3 at fn. 1.

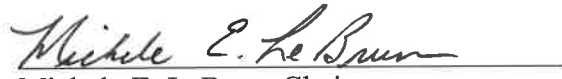
The board is scheduling a hearing on **Tuesday, August 6, 2019 at 9:00 a.m.** at 107 Pleasant Street, Johnson Hall, Concord, NH 03301 to allow City officials and any interested

persons to present evidence regarding the concerns described above. This evidence should include the City's immediate and long-term plans for reassessment, whether those plans include a complete review of existing physical data, the quality of that data, inspection of all properties and the impact that information has on proportionality. Further, the board directs any DRA personnel involved with the City's assessing practices to be present and to provide information regarding these issues. The board will then determine whether it should assert jurisdiction pursuant to RSA 71-B:16, II.


In accordance with Tax 208.05 (a)(6), the City shall post copies of this order in two public places in the City or in a newspaper of general circulation no less than ten (10) days prior to the hearing date.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS


Michele E. LeBrun, Chair



Albert F. Shamash, Member


Theresa M. Walker, Member

Certification

I hereby certify a copy of the foregoing Order and Hearing Notice has been mailed this date, postage prepaid, to: Chairman, Board of Assessors, City of Nashua, PO Box 2019, Nashua, NH 03061; Steven A. Bolton, Esq., City of Nashua, PO Box 2019, Nashua, NH 03061, counsel for the City; Nashua City Clerk, PO Box 2019, Nashua, NH 03061; James Gerry, Director of Property Appraisal, State of New Hampshire, Department of Revenue Administration, 109 Pleasant Street, Concord, NH 03301; and KRT Appraisal, 191 Merrimack Street - Suite 701, Haverhill, MA 01830, Contracted Assessing Firm.

Dated: June 19, 2019



Anne M. Stelmach, Clerk