

CHAPTER LANDS COMPARISON

As Amended by Chapter 394 of the Acts of 2006

COMPARISON	CHAPTER 61 - FOREST LAND	CHAPTER 61 A AGRICULTURAL/HORTICULTURAL	CHAPTER 61B - RECREATIONAL LAND
QUALIFICATION	10 contiguous acres – Same ownership 10 year management plan certified by state forester Recertified every 10 years Timely application <i>c.394, no more fee to state.</i> <i>c.394, state forester has sole responsibility for determining land use, may include "accessory" land.</i>	<u>5 acres</u> , same ownership, "actively devoted" to A/H. 2 prior years A/H use. <u>Gross sales</u> in the regular course of business, starts at \$500 for initial 5 acres, \$5 per extra acre, and .50 for forest land. Additional, <u>contiguous</u> and non-productive land may qualify but only up to 100% of productive land. <u>Forest land</u> , certified by state forester, will qualify.	5 acres, same ownership, and: <u>Condition</u> - natural, wild, open or landscaped or <u>Use</u> -devoted to a recreational use as listed in the statute and available to the general public or to the members of a non-profit organization. <i>c. 394, adds "commercial horseback riding and equine boarding" c. 394 adds "managed forest" land with a state forester's certification.</i>
APPLICATION PROCEDURE	(prior to) JULY 1- application to state forester <i>c.394, prior to OCTOBER 1 (no longer September 1) certificate & plan submitted to assessors.</i> JAN 1- listed as classified JULY 1- taxation under Ch 61 commences	<u>Annual</u> Application by <u>October 1</u> to Board of Assessors on Form CL-1 Revaluation year filing extension provided. Application deemed allowed if no action in 3 months	<u>Annual</u> Application by <u>October 1</u> to Board of Assessors on Form CL-1 Revaluation year filing extension provided. Application disallowed if no action in 3 months.
RECORDING REQUIREMENTS	RECORD a statement of lien on Form CL-3 Collect recording fees Copies of lien to landowner and state forester.	RECORD a statement of lien on Form CL-3, if first application, after a lapse when not classified, or after a change of record ownership. Collect all recording fees.	RECORD a statement of lien on Form CL-3, if first application, after a lapse when not classified, or after a change of record ownership. <i>c.394, Collect all recording fees.</i>
APPEAL OF DETERMINATION	(on or before) DECEMBER 1- to state forester MARCH 1- forester's decision will issue APRIL 15- appeal to 3 person regional panel MAY 15- panel hearing Appeal to ATB or Superior Court within 45 days of notice of decision.	Landowner may appeal a determination to: <i>c. 394, Board of Assessors-within 30 days, (previously 60 days) of notice, then to Appellate Tax Board</i> -within 30 days of notice of decision or 3 months of application, whichever is later	landowner may appeal a determination to: <u>Board of Assessors</u> -within 60 days of notice (not changed by c. 394), then to <u>Appellate Tax Board</u> -within 30 days of notice of decision or 3 months of application, whichever is later
TAXATION	SPECIALIZED VALUATION <i>c. 394, new provisions begin for FY 2009.</i> <i>c. 394, Assessed at its FOREST "USE" VALUE. Values for forestland will now be published annually by the FVAC, and be used as a guide. (After FY 2008, no longer any stumpage tax)</i> Commercial rate (class 3) applied to Forest "USE" value. Buildings, residences and land accessory to their use are taxed at regular, full value. <i>c. 394, "OPEN SPACE" local option. If city or town accepts c.61, §2A, classified forest land will be classified as "open space" and taxed at residential tax rate.</i>	SPECIALIZED VALUATION Assessed at its A/H "USE" VALUE. Values published annually by F.V.A.C., used as a guide. Commercial rate applied to A/H Use value. Buildings, residences and land accessory to their use are taxed at regular, full value. Change in ownership alone will not affect classification. <i>c. 394, "OPEN SPACE" local option. If city or town accepts c.61A, §4A, classified farmland will be classified as "open space" and taxed at residential tax rate.</i>	SPECIALIZED VALUATION Assessed at its RECREATIONAL "USE" VALUE However, assessed "use" value may not exceed 25% of the full and fair cash value. Commercial rate applied to CH61B value. Buildings, residences and land accessory to their use are taxed at regular, full value. Change in ownership alone will not affect classification. <i>c. 394, "OPEN SPACE" local option. If city or town accepts c.61B, §2A, classified recreational land will be classified as "open space" and taxed at residential tax rate.</i>

PENALTY TAXES	<p>c. 394, replaces the prior withdrawal penalty tax plus compounded interest with <u>alternative roll-back or conveyance tax provisions.</u></p> <p>c. 394, <u>Roll-back tax</u> imposed upon a change to a non-qualifying use of the land. c. 394, A non-qualifying use means <u>a use or condition that would not qualify under the definitions of either 61, 61A or 61B.</u> c. 394, Roll-back recovery period is <u>FIVE (5) YEARS.</u> (previously up to 10 years) c. 394, <u>SIMPLE INTEREST at 5% over recovery period.</u></p> <p>c. 394, <u>Conveyance tax</u>, imposed when sold for or converted to non-qualifying use (61, 61A or 61B) within 10 years of acquisition. Tax = price or value x conveyance tax rate. C.T. rate 10% to 1% (rate decreases 1% per year of ownership.) <u>Only assessed if more than roll-back.</u></p> <p>c. 394, "grandfather" exemption from conveyance tax for an <u>owner</u> in program for/before FY 2008.</p>	<p>Alternative taxes-only the greater will be imposed</p> <p><u>Roll-back tax</u> imposed upon a change to a non-qualifying use. c. 394, <u>A non-qualifying use means a use or condition that would not qualify under the definitions of either 61, 61A or 61B.</u> Roll-back recovery period is <u>FIVE (5) YEARS.</u> c.394, <u>SIMPLE INTEREST at 5% over recovery period.</u></p> <p>Roll-back tax for each year: TAX: Ch 59, full value taxes - Ch 61A, reduced A/H "use" taxes = the difference (with 5% interest)</p> <p>c. 394, "grandfather" exemption from <u>INTEREST</u> on roll-back tax for a parcel classified for FY 2007 and still owned by 7/1/2006 <u>owner</u> or certain specified close relatives.</p> <p><u>Conveyance tax</u>, c. 394, imposed when sold for or converted to non-qualifying use (61, 61A or 61B) within 10 years of acquisition. Tax = price or value x conveyance tax rate. C.T. rate 10% to 1% (rate decreases 1% per year of ownership.) <u>Only assessed if more than roll-back.</u></p>	<p>Alternative taxes-only the greater will be imposed.</p> <p><u>Roll-back tax</u> imposed upon a change to a non-qualifying use. c. 394, <u>A non-qualifying use means a use or condition that would not qualify under the definitions of either 61, 61A or 61B.</u></p> <p>c.394. Roll-back recovery period is <u>FIVE (5) YEARS.</u> (previously 10 years) c.394, <u>SIMPLE INTEREST at 5% over recovery period.</u></p> <p>Roll-back tax for each year: TAX: Ch 59, full value taxes - Ch 61B, reduced rec. "use" taxes = the difference (with 5% interest)</p> <p><u>Conveyance tax</u>, c. 394, imposed when sold for or converted to non-qualifying use (61, 61A or 61B) within 10 years of first classification. Tax = price or value x conveyance tax rate. C.T. rate 10% within first 5 years, 5% within years 6-10. <u>Only assessed if more than roll-back.</u></p>
APPEAL OF ASSESSMENT	c. 394, <u>ABATEMENT</u> -apply to Board of Assessors within <u>30 days</u> (previously 60 days) of notice of tax APPEAL TO A.T.B. within the later of 30 days of notice of decision, or 3 months of application.	c. 394, <u>ABATEMENT</u> -apply to Board of Assessors within <u>30 days</u> (previously 60 days) of notice of tax APPEAL TO A.T.B.-within the later of 30 days of the notice of decision, or 3 months of application.	<u>ABATEMENT</u> -apply to Board of Assessors within <u>60 days</u> of notice of tax. (not changed by c. 394) APPEAL TO A.T.B.-within the later of 30 days of the notice of decision, or 3 months of application.
BETTERMENT AND SPECIAL ASSESSMENTS	c. 394, subject to assessment <u>only to "pro-rata" extent improves forest use capability</u> or provides personal benefit to the landowner. Assessment may be <u>suspended</u> without interest during forest use. <u>Suspended amount due and payable upon a change in use of land.</u>	c. 394, subject to assessment <u>only to "pro-rata" extent improves A/H use capability</u> or provides personal benefit to the landowner. Assessment may be <u>suspended</u> without interest during A/H use. <u>Suspended amount due and payable upon a change in use of land.</u>	c. 394, subject to assessment <u>only to "pro-rata" extent improves recreational use capability</u> or provides personal benefit to the landowner. Assessment may be <u>suspended</u> without interest during recreational use. <u>Suspended amount due and payable upon a change in use of land.</u>
CERTIFICATE OF TAXES DUE	not applicable	Indicates potential conveyance or roll-back tax liability. Must be issued within 20 days of request. \$6 charge. If recorded, fixes liability and payment terminates all liens.	Indicates potential conveyance or roll-back tax liability. Must be issued within 20 days of request. \$6 charge. If recorded, fixes liability and payment terminates all liens.

MUNICIPALITY'S RIGHT OF FIRST REFUSAL: c. 394 makes significant changes to the "first refusal option" that applies when a landowner decides to sell classified land for a residential, commercial or industrial use, or convert it to such a use, and makes the option provision uniform in all three chapters. It also extends the operation of the first refusal option for one full tax year after a property is removed from classification. This protects the municipality's opportunity for acquisition in the event the landowner removes the land from classification and immediately decides to develop the land. It also spells out in greater detail than before the notices required, the definition of a bona fide offer and the appraisal procedures that apply in cases of conversion. The revised assignment provision now authorizes a city or town to assign its option to a nonprofit conservation organization or to the Commonwealth or any of its political subdivisions under the terms or conditions that the mayor or board of selectmen may consider appropriate, provided that no less than 70% of the land is maintained in forest, agricultural or horticultural, or recreational use.