

Massachusetts Department of Revenue Division of Local Services

Navjeet K. Bal, Commissioner Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs



October 7, 2009

Re: Manufactured Housing Community Taxes
Our File No. 2009-1300

Dear [REDACTED]

This is in response to your complaint to the Office of the Attorney General about the assessment of property taxes on certain improvements located in a licensed manufactured housing community. You state the Carver Board of Assessors has indicated that it intends to assess sheds owned by the residents of the community and you object to that assessment.

The Department of Revenue cannot give you legal advice, nor intervene in any disagreement you have with the Carver assessors over particular tax assessments. However, we can provide the following general information about the local tax treatment of property within licensed manufactured housing communities.

Property taxes are assessed by cities and towns on all real and personal property unless that property is expressly exempt. The local property tax status of manufactured homes depends on the characteristics of the home. Generally speaking, some types of homes located within a licensed manufactured housing community are considered personal property and are exempt from local taxes. Massachusetts General Laws Chapter 59, § 5(36). Those homes that have taken on the characteristics of conventional homes, however, are subject to real estate taxes regardless of location, *Ellis v. Board of Assessors of Acushnet*, 358 Mass. 473 (1970), and are assessed and billed to the owner of the land on which they are located. M.G.L. c. 59, §§ 2A(a) and 11. Other structures or improvements on the land including those accessory to the homes, such as garages and sheds, would generally be considered real estate. M.G.L. c. 59, § 2A (a). Whether the property in question is taxable real estate is a question of fact, to be decided by the Carver assessors, which as the local tax administrator, has the sole power to determine whether property located within the town is taxable or exempt. See M.G.L. c. 59 generally. The assessors' determinations, however, may be contested through the abatement process.

As indicated above, manufactured homes or improvements considered real estate would be assessed to the owner of the land on which they are located. This means that owners of homes or improvements located on land owned by someone else would not be separately billed for the taxes attributable to their property and could not apply for an abatement. It is the park owner who owns the land and is legally liable for payment of the taxes to the town who could apply for an abatement. M.G.L. c. 59, § 59. The lease or residency agreement between the operator and park occupants would determine the extent to which any tax or abatement is passed on to the occupants in their rental or other charges.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kathleen Colleary", is written over a horizontal line.

Kathleen Colleary, Chief
Bureau of Municipal Finance Law

KC

CC: Meaghan Connolly, Public Inquiry & Assistance Center, Office of the Attorney General