



Mitchell Adams, Commissioner
Joseph J. Chessey, Jr., Deputy Commissioner

CITY & TOWN

A Publication of the Massachusetts Department of Revenue's Division of Local Services

Education Reform and Accountability

written by Dieter Wahl

The Education Reform Act of 1993 had three major goals: to achieve an adequate funding level for all regional and local school districts over a seven-year period; to bring equity to local school spending efforts based on a community's ability to pay; and to improve student achievement. The financial components of the Act came about in part as a result of the *McDuffy*¹ case which alleged that the existing combination of state and local funding did not provide equal educational opportunities at the local level, particularly in poorer communities. The Education Reform Act sought to remedy this inequity by providing adequate state funding for all local and regional school districts and by mandating equity in local efforts based on a community's ability to pay. The legislature recognized that meeting the foundation targets in every school district would require a significant increase in state aid and appropriated a cumulative total of approximately \$4 billion in additional aid for education from FY93 through FY99.

The Foundation Budget embodies the primary financial goals by establishing a target budget for every school district. The budget defines an adequate spending level based on a complicated formula heavily weighted towards student enrollment. The state Department of Education (DOE) issues individual spending requirements to all municipalities and regional school districts each year to ensure gradual but steady progress towards meeting the Fiscal Year 2000 goals. These goals are modest for school districts that are already near the foundation target and more aggressive for those that are not.

Annual financial spending targets consisting of both state aid and local contributions are expressed as "required

net school spending" for each school district. The Education Reform Act made allowances for a community's ability to pay by basing the formula for their share on a community's equalized property values, and, therefore, its ability to raise taxes. Generally, communities with lower property values receive more state aid. As a result of education reform funding, the annual school budgets in some communities have increased by 30 percent or more, in some cases doubling their school budgets over a three-year period.

The Education Reform Act also included major non-financial initiatives designed to improve school management and curriculum content. Superintendents received additional management authority over school principals including the power to hire and fire, negotiate individual contracts, and set salaries and performance standards. Education Reform changed the role of school committees to increase oversight and policy development, while maintaining budget approval and the authority to hire and fire superintendents and assistant superintendents. The law encourages parent participation in the schools by requiring each school to create a school council to advise and assist the principal and participate in the development of school improvement plans. Most significantly, the Education Reform Act gave the local school committees the authority to decide how the additional school funds should be spent based on their needs and priorities.

In the FY99 budget, Chapter 70 state aid for education reached \$2.5 billion largely as a result of education reform. The Massachusetts Taxpayers Foundation, in its 1996 report on education spending, stated that "high levels of

school spending are no assurance that the goals of education reform will be achieved, but low levels of spending make success virtually impossible with little ability to hold administrators responsible for results." Recognizing that high levels of spending require an effective mechanism for monitoring progress and for holding educators accountable, the governor issued Executive Order 393 on February 20, 1997.

Executive Order 393 established the Education Management Accountability Board. The mission of the Board is "... to review, investigate and report on the expenditure of funds by school districts consistent with the goals of improving student achievement." The Secretary of Administration and Finance (A&F) serves as the chief of staff for the Board. The Secretary requested staff from the Department of Revenue and DOE to help fulfill the purpose of the Board and assemble an education reform audit team.

Education Reform Audits

The Education Management Accountability Board (EMAB) determines which school districts will be audited. The education reform audit team provides

continued on page two ➡

Inside This Issue

Legal	
Residential Exemption	2
Focus	
Average Single Family Tax Bills	3
DLS Update	
DLS on the Move	7
Tax on New Construction	7
Municipal Fiscal Calendar	8
Data Bank Highlight	8

LEGAL

in Our Opinion

Residential Exemption

Last summer the Supreme Judicial Court rendered an important decision concerning the eligibility of tenant-shareholders of a housing cooperative corporation to receive a residential exemption. The case is *Born v. Assessors of Cambridge*.¹

The General Laws permit an exemption of up to 20 percent of the average assessed value of all residential parcels within the community. The selectmen or the mayor, with the approval of the city council, decide whether to adopt this exemption, commonly known as the residential exemption.² The statute states "such an exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes."

In the *Born* case, the Longview Corporation owned a six-story cooperative apartment building with 54 apartments located in Cambridge. A tenant-shareholder could occupy a specific apartment under a long-term lease. There were 54 shareholders who owned varying numbers of shares in the corporation depending on the size and location of their apartments. Each paid a pro rata share of the monthly upkeep and maintenance of the building, including real estate taxes, through monthly charges. For fiscal years 1991 and 1993 respectively, the majority of the shareholders occupied apartments as principal residences. The president of the corporation filed for residential exemptions on behalf of these shareholders for FY91 and 93. The Cambridge assessors denied the exemption. On appeal, the case initially came before the Appellate Tax Board (ATB). When the ATB held that the shareholders were properly denied residential exemptions, the shareholders appealed to the Supreme Judicial Court (SJC).

The SJC wrote that eligibility for a residential exemption depended on whether the shareholders were taxpayers within the meaning in MGL Ch. 59 Sec. 5C. Since the statute does not define the term "taxpayer," the Court looked to prior court decisions. The Court relied on a ruling in *Moscatiello v. Assessors of Boston*³ that even if he had paid the taxes and occupied the property as a principal residence, Moscatiello could not receive a residential exemption because he did not hold legal title to the property. The SJC, therefore, agreed with the Appellate Tax Board that the tenant-shareholders were not "taxpayers" since that term refers to the person to whom the taxes were assessed (the owner of record). Property owned by a housing cooperative has a single deed and constitutes a single parcel of real estate for assessment purposes. The Court ruled that since Longview Corporation holds legal title to the property, the tenant-shareholders were not record owners and they could not receive residential exemptions.

The shareholders unsuccessfully argued that *Moscatiello* did not apply to housing cooperatives. The Appellants cited a March 1997 decision of the SJC which found that cooperative apartments were sufficiently similar to condominium units to also be exempt from installing automatic sprinklers in each unit of the building, *1010 Memorial Drive Tenants Corporation v. Fire Chief of Cambridge*.⁴ In *1010 Memorial Drive*, the Court had concluded that the physical characteristics of housing cooperatives were similar enough to those of condominiums that the condominium exemption should be read to include cooperative apartments. However, the condominium exclusion had no relationship to the legal ownership of the building. In *Born*, the Court ruled that the form of ownership is critical in establishing exemption from taxation.

In the Court's view, there are different tax consequences depending on the forms of legal ownership. Since the parties became shareholders in a cooperative voluntarily, they must accept the tax consequences of this decision.

In conclusion, the Court held that the Cambridge assessors properly denied residential exemptions to the cooperative shareholders. ■

written by James Crowley

1. 427 Mass. 790 (1998).
2. M.G.L. Chapter 59 § 5C.
3. 36 Mass. App. 622 (1994).
4. 424 Mass. 661 (1997).

Education Reform

➡ *continued from page one*

audit and investigative support to the Board. The scope of review is limited to requirements under Executive Order 393 plus any additional requirements of the EMAB. The audits are performance reviews geared to answer the question: "What initiatives has the school district undertaken to implement education reform and improve student achievement since the Education Reform Act was passed in 1993?"

Once the Board chooses a school district, the Deputy Commissioner of Local Services contacts local officials to inform them that an audit of their district is scheduled. The audit team then holds an entrance conference with the superintendent of schools. Auditors are on-site six to eight weeks collecting, reviewing and verifying data, and conducting interviews with the superintendent, central office managers, department heads, principals and other staff. The auditors analyze school district spending to determine whether the spending effectively supports educational programs and the goals of the Education Reform Act. They determine whether the superintendent has utilized

continued on page seven ➡

FOCUS

on Municipal Finance

Average Single Family Tax Bills in FY98

The percentage increase in the statewide average single family tax bill was greater than inflation in FY98. The Consumer Price Index went up 2.1 percent while the average single family tax bill went up 4.4 percent to \$2,463 between FY97 and FY98. Tax bills went down in 24 communities, stayed the same in two communities and went up in the other 314 communities included in this study.¹ In 277 communities the average tax bill went up faster than the cost of living. The average assessed value of single family homes statewide went up 3.7 percent to \$165,050, and the average single family tax rate went up 0.6 percent to \$14.92 per \$1,000.

Statewide Trends

Statewide average single family tax bills have increased every year during the last 10 years both in actual dollars

and in dollars adjusted for inflation. *Figure 1* shows the average in actual dollars and in constant FY98 dollars. Constant dollars were calculated using the Consumer Price Index for All Urban Consumers, Boston. Over the 10-year period, bills increased 58.1 percent in actual dollars with the largest percentage increases in FY90 (9.8 percent) and FY91 (7.0 percent). The lowest increases were in FY92 (3.6 percent) and FY97 (3.9 percent). Over the same 10-year period, there was a 19.1 percent increase in constant dollars, reflecting inflation of 32.7 percent.

Statewide assessed values for single family homes have not paralleled tax rates. Assessed values actually decreased in FY92, FY93 and FY94. The rate of increase exceeded the inflation rate in only two years, FY90 and FY98. In constant dollars average assessed value was actually 25 percent lower in FY98 than it was in FY90. *Table 2* shows average assessed value and average tax bills for single family parcels in both actual and constant

FY98 dollars for FY89 through FY98. It also shows tax rates.

If assessed values go down but community spending does not, tax rates go up. *Table 2* shows that tax rates increased in 8 of the last 10 years. The statewide average tax rate for single family parcels rose 46.4 percent between FY89 and FY98, from 10.19 to 14.92.

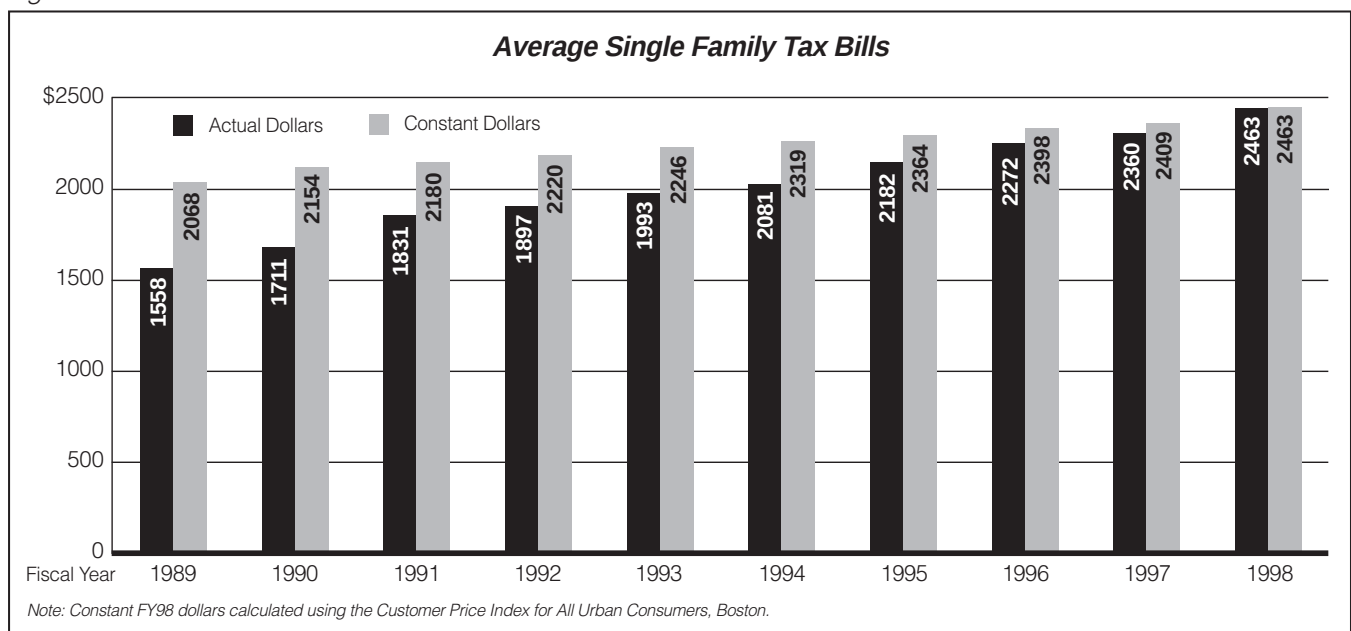
Community Trends

Table 1 shows the FY97 and FY98 average single family assessed value and tax bill for all 340 cities and towns which do not have a residential exemption. It also ranks communities from high to low for the FY98 average value and bill, and shows the percent change between FY97 and FY98 for each. Finally, it lists FY98 tax rates.

For the most part, communities with higher assessed values have higher average tax bills. The six communities with the highest average bills are We-

continued on page six ➔

Figure 1



Municipality	FY97				FY98				FY99				FY00				FY01				FY02				FY03				FY04				FY05				FY06				FY07				FY08				FY09				FY10				FY11				FY12				FY13				FY14				FY15				FY16				FY17				FY18				FY19				FY20				FY21				FY22				FY23				FY24				FY25				FY26				FY27				FY28				FY29				FY30				FY31				FY32				FY33				FY34				FY35				FY36				FY37				FY38				FY39				FY40				FY41				FY42				FY43				FY44				FY45				FY46				FY47				FY48				FY49				FY50				FY51				FY52				FY53				FY54				FY55				FY56				FY57				FY58				FY59				FY60				FY61				FY62				FY63				FY64				FY65				FY66				FY67				FY68				FY69				FY70				FY71				FY72				FY73				FY74				FY75				FY76				FY77				FY78				FY79				FY80				FY81				FY82				FY83				FY84				FY85				FY86				FY87				FY88				FY89				FY90				FY91				FY92				FY93				FY94				FY95				FY96				FY97				FY98				FY99				FY00				FY01				FY02				FY03				FY04				FY05				FY06				FY07				FY08				FY09				FY10				FY11				FY12				FY13				FY14				FY15				FY16				FY17				FY18				FY19				FY20				FY21				FY22				FY23				FY24				FY25				FY26				FY27				FY28				FY29				FY30				FY31				FY32				FY33				FY34				FY35				FY36				FY37				FY38				FY39				FY40				FY41				FY42				FY43				FY44				FY45				FY46				FY47				FY48				FY49				FY50				FY51				FY52				FY53				FY54				FY55				FY56				FY57				FY58				FY59				FY60				FY61				FY62				FY63				FY64				FY65				FY66				FY67				FY68				FY69				FY70				FY71				FY72				FY73				FY74				FY75				FY76				FY77				FY78				FY79				FY80				FY81				FY82				FY83				FY84				FY85				FY86				FY87				FY88				FY89				FY90				FY91				FY92				FY93				FY94				FY95				FY96				FY97				FY98				FY99				FY00				FY01				FY02				FY03				FY04				FY05				FY06				FY07				FY08				FY09				FY10				FY11				FY12				FY13				FY14				FY15				FY16				FY17				FY18				FY19				FY20				FY21				FY22				FY23				FY24				FY25				FY26				FY27				FY28				FY29				FY30				FY31				FY32				FY33				FY34				FY35				FY36				FY37				FY38				FY39				FY40				FY41				FY42				FY43				FY44				FY45				FY46				FY47				FY48				FY49				FY50				FY51				FY52				FY53				FY54				FY55				FY56				FY57				FY58				FY59				FY60				FY61				FY62				FY63				FY64				FY65				FY66				FY67				FY68				FY69				FY70				FY71				FY72				FY73				FY74				FY75				FY76				FY77				FY78				FY79				FY80				FY81				FY82				FY83				FY84				FY85				FY86				FY87				FY88				FY89				FY90				FY91				FY92				FY93				FY94				FY95				FY96				FY97				FY98				FY99				FY00				FY01				FY02				FY03				FY04				FY05				FY06				FY07				FY08				FY09				FY10				FY11				FY12				FY13				FY14				FY15				FY16				FY17				FY18				FY19				FY20				FY21				FY22				FY23				FY24				FY25				FY26				FY27				FY28				FY29				FY30				FY31				FY32				FY33				FY34				FY35				FY36				FY37				FY38				FY39				FY40				FY41				FY42				FY43				FY44				FY45				FY46				FY47				FY48				FY49				FY50				FY51				FY52				FY53				FY54				FY55				FY56				FY57				FY58				FY59				FY60				FY61				FY62				FY63				FY64				FY65				FY66				FY67			
--------------	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--	------	--	--	--

[illegible]

Table 1

Average Single Family Tax Bills in FY98

→ continued from page three

Table 2. Statewide average single family tax rate, assessed value and tax bill. Assessed value and tax bill in both actual and constant dollars.

Fiscal Year	Average Single Family Tax Rate	Actual Dollars		Constant FY98 Dollars	
		Average Assessed Value	Average Tax Bill	Average Assessed Value	Average Tax Bill
FY89	10.19	152,954	1,558	202,990	2,068
FY90	9.79	174,817	1,711	220,064	2,154
FY91	10.41	175,917	1,831	209,437	2,180
FY92	11.68	162,451	1,897	190,100	2,220
FY93	12.89	154,589	1,993	174,231	2,246
FY94	13.59	153,133	2,081	170,679	2,319
FY95	14.21	153,571	2,182	166,401	2,364
FY96	14.59	156,159	2,272	164,824	2,398
FY97	14.83	159,117	2,360	162,438	2,409
FY98	14.92	165,050	2,463	165,050	2,463

Note: Constant FY98 dollars calculated using the Consumer Price Index for All Urban Consumers, Boston.

ston, \$7,401; Lincoln, \$6,627; Sherborn, \$6,348; Carlisle, \$5,721; Wayland, \$5,668; and Dover, \$5,480. These communities rank 2nd, 3rd, 7th, 9th, 17th and 6th in average value, respectively. The relationship between average value and tax bill does not pertain to Cape Cod and the islands, where there are a large number of seasonal properties whose residents have a lower demand for services. For example, the community with the highest average assessed value at \$572,662 is Chilmark on Martha's Vineyard. However, its average single family tax bill ranks 218th at \$1,884. Aquinnah (formerly Gay Head) and Gosnold also have high average assessed values ranked 12th and 18th at \$350,646 and \$309,909 respectively. Their average tax bills rank 138th and 335th at \$2,286 and \$775.

Generally, communities with lower tax bills do have lower assessed values. The communities with the lowest average tax bills are Rowe, \$575; New Ashford, \$646; Tolland, \$658; Monroe, \$707; Hancock, \$745; and Gosnold, \$775. In average assessed value these communities rank 279th, 299th, 182nd,

340th, 242nd and 18th. This includes Monroe with lowest average assessed value at \$57,491.

The relationship between average single family tax bill and per capita income is stronger than the relationship of tax bills with assessed values. The six communities with the highest average bills all ranked in the top six in per capita income based on 1989 Census Bureau estimates. Weston ranked first in per capita income at \$46,855; Lincoln ranked fifth at \$35,189; Sherborn ranked second at \$41,614; Carlisle ranked fourth at \$36,387; Wayland ranked sixth at \$34,646; and Dover ranked third at \$40,288.

The relationship with per capita income does not hold for communities with the lowest tax bills. Of the 20 communities with the lowest bills, 13 rank in the bottom 20 percent in terms of per capita income, 3 are in the bottom half and 3 are in the upper half. There is some pattern in terms of geography: all but Gosnold and Fall River are in the western half of the state. There is also some relationship to population: five out of the six smallest communities in the state —

Gosnold (population 97), Monroe (population 113), Mount Washington (population 132), New Ashford (population 181), and Tolland (population 297) — are amongst the 20 communities with the lowest tax bills.

While statewide trends show a steady increase in average tax bills, patterns varied widely from community to community. Half of the cities and towns had percentage increases over 4 percent from FY97 to FY98, and half had an increase less than 4 percent or even a decrease. Dover had the highest increase at 29.8 percent and New Ashford had a decrease of 16.9 percent.

Tax bill, assessed value and tax rate data come from the FY98 property tax information submitted to the Department of Revenue's Division of Local Services by local assessors. The average tax bill for each community is calculated by dividing the total tax levy for all the single family parcels by the total number of single family parcels. The same is done with state totals to get the statewide average. Average assessed value is calculated by dividing the total assessed value by the total number of parcels. The statewide average tax rate is calculated by dividing the statewide total tax levy by the total assessed value. For the 11 communities which have a residential exemption some of the tax burden is shifted from lower and moderately valued homes to higher valued homes and rental properties. DLS does not have sufficient information to calculate the average single family bills. These communities are: Boston, Brookline, Cambridge, Chelsea, Marlborough, Nantucket, Somerville, Somerset, Tisbury, Waltham and Watertown. ■

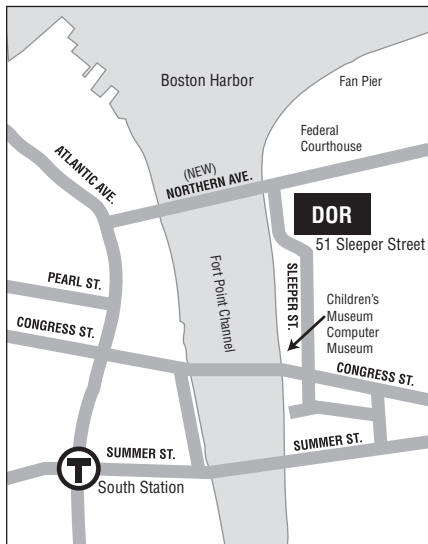
written by Stanley Nyberg

1. Communities with a residential exemption are not included.

DLS UPDATE

DLS on the Move!

The Department of Revenue, including the Division of Local Services, will be relocating to 51 Sleeper Street in Boston in early spring 1999. DOR is moving from the Saltonstall Building which will undergo extensive renovations including removal of asbestos and installation of a sprinkler system. The work is expected to take three years.



Sleeper Street is located in the South Station area near the Fort Point Channel and across the street from the new federal courthouse. The new DOR headquarters is on the corner of Northern Avenue. The building is about a ten-minute walk from South Station. DLS will occupy the fifth floor of the eight-story building.

Since DLS will be in the midst of packing in December, it would be mutually beneficial if communities could submit their tax rates as early as possible. Using the automated recapitulation sheet will substantially reduce processing time. ■

Tax on New Construction

A new statute, MGL Chapter 59 §2D, permits communities to make a pro rata tax assessment on certain parcels which have been improved with new construction. Property taxes for a particular fiscal year are fixed as of the preceding January 1. Improvements occurring after that date are not taxed until the next fiscal year. Under current law, for example, if a house is constructed in the spring of 1999 after the January 1 assessment date, the new owners will pay tax on the value of the land only for FY2000. They would not pay taxes on the value of their house until FY2001. Adopting the new statute allows a community to make a pro rata tax assessment for a fiscal year whenever an occupancy permit is issued for a parcel of real estate with new construction that has increased its value by over 50 percent. The purpose of this assessment is to provide the city or town with additional real estate taxes to fund additional costs that the new construction may generate, such as new teachers or additional police.

The assessment is calculated by applying the tax rate for the fiscal year in which the permit was issued to the value of the improvement and pro-rating that amount over the balance of that year. The statute requires acceptance by local referendum. To implement the pro rata tax assessments for FY2000, a community must have held a successful referendum before January 1, 1999. DLS issued a Bulletin in October which outlined the referendum procedure and will issue guidelines later to assist assessors to implement this new statute. ■

Education Reform

➡ *continued from page two*

the managerial tools instituted by the Education Reform Act. They also verify the accuracy of reports filed with the DOE. As part of the audit, the team conducts a confidential survey of all school district employees to obtain the employee perspective on issues ranging from school management to the cleanliness of facilities.

Upon completion of the field work, the school district receives a draft report for informal review and technical corrections. The EMAB then reviews the report, gives the superintendent the opportunity to discuss the draft report and releases the report after the vote of approval.

Audits of the school districts in Malden, Lowell, Brockton, Lexington, Triton Regional, and Worcester have been completed. Currently, audits are underway in Salem and Braintree. In FY99, the Legislature provided additional funding for this initiative. Deputy Commissioner Joseph J. Chessey Jr. has established an education audit bureau. With additional audit teams in the Springfield and Worcester areas, the new bureau will be able to expand audit coverage throughout the Commonwealth. One of the highlights of the audit effort is to identify "best practices" which might be of help to other districts if replicated there. The Education Management Accountability Board plans to release a summary of its findings before the end of the fiscal year. ■

1. *McDuffy v. Secretary of the Executive Office of Education* 415 Mass. 545 (1993).

Municipal Fiscal Calendar

December 15

Taxpayer: *Deadline for Applying for Property Tax Exemptions for Persons*

If tax bills are mailed after September 15, taxpayers have 3 months from the mailing date to file applications for exemptions.

Accountant/Superintendent/School Committee: *Submit Amendments to End of School Year Reported to DOE*

Last filing date to impact next year's Chapter 70 State Aid.

December 31

State Treasurer: *Notification of Quarterly Local Aid Payments on or Before December 31*

Taxpayer: *Deadline for Filing Application for Abatement of Motor Vehicle Excise for Prior Calendar Year*

Water/Sewer Commissioners: *Deadline for Betterments to be Included on Next Year's Tax Bill (M.G.L. Ch. 80, Sec. 13 and Ch. 83, Sec. 27)*

Selectmen: *Begin to Finalize Budget Recommendation for Review by Finance Committee*

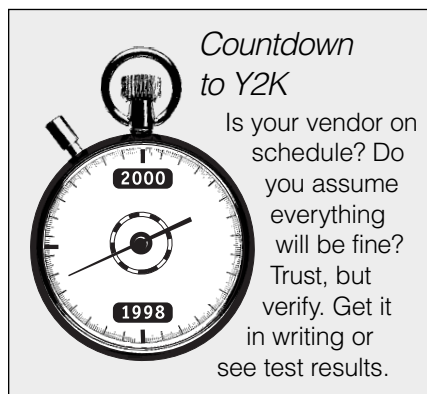
Assessors: *Mail 3-ABC Forms to All Eligible Non-Profit Organizations*

Collector: *Deadline for Mailing Third Quarterly Tax Bill*

Data Bank Highlight

Information on property tax rates, average bills, assessed values, and parcel counts for the last ten years are available on the Municipal Data Bank web page. This same information can be requested from the Data Bank staff printed out on hard copy or as Microsoft Excel files which can be sent by email over the Internet. Two of the more common hard copy reports are Property Tax Trends and Average Tax Bill Trends.

To obtain Municipal Data Bank information contact Dora Brown, Debbie DePerri or Stan Nyberg at (617)626-2300. For technical assistance contact Burt Lewis at (617)626-2358. The World Wide Web address is listed below. ■



City & Town



City & Town is published by the Massachusetts Department of Revenue's Division of Local Services (DLS) and is designed to address matters of interest to local officials. DLS offers numerous publications on municipal law and finance, available by calling (617) 626-2300, or through the DLS World Wide Web site at <http://www.state.ma.us/dls> or by writing to PO Box 9655, Boston, MA 02114-9655.

Marilyn H. Browne, Managing Editor

Jean M. McCarthy, Editor

7.5M 11/98 GC99C02

CITY&TOWN

Division of Local Services
PO Box 9655
Boston, MA 02114-9655

Return service requested

BULK RATE
U.S. POSTAGE
PAID
COMMONWEALTH OF
MASSACHUSETTS