



The Commonwealth of Massachusetts
Appellate Tax Board

Real Estate Tax Appeals:
A Helpful Guide for
Taxpayers and Assessors

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Appellate Tax Board: An Introduction

The Massachusetts Appellate Tax Board (“ATB”) is a quasi-judicial state agency that conducts hearings and renders decisions on appeals involving all types of state and local taxes, including property tax (both real estate and personal property), corporate excise, individual income tax, sales and use tax, and automobile and other excises.

The most common type of appeal filed with the ATB involves real estate tax. This booklet is designed to help taxpayers and assessors understand the process of appealing a real estate tax assessment. It provides general information about filing appeals, preparing cases, and what to expect at a hearing.

The material provided in this booklet is for informational purposes only and is not intended to substitute for governing statutes ([G.L. c. 58A](#) and [G.L. c. 59](#)), the ATB’s rules of practice and procedure ([831 CMR](#)) or competent legal advice. The statutes are reproduced on the Massachusetts Legislature’s [website](#), and the ATB’s rules are reproduced on the ATB’s [website](#).

For more information on issues addressed in this booklet, contact or visit the ATB at:

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I. What To Know Before Filing an Appeal

What is an abatement?

An abatement is a reduction in tax granted by assessors or, on appeal, by the ATB. Generally, an abatement is granted when taxpayers can prove that the fair cash value of their property is less than its assessed value. The law provides that the fair cash value of property is the price on which a willing seller would sell the property to a willing buyer in an arm's-length sale if neither party was under compulsion and each was aware of all relevant facts. See *Boston Gas Co. v. Assessors of Boston*, 334 Mass. 549 (1956). Taxpayers may also receive an abatement if their property is entitled to an exemption or is improperly classified.

What are jurisdictional requirements?

The Massachusetts Legislature has established specific requirements that govern the tax appeal process. Taxpayers must comply with these statutory requirements for the ATB to have authority to hear an appeal ("jurisdiction"). These jurisdictional requirements are mandatory, and no exceptions can be made. See ATB Rule 4(1).

Taxpayers should ensure that they have complied with the following jurisdictional requirements prior to filing an appeal with the ATB:

- 1. PAYMENT OF REAL ESTATE TAX BY THE DUE DATE INDICATED ON THE ACTUAL TAX BILL (G.L. c. 59, §§ 57, 57C, 64, 65)**
- 2. FILING THE ABATEMENT APPLICATION WITH ASSESSORS ON TIME AND ON THE APPROVED FORM (G.L. c. 59, § 59)**
- 3. FILING THE APPEAL WITH THE ATB ON TIME (G.L. c. 59, §§ 64, 65)**

Failure to perform these actions in a timely manner, even if only one day late, will result in dismissal of a taxpayer's appeal.

These requirements are discussed in more detail in Parts II, III, and IV of this booklet.

II. Payment of Tax

When are tax payments due?

In municipalities that bill quarterly, tax bills are generally due on August 1, November 1, February 1, and May 1. See [G.L. c. 59, § 57C](#). In municipalities that bill twice a year, tax bills are generally due thirty days from the mailing of the tax bill. See [G.L. c. 59, § 57](#). All tax installments must be timely paid, with no interest charges, for the ATB to have jurisdiction over an appeal.

Taxpayers should note that it is their responsibility to ensure that real estate tax payments made by banks and mortgage companies are timely paid.

If a tax payment is delivered by the United States Postal Service or an approved delivery service to the municipality after the due date, the date of the postmark or other substantiating mark shall be the controlling payment date for purposes of ATB jurisdiction. This is known as the “postmark rule.” See [G.L. c. 59, § 57](#), [G.L. c. 59, § 57C](#). The postmark rule also applies to filing the abatement application with assessors and filing the petition with the ATB. See Parts III and IV of this booklet.

Are there any exceptions?

Under very limited circumstances, the ATB has jurisdiction over an appeal even if a taxpayer has not timely paid a tax bill for the fiscal year at issue. These limited circumstances are when:

- the tax due for the fiscal year at issue is \$5,000 or less, or
- the taxpayer has timely paid at least the average of the tax assessed (reduced by any abatements) for any of the three fiscal years prior to the fiscal year at issue,

Completing the [ATB’s three-year-average worksheets](#) will help determine if you qualify for one of these limited circumstances. For more information, see [G.L. c. 59, § 64](#) or contact an ATB clerk.

III. Filing Abatement Applications with Assessors

How do taxpayers request an abatement?

The appeal process begins at the local level by filing an abatement request with a municipality’s board of assessors. A taxpayer must timely file the abatement request on the approved form with local assessors for assessors to consider the abatement request and to preserve a taxpayer’s right of appeal to the ATB. The approved forms (“abatement applications”) are available at the local assessors’ office.

An abatement application must be filed with assessors on or before the due date for payment of the first installment of the actual tax bill. See [G.L. c. 59, § 59](#). The face of the tax bill should indicate the due date for tax payments and abatement requests. See [G.L. c. 60, § 3A](#). Generally, the due date of the abatement application is February 1 in municipalities that bill quarterly. See [G.L. c. 59, § 57C](#). In municipalities that bill twice a year, the due date is generally thirty days from the mailing of the actual tax bill. See [G.L. c. 59, § 57](#).

If an abatement application is delivered to assessors by United States Postal Service mail or by an approved delivery service after the specified time limit, then under the postmark rule, the date of the postmark or other substantiating mark shall be considered the date of delivery. See [G.L. c. 59, § 59](#) and ATB Rule 11.

What are assessors' responsibilities upon receiving an abatement request?

Assessors have three months to act on an abatement application. See [G.L. c. 59, § 64](#). Within those three months, they may: (1) deny the application; (2) grant an abatement, including a partial abatement; or (3) take no action on the application.

Assessors must send written notice to the taxpayer within ten days of their action or inaction on an application. See [G.L. c. 59, § 63](#). If an application is approved in whole or in part, the taxpayer is granted an abatement of a specified amount. If an application is denied, the taxpayer receives no abatement.

If assessors fail to act on the abatement application within three months, the application is deemed denied after three calendar months (not ninety days) from the date on which the taxpayer filed the application with the assessors. See [G.L. c. 58A, § 6](#); [G.L. c. 59, § 64](#). For example, if a taxpayer files an application with the assessors on February 1, the application will be deemed denied on May 1 if assessors fail to act on the application by May 1. Assessors must send written notice to the taxpayer of their inaction within ten days after the expiration of three months. See [G.L. c. 59, § 63](#).

IV. Filing an Appeal with the Appellate Tax Board

When should taxpayers file an appeal with the ATB?

When assessors act on an abatement application within three months of its filing:

A taxpayer must file an appeal with the ATB within three months of the date of the assessors' action. See [G.L. c. 59, § 64](#) and [G.L. c. 59, § 65](#). Note that the notice of action that assessors send generally has two dates on it: the date of action and the date the notice is mailed. An appeal must be filed within three months of the ***date of action***, not the date that the notice was mailed.

When assessors fail to act on the abatement application within three months of its filing:

A taxpayer must file an appeal with the ATB within three months of the date that the application is deemed denied by operation of law. See [G.L. c. 58A, § 6](#); [G.L. c. 59, § 64](#).

Under the postmark rule, if a petition is delivered to the ATB by United States Postal Service mail or by an approved delivery service after the specified time limit, then the date of the postmark or other substantiating mark shall be considered the petition's filing date. See [G.L. c. 58A, § 7](#) and ATB Rule 11.

How do taxpayers file an appeal?

Appeals may be filed with the ATB in person, by United States Postal Service mail, or by an alternative delivery service approved by the ATB as defined in ATB Rule 11.

Where do taxpayers get appeal forms?

Forms are available at the ATB office or on the ATB's [website](#).

How much does it cost to file an appeal?

The filing fee is based upon the assessed value of the property as described in the ATB's [Schedule of Entry Fees](#) posted on the ATB's website.

What is a petition for late entry?

Assessors are required to send a notice of inaction if they fail to act on an application. If they fail to send the notice within ten days following the deemed denial of an abatement application, or if the assessors' notice of determination is defective, and as a result a taxpayer fails to file an appeal with the ATB within three months of the deemed denial, the taxpayer may file a petition for late entry of appeal ("PLE"). PLEs should be filed within two months from the date the appeal was due. For more information regarding PLEs, consult [G.L. c. 59, § 65C](#) or contact an ATB clerk.

Should a taxpayer file an appeal under the formal or the informal procedure?

Taxpayers may elect to file real or personal property tax appeals under either the formal procedure ([G.L. c. 58A, § 7](#)) or the informal procedure ([G.L. c. 58A, § 7A](#)). The filing fee is the same, and both procedures guarantee a hearing between taxpayers and assessors before an ATB Commissioner. The main differences between the two procedures are:

1. Formal rules of pleading, practice, and evidence: In the informal procedure, the ATB may eliminate formal rules of pleading, practice, and evidence, and every effort is made to reduce the expense associated with the appeals process. In the informal procedure, the ATB will serve a copy of the taxpayer's appeal on the assessors, whereas in the formal procedure, this is the taxpayer's responsibility. And in the informal procedure, neither party may file, or be made to answer, formal discovery requests like interrogatories, document requests, and requests for admission.
2. Rights of appeal: In the informal procedure, all rights of appeal from the ATB's decision are waived by both parties, except in very limited

circumstances. In the formal procedure, the parties do not waive any rights of appeal to the Massachusetts Appeals Court.

3. Written findings: In the informal procedure, the ATB is not required to issue a written explanation of the reasons for its decisions. In the formal procedure, either party may request, within ten days of an ATB decision, a findings of fact and report, which will explain the factual and legal basis for the decision. See [G.L. c. 58A, § 13](#).

Most taxpayers filing appeals concerning single-family homes file under the informal procedure. For more information on the formal procedure, consult [G.L. c. 58A, § 7](#) and ATB Rules 5 and 6. For more information on the informal procedure, consult [G.L. c. 58A, § 7A](#) and ATB Rules 7 and 8. The ATB clerks are also available to answer questions regarding these procedures.

How long before a case is heard by the ATB?

It usually takes between four months and one year before a case is heard.

V. Preparing Your Case

Every parcel of real estate is unique and each case depends on its own particular facts. However, the following information is provided for your consideration in preparing a case for hearing.

What do taxpayers need to prove?

Taxpayers who claim that the assessed value of their property is too high should be prepared to show that the fair cash value of their property for the fiscal year at issue is lower than the assessed value. The law provides that the property must be valued as of January 1 preceding the fiscal year at issue. For example, for fiscal year 2025, which runs from July 1, 2024 to June 30, 2025, the valuation date is January 1, 2024.

What do assessors need to prove?

A property tax assessment is presumed by law to be valid, so taxpayers bear the burden of proving that their property is overvalued. Assessors may therefore decide to “rest on the assessment” and not present any evidence in support of their assessed value. If the ATB decides that the taxpayer’s evidence fails to prove that the assessed value of the property exceeds the property’s fair cash value, the ATB will issue a decision in favor of the assessors even if the assessors did not produce any evidence at the hearing. The assessors

may, of course, choose to offer testimony and evidence to support their opinion that the assessed value of the property represents the property's fair cash value.

There is an exception to the presumption of an assessment's validity. When an assessment involves one of the next two fiscal years after a fiscal year for which the ATB has determined the fair cash value of the property, the burden shifts to assessors to justify the increase. See [G.L.c. 58A, § 12A](#). For example, if the ATB found the fair cash value of the property to be \$450,000 for FY2022, and the property is valued at \$500,000 for FY2023, assessors would bear the burden of proving that the increase in value was warranted.

Do the parties need an attorney?

Parties are not required to have an attorney represent them at the hearing. In single-family-residence appeals, many taxpayers and assessors represent themselves without attorneys. If you decide to act on your own behalf at your hearing, you will be responsible for presenting your case to the Commissioner. As mentioned in Part IV above, in the informal procedure, the ATB makes every effort to minimize formal rules of pleading, practice, procedure, and evidence, and pretrial discovery is not allowed. See ATB Rule 7(4).

How do I prove my case?

The hearing affords both parties the opportunity to prove their cases through testimony and evidence. The single most important action both parties can take to effectively prove their cases is to *prepare*. Taxpayers who come to a hearing and testify simply "my taxes are too high" or "my taxes went up 20% from last year" are generally not successful. A good presentation at the hearing requires research, thought, and planning prior to the day of the hearing. Parties should consider the following recommendations:

- *Describe the subject property.* Any effective presentation concerning the value of property begins with a detailed description. Identify the property by style (*e.g.*, Colonial, ranch, condominium), number of rooms, number of bathrooms, living area, land area, amenities (*e.g.*, enclosed porch, finished basement, fireplaces, swimming pool), setting (*e.g.*, busy street, cul-de-sac, rural, waterfront, water view), general condition, age of construction, and any other key details. Photographs, maps, and plans can also be helpful in describing the property.
- *Review assessors' records concerning the subject property.* Taxpayers may review and obtain copies of the assessors' records concerning their property. These records include property record cards, maps, plans, and other documents. Taxpayers and assessors should ensure prior to the hearing that the assessors' records accurately detail the subject property.
- *Research sales of comparable properties.* Recent sales of nearby, similar properties generally provide a good indication of the fair cash value of the subject property.

Since no two properties are identical, and properties generally do not sell exactly on the relevant valuation date, some adjustments to a comparable property's sale price are necessary to arrive at an opinion of value for the subject property.

When choosing properties for a comparable-sales analysis, consider the following:

1. *Property type.* It is important to compare similar types of properties. If the subject property is a two-story Colonial, then sales of ranches or condominiums are generally not very helpful.
 2. *Location:* Properties on the same street or in the same neighborhood as the subject property are generally the most helpful. An adjustment for location should be made for comparable properties outside of the subject property's neighborhood. If the comparable property is too far away, then its sale price may be of little help in determining the subject property's fair cash value.
 3. *Description:* Comparable properties having similar living area, land area, number of rooms, and other features like the subject property are generally most helpful. Adjustments to a comparable property's sale price should be made for any differences between the subject property and comparable properties.
 4. *Time:* Sales of comparable properties that take place within a reasonable time either before or after the relevant assessment date may be used. Consider whether the real estate market has risen or declined between the date of sale and the assessment date and make appropriate adjustments to the comparable property's sale price.
 5. *Condition:* Comparable properties built at approximately the same time and that are in the same general condition as the subject property are generally the most helpful. Adjustments to the comparable properties' sales prices should be made for differences in condition. If the comparable property was built long before or after the subject property, or its condition is very different in terms of deferred maintenance or updating of appliances, heating, plumbing or electrical systems, then the comparable property will not be helpful in establishing fair cash value.
- *Submit helpful documentary evidence.* Photographs of the comparable properties and their property record cards will help establish similarity to the subject property and confirm sale price. In addition, maps, plans, and diagrams may also be helpful.
 - *Research comparable assessments.* If there are not many sales of comparable properties, or if you wish to further support your comparable-sales analysis, the assessed values of comparable properties may also help prove the fair cash value of the subject property. Similar to a comparable-sales analysis, a persuasive comparable-assessment analysis will include properties similar to the subject

property and then include adjustments to the comparable properties' assessed values for any differences.

- *Using an expert witness.* Either party may choose to hire an expert witness to offer an opinion of value. Expert witnesses generally prepare an appraisal report that includes a description of the property, a valuation analysis, and an opinion of value. It is important to note that when an expert's written report is offered into evidence, but the expert is not presented as a witness available for cross-examination by the opposing party and questioning by the Board, the expert's report is hearsay. When an appraisal report is hearsay, the Board cannot rely on any portions of the report that contain the expert's opinion. This includes the expert's opinion of value for the subject property and any adjustments the expert makes to comparable properties.

Any documentary evidence that a party intends to present at the hearing must be submitted to the ATB and to the opposing party no later than seven days prior to the scheduled hearing. Please consult ATB Rule 27.

Pre-hearing discussions

Mediation: Parties are encouraged to participate in the ATB's mediation program and attempt to settle their cases without the need for a hearing. Mediation provides both parties an opportunity to meet confidentially with one or more attorneys from the ATB to facilitate a resolution of the appeal. For parties that do not wish to participate in mediation or who do not settle their case in mediation, a hearing can be held before an ATB Commissioner. ATB Commissioners do not participate in mediation and are not part of any mediation discussions. Therefore, participating in mediation will not prejudice a case in any way. For more information on the mediation program, see ATB Rule 18 or contact an ATB clerk.

Status conference: While the appeal is pending, the ATB may schedule one or more status conferences, which are designed to bring parties together to discuss the exchange of relevant information and the progress of discussions regarding a settlement. See ATB Rule 19 for more information on status conferences.

Stipulations and agreed statements of fact: If an appeal is not settled, the parties shall use their best efforts to resolve as many issues and to agree to as many facts as possible prior to the hearing. Of course, parties are not expected to agree where there is a genuine issue of fact for the ATB to resolve. Please review ATB Rule 22 regarding stipulations and agreed statements of fact.

VI. About the Hearings

Where are hearings held?

The ATB holds hearings at its office in Boston at Government Center, 100 Cambridge Street. For the convenience of taxpayers and assessors, hearings are often conducted via video conference. Hearing notices indicate the location where the hearing is to be held. See ATB Rule 23 regarding scheduling of hearings.

Hearings begin promptly at the designated time. If the hearing is in person, allow ample time to arrive so that you do not feel rushed. A clerk will direct the parties to the room where the hearing will be held. If your hearing is to be conducted via video conference, a clerk will contact you prior to the hearing with the appropriate link and instructions to access the hearing.

What happens at the hearing?

In most cases, taxpayers have the burden of proving that their property is overvalued. Therefore, taxpayers present their evidence first. At the completion of a taxpayer's presentation, assessors will have an opportunity to cross examine taxpayers and/or witnesses. The ATB Commissioner also may wish to ask questions.

Assessors may either present evidence in support of their assessed value or rely on the presumed validity of the assessment and rest their case. If assessors present evidence, taxpayers are entitled to cross examine assessors and their witnesses.

An exception to this usual order of the hearing is when assessors have increased the value of property within two fiscal years of a year for which the ATB has determined a value. In this instance, assessors bear the burden of showing that the increased value is justified (see [G.L. c. 58A, § 12A](#) and discussion in Part V of this booklet). Therefore, assessors will present their evidence first.

To conduct a useful cross examination, a party should listen carefully to the opposing party's presentation. Make notes about any comments with which you disagree or which you want the witness to explain further. Do not interrupt or argue with the witness. The ATB Commissioner may ask questions during either party's presentations to clarify points which come up during the testimony.

The ATB Commissioner closes the record at the end of the hearing and takes the case under advisement. No further evidence will be accepted by the ATB once the record is closed.

For more information on hearings, see ATB Rule 25.

How long does the hearing last?

Most hearings of single-family residences take between one and two hours.

When will the parties receive a decision?

A decision should arrive by first class mail within approximately three months of the hearing date.

VII. After You Receive Your Decision

Order Directing Refund

If the ATB decides in the taxpayer's favor, the ATB will issue a decision stating the amount of abatement. If the ATB decides in favor of the assessors, the decision will simply state that the decision is for the appellee. If no party files a notice of appeal and the ATB granted an abatement, the ATB issues an Order Directing Refund to both parties.

Request for Findings of Fact and Report

In a case heard under the formal procedure, either party has the right to request a written findings of fact and report after a decision has been rendered. This report is a written opinion that explains the factual and legal basis on which the ATB made its decision. A written request for findings of fact and report must be made to the ATB within ten days of the date of the decision. See ATB Rule 34.

Notice of appeal

In a case heard under the informal procedure, the parties waive their right of appeal except as to very limited circumstances. See [G.L. c. 58A, § 7A](#). In a case heard under the formal procedure, the ATB's decision can be appealed to the Massachusetts Appeals Court. See [G.L. c. 58A, § 7](#). If a party wishes to appeal a decision, they must file a notice of appeal with the ATB within thirty days of the date of the decision. See [Mass. Rules of Appellate Procedure Rule 4\(a\)](#).

For information about the appeal procedure at the Massachusetts Appeals Court, visit their website at <https://www.mass.gov/orgs/appeals-court-clerks-office>. The Massachusetts Appeals Court is in the John Adams Courthouse at One Pemberton Square in Boston.

Return of exhibits

Exhibits are returned to parties thirty days after the date of a decision unless a party is appealing the decision. In that event, exhibits are returned after the appeals process is completed.

Please be sure to review the statutes and rules cited in this booklet. Should you have any questions about the appeals process, feel free to contact an ATB clerk for assistance.