



# Informational Guideline Release

Bureau of Municipal Finance Law  
Informational Guideline Release (IGR) No. 17-11  
April 2017

**Supersedes IGR 92-207 and Inconsistent Prior Written Statements**

## **APPORTIONMENT OF REAL ESTATE TAXES**

**(G.L. c. 59, §§ 78A and 81)**

This Informational Guideline Release (IGR) informs local officials of a change made by the 2016 Municipal Modernization Act in the procedure for apportioning outstanding taxes when real estate is divided by a recorded change in ownership.

Topical Index Key:

Assessment Administration

Distribution:

Assessors  
Collectors

**Supersedes IGR 92-207 and Inconsistent Prior Written Statements**

**APPORTIONMENT OF REAL ESTATE TAXES**

**(G.L. c. 59, §§ 78A and 81)**

**SUMMARY:**

These guidelines explain an amendment to the procedure for apportioning outstanding taxes when real estate is divided by a recorded sale, mortgage, partition, transfer or other change in ownership. [G.L. c. 59, §§ 78A and 81](#). This change was made by the Municipal Modernization Act, which took effect on November 7, 2016. [St. 2016, c. 218, § 154](#).

An apportionment allocates the personal liability and lien for real estate taxes among the owners of the sub-portions of the original parcel assessed the tax. As a result, a person who buys or otherwise becomes the owner of a part of a parcel can pay the portion of the tax attributable to his or her property and prevent the property from being taken or sold for nonpayment of taxes in the event the original tax assessed on the entire undivided parcel is not paid in full.

An apportionment of outstanding taxes between the assessed owner of a parcel and a subsequent owner of a part of that parcel may be made where the sale or transfer dividing the property occurs after the January first assessment date. A property owner aggrieved by the action of the assessors in calculating the apportioned taxes may file an appeal with the Appellate Tax Board within 30 days of the apportionment. Previously, the property owner only had seven days to take this appeal.

These guidelines are in effect and supersede Informational Guideline Release (IGR) No. 92-207, *Apportionment of Taxes*, and any inconsistent prior written statements or documents.

**GUIDELINES:**

**A. Requirements for Apportionment**

Assessors may apportion taxes assessed on a parcel for a fiscal year only where:

1. The parcel was divided by a sale, mortgage, partition, transfer or other change in ownership after January 1 of that year. A subdivision of a parcel after January 1, such as the approval of a subdivision plan or recording of a master deed or other plan, without a change in ownership of any portion of the original parcel, is not sufficient;
2. The division is recorded at the Registry of Deeds;

3. The tax has not been paid in full; and
4. The parcel is not in tax title or been advertised for a sale or taking by the collector

**B. Request for Apportionment**

The owner or mortgagee of any portion of the original parcel must request an apportionment in writing. If property is divided and no request for an apportionment is made, the assessors may apportion the tax on their own, but they are not required to do so. The assessors are also not required to notify a new owner of any right to an apportionment the owner may have.

**C. Allocation of Tax**

If requested to make an apportionment, the assessors must allocate the outstanding tax, interest and collection charges between the requesting owner and the assessed owner of the original parcel. This allocation should also include all outstanding taxes assessed as of any January 1 before the division of the property. For example, if the division occurred on October 1, and an apportionment of the current fiscal year taxes assessed as of the previous January 1 is requested, the assessors should also apportion any outstanding taxes, interest and charges for prior fiscal years.

The assessors are not required to allocate the outstanding amounts among any other subsequent owners of portions of the original parcel, although it is recommended they do so to minimize subsequent requests. For example, a parcel is subdivided into 10 lots of which five are subsequently sold and the owner of one of the sold lots requests an apportionment. Although the assessors need only apportion the tax between the requesting owner and the assessed owner of the original parcel, they should apportion it among all six owners.

The allocation is made in the same ratio that the value of the sub-parcel bears to the value of the original parcel. For example, the requesting owner purchased one acre of a five acre parcel and that acre represents 50% of the value of the original parcel. The assessors would divide the outstanding taxes, interest and charges equally between the requesting owner and the assessed owner. Payments previously made by the assessed or any other owner toward the original assessed tax are not considered. The parties are responsible for making appropriate arrangements at the closing or otherwise for adjusting or prorating any previously made payments.

**D. Timing of Apportionment**

Assessors may receive a request for an apportionment before the commitment of the actual tax for the year. In that case, the assessors should make the apportionment as soon as possible after commitment and billing. If only a preliminary tax has been assessed at the time of the request, the assessors should apportion the preliminary tax and later apportion the actual tax once it is committed.

**E. Notification of Apportionment**

Before making the apportionment, the assessors must review registry records to determine all current record owners of any part of the original parcel. They must then mail notices of the apportionment to all owners ("Notice of Divided Real Estate Assessment" [State Tax Form 176](#)) and submit the apportionment to the collector ("Apportionment of Tax on Divided Real Estate" [State Tax Form 175](#)). The notice of apportionment sent to the collector should include not only the description of the divided parcels, but the new parcel identification numbers to be used by the collector for creating separate accounts for those parcels.

**F. Appeal of Apportionment**

An owner may contest the apportionment by filing an appeal with the Appellate Tax Board within 30 days of the apportionment. [G.L. c. 59, § 81](#).

**G. Apportionment of Taxes in Tax Title**

If the assessors are requested to apportion taxes on a parcel in tax title, or for which the collector has advertised a tax sale or taking, the assessors should inform the requesting owner that a petition must be brought in Land Court to apportion the taxes and obtain a partial redemption. [G.L. c. 60, § 76A](#). That petition may be filed any time before the municipality petitions to foreclosure the right of redemption. [G.L. c. 60, § 76](#). If a petition is filed seeking partial redemption, the collector should ensure that all subsequent taxes have been certified into the tax title account.