

# **Bond Case Briefs**

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## **TAX - NEW HAMPSHIRE**

### **Appeal of Town of Chester**

**Supreme Court of New Hampshire - September 16, 2021 - A.3d - 2021 WL 4202532**

Towns sought judicial review of an order of the Board of Tax and Land Appeals granting taxpayer, an electric utility company, abatements of taxes assessed against its property located in the towns.

The Supreme Court held that:

- Board had jurisdiction to grant abatements, and
- Board properly applied stipulated equalization ratios to aggregate fair market values of taxpayer's property.

Board of Tax and Land Appeals had jurisdiction to grant abatements of taxes assessed against electric utility company's fee simple land interests, where company submitted abatement requests to towns' assessors listing all of its property in each municipality for each relevant tax year, and company submitted the same list of properties as the subject of its appeals to the Board and responded "n/a" to application sections requesting information about company's other properties, so that the record showed that company challenged the proportionality of the towns' assessments of all of company's land interests.

Board of Tax and Land Appeals properly applied stipulated equalization ratios to the aggregate fair market values of electric utility company's taxable property as set forth in an expert's appraisal report to determine whether towns' assessments were proportionate, on appeal from towns' denial of company's abatement requests; both experts whose reports were considered by the Board opined that the final valuations of company's land interests set forth in their reports reflected the fair market value of those interests, not equalized assessed values, and the fact that both experts concluded that the assessed value of company's fee simple land interests represented the fair market value of those interests did not necessarily mean that the towns assessed those interests proportionately.