

# **Bond Case Briefs**

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## **TAX - NEW HAMPSHIRE**

### **Clearview Realty Ventures, LLC v. City of Laconia**

**Supreme Court of New Hampshire - April 18, 2023 - A.3d - 2023 WL 2977618**

Owners of commercial real estate, on which they operated hotels, filed petitions against cities in applicable county superior courts, seeking abatement and proration of real estate taxes after cities either denied abatement applications or granted partial abatement.

Owners then filed assented-to motion for interlocutory transfer, which the Superior Court granted. Supreme Court accepted transferred questions.

The Supreme Court held that hotels were not “damaged” as result of COVID-19 pandemic, as necessary for owners to obtain prorated tax assessments.

Statute requiring assessing officials to prorate assessment of taxable building whenever building is damaged due to unintended fire or natural disaster to extent it renders building not able to be used for intended use offers streamlined recovery process and mandatory prorated calculation; tax reduction based on damage to building, pursuant to such statute, is therefore distinct from abatement, which concerns whether government has taxed plaintiff out of proportion to other property owners in taxing district.

Hotels on commercial property were not “damaged” by COVID-19 pandemic, as necessary for property owners to obtain prorated tax assessments for hotels pursuant to statute that required local officials to prorate assessments for taxable buildings whenever buildings were damaged due to unintended fire or natural disaster to extent it rendered building not able to be used for intended purpose, even though owners argued that, since they were not allowed to carry on business, hotels suffered significant decline in income, which negatively impacted fair market value of hotels; statute first required physical damage to buildings before considering any economic loss.