

Navigating the Property Tax Appeal Process: What Property Owners Need to Know

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In recent years, commercial property owners have expressed concern that tax assessments are not reflecting current (and increasingly

unfavorable) market conditions. Much has been written about the dramatic impact of the COVID-19 pandemic on the commercial real estate market throughout Massachusetts, especially in Boston. The situation in Boston became so dire that Mayor Wu unsuccessfully sought legislative approval to shift more of the City's property tax burden from residential property to commercial real estate.

In June 2025, the Boston Policy Institute and the Center for State Policy Analysis at Tufts University released a study forecasting that the assessed value of Boston office space could drop 35-45% over the next five years. In Cambridge, the City Council recently voted to raise the City's commercial property tax rate for Fiscal Year 2026 by 22%, citing the declining market for lab, research and office space.

However, for many owners, the public outcry over a declining commercial real estate market did not translate into lower assessed property values on their tax bills. The economic impact of higher vacancies and reduced rental income was compounded by assessments remaining steady or even increasing from pre-pandemic values.

G.L. c. 59, § 38 requires that all real and personal property be assessed at its fair cash value as of January 1 each year. Owners and assessors often have very different views on the fair cash value of a property. In these instances, an aggrieved owner's only option is to seek an abatement, or reduction, of the tax by challenging the assessed value. It is important for owners to be aware of procedural points that, if ignored, will doom an appeal.

As a starting point, the Appellate Tax Board is a creature of statute. It has no jurisdiction to entertain any proceedings for relief other than in a manner prescribed by statute. Failure to adhere to the statutory prerequisites prevents the Board from hearing and deciding an appeal. The Appellate Tax Board routinely dismisses appeals because the taxpayer made a seemingly innocuous procedural mistake.

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The appeal process begins during the spring before the fiscal year (July 1 to June 30) has even started. Under G.L. c. 59, § 38D, a board of assessors may request an owner or lessee of real property to make a written return under oath “containing such information as may reasonably be required by it to determine the actual fair cash valuation of such property.” These requests generally ask for information about the income generated by the property and the expenses attributable to the operation of the property. This information helps the assessors to value the property. However, if an owner fails to comply with the request within 60 days, any appeal filed with the Appellate Tax Board for the upcoming year can be dismissed. The Board cannot grant extensions unless the owner is unable to comply for reasons beyond their control or unless the owner attempted to comply in good faith. There are very few reported decisions where owners were allowed to continue their appeal after failing to meet the deadline. Further, the Board has recently ruled that reminders or second requests for information sent out by the municipality do not extend or reset the 60-day period.

In addition to providing the requested information to the municipality in a timely manner, the owner must also pay all tax bills on time. Depending on the city or town, tax bills are due either semi-annually or quarterly. In municipalities that bill quarterly, tax bills are generally due on August 1, November 1, February 1, and May 1. The first two bills are referred to as

“preliminary” bills. They do not include the assessed value for that year and are based on the prior year’s tax. The February and May bills are the “actual” tax bills, because they set forth the assessed value of the property. For those municipalities that bill twice a year, tax bills are generally due 30 days from the mailing of the tax bill. G.L. 59, § 64 requires that all tax installments must be timely paid, with no interest charges, for the Appellate Tax Board to have jurisdiction over an appeal. The statute does not quantify the amount of interest that would lead to a dismissal. One day’s worth of interest would be enough.

The next step in the process is filing an abatement application. Owners must first seek relief with the city or town before they can proceed to the Appellate Tax Board. Under G.L. c. 59, § 59, the application must be filed with the assessors on or before the due date of the first actual tax bill. The face of the tax bill should indicate the due date for tax payments and abatement requests. Generally, the due date of the abatement application is February 1 in municipalities that bill quarterly. In cities or towns that bill twice a year, the due date is generally 30 days from the mailing of the first bill.

If the assessors refuse to reduce the assessed value of the property, the owner has three months to appeal to the Appellate Tax Board. An appeal must be filed within three months of the date of denial of the abatement application, not the date that the notice was mailed.

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If the assessors fail to act on the abatement application within three months of its filing, the application is deemed to have been denied by operation of law. The owner then has three months to appeal to the Appellate Tax Board.

Failure to meet any of these jurisdictional requirements will result in the dismissal of a tax appeal. Assessors are keenly aware of the deadlines and will review whether the owner has complied with each step. In many cases, owners have their cases pending at the Appellate Tax Board and have invested time and money in an appeal before a procedural error is called to their attention and their case is dismissed for lack of jurisdiction. To state the obvious, owners must be vigilant and pay close attention to the rules if they want to appeal an unfair assessment.

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