

Assessing Standards Board  
Regular Board Meeting

**Approved as amended**

**DATE:** December 11, 2023

**TIME:** 9:30 a.m.

**LOCATION:** NH Department of Revenue – Training Room, 109 Pleasant Street, Concord

**BOARD MEMBERS**

*(E) Excused absence.*

Senator James Gray

*Vacant, Municipal Official, Towns >3,000*

Senator Rebecca Perkins Kwoka *(E)*

Robert Edwards, Municipal Official, <3,000

Representative Peter Schmidt

Emily Goldstein, NHAAO, At-Large Member

Representative Joe Guthrie

Joe Lessard, NHAAO, Towns, <3,000

Betsey Patten, Public Member, Chair

Tom Hughes, NHAAO, Towns >3,000

Charles Reese, NHAAO, City Official

Tom Thomson, Public Member

Sam Greene, NHRA Commissioner, Designee

*Vacant, Public Member*

Jim Wheeler, Municipal Official, City, Designee

**MEMBERS of the PUBLIC**

Chair Patten convened the meeting at 9:30 a.m. and introductions followed.

**Elections**

Mr. Thomson *nominated Betsey Patten as Chair*; Representative Schmidt *seconded the nomination*. No other nominations were offered. Representative Schmidt *motioned to close nominations*; Mr. Lessard *seconded the motion*. Chair Patten called the motion to close nominations and for her to remain as Chair. *Motion passed unanimously.*

Mr. Lessard *nominated Mr. Wheeler as Vice chair*; Representative Schmidt *seconded the nomination*. Representative Schmidt *motioned to close nominations*; Mr. Thomson *seconded the motion*. Chair Patten called the motion to close nominations and the nomination of Mr. Wheeler as Vice chair. *Motion passed unanimously.*

**Minutes**

Senator Gray *motioned to accept the minutes of the August 3, 2023, regular board meeting*; Mr. Edwards *seconded the motion*. No Discussion. Chair Patten called the motion to approve the minutes of the August 3, 2023, meeting, as written. *Motion passed unanimously.*

Senator Gray *motioned to accept the November 16, 2023, public forum notes*; Representative Schmidt *seconded the motion*. The time and location would be corrected. No other changes were offered.

Chair Patten stated that an overview of the past year was given at the public forum, including the changes to the certification process moving from DRA to the Office of Professional Licensure and Certification (OPLC). The Assessing Certification Board (ACB) currently has two out of three members appointed including Commissioner Lindsey Stepp, from the DRA, and Robert Gagne, Certified Assessor Supervisor.

The Municipal Official position has not yet been filled. The Asb 300 rules will remain in effect until the OPLC adopt their own. *The public forum notes were accepted, as corrected.*

### Legislative Update

The Board approved submitting a proposed change relating to RSA 76:21 Prorated Assessments for Damaged Buildings, in section I. by adding the word “physically” to clarify the type of damage that would qualify for the prorated assessment. The change would read: *I. Whenever a taxable building is **physically** damaged due to unintended fire or natural disaster to the extent that it renders the building not able to be used for its intended purpose [...].*” This change came about due to a BTLA case brought claiming COVID as a natural disaster. Both the BTLA and Supreme Court ruled that COVID did not comply with the statutory language. Mr. Greene would bring it to the DRA’s attorney and reach out to Senator Gray, who offered to try to find a related bill to attach it to.

Mr. Lessard noted there may be another issue to address relating to charitable exemptions and definitions based on the Ossipee decision. There is also proposed legislation in RSA 72:23 to add the ability to file an A-12 late due to accident, mistake or misfortune, which currently the A-9 has but not the A-12. This came about from a denial of the YMCA for not filing.

### Subcommittee to Review Assessment of Telecommunications Poles and Conduits Right-of-Ways.

Mr. Lessard reported that he has requested information regarding the number of appeals from Tim St. Onge, tax representative for the telecommunication companies, and Skip Sansoucy for the utilities he represents. Mr. St. Onge stated the number of appeals has greatly decreased. Mr. Lessard has not received a response back from Mr. Sansoucy. Mr. Wheeler offered to help get that information. The committee members agreed getting the information would be useful. While appeals may be down, there is still inconsistency with how they are being valued and implementing a percentage would address that.

### Subcommittee to Review Low-Income Housing Tax Credit (LIHTC)

Mr. Gagne reported that after some discussion, the subcommittee determined a range of cap rates would not work. The idea of having taxes based on 10% of gross revenue was discussed and the committee has not met since then however the idea was well accepted and, if recommended by the subcommittee to the full board, would require a statutory change.

Due to the transition of board members, Mr. Lessard was asked to replace Mr. Gagne as chair of the subcommittee, Mr. Hughes, Mr. Reese and Representative Guthrie offered to be on the committee, and Mr. Gagne offered to remain on the committee as a public member. Other members of the existing committee included Ms. Martin, Ms. Patten, Jim Menihane from NH Housing, and Robert Tourigny from NeighborWorks Southern NH.

### Regular Board Meetings

Due to the few remaining tasks, there was a suggestion and agreement to plan on quarterly meetings going forward and, if there is an issue that needs attention, a meeting could be called by the chair.

### 2023 Annual Report

The Board reviewed the draft report and suggested changes were offered. The suggested changes are noted on the attached draft report. There was some confusion about HB 285, incorporation by reference of the NH Equalization Manual and what it means. This will be looked into for clarification and the board updated.

Mr. Edwards *motioned to approve the 2023 Annual Report as amended*; Mr. Greene *seconded the motion*. Chair Patten called the motion. *Motion passed unanimously*.

### Correspondence

The following correspondence was received from Norm Bernaiche and read into the record:

Good Afternoon folks,

I am of the understanding that only towns that perform cyclical work get monitored. So basically, if you are proactive in keeping your data maintained you get monitored. If you chose not to do anything, the monitoring consists of the year of certification which is what? 30 or 35? Yet, other towns are getting monitored at the rate of 150 to 175 in that same time period. Seems patently unfair. Can you guys take the lead on this at the ASB. Am I making sense?

Mr. Lessard explained this is the process, towns who contract for field work have that work monitored by the DRA and towns that do not perform field work, do not have work to be monitored and this can create a perception of bias. There was also a question of whether or not the DRA monitors building permits.

Mr. Greene clarified the two roles of the Department. The first being annual cyclical work, whether contracted or completed in-house, is monitored each year it is conducted. The typical number of sales for annual cyclical work is 12 properties, in the year of a revaluation an additional 12 sales properties are visited, and for a full revaluation, typically 36 properties (regardless of sales). For those municipalities who do not conduct cyclical inspections there is nothing for the DRA to monitor unless there is a revaluation, then the DRA monitors 12 sales in the year values are updated. Monitoring is performed to make sure work included in a contract or work plan is completed.

The second role is assessment review which includes accuracy of data, which is a review of 30-35 properties and revised inventory (building permits), which is up to an additional 30-35 properties. This review is conducted in every municipality once every 5 years. These two roles are separate and unrelated.

Relating to the numbers mentioned in the correspondence, those are not accurate to the number of properties visited however it may represent the number of property record cards requested annually, which is typically twice the number actually visited due to having property owners opt out of a visit or properties that cannot be visited due to no trespassing signs.

There was a suggestion that for those municipalities that do not conduct cyclical inspections, the DRA could monitor building permits. Mr. Greene suggested that could become part of the department's role and added to the rules.

Ms. Goldstein pointed out when there is a revaluation and assessment review being conducted, in start up meetings with municipalities and the DRA, there are some terms used interchangeably causing some confusion as to what is being monitored. She also asked for those municipalities not contracting out work, how often in-house work plans are requested by the department. Mr. Greene responded the department typically has a conversation with those municipalities and inquires whether or not they are performing cyclical inspections, which many do not. In-house inspection work is monitored the same way contracted inspection work is however, as with Portsmouth, there may be times the question was not asked by DRA, or the information was not provided by the municipality.

Ms. Goldstein stated that was her point. Portsmouth has an in-house inspection program, yet the DRA did not know about it and did not monitor it. Requesting those in-house work plans from municipalities that do not contract out work is important and should be followed up on so that those municipalities are being

monitored the same way municipalities that contract the work are. Mr. Greene agreed and added he does not believe this has happened very often.

#### Task List

1. RSA 72:8-c Propose Legislation add % of value to use to assess rights-of-way (in subcommittee)
2. LIHTC – relating to determining taxes (in subcommittee)
- ~~2. RSA 76:21 Prorated Damaged Buildings~~ – Remove. Proposed legislative change to be submitted.
3. Review payments in lieu of taxes (PILOT)– inconsistency in determining amount (in subcommittee)

Mr. Edwards expressed some concern about the increase in requests for PILOTS. Mr. Gagne stated only an entity that would otherwise qualify as exempt, qualifies for a PILOT. Those that would not qualify as exempt do not qualify for a PILOT, they would pay taxes. For residential properties that would qualify as exempt, there is a provision for those. Power generation facilities can negotiate PILOTS and whatever is granted to one, must be granted to other similar facilities. Not all charitable entities qualify for a PILOT and there is a measure in RSA 72:23-1 for certain charitable entities to qualify. A subcommittee was formed to review this issue. Mr. Edwards, Chair, Mr. Wheeler, Mr. Lessard and Ms. Patten.

#### Next Meeting

Call of the Chair.

Representative Schmidt *motioned to adjourn*; Representative Guthrie *seconded the motion*. *Motion passed unanimously.*

Chair Patten adjourned the meeting at 11:33 a.m.

Respectfully submitted,

Stephanie Martel, ASB Clerk  
Municipal and Property Division  
NH Department of Revenue Administration

All meetings are recorded and available upon request.

Documentation relative to the Assessing Standards Board may be submitted, requested or reviewed by:

Telephone: (603) 230-5096  
Facsimile: (603) 230-5947  
Web: [www.revenue.nh.gov](http://www.revenue.nh.gov)  
E-mail: [asb@dra.nh.gov](mailto:asb@dra.nh.gov)

In person at:  
109 Pleasant Street, Concord

In writing to:  
NH Department of Revenue  
Assessing Standards Board  
PO Box 487  
Concord, NH 03302-0487