

1 Assessing Standards Board
2 Regular Board Meeting

3 **Draft**

4 **DATE:** April 12, 2024 **TIME:** 10:30 a.m.

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

6 **BOARD MEMBERS**

7 *(E) Excused absence.*

| | |
|--|--|
| 8 Senator James Gray | <i>Vacant, Municipal Official, Towns >3,000</i> |
| 9 Senator Rebecca Perkins Kwoka (E) | Robert Edwards, Municipal Official, <3,000 |
| 10 Representative Peter Schmidt | Emily Goldstein, NHAAO, At-Large Member |
| 11 Representative Joe Guthrie | Joe Lessard, NHAAO, Towns, <3,000 |
| 12 Betsey Patten, Public Member, Chair | Tom Hughes, NHAAO, Towns >3,000 |
| 13 Charles Reese, NHAAO, City Official | Tom Thomson, Public Member |
| 14 Sam Greene, NHDRA Commissioner, Designee | <i>Vacant, Public Member</i> |
| 15 Jim Wheeler, Municipal Official, City, Designee | |

16 **MEMBERS of the PUBLIC**

17
18 Robert Gagne, Manchester Sam Greene, NHDRA

19
20 Chair Patten convened the meeting at 9:30 a.m. and introductions followed.

21
22 Minutes

23
24 Senator Gray *motioned to approve the minutes of the December 11, 2023, regular board meeting*; Mr.
25 Lessard *seconded the motion*. Discussion.

- 26 • Page 3 Line 118 – Mr. Greene wanted to clarify that the 36 sales for a full revaluation may or may
27 not include sale properties. A suggest was made to add “regardless of sales” after properties, to
28 read, “..., for a full revaluation, typically 36 properties (*regardless of sales*).
- 29 • Page 4 Line 160 – Mr. Greene felt the third sentence was confusing. A suggestion was made to add
30 the word “not” to the sentence read, “Those that would *not* qualify as exempt...”.
- 31 • Page 4 Line 163 – Correct the spelling of PLIOT to PILOT.

32
33 Senator Gray *amended his motion to approve the minutes of the December 11, 2023, regular board*
34 *meeting, as amended*; Mr. Lessard *seconded the motion*. No further discussion. Chair Patten called the
35 motion. *Motion passed unanimously*.

36
37 Low-Income Housing Tax Credit (LIHTC) Subcommittee Recommendation

38
39 Mr. Lessard reported the discussion of the subcommittee led to the recommendation that there should not
40 be two options to assesses these properties but that there should be one and that it should be based on 10%
41 of their total income. There had been discussion to repeal RSA 75:1-a, Residential Property Subject to
42 Housing Covenant Under the Low-Income Housing Tax Credit Program, however it was decided that it
43 could be extensively edited to use the 10% of the rental and other income to calculate the property taxes.

44 The subcommittee approved recommending the following proposed changes to RSA 75:1-a:

- 45 • Delete (a) and (b) under V.
- 46 • Delete VI., VIII., and IX., in their entirety.
- 47 • Renumber VII. to VI.,
- 48 • The definition of “other income” was moved from VIII. (e), to V.

49
50 Mr. Lessard *moved that the recommendation from the subcommittee be adopted by the ASB and*
51 *presented to the legislature*; Mr. Hughes *seconded the motion*. There was a question about an effective
52 date and if one should be included with the proposal. Due to not knowing when the bill might be filed or
53 passed, it was suggested “*effective April 1 after passage*” might be most appropriate. A suggestion was
54 made for Mr. Greene to inquire within DRA to see if there was a bill that might be germane this could be
55 attached to. He will look into it and reach out to Senator Gray and Representative Schmidt if one is found.
56 Chair Patten called the motion to approve the recommendation presented by the subcommittee to revise
57 RSA 75:1-a and use 10% of total income to assess property taxes for LIHTC properties. *Motion passed*
58 *unanimously*.

59
60 Subcommittee to Review RSA 72:8-c Telecommunication Rights-of-Way

61
62 Mr. Lessard reported the committee discussed several ideas to value the use of the right-of-way. However,
63 due to a significant sale of telecommunication poles to a utility company, the committee recommended to
64 table the issue until the impact of the sale is known. Mr. Lessard *motioned to table the issue*; Mr. Wheeler
65 *seconded the motion*. Chair Patten called the motion to table the issue. *Motion passed unanimously*.

66
67 Subcommittee to Review Payments in Lieu of Taxes (PILOTS)

68
69 Mr. Edwards reported the subcommittee would like to continue the discussion for further research and
70 development and *moved to continue the subcommittee*; Mr. Thomson *seconded the motion*. Chair Patten
71 called the motion. *Motion passed unanimously*.

72
73 Legislative Update

74
75 **House Bill 202** - Relative to the equalization ratio used for property tax abatements. Mr. Wheeler stated
76 the bill was ought to pass by the House and a hearing was held in the Senate in March. Senator Gray stated
77 this will be followed by an executive session and if it is not controversial, it could get passed out of the
78 committee next week.

79
80 **House Bill 458**

- 81 • **Introduced:** Relative to participation in net energy metering by small hydroelectric generators.
- 82 • **House Amendment:** Reestablishing the commission to study the assessing of power generation.

83
84 Mr. Wheeler explained this was the third extension of the commission. The original bill related to the
85 requirement of reporting by the utilities for assessments. The second bill was expanded to study how the
86 power generators were valued. The work was not completed, and this third extension was filed, including a
87 slight change to the membership of the commission.

88
89 The following language of the first two bills had been consistent, “*Recommend a unified approach to be*
90 *utilized by both the Department of Revenue Administration (DRA) and municipalities ,which should*
91 *include confidential data reporting requirements by the power generation companies for the methodology*
92 *chosen.*”

93 A recent Senate amendment replaced that language with, “*Recommend a solution for power generation*
94 *assets to face a single point of assessment commensurate with market-based commercial property.*” The
95 concern is that this amendment limits what the commission can study.
96

97 The Senate passed the amendment and now it goes back to the House for concurrence or non-concurrence.
98 If the House does not concur, they can request a committee of conference, typically established in May.
99

100 Mr. Lessard *motioned to support House Bill 458, as amended by the House to reestablish the*
101 *commission, to oppose the Senate amendment, and request the House non-concur and go to a*
102 *committee of conference*; Mr. Hughes *seconded the motion*. Discussion followed to clarify the path of the
103 bill and the amendments. Chair Patten called the motion. Senator Gray, Representative Schmidt,
104 Representative Guthrie, Mr. Thomson, and Mr. Greene abstained. All others approved. *Motion passed*
105 *with majority vote.*
106

107 Mr. Thomson requested that copies of any legislation to be discussed be provided before the meeting.
108

109 **Senate Bill 584** - Relative to application of the utility property tax to certain electric generating facilities,
110 and relative to communications services tax revenues. This would exempt certain electric generating
111 facilities from RSA 83-F and place them under RSA 72 and the statewide education property tax
112 (SWEPT). **Referred to Interim Study**. Representative Schmidt noted interim study was a way to look at
113 the language and provide time to come up with a solution.
114

115 Correspondence

116

117 Correspondence was received relating to an inquiry of potential fraud. Mr. Denoncour of the DRA
118 reviewed the correspondence, determined no fraud existed and provided an explanation to the individual.
119

120 2024 NHMA Conference

121

122 The NHMA has begun preparing for the 2024 conference and is requesting proposals. The ASB typically
123 holds their two annual public forums and will need to submit them to NHMA for time slots. An update on
124 the status of the Assessing Certification Board (ACB) and how the certification process was working was
125 suggested. Chair Patten will reach out to Executive Director Lindsey Courtney to request their attendance.
126

127 Mr. Gagne, a member of the ACB, stated they have been holding monthly meetings and converting the
128 ASB rules to OPLC rules which has been challenging. Only two of the three member board have been
129 appointed and they cannot meet to work on them as that would constitute a quorum and public meeting
130 requirements would apply. Commissioner Stepp, the second member of the ACB, suggested Mr. Gagne
131 work with Mr. Denoncour, who is not the Commissioner’s designee, to complete the work.
132

133 There has been an application received by a municipal assessing official, and because this is an advisory
134 board, it does not go through the Executive Council; it is an appointment by the Executive Director. They
135 are hopeful this person is appointed to complete board.
136

137 Mr. Gagne believes the number of members is a problem, having only three members means no two
138 members can form a committee to work on tasks and that not having a public member is an issue. He
139 would like to see the membership increase to five.
140

141 The meetings have been relatively short. The board has received a list of complaints that have been
142 investigated and unfounded; they have not received any founded complaints. If a complaint has been
143 investigated and not resolved, it is brought to the attention of the board for subject-matter expertise, but
144 they do not weigh in whether it is founded or not.

145 Mr. Reese offered to contact the NHMA as he will be coordinating assessing courses as well.

146

147 New Business

148

149 Mr. Hughes noted there were at least two members of the Equalization subcommittee that were no longer
150 on the Board and Linda Kennedy, has retired. Mr. Hughes (Chair), Ms. Patten, Mr. Greene, Ms. Goldstein,
151 and Mr. Gagne volunteered to be on the subcommittee. A suggestion was made for the subcommittee to
152 meet soon so that if there are changes, there is time to approve them before municipalities start reviewing
153 sales for the next equalization period.

154

155 The Assessing Reference Manual was last updated in 2019 and is due to be updated in 2024. Mr. Reese
156 (Chair), Ms. Goldstein, and Mr. Greene and/or Mr. Denoncour volunteered to be on the subcommittee.

157

158 Old Business

159

160 The Board had previously voted to propose adding the word “*physically*” to RSA 76:21, to clarify
161 damaged. DRA legal counsel’s opinion was that it was not necessary based on the outcome of the existing
162 court case. Mr. Greene spoke with Senator Gray and the proposal will not be submitted.

163

164 Meeting Schedule

- 165 • Manual Subcommittee - Friday, June 7, 2024, at 1:00 p.m. at DRA.
- 166 • Equalization Subcommittee – Friday, June 21, 2024, at 9:30 a.m. at DRA
- 167 • Regular Board Meeting - Friday, June 21, 2024, Immediately following Equalization Subcommittee
- 168 • PILOTs Subcommittee – Friday, June 28, 2024, at 9:30 a.m. at DRA

169

170 Mr. Wheeler *motioned to adjourn*; Ms. Goldstein *seconded the motion. Motion passed unanimously.*

171

172 Chair Patten adjourned the meeting at 12:16 p.m.

173

174

175 Respectfully submitted,

176

177 Stephanie Martel, ASB Clerk

178 Municipal and Property Division

179 NH Department of Revenue Administration

180 All meetings are recorded and available upon request.

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

182

183 Telephone: (603) 230-5096

184 Facsimile: (603) 230-5947

185 Web: www.revenue.nh.gov

186 E-mail: asb@dra.nh.gov

187

188 NH Department of Revenue

189 Assessing Standards Board

190

190

In person at:
109 Pleasant Street, Concord

In writing to:
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