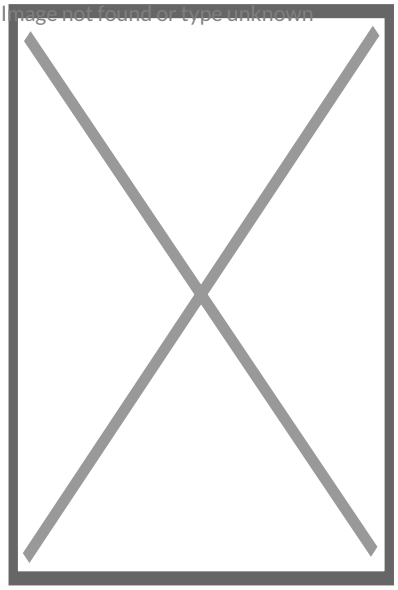
BOUHAN FALLIGANT
ATTORNEYS & COUNSELORS AT LAW

What Property Owners Should Know About Tax Appeals

Image not found or type unknown



By John D. Harvey, Bouhan Falligant LLP

Special to *Business in Savannah*

Margaret Mitchell, celebrated author of Gone With the Wind, said, “Death, taxes, and childbirth! There's never any convenient time for any of them.” However, for business owners who own commercial property, now is the time to evaluate your tax assessed fair market value and determine whether or not an appeal is appropriate.

In Chatham County, the Board of Assessors determines property values. Age of the property, square footage, exterior covering and type/quality of construction are all taken into account. Once the owner receives notice of the property's valuation, they have 45 days to file an appeal if they do not agree with the increase in valuation.

Valuation can be questioned based on location, use, size, age and condition of the property or the uniformity of all comparable properties assessed at the same percentage of fair market value.

The most common appeal goes to the Board of Equalization, a panel charged with hearing property tax appeals. The Clerk of Superior Court has oversight and supervision regarding the process, but not the outcome. Property owners, or their authorized agent, may appear to present the case, and the Board of Equalization will render its decision at the conclusion of the case.

If the decision rendered is unacceptable to the property owner, their next step is to appeal to Superior Court. The appeal must be filed with the Board of Tax Assessors and will result in a jury trial. The case often becomes a battle of the appraisers and the property owner should consider engaging an attorney. While some people represent themselves, this is a complicated process dealing with court rules and procedures.

If you find yourself appealing your property valuation this spring, there are a few things you can do to ensure a more successful outcome and save money. Gather your evidence before you go to court. Be armed with a recent appraisal of your property and be informed of the values and sales of the surrounding market.

One good resource for information regarding similar properties is the SAGIS — Savannah Area Geographic Information System — website at www.sagis.org/. This site allows you to search properties based on address or property owner's name and shows acreage, valuation, recent sales, and the like.

While most properties are fairly assessed, property values can sometimes double, which can be a significant and burdensome increase in taxes on the property owner. Remember, the Taxpayer Bill of Rights was established to prevent “backdoor tax increases” and ensures full disclosure to the public for any increases, including those that result from value inflation. It also enhances property owners' rights when objecting to an appealing an increase in a property's appraised value.

While no one likes to deal with taxes, it is important to know your rights and be informed and prepared about your commercial property valuation. If you are considering appealing a property valuation — especially if you have decided to appeal to Superior Court — consider consulting an attorney who has experience in commercial reality to ensure the most positive outcome.

_____

John D. Harvey is an attorney with Bouhan Falligant whose practice focuses on real estate, business law, civil litigation, and aviation law. He can be reached at 912-644-5759 or jdharvey@bouhan.com.

Practice Areas

- Aviation Law
- Business & Corporate Law
- Commercial Real Estate