

Property Taxation - Issues and Answers



Authored by - Paul J. Mooney - Mooney, Wright & Moore, PLLC It would be a practical impossibility to write a single chapter let alone a book on the subject of property taxation that would be useful throughout the United States. The principal reason for this is that each states laws are different. For example, some states tax all forms of property ownership or control, including real property, tangible personal property, intangible assets and even leasehold interests and rights in tax-exempt property, whereas other states only tax ownership of real property. Another significant difference relates to the jurisdiction assessing the tax. In some states, that function is performed at the local level (i.e., a city or town), whereas in most states, it is done at the county level, except for taxpayers who own property that operates across jurisdictional boundaries, in which case the state is often the one assessing the tax. Notwithstanding these differences, there are many issues that recur in almost every state or local jurisdiction that deals with the oldest form of taxation known to mankind ad valorem or property taxation. The one feature that is common to all property taxation is that it is based upon the concept of what something is worth. Indeed, the very meaning of the words ad valorem is according to value. Consequently, this field of tax law is fundamentally different from income or sales taxation, because legal disputes in this area of tax law focus almost exclusively on differing opinions about how much a given asset or right is worth. In this respect at least, property tax controversies are more closely-related to another area of the law in which valuation issues dominate condemnation law. Hence, in order to gain an understanding of property tax law, not only is it essential to understand the legal framework in which the tax is assessed, but one must also possess an understanding of how value is

determined.

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