



Informational Guideline Release

Bureau of Municipal Finance Law
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ASSESSMENT OF CLUSTER DEVELOPMENT COMMONLAND

[Chapter 218 of the Acts of 2016](#)
(Amending [G.L. c. 59, § 11](#))

This Informational Guideline Release informs local officials that assessors no longer are required to obtain prior written approval from the Commissioner of Revenue to assess taxes on commonland in cluster developments or planned unit developments to owners of individual lots in the development. This legislation took effect on January 1, 2017 for fiscal year (FY) 2018.

Topical Index Key:

Tax Bills
Collection Procedures

Distribution:

Assessors
Collectors
Treasurers
Clerks
Accountants/Auditors
Mayors/Selectmen
Managers/Administrators/Exec. Secys.
Finance Directors
City Solicitors/Town Counsels

ASSESSMENT OF CLUSTER DEVELOPMENT COMMONLAND

Chapter 218 of the Acts of 2016 **(Amending G.L. c. 59, § 11)**

SUMMARY:

[G.L. c. 59, § 11](#) was amended to grant authority to assessors to allocate taxes assessed on commonland in cluster developments or planned unit developments to the owners of individual lots in the development, even if the commonland is subject to a conservation restriction. Previously, an allocation could only be made with the prior written approval of the Commissioner of Revenue. The assessment is permissible even if the commonland is subject to a conservation restriction. An allocation of taxes on commonland is still permitted only where the owners of lots in the development also own the beneficial interest in the commonland.

GUIDELINES:

- I. The Board of Assessors may now elect to allocate taxes on commonland in cluster developments to individual lot owners in the development even if the land is held subject to a conservation restriction. The decision to make an allocation of any commonland taxes is entirely discretionary with the assessors. Prior approval from the Commissioner of Revenue is no longer required.
- II. The assessors may allocate commonland taxes only if the individual lot owners also own the beneficial interest in the commonland. After having assessed commonland to individual lot owners, the board of assessors may elect in subsequent fiscal years to assess the commonland once again as a separate parcel.
- III. The allocation must be in proportion to each owner's recorded percentage interest in the commonland or some other reasonable alternative method of allocation.
- IV. Since individual lot owners' interests in the commonland must be conveyed along with the individual lots, assessors should take care to ensure that their valuation method does not result in assessing the value of the commonland twice.

BUREAU OF MUNICIPAL FINANCE LAW

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