

## VLCT MODEL BOARD OF ABATEMENT RULES OF PROCEDURE

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Board of Abatement for the Town of \_\_\_\_\_

1. **Purpose.** The Board of Abatement is authorized under 24 V.S.A. §§ 1533-1537 to conduct hearings on requests for abatement of real and personal property taxes, water and sewer charges, interest, collection fees, or any other municipal charges or fees for utilities or services. The purpose of these rules is to establish uniform procedures for conducting abatement hearings and to ensure compliance with 24 V.S.A. §§ 1533-1537 and Vermont's Open Meeting Law.
2. **Application of Rules.** These rules of procedure will apply to all abatement hearings conducted by the Board of Abatement. A copy of these rules will be provided to each applicant requesting abatement.
3. **Notice.** Pursuant to 24 V.S.A. §§ 801 and 1534, written notice for a hearing must be given to the taxpayer applying for abatement and to each member of the board and notice must be posted in two or more public places in town at least five days before the hearing. In addition, at least one of the listers must have personal notice of the hearing.
  - a. Pursuant to 24 V.S.A. § 1535(e)(2), notice to each taxpayer of a class at minimum 21 days before the scheduled hearing for the class. The notice must include:
    - i. a description of the class and the board's reasons for grouping the requests;
    - ii. an explanation of the taxpayer's status as a member of the class;
    - iii. the procedure for appealing the board's decision;
    - iv. the taxpayer's right to decline class membership and pursue a separate action; and
    - v. any deadlines that the taxpayer must meet in order to participate as a member of the class or pursue a separate action.
4. **Quorum.** Pursuant to 24 V.S.A. § 1535, a majority of the members of the Board of Abatement must be present in order to hold an abatement hearing. In the alternative, a hearing may be held if the town treasurer, a majority of the listers, and a majority of the selectpersons are present. A concurrence of a majority of those present at the hearing is required to grant an abatement.<sup>1</sup>

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<sup>1</sup> if the listers testify in a hearing they may not sit as members of the board.

5. **Procedure.** Abatement hearings shall be conducted in the following sequence:

- a. The Chair of the Board will preside over each abatement hearing. If the Chair is absent, a temporary Chair, elected by the Board, will preside. The Chair will rule on all questions of order and procedure. The Chair may make motions and may vote on all questions before the Board.
- b. All hearings (except site inspections, if conducted) will be recorded (audio or video). A copy of the recording must be posted in a designated electronic location for a minimum of 30 days following the posting of the minutes of the hearing.<sup>2</sup>
- c. Each applicant requesting abatement will be afforded a [*insert time period*] minute hearing. If an applicant does not appear, the Board's decision will be based upon any information submitted by the applicant with their abatement hearing request form.
- d. The Chair may exclude any irrelevant, unreliable, or unnecessarily repetitive evidence. Relevant evidence is any verbal testimony or document that tends to prove or disprove the appropriateness of abatement. Reliable evidence is any relevant evidence commonly relied upon by reasonably prudent people in the conduct of their affairs.
- e. The Chair will conduct abatement hearings in the following sequence:
  - i. Open the hearing, stating the name of the applicant, property location, and parcel ID number.
  - ii. Ask the applicant and witnesses to take the following oath:  
**"Under the pains and penalties of perjury, do you solemnly swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth?"**
  - iii. Request Board members to disclose any conflict of interest that exist and/or *ex parte* communication<sup>3</sup> that has taken place.
  - iv. Ask the applicant if they have received a copy of the Board's rules of procedure and whether they have any questions about how the hearing will proceed.

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<sup>2</sup> A municipality's decision-making bodies do not have to record or post recordings of their meetings if doing so would impose an "undue hardship" on the municipality, as determined by its legislative body.

<sup>3</sup> *Ex parte* communication is direct or indirect communication between a board member and any party, party's representative, party's counsel or any person interested in the outcome of the abatement process, that occurs outside the abatement hearing and concerns the substance or merits of the hearing.

- v. Ask the applicant to identify the statutory abatement category that the abatement request is being made under. These categories are set out at 24 V.S.A. § 1535(a)(1-10)).
- vi. Allow the applicant to present verbal and documentary evidence supporting the abatement request to the Board.
- vii. Invite questions from the Board.
- viii. Close the hearing and explain that the Board will enter deliberative session and will issue a written decision within 30 days of the hearing.

6. **Amendment.** These rules may be amended by [*insert "unanimous," "two-thirds," or "majority"*] vote of the Board of Abatement.

**These Rules of Procedure were adopted by the \_\_\_\_\_ Board of Abatement at a meeting held on \_\_\_\_\_ .**

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Signature of the Chair of the Board of Abatement