

Chapter Land

There are three different "Chapter Land" programs available. They are Forestry – Massachusetts General Laws Chapter 61, Agriculture / Horticulture – Massachusetts General Laws Chapter 61A, and Recreation – Massachusetts General Laws Chapter 61B.

Chapter 61

Chapter 61, Forestry, is designed to encourage the preservation and enhancement of the Commonwealth's forests. It offers significant local tax benefits to property owners willing to make a long-term commitment to forestry. In exchange for these benefits, the city or town in which the land is located is given the right to recover some of the tax benefits afforded the owner when the land is removed from classification and an option to purchase the property should the land be sold or used for non-forestry uses.

A parcel must consist of at least 10 contiguous acres of land under the same ownership and be managed under a 10 year management plan approved and certified by the State Forester in order to qualify for and retain classification as forest land under Chapter 61. Buildings and other structures located on the parcel, as well as the land on which they are located and any accessory land, do not qualify for classification and continue to be assessed a regular local property tax.

Chapter 61A

The agricultural and horticultural land classification program under Massachusetts General Laws Chapter 61A is designed to encourage the preservation of the Commonwealth's valuable farmland and promote active agricultural and horticultural land use. It offers significant local tax benefits to property owners willing to make a long-term commitment to farming. In exchange for these benefits, the city or town in which the land is located is given the right to recover some of the tax benefits afforded the owner and an option to purchase the property should the land be sold or used for any purpose other than to continue raising farm products.

Property must consist of at least 5 contiguous acres of land under the same ownership and be "actively devoted" to agricultural or horticultural use in order to qualify for and retain classification as agricultural or horticultural land under Chapter 61A. An equal amount of contiguous non-productive land may also qualify for classification.

For the land to be considered "actively devoted" to a farm use, it must have been farmed for the two years prior to the year of classification and must have produced a certain amount of sales. The minimum gross sales requirement is \$500 for the first 5 acres of productive land being classified, unless the additional acreage is woodland or wetland. In that case, the amount is increased by only \$.50 for each additional acre.

Buildings and other structures located on the parcel, as well as any land on which a residence is located or regularly used for residential purposes, do not qualify for classification and continue to be assessed a regular local property tax.

Chapter 61B

The recreational land classification program under Massachusetts General Laws Chapter 61B is designed to encourage the preservation of the Commonwealth's open space and promote recreational land uses. It offers significant local tax benefits to property owners willing to make a long-term commitment to preserving land in an undeveloped condition or for use for outdoor activities. In exchange for these benefits, the city or town in which the land is located is given the right to recover some of the tax benefits afforded the owner and an option to purchase the

property should the land be sold or used for any purpose other than to maintain it as open space or for recreational use.

Property must consist of at least 5 contiguous acres of land under the same ownership in order to qualify for and retain classification as recreational land under Chapter 61B. The land must fall into one of the following two categories to qualify:

1. It must be maintained in a substantially natural, wild or open condition or must be maintained in a landscaped condition permitting the preservation of wildlife and natural resources. It does not have to be open to the public, but can be held as private, undeveloped, open space land.
2. It must be used for certain recreational purposes and must be open to the public or members of a non-profit organization.

Buildings and other structures located on the land, as well as any land on which a residence is located or regularly used for residential purposes, do not qualify for classification and will continue to be assessed a regular local property tax.

The tax is based on the commercial tax rate for the fiscal year applied to the value of the land for recreational purposes, rather than its fair market value as would be the case if the land were not classified. The value of the land for recreational purposes is determined annually by the assessors and cannot exceed 25% of the fair market value of the land.

Applications for all Chapter Land

The property owner must submit a written application to the Board of Assessors of the city or town in which the land is located by December 1 of the year before the start of the fiscal year* for which taxation as classified land is sought. If the city or town is undergoing a revaluation for that fiscal year, the application deadline is extended until 30 days after the date the year's tax bills with the new values are mailed. The assessors must approve or disapprove an application for classification within 3 months of the filing date. If they do not act within that time, the application is considered disapproved.

The owner must file a separate application by December 1 (or the extended deadline if applicable) each year for classification of the land to continue into the next fiscal year. The land cannot be classified as recreational land for a fiscal year if the owner does not comply with all application deadlines and procedures.

**The fiscal year of cities and towns begins July 1 and ends the following June 30.*

Liens

Once an initial application for classification has been approved, the local assessors will record a statement at the Registry of Deeds indicating that the land has been classified as forestry under Chapter 61, agricultural / horticultural land under Chapter 61A or recreational land under Chapter 61B. The statement will constitute a lien on the land for all taxes due under the respective chapters.

Municipal Option to Purchase

The city or town has an option to purchase any classified land whenever the owner plans to sell or convert it to a residential, commercial, or industrial use. The owner must notify by certified mail

the selectmen, assessors, planning board and conservation commission of the town of any intention to sell or convert the land to those uses. If the owner plans to sell the land, the town has the right to match a bona fide offer to purchase it. If the owner plans to convert it, the city or town has the right to purchase it at its fair market value, which is determined by an impartial appraisal. The city or town may also assign its option to a non-profit, conservation organization. The owner cannot sell or convert the land until at least 120 days have passed since the mailing of the required notices or until the owner has been notified in writing that the option will not be exercised, whichever is earlier.

This option is not available to the city or town and the notice requirement does not apply if the Chapter 61, 61A or 61B use is simply discontinued, or if the owner plans to build a residence for his or her use, or the use of his or her parent, grandparent, child, grandchild, brother or sister, the surviving spouse of any of those relatives, or an employee working full time in the use of the land.

Withdrawal Tax

With each of these programs, there is a penalty for withdrawing land. For more information, please visit the Department of Revenue's website at: <http://www.mass.gov/dor/docs/dls/mflb/forms/cl1.pdf> or contact the Assessor's Office at (508) 429-0604. Additionally each application must include the "Property Owners Rights and Obligations" under the appropriate MGL to which the application is made.

This information was provided by the Massachusetts Department of Revenue, Division of Local Services.