

## NOTICE OF PROPOSED GUIDANCE DOCUMENT

### Guide to Manufacturing Board of Assessor Appeals

Pursuant to s. 227.112, Wis. Stats., the Wisconsin Department of Revenue is hereby seeking comment on the following proposed Guide to Manufacturing Board of Assessor Appeals.

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#### **PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION**

Comments may be submitted to Wisconsin Department of Revenue until June 29, 2020 by:  
Emailing [bapdor@wisconsin.gov](mailto:bapdor@wisconsin.gov)

#### **LOCATION OF PROPOSED GUIDANCE**

The final version of the guidance documents will be posted at  
<https://www.revenue.wi.gov/Pages/HTML/govpub.aspx#manufacturing> to allow for ongoing comment.


#### **AGENCY CONTACT PERSON**

Scott Shields  
[scott.shields@wisconsin.gov](mailto:scott.shields@wisconsin.gov)

### Certification Statement

As the Secretary of the Wisconsin Department of Revenue (DOR), I have reviewed this guidance document or proposed guidance document and I certify that it complies with secs. 227.10 and 227.11, Wis. Stats. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

DEPARTMENT OF REVENUE

A handwritten signature in black ink, appearing to read "Peter W. Barca". The signature is written in a cursive style with a large initial "P" and a distinct "Barca" at the end.

Peter Barca

Secretary of Revenue

This is a proposed guidance document. The document has been submitted to the Legislative Reference Bureau for publication in the Administrative Register for public comment as provided by sec. 227.112(1), Wis. Stats.

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## I. Introduction

In 1973, the Wisconsin legislature created a state law ([sec. 70.995, Wis. Stats.](#)), making the Wisconsin Department of Revenue (DOR) responsible for the assessment of manufacturing real estate and personal property. This law was created to help ensure fair and equitable assessments for manufacturing property and assessment uniformity statewide.

## II. Filing an Appeal

### A. Before you file an appeal

- If you have questions or concerns about your manufacturing real estate or personal property assessment, contact the [Manufacturing & Utility Bureau District Office](#) responsible for the location of your manufacturing property. In some cases, a problem can be resolved without filing a formal appeal.
- If you have new information showing the assessment is incorrect, DOR will work with you to ensure a fair and equitable assessment
- If you did not file the required manufacturing personal property or real estate return (M-Form) by the March 1 due date (April 1 with filing extension), your appeal to the state board of assessors or tax appeals commission will be denied (sec. 70.995(12), Wis. Stats.)
- Review this guide for answers to the most common questions, types of appeals, filing procedures and links to helpful resources

# Guide to Manufacturing Board of Assessor Appeals – 2020

## B. Filing procedures

The following apply to all appeals, including: real estate and personal property valuation and classification.

### 1. Agent representation

- Legal representation is not required to proceed through the appeal process. A determination is based on evidence provided with the appeal. It does not rest on a hearing or the testimony of witnesses.
- As a property owner, you may proceed on your own behalf or hire an agent. If you choose to hire an agent, you must submit a signed Agent Authorization Form ([PA-105](#)) or other written document authorizing the agent to represent your interests in the appeal process

### 2. Appeals filed by a tenant

As a manufacturing tenant (lessee), you may file an assessment appeal for the real estate you lease. However, you must provide written authorization from the real estate owner to appeal the assessment. In most cases, a tenant may prove an Agent Authorization Form ([PA-105](#)) signed by the owner, giving authorization to the tenant to file an appeal. If the current lease agreement includes a provision for the tenant to appeal, a copy of the current lease agreement must be included with the appeal documents.

### 3. Types of appeals – forms

There are several types of appeals. Each objection form addresses a specific appeal type. The following [objection forms](#) are located on our website.

Objection forms	Form number
Agent Authorization	PA-105
Objection to Manufacturing Classification Decision	PA-130
Objection to Manufacturing Personal Property Assessment	PA-131
Objection to Manufacturing Real Estate Assessment	PA-132
Objection to Manufacturing Filing Penalty	PA-133
Appeal Withdrawal	PA-138

## C. Filing the objection form

To file an appeal, you must use the appropriate [objection form](#). For valuation appeals, under state law ([sec. 70.995\(8\)\(c\)\(1\), Wis. Stats.](#)), you must provide specific information to the BOA in the form, including:

- Reason for objection
- Opinion of the correct full value assessment
- Basis for the opinion of value

**Note:** Complete all sections of the form and provide all statutorily required information. If you file an incomplete form, DOR may deny your appeal.

### 1. Due date

You must file your appeal no later than 60 days after the date of the assessment, filing penalty or classification notice. Your appeal is considered timely filed if the BOA receives it with the filing fee, by the 60th day; or you send your appeal form by certified mail with the filing fee, and it is postmarked before midnight of the 60th day.

### 2. Deadlines for submitting evidence

You may submit supporting evidence/documents with your appeal. Under state law ([sec. 70.995\(8\)\(c\)\(2\), Wis. Stats.](#)), you may submit additional information supporting your appeal to the BOA within 60 days of filing your appeal. See "[Due date](#)" to determine timely filing of evidence.

**Important:** If you do not intend to send additional information, check the box in the "Submitting Additional Information" section of the objection form and the state board of assessors may be able to process your appeal sooner.

# Guide to Manufacturing Board of Assessor Appeals – 2020

## 3. Current year M-Form filing

DOR must have a current, timely-filed M-Form for the account under appeal. If you did not file a timely return, you lost your right to appeal and your appeal will be dismissed.

## D. Submitting your appeal to DOR

### 1. To file an appeal, you must submit the following to DOR for each appeal

- a. **State prescribed form** – under state law ([sec. 70.995\(8\)\(c\), Wis. Stats.](#)), you are required to file a state prescribed objection form with the BOA
- b. **Agent Authorization** – if you are an agent filing on behalf of an owner, you must complete and simultaneously file the [PA-105](#) Agent Authorization Form
- c. **Filing fee** – you must include a \$45 filing fee payable to the "Wisconsin Department of Revenue"
  - DOR does not consider your objection filed until you pay this fee
  - DOR waives the fee if a prior year appeal on the same property is pending, under state law ([sec. 70.995\(8\)\(c\) and \(d\), Wis. Stats.](#))

### 2. Submit the objection form, \$45 filing fee and all supporting documents to:

Wisconsin Department of Revenue  
State Board of Assessors  
MS 6-97 PO Box 8971  
Madison WI 53708-8971

### 3. DOR receives your appeal

After we receive your appeal, it is reviewed to ensure the filing requirements are met. DOR will send you and the municipal clerk an acknowledgement letter explaining the appeal process, and directions on how to provide supplemental information to support your objection.

**Note:** If the municipality appeals your assessment, the acknowledgement letter contains information on filing a cross-appeal.

### 4. Filing requirements are met and DOR reviews the evidence

After your objection form is reviewed and filing requirements are met, a DOR assessor is assigned to the case. Throughout the appeal process, you (the property owner) are referred to as the "appellant."

## III. Valuation Appeals

When your deadline to submit evidence has passed, or you waive your right to submit additional information to the BOA, a DOR assessor reviews the information provided with the appeal and also reviews DOR's records for the property.

### A. Real estate

#### 1. To investigate the real estate value under appeal, a DOR assessor may:

- Review the assessment for palpable errors made in establishing the current assessment (palpable errors are defined in [sec. 74.33\(1\), Wis. Stats.](#))
- Review a recent sale of the subject property, if applicable
- Review recent sales of comparable properties
- Tour your facility
- Review and update your property's characteristics including: dimensions, construction components, features, and physical condition, etc.
- Review land improvements
- Inquire about issues or concerns with your buildings and the immediate neighborhood
- Photograph exterior views of your facility
- Review area land values
- **Note:** You also have an opportunity to discuss concerns about your property or the assessment process

## 2. How real estate assessments are determined

Under state law ([sec. 70.32\(1\), Wis. Stats.](#)), the assessor must first consider a recent arm's-length sale of the subject to value the property.

- If there is no recent arm's-length sale of the subject property and an appraisal of the subject property is warranted, the assessor will consider recent arm's-length sales of reasonably comparable properties
- If there is no recent arm's-length sale of the subject property, or recent arm's-length sales of reasonably comparable properties, the assessor will consider all other relevant data that may impact the property value which may include cost, income and current market activity

**Note:** If you (appellant) do not submit timely evidence or filed evidence with no analysis, you have not provided clear and convincing evidence showing the assessment is inaccurate. Therefore, the assessor will likely recommend the assessment be sustained.

## B. Personal property

### 1. To investigate a personal property appeal, a DOR assessor may do the following:

- Tour your facility to ensure a manufacturing assessment classification is appropriate
- Review your current fixed asset listing to verify your personal property assets are reported accurately on the M-P Form
- Review leased equipment to ensure you (lessee) and the leasing company (lessor) reported leased equipment
- Review leasehold improvements (improvements you made to the real estate)

### 2. How personal property assessments are determined

- [Sec. 70.34, Wis. Stats.](#), requires that "All articles of personal property shall, as far as practicable, be valued by the assessor upon actual view at their true cash value"
- Personal property is aggregated on the state prescribed personal property (M-P Form), required under [Sec. 70.995\(12\)](#)
- An on-site personal property review, supported by a fixed asset list, assist in determining exemptions and taxable value of assets reported

## IV. Board of Assessors

After the investigation is concluded, the assessor prepares and submits a written recommendation to the BOA.

**BOA members include:** DOR employees selected by the DOR Secretary. The Manufacturing & Utility Bureau Director chairs this board.

## A. BOA's decision

### 1. Appeal resources available

Both the assessor and the BOA have the same resources available to address an appeal:

- [Wisconsin Statutes](#)
- [Wisconsin Property Assessment Manual](#)
- [Standard Industrial Classification \(SIC\) Code Manual](#)
- Judicial rulings
- Prior year BOA determinations

### 2. BOA review

**BOA does the following:**

- Reviews the assessor's recommendation, including the appellant's evidence
- May request that additional information be provided
- Sends an assessment determination to the appellant, the agent (if one is authorized), and the municipal clerk where the property is located
- Under state law, the BOA must address every appeal and send a determination by April 1 of the year following the appeal

## B. Appealing the BOA determination

- If you are dissatisfied with the determination, you may appeal the BOA's decision to the [Wisconsin Tax Appeals Commission \(TAC\)](#) within 60 days of the date on the determination notice
- Specific appeal instructions are provided in the determination notice
- TAC may conduct a trial where you have the opportunity to present evidence and cross-examine DOR witnesses in a formal setting
- If you are dissatisfied with the TAC's determination, you may appeal the decision to the Circuit Court

## C. Municipal appeals

A municipality may file an objection to the amount, valuation or taxability of a property, whether the owner of the specific property filed an objection

### 1. Information

- Municipal clerk is notified of your original assessment and has 60 days to appeal your assessment to the BOA
- If the property owner files an objection, the municipality affected may file a cross-appeal to that objection within 15 days after the owner's objection is filed, under state law ([sec. 70.995\(8\)\(d\), Wis. Stats.](#))

### 2. Filing an appeal

To file an appeal, the municipality must use the appropriate objection form. For valuation appeals, under state law ([sec. 70.995\(8\)\(c\)\(1\), Wis. Stats.](#)), you must provide specific information to the BOA in the form, including:

- Reason for objection
- Opinion of the correct full value assessment
- Basis for the opinion of value
- Municipality provide two dated copies of the governing body's authorization within 60 days of filing the objection form
- DOR will notify the property owner that an objection was filed by the municipality
- If a municipality files an objection and the property owner assessed did not file an objection, the property owner assessed may file an appeal within 15 days after the municipality's objection is filed under state law ([sec. 70.995\(8\)\(b\)2, Wis. Stats.](#))

## D. Withdrawing an appeal

- You may withdraw your appeal at any time before the BOA issues a determination
- To withdraw your appeal, complete Objection Form [PA-138 \(Appeal Withdrawal\)](#)
- Complete and file a separate form for each property appealed
- Send your original withdrawal form to the same address previously noted under "[Submitting your appeal to DOR](#)"

## V. Resources/Contact Information

### 1. Wisconsin Statutes

- State assessment of manufacturing property – [Sec. 70.995, Wis. Stats.](#)
- General property taxes – [Chapter 70, Wis. Stats.](#)

### 2. DOR website – [Manufacturers landing page](#)

### 3. State Board of Assessors – [Manufacturing forms page](#)

### 4. Indicators of value – [Real estate objection form \(PA-132\), page 3](#)


### 5. [Wisconsin Tax Appeals Commission](#)

### 6. [DOR Manufacturing Bureau District Office locations](#)

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DEPARTMENT OF REVENUE



Peter Barca

Secretary of Revenue