

TENNESSEE FARM BUREAU FEDERATION

2016 Policy Development



Property Tax Boundaries

Issue

In the 2016 legislative session, legislation was introduced to change laws guiding how property boundaries could be appealed. The legislation came as result of a finding that in Tennessee, if one party fails to pay property tax on a part of a piece of property for twenty years, the property owner loses their interest in the property. The legislation asked that property owners be given the opportunity appeal in this particular situation. As written, today's law means the property shall be overturned by default. (TCA 28-2-110)

Background

There are nearly 27 million acres in Tennessee, all of which should be accounted for by county property tax assessors. Though today's technology has made government property tax maps more accurate, mistakes are made. Before these technologies, mistakes were common. Landowners have the right and ability to appeal when an assessor is believed to have wrongly identified a property. At times, especially in situations involving large tracts of land, when an individual owns several farms or a farm has been passed on, a technical mistake could be overlooked by the landowner. What happens to the property when mistakes are not realized? State law says when individual does not pay property taxes for 20 years', by default becomes the owner loses it. It also stipulates there can be no appeal to the property forfeiture. In principle, tax maps do not determine property ownership. However, if an owner mistakenly fails to pay property tax as result of an assessor's mistake, ownership is transferred after 20 years. Effectively, a property owner could overlook an assessors error and lose property where a map omits an important right- of-way, easement, drainage feature or other critical space on the farm.

Questions:

1. Do you believe landowners should have an avenue to appeal property lost as result of a misdrawn boundary by an assessor?
2. Do you believe there are properties in your county with incorrectly drawn property lines at the assessor's office?
3. What is the best policy solution to respect all land owners?

Farm Bureau Policy:

There is no policy regarding property forfeiture as result of assessor error.