
Coates' Canons Blog: The 2018 Property Tax Calendar Q&A

By Chris McLaughlin

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Suffering from insomnia? I recommend keeping a copy of our newly released 2018 Property Tax Calendar on your nightstand. I'll admit the calendar is soporific (hey, *you* try making dates and deadlines read like a Grisham thriller!), but it does provide lots of helpful information for local tax officials. The calendar is also a great tool for highlighting important features of the Machinery Act. Here are answers to some of the more common questions about those features that I get every year after releasing the new calendar.

Why are there several different dates that say “last date to file exemption and exclusion applications”? What’s the real deadline for those applications?

The Machinery Act creates multiple dates to consider as deadlines for exemption and exclusion applications. G.S. 105-282.1(a) states that exemption and exclusion applications are due on the last day of the listing period. Normally that is the last day of January (see G.S. 105-307) unless the listing period is extended by the county commissioners, in which case it could be as late as May 1 in reappraisal years. G.S. 105-277.1(c) creates another deadline, June 1, for the three “residential property tax relief” programs: the elderly and disabled exclusion, the disabled veterans exclusion, and the circuit breaker deferral.

All of those deadlines are made somewhat irrelevant by the “late applications” provision in G.S. 105-282.1(c1). That provision states that “upon showing of good cause by the applicant for failure to make a timely application,” the county commissioners may accept an exemption or exclusion application up to the end of the calendar year. The statute does not define “good cause,” meaning each county may decide for itself what justifies a late application. Many counties will accept late applications for essentially any reason (“I forgot!”), which means for those counties the only solid deadline for exemption and exclusion applications is December 31.

Unless, of course, December 31 falls on a weekend, as it does this year, moving the final deadline for 2017-2018 exemption and exclusion applications to Tuesday, January 2. Which leads to my next question . . .

September 1, 2018 is a Saturday. Why doesn’t the “weekend and holiday” rule move the September interest accrual date to the next business day?

The “weekend and holiday” rule (G.S. 105-395.1) applies whenever a deadline for action by a taxpayer falls on a weekend or a holiday. The rule moves that deadline to the next business day, giving the taxpayer more time to act. For example, as mentioned above December 31, 2017, the final deadline for late 2017 exemption and exclusion applications, falls on a Sunday. The weekend and holiday rule moves that deadline to the next business day, which is Tuesday, January 2, 2018, thanks to the New Year’s Day holiday on Monday, January 1.

So why doesn’t the September 1 interest accrual date move from Saturday to Monday? Because the weekend and holiday rule applies to deadlines for taxpayer action, which in this case is the deadline for paying delinquent taxes without accruing the additional .75% interest for September 2018. That deadline is August 31, 2018, which is a Friday, a business day, meaning it does not move. The fact that the new interest will first accrue on a Saturday does not trigger the weekend and holiday rule.

Compare the September 2018 dates with the July 2018 dates. The last day to pay delinquent taxes without accruing the additional .75% interest for July is June 30, which falls on a Saturday. The weekend and holiday rule moves that last day to pay without interest to the next business day, which is Monday, July 2. That means July interest does not accrue until Tuesday, July 3.

Note also that the weekend and holiday rule does not apply to deadlines for county action. If the Machinery Act requires the county to take certain action by a certain date and that date falls on a weekend or holiday, then the county must take that action by the previous business day (assuming county officials don't want to work on that weekend or holiday).

For example, on the last day of each month counties are required to send to the Division of Motor Vehicles appraisal data on motor vehicles for which registrations expire three months later. The last day of March 2018 falls on a Saturday. The previous day, Friday, March 29 is the Good Friday holiday. As a result, the calendar lists the county's deadline to send the motor vehicle information to the DMV as Thursday, March 29.

[But wait, you ask—why does the calendar list the monthly deadline for the DMV to report motor vehicle registration info to the counties on Saturdays? Because that deadline, created I believe as part of the interagency agreement between the DMV and the Department of Revenue for the Tag & Tax Together program, is in fact the first Saturday of each month, not a particular monthly numerical date.]

I don't see any deadline for taxpayers to file listing and appraising appeals. Why?

There is no single, statewide deadline for taxpayer appeals. It takes a careful reading of G.S. 105-322 to conclude that the deadline for taxpayer appeals is the date on which the county's board of equalization and review "adjourns." Adjournment dates can vary from county to county and year to year, potentially as late as July 1 for non-reappraisal years and December 1 for reappraisal years.

What's up with the Coach K reference? Don't you work for UNC?

My paycheck is light blue but my blood runs dark blue. Go Devils!

Links

- www.sog.unc.edu/sites/www.sog.unc.edu/files/reports/2017-12-05%2020171045%20PTB%20173.pdf
- www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=105-282.1
- www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=105-307
- www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=105-277.1
- www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=105-395.1
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