

## REFUNDS

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### **Q: How does Session Law 2013-362 relate to the §Senate Bill 159?**

A:

- Makes technical modifications to the law regarding the property valuation correction process that applies to Session Law 362 (S.L.362).
- Explains the issue regarding under-billed properties that have changed owners during the specific tax years in question so that the new owners are not responsible for unpaid taxes.
- Clarifies when interest will be charged,
- Authorizes payment plans for taxpayers,
- Gives options to the county for the disposition of minimal refunds,
- Provides for interest to be added to refunds for taxpayers who paid additional taxes for prior years in which they did not own the property

### **Q: How does §Session Law 2013-362 and Senate Bill 159 [S.B.159] affect owners that sold their home after January 1 of a year they were taxed?**

A: Pursuant to Session Law 2013-362 and Senate Bill 159 (Session Law 2015-266) – additional taxes levied on parcels as a result of the Pearson Appraisal Service Review of Mecklenburg County values shall be collected from the owner of record as of January 1 of each tax year for which unpaid taxes exist. If an owner not responsible for the additional taxes paid those taxes, they may request a refund.

### **Q: I received a letter stating I may be eligible for a refund. How do I know if I am eligible or not?**

A: If you received and paid a property tax bill on real property in Mecklenburg County for a year in which you were not the January 1 owner (after the January 2011 Revaluation), you may be eligible for a refund.

Values were set as of January 1, 2011. In July 2013 Session Law 362 was passed and as a result Pearson Appraisal Service, Inc. reviewed all the 2011 and subsequent year values. Pearson determined that the 2011 value of your property was undervalued and corrected this, resulting in a tax bill for the difference.

Under the existing property tax statutes prior to recent legislation, the owner of the property at the time those bills were generated owed those back taxes. A new law, SB-159, was passed October 1, 2015 to change this. If you paid additional taxes for any year from 2011 up to the year in which you were the January 1 owner, and you fill out the Senate Bill 159 refund application which was mailed to you and send it in to us, you will receive a refund with interest.

**Q: When will the refund be processed and issued?**

A: The refund process will begin during the first quarter of 2016. To expedite this process, please submit documented proof of the tax payment.

**Q: Where will I mail the completed refund application?**

Mecklenburg County  
County Assessor's Office– SB-159  
PO BOX 31127  
Charlotte, NC 28231

For more information or to obtain a refund request form, please contact the County Assessor's Office by email at [RPEMAIL@mecklenburgcountync.gov](mailto:RPEMAIL@mecklenburgcountync.gov).

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## PAYMENT PLANS

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**Q: Are payment plans available for unpaid additional taxes?**

A: Yes. Senate Bill 159 created a payment plan option for taxpayers that meet specified eligibility requirements.

**Q: What payment plan options are available?**

A: Senate Bill 159 requires that:

- 1) Payments must be made in equal monthly installments, and
- 2) Over a period not to exceed 36 months

**Q: What are the eligibility requirements for a payment a plan?**

A:

- Taxes are unpaid
- You are the owner of record as of January 1 of the tax year(s) for which unpaid taxes exist, and
- The total of the additional taxes levied is greater than one-thousand dollars (\$1,000.00)
- The additional taxes are a result of the reappraisal process initiated by Session Law 2013-362
- The tax years affected are from 2011 – 2014
- Applications are approved or denied based on these requirements

**Q: If I meet all of the eligibility requirements, am I required to enter into a payment plan agreement?**

A: No. All due and payable taxes can be paid without entering into a payment plan.

**Q: If I choose not to enter into a payment plan agreement, when are my taxes due?**

A: If no payment plan agreement is in place, taxes are due and payable on or before January 5, 2016. Bills that remain unpaid on January 6, 2016 will accrue interest at a rate of 2% for January and  $\frac{3}{4}\%$  for each month thereafter until paid.

**Q: What if my taxes are escrowed and paid by my mortgage company?**

A: If your taxes are escrowed, please contact your mortgage company prior to submitting the Payment Plan Application. Mortgage companies will often pay outstanding taxes before notifying the mortgage holder.

**Q: Does Senate Bill 159 permit payment plans for those that do not meet the eligibility requirements?**

A: No. Per Senate Bill 159, if the eligibility requirements are not met, taxes are due and payable on or before January 5, 2016. Bills that remain unpaid on January 6, 2016 will accrue interest at a rate of 2% for January and  $\frac{3}{4}\%$  for each month thereafter until paid.

**Q: Are my regular 2015 taxes or other unpaid taxes eligible to be included in a payment plan?**

A: No. Only additional taxes assessed as a result of the reappraisal review process initiated by Session Law 2013-362 are eligible.

**Q: Can my payment plan term be less than 36 months?**

A: Yes. The only term limit imposed by Senate Bill 159 is that the term not exceed 36 months. The term can be less than 36 months.

**Q: When are payments due under the payment plan?**

A:

- For those who apply by December 18, 2015, and are subsequently approved, the first payment is due on March 15<sup>th</sup>, and on the 15<sup>th</sup> of each month thereafter for the length of the agreed-upon term.
- For those who apply after December 18, 2015, the plan will start within 60 days of application approval.

**Q: Will interest be assessed on bills once a payment plan is approved and begins?**

A: No. Interest will not be assessed to bills included in a payment plan once it begins. If a payment plan begins after interest has accumulated, then the full balance including the interest charged to date will be included in the plan.

**Q: What happens if the payment plan is broken by not making payments?**

A:

- The payment plan is voided
- Interest will accrue at a rate of 2% for the first month the plan is voided and  $\frac{3}{4}\%$  for each month thereafter until paid
- Taxes become enforceable with collection remedies

**Q: Have all additional taxes subject to the reappraisal review been billed?**

A: No. There are some remaining additional taxes that have not been billed, but will be billed and mailed.

**Q: Am I responsible for the payment of additional taxes for years that I did not own the property?**

A: No. Session Law 2013-362 makes the owner of record as of January 1 responsible for that year's additional taxes from the reappraisal review. For example, if owner A was the owner of record on January 1, 2011 and January 1, 2012 then owner A is responsible for those taxes. In the same example, if owner B was the owner of record on January 1, 2013 and January 1, 2014 then owner B is responsible for those taxes.

**Q: Will a lien be placed on the real property for underpaid taxes for years that I did not own the property?**

A: No. Session Law 2013-362 requires that no lien be placed on the property for underpaid taxes that arose in a year in which the current owner was not the owner as of January 1 of that year.

**Q: If I paid the additional taxes for years that I did not own the property, can I request a refund?**

A: Yes. Using the example above, if owner B paid the 2011 and 2012 taxes, then owner B may assert a valid defense for a refund pursuant to General Statute 105-381 and can request a refund. Session Law 2013-362 requires that taxpayers due a refund must submit a request for a refund. For more information, please contact the County's Assessor Office by email at [RPEMAIL@mecklenburgcountync.gov](mailto:RPEMAIL@mecklenburgcountync.gov).

**Q: Will the refund include interest?**

A: Yes. In accordance with Session Law 2013-362, interest shall be calculated at a rate of five percent (5%) per annum from the date the owner asserting the defense paid the underpaid taxes until the date the refund is issued.

**Q: Who can I contact for more information regarding payment plans and refunds?**

A:

- **Payment Plan:** For more information or to obtain a payment plan application, please contact the Office of the Tax Collector by email at [TaxMeck@MecklenburgCountyNC.gov](mailto:TaxMeck@MecklenburgCountyNC.gov).
- **Refunds:** For more information or to obtain a refund request form, please contact the County Assessor's Office by email at [RPEMAIL@mecklenburgcountync.gov](mailto:RPEMAIL@mecklenburgcountync.gov).