

New Hampshire Department of Revenue Administration
45 Chenell Drive, Concord, NH 03301

TECHNICAL INFORMATION RELEASE
TIR 2008-005 August 4, 2008

A Technical Information Release is designed to provide immediate information regarding tax laws administered by the Department or the policy positions of the Department as a service to taxpayers and practitioners. A Technical Information Release represents the position of the Department on the limited issues discussed herein based on current law and Department interpretation. For the current status of any tax law, practitioners and taxpayers should consult the source documents (i.e., Revised Statutes Annotated, Rules, Case Law, Session Laws, etc.). Questions should be directed to Customer Service at (603) 271-2191.

TORNADO DAMAGE CLEANUP

The purpose of this information release is to provide technical assistance to municipalities and property owners regarding timber tax compliance. This TIR applies to the disaster area declared by the Governor as a result of last week's tornado.

1. You **do not** need to file an Intent to Cut if:
 - A. You use the wood for personal use. Personal use is limited to 20 cords of firewood or 10,000 board feet of logs.
 - B. You are cleaning up trees that are maintained for shade or ornamental purposes. Within the disaster area declared by the Governor, this could be as much as 200 feet away from any structures.
 - C. You are only cleaning up broken off limbs and trees that have fallen to the ground and are not severing the trees from the stump.

2. You **do** need to file an Intent to Cut if:
 - A. You sell the wood or exchange it for services (such as the cost of cleaning up the property);
 - B. The trees are not maintained for shade or ornamental purposes such as those associated with a woodlot.
 - C. The volume of wood is greater than 20 cords of firewood or 10,000 board feet of logs.
 - D. You are harvesting or processing whole tree chips.

3. All Intents to Cut for property damaged by last week's tornado, should be prominently labeled "**STORM DAMAGE**" at the top of the form.

4. Each parcel of property should be evaluated separately. RSA 79:1, III.

5. Tax assessments are made by town assessing officials; not the State of New Hampshire. Assessed tax could be reduced because of numerous factors, including; difficult access, costs of difficult logging, damaged wood, etc. Undamaged wood that is removed should be taxed as usual.

6. Property owners should document all logging costs to provide assessing officials with information pertinent to accurate valuation. Such documentation may include; contracts, cancelled checks, pictures, etc.

7. Property owners have the right to appeal any timber tax assessed under RSA 79:8, and **the Board of Selectmen of each town has the ability to abate any assessed tax for good cause.** RSA 76:16.

For more information please contact the Property Appraisal Division at (603) 271-2687 to speak to a municipal accounts auditor; to request a disaster emergency expenditure information package; or for assistance with timelines, posting requirements, or warrant article construction for holding a special meeting.

Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the N.H. Department of Revenue Administration, 45 Chenell Drive, Concord, NH 03301 or by contacting them at (603) 271-2318.