

Delaware Real Estate Law Update

Thursday, August 10, 2023

Real Estate Tax Assessments Will Now Occur Every Five Years in Delaware

On August 9, 2023, Governor Carney signed House Bill 62 into law, requiring a general reassessment of all real property to be performed within each county at least once every five years. All three Delaware counties (New Castle, Kent, and Sussex) are performing a general reassessment in connection with Vice Chancellor Laster's decision in *In re Delaware Public Schools Litigation* (County Track), 239 A.3d 451 (Del. Ch. 2020), and the parties' stipulated remedies following the opinion. The counties each hired Tyler Technologies to perform the general reassessment, which is still underway.

House Bill 62 amends Section 8306 of Title 9 of the Delaware Code by requiring all real property to be assessed at its present fair market value, rather than the previous "true value in money" standard, and by requiring all real property to "be reassessed by the county in which the real property is located at least once every 5 years." That five-year period begins to run on the date that a county board of assessment certifies completion of a general reassessment of all real property within that county. The purpose of recurring general reassessments is to create predictability and keep assessed values accurate.

If you have any questions, please contact a Richards, Layton & Finger real estate attorney.

