

Village of Old Bennington, Board of Tax Abatement
Notice of Decision, March 4, 2026

On Jan. 26, 2026, an application for tax abatement was submitted to the Village Clerk by Tzaims Luksus, the listed owner of property located at 18 Walloomsac Road, bearing a Parcel ID number 051-015-65889. It is residential property with an assessed value of \$368,600 as of 2025.

Mr. Luksus requested a reconsideration of his previous request for tax abatement, which was rejected by the Board in October 2024. The Board at that time cited V.S.A. Sec. 1535(a), which lists seven situations which can qualify a property owner for temporary tax abatement, and found that Mr. Luksus's situation did not match any of them. (For reference, a list of those seven situations is appended to this decision.)

Mr. Luksus's new request was considerably narrower than his previous one, asking only for the abatement of his accrued interest and penalties, not the abatement of his unpaid taxes. He said that the Board had previously noted that he held equity in the property, which could be tapped to pay the amounts due, but he now wished to clarify that he had no realistic access to that equity, due to his age, health, income and location. He said he was 94 years old and living in Myanmar, with Social Security benefits of about \$1,000 a month as his sole source of income. Those circumstances, he said, made him ineligible for home equity loans, reverse mortgages, or traditional refinancing. Nor was he physically or financially able to prepare the property for sale, market it, or sell it from Myanmar. He said he was "land poor, holding title to property but without meaningful access to its value to satisfy the growing burden of interest and penalties."

He added, "The continued accrual of interest and fees creates an ever-expanding obligation that I can never repay, even while attempting to send small payments when possible." He asked that all the accrued (past) and future interest and penalties be abated. "This would allow any funds I am able to send to be applied to the principal balance, rather than being consumed by compounding charges."

All members of the Board of Tax Abatement were given copies of Mr. Luksus's request for abatement.

Mr. Luksus did not attend the Tax Abatement hearing in person, join on Zoom, or send a representative.

Board of Abatement members present at the hearing were Trustee Jim Thatch, who presided; Trustees Than Marcoux, Ed Woods, and Susan Wright; Village Treasurer Ron Ravidou; and Village Clerk Mary Walsh. Village Trustee Tom Woodward was absent.

In their deliberative session, a majority of Board members voted to deny Mr. Luksus's request for abatement of the interest and penalties due on his unpaid taxes. (There were two abstentions.) The Board is required to explain its decision in writing (24 V.S.A. Sec. 1535[c]).

The Board based its decision on the statutes and principles laid out in "About Abatement," a publication of the Vermont Secretary of State, issued to help local boards of abatement "navigate the law to find the best solution for the members of [the] community." [Emphasis added.]

Portions of "About Abatement" that informed the Board's thinking in particular include:

- "Abatement is meant to be an equitable remedy, used only in the most unusual cases – as in a fire, or where a survivor is temporarily unable to access the assets of an estate while it is in probate. It is not meant to be a way for the town to subsidize taxpayers who can no longer afford the taxes on their property." [Emphasis added.] While Mr. Luksus's case is certainly unusual, requiring the other taxpayers of Old Bennington to shoulder his tax-related obligations would not provide the equitable relief that the State of Vermont requires. It would force other taxpayers (including elderly homeowners on fixed incomes) to pay more than their fair share. "About Abatement" calls on Abatement Boards "to find the best solution for the members of [their] community," not to favor just one person.
- "Equity constrains [Boards] from decisions that favor the [land-]poor taxpayer if there is no reason to believe that the problems that have led to the need for abatement are temporary.... Boards will more often abate in situations where a temporary circumstance has created the inability to pay." [Emphasis added.] Mr. Luksus has made clear that his inability to pay his property taxes is permanent. That constrains the Board's ability to grant him an abatement.
- "Decisions of the board are final. Title 24 does not provide a specific route of appeal from a decision by the board of abatement. If a taxpayer believes the board of abatement has abused its discretion in denying his or her request, case law in Vermont suggests that an appeal can be taken through Rule 74 or Rule 75 of the Rules of Civil Procedure. Appeals taken under these rules are not de novo and generally only review the proceedings below for abuse of discretion." [Emphasis added.] Mr. Luksus is asking the Board to reconsider its 2024 decision, not because it abused its discretion, but rather, he says, because the Board failed to appreciate that he is "land poor." But even with that new information in mind, the Board still finds itself facing the same insurmountable obstacle that it faced in 2024: The State of Vermont, in 24 V.S.A. §1535(a), lists seven categories of taxpayers who may qualify for tax abatement, and Mr. Luksus doesn't fit into any of them. (The third category, "persons who are unable to pay their taxes or charges, interest, and collection fees" might seem to apply, but the State expects the inability to pay to be caused by temporary circumstances which the affected taxpayer is working to cure.)

Finally, Mr. Luksus stated in his request that the continued accrual of interest and fees was creating an ever-expanding obligation that he could never repay, "even while attempting to send

small payments when possible.” The Board is unaware of any “small payments” made by Mr. Luksus to cure his tax delinquency. He has declined to work with the Village on a rescheduled payment plan. He has given members of the Board no reason to think that if they waived his interest and penalties now, he would indeed use the money to pay down his principal amount due.

I hereby certify that this is a true record of the action taken by the Board of Tax Abatement:

James Thatch, Chair, Board of Tax Abatement

For reference, here is a list of the categories of taxes that municipal boards may abate under Vermont law:

§ 1535. Abatement

(a) The board may abate in whole or part taxes, interest, or collection fees, other than those arising out of a corrected classification of homestead or nonresidential property, accruing to the town in the following cases:

- (1) taxes of persons who have died insolvent;
- (2) taxes of persons who have removed from the state;
- (3) taxes of persons who are unable to pay their taxes, interest, and collection fees;
- (4) taxes in which there is manifest error or a mistake of the listers;
- (5) taxes upon real or personal property lost or destroyed during the tax year;
- (6) the exemption amount available under 32 V.S.A. § 3802(11) to persons otherwise eligible for exemption who file a claim on or after May 1 but before October 1 due to the claimant's sickness or disability or other good cause as determined by the board of abatement; but that exemption amount shall be reduced by 20 percent of the total exemption for each month or portion of a month the claim is late filed.
- (7), (8) [Repealed.]
- (9) taxes upon a mobile home moved from the town during the tax year as a result of a change in use of the mobile home park land or parts thereof, or closure of the mobile home park in which the mobile home was sited, pursuant to 10 V.S.A. § 6237.