



BUTTE COUNTY
Assessment Appeals
25 COUNTY CENTER DRIVE, SUITE 200
OROVILLE, CALIFORNIA 95965-3380
Telephone: (530) 538-7371 Fax: (530) 538-7120

MEMBERS OF THE
ASSESSMENT APPEALS BOARD

GILBERT JONES, CHAIR
DAVID JOHNSON
RICHARD VERMILLION

****EFFECTIVE AUGUST 1, 2017****

A \$30 NON-Refundable Processing Fee Must Be Paid At Time Of Filing

FREQUENTLY ASKED QUESTIONS ABOUT THE ASSESSMENT APPEAL PROCESS/HEARING

Who determines the assessed value of my property and how does the assessed value affect my taxes?

The County Assessor, elected by the people, is directed by the California Constitution to assess all taxable property within the County. By law, the assessment of property involves estimating a property's value and listing that value on the assessment roll. In preparing the assessment roll, the Assessor's Department estimates a property's full cash value. The assessed value of property and the tax rate applied to this value equals the amount of tax money each property owner is required to pay. Appraising is not an exact science, but is an opinion based on consideration of relevant facts. The Assessment Appeals process concerns only the assessed value of your property

How do I know what the assessed value of my property is?

Each July a valuation notice is mailed to property owners by the Assessor that identifies the annual assessment. This notice contains important information about your property, including the value as of January 1, referred to as the "lien date". Separate notices are mailed for special assessments, referred to as "supplemental", "roll change", "calamity" or "escape" assessments.

What if I disagree with the assessed value of my property?

Differences of opinion can and do arise. If homes in your area of the same size, condition and type have sold for less than the Assessor's enrolled value of your home, you may have a valid assessment appeal. Property owners have a right to challenge their property assessments by filing an application for changed assessment with the Assessment Appeals Board.

What is the Assessment Appeals Board?

The Assessment Appeals Board is a three-member panel of individuals appointed by the Board of Supervisors to serve as the local board of equalization. They must have experience as an appraiser, real estate broker, CPA or attorney. Their primary function is to conduct impartial hearings on property assessment disputes between taxpayers and the County Assessor. Their role is to determine the fair market value of your property based upon evidence presented by you and the Assessor. The board will evaluate the suitability of any approach to value and the data you and the Assessor used to reach your conclusions.

Among other things, the Assessment Appeals Board can:

- Lower or raise a property's assessed value
- Remove a penalty assessment imposed by the county assessor
- Reverse a change in ownership or new construction reassessment

The Assessment Appeals Board has no legal authority to:

- Reduce an assessment because of the increase in value or taxes from prior years
- Grant or deny exemptions
- Reduce your taxes due to your inability to pay your taxes

When can I file an Assessment Appeals application?

Applications for “**REGULAR APPEALS**” (value as of January 1 of the current year) must be filed with the Clerk of the Assessment Appeals Board between July 2 and no later than November 30 each year. If the date for the end of the filing period (November 30) falls on a Saturday or Sunday, then the last date to file will default to the date of the following business working day.

Applications for “**SUPPLEMENTAL**”, “**ROLL CHANGE**”, “**ESCAPE**” or “**CALAMITY**” assessments must be filed no later than sixty (60) days from the Assessor’s Notice of Supplemental Assessment.

Do I need to supply evidence/“Comps” with my application?

No, but you are encouraged to gather your "Comps" (comparable sales) prior to filing to make an informed decision whether you should file an assessment appeal. If you choose to file an appeal, then bring the information to your hearing as evidence.

Where do I file my application?

All applications must be submitted to:

Clerk of the Assessment Appeals Board
Butte County Administrative Office
25 County Center Drive, Suite 200
Oroville CA 95965

I have filed my appeal application, now what?

Once your application is reviewed to ensure it was filed timely and completely, it will be scheduled on a calendar before an Assessment Appeals Board. You will receive a letter with the date and time of your hearing approximately forty-five (45) days prior to the hearing date.

What should I expect at an Assessment Appeals hearing?

At the hearing, you will have the opportunity to present evidence of your opinion of value. **You must appear personally at the hearing** unless you have legally authorized an agent to appear on your behalf. You must sign a written authorization prior to the hearing permitting that person to represent you. The person who represents you must be able to answer all pertinent questions relating to the property being valued.

Hearings begin at 9:00 a.m. Individual hearings are listed on the agenda by application number and appeals are heard in that order. Before presenting your case, you will be sworn in by the Clerk of the Board. The length of the hearing will depend on the amount of admissible evidence presented by you and the Assessor, and you should be prepared to stay the whole day if necessary. **Nonappearance at the hearing will result in denial of your application and no value change will occur.**

You will be asked to present your evidence challenging the Assessor's enrolled value. The Assessor will also have an opportunity to present evidence supporting his/her enrolled value. All testimony is presented under oath. The applicant and the Assessor will be able to question each other regarding the evidence presented. The Appeals Board may question both parties.

After hearing all the evidence, an appeals board is required by law to determine the value of your property, which means they can leave the value the same, decrease the value, or increase the value of your property. An appeals board is not bound by the value presented by you or the county assessor. The appeals board decision is final, and your only recourse would be to appeal their decision to your county's superior court.

The Assessment Appeals Board will take the matter under submission and you will be notified of their decision by mail. **No decisions will be made at the hearing.** If you receive a reduction on your assessment the hearing decision will be sent to the Auditor-Controller for issuance of a refund check. The usual time required to process a refund is between six and eight weeks.

What is Admissible Evidence?

You must support your opinion of value with independent evidence. Please bring five (5) copies of your findings to the hearing (one for each member of the Appeals Board, one for the Clerk, and one for the Assessor's office representative). Assessment roll values of any property, either present or past, cannot be accepted as evidence to support your opinion of value. Under the law, the Assessor is presumed to have done the valuation correctly unless you present independent evidence that supports your opinion of values. The best evidence for residential appeals is three "comparable" property sales referred to as "comps."

EVIDENCE OF VALUE: The best way to establish the market value of real property is by:

- **SALES OF COMPARABLE PROPERTY** (Market Approach to Value). To use this method, find the price at which properties sold close to the valuation date of your property (but not more than 90 days after lien date, January 1). Choose sales of property similar to yours in age, size, condition, and in your general neighborhood or similar area. You must verify sales prices with the buyers, sellers, or real estate brokers. Dollar value adjustments should be made for differences in date of acquisition, condition, size, and amenities between your property and the comparable sales. Listings or offers may be used only if there are no comparable sales; however, they have a limited value as evidence. If you wish to discuss the appraisal of your property and how market value was determined, call the Butte County Assessor's office at 530-538-7721.

The following methods of valuing property may be used in addition to the Market Approach to Value, or if no comparable sales are available, in cases of new construction or income producing property:

- **COST OF CONSTRUCTION.** The construction cost should include contractor's and architect's fees, entrepreneurial profit, financing and tax costs during construction as well as land improvements such as grading, utility hookup fees and development costs, also required street improvements. The Board will attempt to determine the value of the property rather than merely the actual costs.
- **INCOME APPROACH TO VALUE.** You should be prepared to provide the actual and fair economic income from the property, the actual and fair expenses, and the net income. The net income divided by the appropriate capitalization rate will give the indicated value for the property.

EXHIBITS: You may present photographs, maps, charts, or other records, or receipts if they help to establish a market value. Please present photocopies of documents, not the original documents, since we may have to retain them in our files.

WITNESSES: Usually, three comparable sales of homes in your area are enough as evidence. However, you may have someone who has knowledge of the value of your property testify for you as a witness if your property has extraordinary factors that influence its value and/or you don't feel you can collect adequate information or comparables. **Please note: written reports of persons other than yourself, bearing on the market value of your property, may not be accepted into evidence unless the person preparing the report is present at the hearing for the purpose of cross examination.** Any fees required by witnesses are your responsibility.

EXCHANGE OF INFORMATION: At the time of filing your application or *prior to 30 days before the hearing*, you may file a written request for information from the Assessor. Your request shall contain the evidence you intend to present at the hearing to support your opinion of value. The Assessor must respond with evidence to support the Assessor's opinion of value. Evidence presented at the hearing will be limited to that contained in the exchange of information. The Assessor may initiate an exchange of information on property where the current assessment roll value exceeds \$100,000 without any exemption.

The only evidence an Appeals Board may consider in determining the outcome of your appeal is the evidence that you and the Assessor present at your hearing. The Board may not consider any information, documents, or correspondence, either verbally or written, that you previously submitted to the Assessor, or that the Assessor previously presented to you, prior to filing for an appeal, or any information attached to your application unless you also present that evidence at your appeals hearing.

Presenting evidence of comparable sales, which cannot be used because of the "90-day rule," is one of the most common mistakes leading to unsuccessful appeals.

***Note: If you filed a Decline in Value, the sales date of comparable properties used must be no more than 90**

days after the lien date for the year you are filing. The lien date is January 1. If you filed for other reasons, such as Base Year, Change of Ownership, or New Construction, the sales of the comparable properties used must be no more than 90 days after the date of the change of ownership, transfer, or completion of new construction (valuation date).

What is Inadmissible Evidence?

The following types of evidence are not permitted for consideration by the Board:

1. Prior assessments or taxes on your property.
2. Assessments of neighboring property.
3. Opinions of persons who are not present at the hearing for questioning concerning the basis of their opinions.
4. Written appraisals from persons who are not present at the hearing for questioning.

What are Findings of Fact?

Findings of Fact are a brief written summary of your case showing the basis for the Appeal Board's decision. Written Findings may be necessary if you intend to seek judicial review of an adverse Board decision. Findings of Fact must be requested in writing and paid for (\$10.00 per parcel) prior to the end of your hearing. At the end of the hearing, but before the board renders a decision, the requesting party may withdraw the request for findings and any fees paid will be refunded.

What if I no longer want to pursue my appeal?

If you are no longer interested in appealing your assessment you may withdraw your appeal at no charge. Your request must be in writing stating your intent to withdraw and referencing your application number.

Am I Allowed to Postpone or Reschedule My Hearing?

The Applicant and/or the Assessor shall be allowed one postponement as a matter of right, the request for which *must be made in writing not later than 21 days before the hearing is scheduled to commence*. If you have already rescheduled once and cannot attend the hearing on your newly scheduled date, you must have someone appear at the scheduled hearing to request a second reschedule.

All hearings are recorded

Butte County does not provide stenographic reporters. The Applicant, at the Applicant's own expense, may have the hearing reported by a stenographer. A copy of the recording of your hearing may be purchased for \$5. Contact the Clerk for more detailed information and instructions.

Do I have another option to have my appeal heard besides attending the hearing?

Once you receive the hearing notice you will know your hearing date. Two to three weeks before the date of the hearing you may call the Assessor's office and ask to speak with the assigned appraiser. Speaking with an appraiser is not a guarantee that you will agree on your property's valuation. You will need to plan on attending your hearing if a stipulation to value isn't reached before the hearing date. If you and the Appraiser reach a stipulated value agreement, he/she will mail you a Stipulation form. You must sign the Stipulation form and return it at least three days prior to the hearing or you will need to attend your hearing to avoid denial of your appeal.

I still have questions regarding assessment appeals. Where can I find more information or who can I contact?

More detailed information is available in *Publication 30, Residential Property Assessment Appeals* and in the *Assessment Appeals Manual* on the Board of Equalization (<http://www.boe.ca.gov/>) website.

EVEN THOUGH YOU HAVE FILED AN APPLICATION FOR CHANGED ASSESSMENT, YOUR TAXES MUST BE PAID ON TIME OR YOU WILL BE SUBJECT TO A PENALTY. IF YOUR APPEAL IS SUCCESSFUL, AN ADJUSTMENT WILL BE MADE