

ANNUAL AND SUPPLEMENTAL
INFORMATION ABOUT YOUR ASSESSMENT APPEAL
AND OTHER APPEALS TO
THE ASSESSMENT APPEALS BOARD

PLEASE READ THIS INFORMATION IN ITS ENTIRETY before you fill out or file your application. It may help you decide if you have a valid case for an appeal. This booklet provides information on appeals (1) contesting assessed valuation, (2) change of ownership or completion of new construction, and (3) protesting penalties.

This information is intended for general information only, and is not a complete statement of the law. See paragraph C for legal information.

BASIS OF TAX

Real property taxes are based on the "fair market value" or "full cash value" of the property. These terms are defined as "the amount of cash or its equivalent which property would bring if exposed for sale in the open market under conditions in which neither the buyer nor seller could take advantage of the exigencies of the other and both with knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions upon those uses and purposes." (Revenue and Taxation Code Section 110).

For taxation purposes, fair market value is determined either (a) based on the 1975 lien date, plus inflationary adjustments limited by law, or (b) for property which has been purchased, newly constructed or has changed ownership since the 1975 lien date, the date these events are completed.

A. SOME PRELIMINARY QUESTIONS

1. What is the Assessment Appeals Board?

The Board is a quasi-judicial body composed of three appointed members. Its sole function is to rule on the validity of appeals filed on three issues. The three types of appeals within the jurisdiction of the Board are a timely appeal (1) for the reduction in the assessment on property, (2) contesting a determination of the change of ownership date or new construction completion date, or (3) protesting the amount of certain penalties imposed. The assessment and the determination as to the date of purchase or completion of construction is made by the County Tax Collector/County Clerk or staff.

The Assessment Appeals Board is not part of either of the offices identified above. It should be kept in mind that the tax rate is set by the law and not by the Assessor/Recorder. The only question in this regard before the Board will be the "value" of your property, not the amount of the tax.

2. How Can You Discover the Basis for the Assessor's Value?

There are two methods by which the taxpayer can find out how the Assessor/Recorder arrived at an opinion of value. The first is to call the Assessor/Recorder's Office at (707) 784-6210 and arrange for an appointment to discuss your case with the appraiser assigned to your property. The taxpayer has the right under Revenue and Taxation Code Section 408 to request that the Assessor/Recorder provide all market data on which the appraiser relied in appraising your property. The taxpayer also has a right to either inspect, or copy at the taxpayer's expense, all information, documents, and records, including narrations and work papers, whether or not required to be kept or prepared by the Assessor/Recorder, relating to the appraisal and the assessment of the taxpayer's property, but not as to the property of another, without a valid court order.

Some property has not been appraised recently, and the taxpayer may be able to bring to the appraiser's attention facts which affect value which were not known to the appraiser. The appraiser may also be able to adequately explain the basis for the assessment, and the taxpayer may be spared the time and inconvenience of filing a meritless application for reduction.

The second method of discovering the facts used by the Assessor/Recorder in arriving at an opinion of value is available only after you file an application and is discussed in Paragraph C.1.

B. PREPARING THE APPLICATION

The application is the document which gives the Board the jurisdiction to act on your case. The information contained in the application must be verified under penalty of perjury. It is the first piece of evidence in support of your case. Therefore, it is very important that the application be prepared accurately and completely.

IMPORTANT

PLEASE NOTE THAT SECTION 2 OF THE APPLICATION IS FOR AGENCY USE ONLY - PLEASE LEAVE BLANK.

1. Application for Reduction in Value.

The application must contain the reasons for the taxpayer's belief that a reduction of value is in order. The taxpayer must give an opinion as to the full cash value of the property and support that opinion with facts. The Board favors the submission of written evidence, schedules, comparable sale information, etc., and this material can be appended to the application as exhibits.

2. Application Protesting Finding of Change of Ownership or Completion of New Construction.

The application must contain a statement as to whether this is a protest of a change of ownership or the completion of new construction, and the reasons for the taxpayer's belief that either a taxable change of ownership or taxable new construction has not been completed.

3. Application Protesting the Imposition of a Penalty

This application may only be filed after the taxpayer received notice of a penalty assessment to be imposed for a failure to timely pay an assessment, and must contain the amount of penalties imposed, the reasons given by the Tax Collector/County Clerk for charging the penalties, and the reasons for the taxpayer's belief that penalties are not justified in this case.

4. Filing Deadlines.

a. An application for assessment appeal hearing, which is made to contest the regular roll assessment notice (non-supplemental roll) of valuation, must be filed with the Clerk of the Board of Supervisors, Solano County Government Center, 675 Texas Street, Suite 6500, Fairfield CA 94533-6342 between July 2 and November 30 of the tax year.

b. An application for any assessment made outside the regular assessment period (a supplemental assessment) must be filed with the Clerk of the Board of Supervisors, addressed as in a., above, within sixty (60) days after the date on which the taxpayer is notified of the supplemental assessment.

c. An application to protest the determination of either a change of ownership or a date of completion of new construction must be filed with the Clerk of the Board of Supervisors, addressed as in a., above, within sixty (60) days after the date on which the taxpayer is notified of the supplemental assessment based upon the change of ownership or completion of new construction.

d. An application to protest the determination to impose a penalty on a tax bill that is association with a regular or supplemental assessment must be filed with the Clerk of the Board of Supervisors, addressed as in a., above, within sixty (60) days after that date on which the taxpayer is notified of the penalty, and must be accompanied by an application for change in value, under a or b above.

THE ASSESSMENT APPEALS BOARD HAS NO JURISDICTION
TO ACT UPON AN APPLICATION WHICH IS FILED LATE.

5. General Issues Applicable to all Three Types of Appeals.

a. Where Taxpayer does not own the Property Assessed.

In the event that the applicant is not the owner of property assessed, the applicant must show the name and address of the owner and a statement of how the assessment affects the applicant.

b. Representation by Agent and Attendance at Hearing.

The law requires that the taxpayer or the taxpayer's authorized agent be present at the hearing. If the taxpayer is to be represented at the hearing by an agent, a document authorizing such representation must be filed with the Board prior to the hearing. Written authority need not be filed if the agent is an attorney, the spouse, parent, or child of the taxpayer. The Board may request a continuance to question the taxpayer if the taxpayer does not appear at the hearing with the agent, if the Board believes the taxpayer's testimony is relevant.

c. Written Findings.

After the case has been heard by the Board, it may either render an immediate decision while the parties are present, after brief deliberation, or it may take the case under submission and render its decision at a later date, in which case, the parties will receive written notification of the decision.

However, the taxpayer, as well as the Assessor/Recorder, has the right to appeal any final decision of the Board to the Superior Court. For the purpose of appeal, it would be valuable to have written findings of the Board setting forth the basis for its decision. If you wish to have written findings of fact, you must request them in writing prior to the hearing. You must also deposit with the Clerk to the Assessment Appeals Board the sum of \$150.00 to cover the costs of preparing the findings. This deposit must be made prior to the meeting.

C. PREPARATION FOR THE HEARING

There will be a considerable lapse of time between the filing of your application and the hearing date. The law requires that you be given at least forty-five (45) days advanced notice of the hearing. You should use this time to prepare for when the hearing commences. The following are some suggestions on how to prepare:

1. Discover the Assessor's Information.

We have already seen that you are entitled on an informal basis to certain information upon which the Assessor/Recorder will base the opinion of value. After you have filed your application, there is another method by which you can obtain the details of the Assessor/Recorder's case.

There is a special regulation which requires that the Assessor/Recorder exchange information with the taxpayer. The word "exchange" is emphasized because the law contemplates that the parties will each forward to the other information upon which they will rely at the hearing. This exchange may be initiated by either party, and if it is to be used, must start at least thirty (30) days prior to the scheduled hearing. The information to be included in the exchange is set forth in Revenue and Taxation Code Section 1606. This exchange is important in order to provide the Board with all relevant information for its consideration prior to the hearing.

2. Read the Law and Regulations.

The methods in appraising and assessing property and the rules for the proceedings before the Board are set forth in statutes and regulations. They are contained principally in the California Revenue and Taxation Code, starting with Sections 401 and 1600, and Title 18 of the California Code of Regulations. A good compilation of all the laws relating to property taxes may be found in California Property Tax Laws published by the State Board of Equalization. All of the laws and regulations governing tax assessments and appeal procedures may be found in the County Law Library, Hall of Justice, 600 Union Avenue, Fairfield, California.

3. Gather Your Evidence of Value.

Upon a change of ownership of property or upon new construction, there are three basic methods used by appraisers to find the value of property; **comparable sales, cost replacement, and income.** The most reliable method in most cases is the "comparable sales" approach since it usually is the best indication of the market value of the property in question. You should begin as soon as possible to find out what sales of property similar to yours have taken place around January 1. No sales which have occurred more than 90 days after the lien date (January 1) can be considered by the Board. The sales should be as close in time and locale as possible to your property, and the property sold should be as similar as possible. You should

be prepared to identify each sale that you rely upon, state the terms of the sale, and point out the similarities and differences between the comparable property and your own. If more than one sale is relied upon, you should prepare a schedule summarizing the information in writing with sufficient copies for the Clerk and the Assessor/Recorder. A suggested form for presenting comparable sales is set forth below:

Location Address	APN No.*	Size of Home and Lot	Detailed Description	Sale Price	Date of Sale
---------------------	----------	-------------------------	-------------------------	---------------	-----------------

Rules 1 through 8 of the California Code of Regulations, Title 18, provide further information pertaining to valuation approaches. (*=Assessor's Parcel Number)

D. THE HEARING PROCEDURE

It is required that you be provided notice at least 45 days prior to the actual date of the hearing. You will receive notice of the time and place of the hearing in writing from the Clerk of the Assessment Appeals Board including a Confirmation of Scheduled Hearing Card which must be postmarked no later than 20 days prior to the hearing date to avoid any continuance or inconvenience to you or to the Assessor. Once notice of the hearing date is provided, you are entitled to only one postponement. Any request for postponement must be provided in writing to the Clerk of the Assessment Appeals Board at least 15 days in advance of the noticed hearing date. A failure to attend a hearing rescheduled after one postponement will result in the Assessment Appeals Board entering a finding supporting the Assessor's valuation.

1. The Case is Called for Hearing by the Clerk of the Assessment Appeals Board.

If there is no appearance by the taxpayer or the taxpayer's duly authorized agent when the case is called, the Board shall deny the application and direct that the Clerk to the Board send a notice of this action to the taxpayer. The notice will provide that if the taxpayer had a valid reason for failure to attend, and still desires to proceed with the appeal, the taxpayer must provide the reason and request a new hearing date within 60 days of receipt of the notice. The Board will review the request for absence, and if justified, will set a new hearing date and notify the taxpayer.

Upon the appearance of the taxpayer, the Clerk will announce the number of the application, and the taxpayer, the Assessor/Recorder's representation and all other witnesses will then be sworn.

2. In Most Instances the Taxpayer's Case is Presented First.

With the exception of owner occupied single-family dwelling, discussed in paragraph D.5, below, the law presumes that the Assessor/Recorder's value is correct, and the burden of proof is on the taxpayer to show otherwise.

Therefore, the Assessor/Recorder, by law, need not show how the assessed value was arrived at until after the taxpayer's case is presented. Even then, the Assessor/Recorder need not present any facts at all unless the taxpayer has first produced sufficient "independent evidence" of value to overcome the preliminary presumption in favor of the Assessor/Recorder. "Independent evidence" is evidence other than the opinion of the taxpayer which carries enough weight to balance out the presumption in favor of the Assessor/Recorder.

Since the Board must make the decision at the end of the taxpayer's case as to whether or not the presumption has been overcome, it is recommended that the applicant put the entire case in evidence at this point.

After the taxpayer has presented evidence of value, the Assessor/Recorder may cross-examine the taxpayer and any witnesses presented by the taxpayer.

3. The Assessor/Recorder's Case is Presented if the Presumption has been Overcome.

After the taxpayer's case has been presented and the Assessor/Recorder has completed cross-examination, the Board votes on whether or not the applicant has overcome the legal presumption that the Assessor/Recorder is correct. If the Board determines that the presumption has not been overcome, the proceedings are ended, and the applicant is denied. No further evidence will be taken.

However, if the Board decides that the taxpayer has presented sufficient evidence to balance out the presumption, then the Assessor/Recorder will be required to proceed with the evidence in support of value. The taxpayer now has the opportunity to cross-examine any witnesses presented by the Assessor/Recorder and may have the right to present rebuttal evidence.

4. Summation by the Parties.

At the conclusion of the hearing, both parties will be allowed a reasonable time to present final arguments summarizing their positions.

5. Exception to Procedure

In the case of an owner occupied single-family dwelling, the law presumes that the taxpayer's information supplied to the Assessor/Recorder is correct, and the burden of proof is on the Assessor/Recorder to show otherwise. Consequently, the procedure described in paragraphs 2 and 3 above are reversed and the Assessor/Recorder must present the case first. (State Board of Equalization Rule 321 (b).)

E. THE DECISION

The Board may decide the case immediately and orally announce the decision at the time of the hearing, after a brief period of private deliberation, in the presence of the parties, or may take the matter under submission for decision at a later time, in which case, the parties will be notified in writing of the decision.

The taxpayer should know that once the Board assumes jurisdiction of the property in question, it has legal duty to find the "full cash value" of the property that is the subject of the application, and in that regard, has the power, not only to lower the assessed value pursuant to the application, but also may raise the value if there is substantial evidence indicating a value higher than that placed on it by the Assessor/Recorder.

F. APPEAL

The Board has no power under the law to consider or change a decision once made by the Board, except for clerical error. The decision of the Board may be appealed by filing an action in the Superior Court. The Board hearings are tape recorded. You may arrange for written transcripts of the proceedings at your own expense.