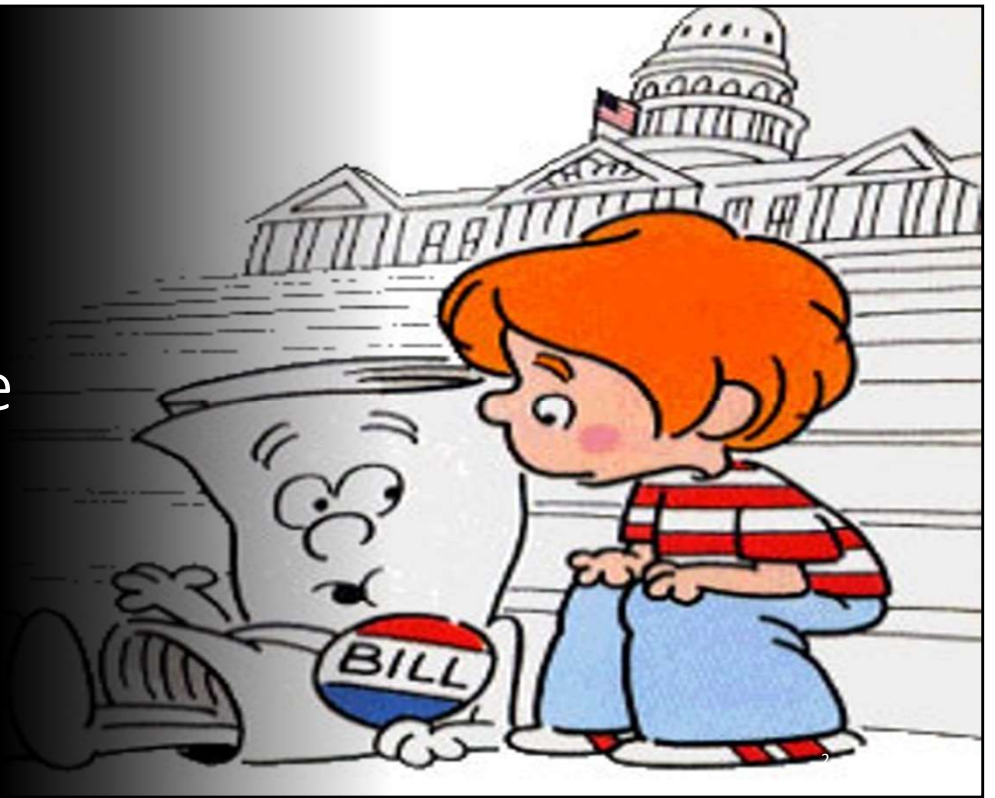




Welcome to 2023 New Board of Equalization Clerk & Member Training Day 1

Jessica Westenhiser: 360.534.1380
jessicaw2@dor.wa.gov

2023 Legislative Update



<https://propertytax.dor.wa.gov/Documents/Legislation/2022%20Bill%20Matrix.pdf>

	What it does	Why do you care	What you need to do	When it goes into effect
HB 1265	Establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit.	Just an FYI	-	90 days following adjournment of session. This act applies to taxes levied for collection beginning January 1, 2024.
HB 1303	DOR can convert informal to formal appeals at the BTA "nonprofit exemptions"	You shouldn't really doesn't impact deferrals.	-	90 days after session so approximately August.
HB 1355	Updating property tax exemptions for service-connected disabled veterans and senior citizens.	Income thresholds have changed	Rely on what the Assessor is removing them for and make sure the taxpayer is showing they meet the qualifications (sometimes each year has a different qualification)	90 days after session so approximately August.
HB 1527	Made corrections to the local tax increment financing program.	Just an FYI	-	Immediately
SHB 1572	Allows an appeal to be taken to another venue in regards to recovering property tax.	Doesn't impact directly	-	Immediately upon enactment
EBB 1663	Port of Chelan and Douglas are interested in creating a consolidated port.	FYI	Port district commissioners may, by 2/3 majority vote of the commissioners in each district, may functionally consolidate 2 or more adjacent districts for property tax purposes.	90 days after session so approximately August.
SHB 1756	Clean energy	FYI – excise tax	Exemption from the state portion of property taxes for personal property used to generate renewable energy.	For taxes levied in 2025 and after
E2SSB 5045	incentivizes rental of accessory dwelling units to low-income households	Expands the property tax exemption for improvements to a single-family dwelling	We are not sure how it will be administered yet. It most likely won't be by the assessor so standby for an update.	90 days following adjournment. This applies to taxes levied for collection in 2024 and thereafter.
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SSB 5460	About irrigation	FYI	-	90 days after session so approximately August.
SSB 5565	This was a DOR bill that made technical corrections	FYI	-	90 days after session so approximately August.
SSB 5714	Property tax payments aren't considered delinquent if received within 3 days of April 30th when made with an automated check processing service or if there is not discernable postmark	Good to know if you pay a mortgage	-	90 days after session so approximately August.

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HB 1265

- Establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit.
- 90 days following adjournment of session.
- Just an FYI
- This act applies to taxes levied for collection beginning January 1, 2024.

HB1303

- DOR can convert informal to formal appeals at the BTA “nonprofit exemptions”
- You shouldn't really doesn't impact deferrals.
- 90 days after session so approximately August.

HB 1355

- Updating property tax exemptions for service-connected disabled veterans and senior citizens.
- Income thresholds have changed
- Rely on what the Assessor is removing them for and make sure the taxpayer is showing they meet the qualifications (sometimes each year has a different qualification)
- 90 days after session so approximately August.

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HB 1527

- Made corrections to the local tax increment financing program.
- Just an FYI
- Immediately

SHB 1572

- Allows an appeal to be taken to another venue in regards to recovering property tax.
- Doesn't impact you directly
- Immediately upon enactment

EHB 1663

- Port of Chelan and Douglas are interested in creating a consolidated port.
- FYI
- Port district commissioners may, by 2/3 majority vote of the commissioners in each district, may functionally consolidate 2 or more adjacent districts for property tax purposes.
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SHB 1756

- Clean Energy
- FYI – Excise Tax
- Exemption from the state portion of property taxes for personal property used to generate renewable energy.
- For taxes levied in 2025 and after

E2SSB 5045

- incentivizes rental of accessory dwelling units to low-income households
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- About Irrigation
- FYI
- 90 days after session so approximately August.

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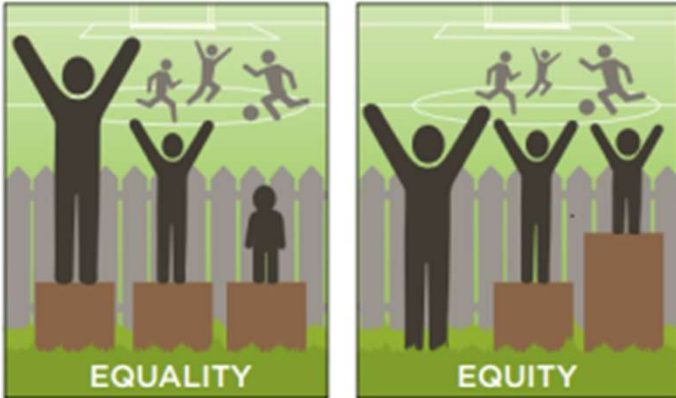
Property Tax is an ad valorem tax, that is, a tax levy is apportioned among taxpayers according to the value of our property.

The most common being real estate but it's also imposed on personal property.

- Many appellants want to talk about their taxes rather than their assessed value.
- However, there is no provision in state law to directly appeal property taxes, they can appeal their assessed value not the tax amount.

All property is taxable, unless specifically exempted by statute (RCW 84.36.005).

- Such as senior exemptions, when they have a frozen value



Uniformity

“Sense of Fairness”

Tax burdens are proportionate to the value of the property.

- In a taxing district, the owner of a \$200,000 home pays twice as much as the owner of a \$100,000 home.
- The owner of a \$1,000,000 property pays ten times the amount paid by the owner of a \$100,000 property.

The WA Constitution requires property tax to be uniform, including joint taxing districts and personal property. To accomplish this:

1. All property is to be assessed at 100% of its true and fair market value.
2. Tax rates must be uniform in each taxing district; applied uniformly to all types of property.
 - Property tax rates are the annual levy rates that're applied to the assessed value of taxable property, by the various taxing districts



Roles and Responsibilities

The Assessor:

1. Values real & personal property
2. Determines exemptions
3. Makes determinations regarding Current Use
4. Sets levy rates
5. Certifies the assessment roll to board
6. Certifies the tax roll to the treasurer

The Treasurer:

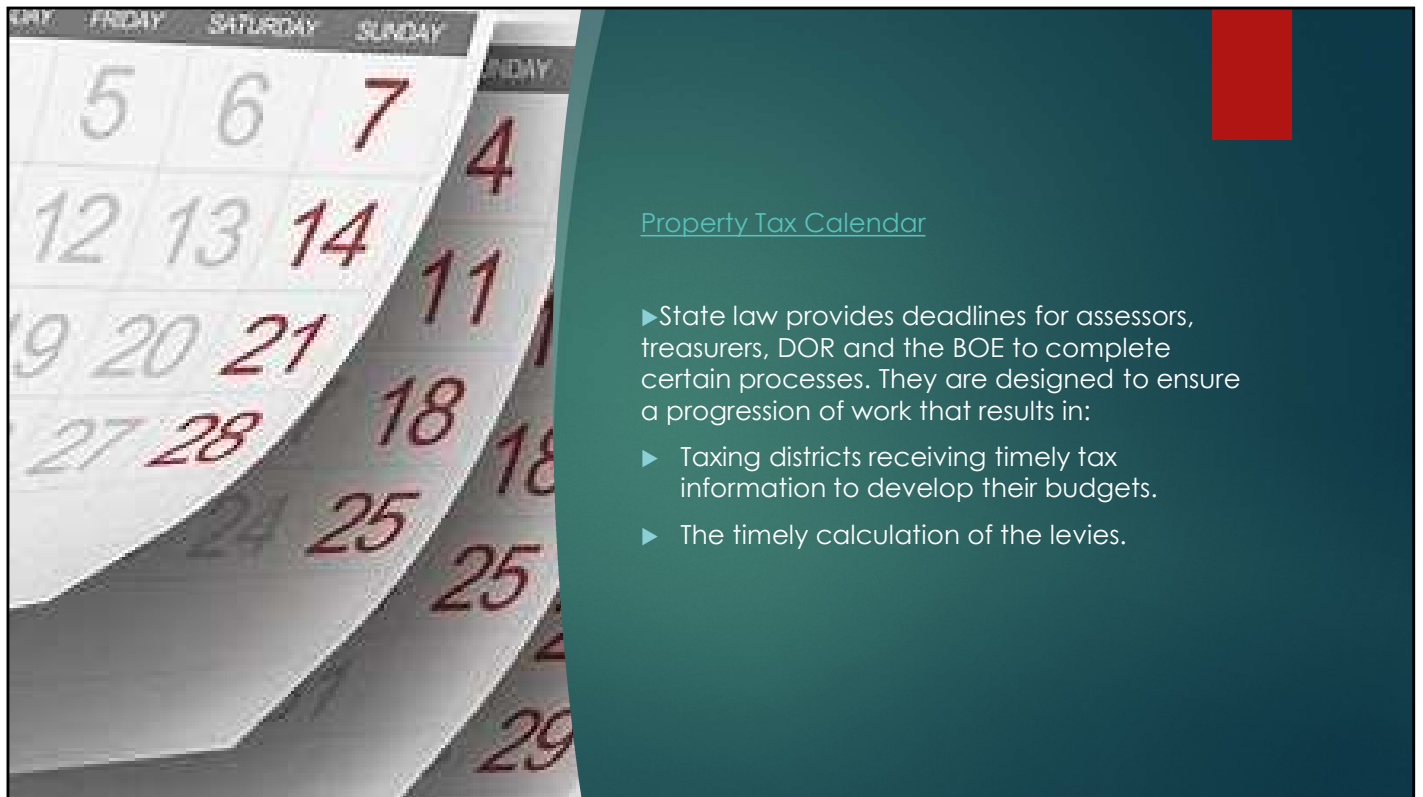
1. Receives the tax roll from the assessor
2. Sends tax statements to taxpayers
3. Receives property tax payments
4. Remits money to taxing districts
5. Initiates foreclosure proceedings

Board of Equalization:

1. Equalizes assessments
2. Hears property valuation appeals
3. Hears assessor determination appeals
4. Finds facts and makes decision based on what is presented

Department of Revenue:

1. Exercises General Supervision (schedules reviews of practices and compliance with law, answers questions from BOE, Taxpayers, Assessors)
2. Decides questions of interpretation (RCW 84.08.080)
3. Provides training (Fundamentals, Basic, Senior BOE Training, etc.)
4. Creates & maintains manuals (available on PTRC for BOE's)
5. Writes rules (available on leg.wa.gov)
6. Reconvenes boards (WAC 458-14-127)



January:

- 1 - Assessment date and the date personal property listings are mailed by the assessor.
- 15 - Assessors certify the tax roll to the county treasurer and provide abstract of the tax roll to the county auditor. (RCW 84.52.080)
- **County treasurers mail tax statements to taxpayers after the tax roll has been completed.**

April:

- 30 – Last day to file personal property listings with the assessor, these are used to determine the assessed value of personal property.
- Property taxes are due (if the total is \$50.00+ , taxpayers may pay ½ on April 30 and ½ on October 31).

May:

- 31 – County assessor’s complete and list valuation on all property. (new construction value can be added later).

July:

- 1 - Filing deadline for appeals to the Board of Equalization ** **exceptions apply****
- 15 - Most assessors certify the assessment rolls to the BOE. BOE **MAY** meet in open session (on the **later** of July 15 or within 14 days)
- 31 - Valuation date for new construction.
- **July is when counties/local taxing districts begin preparing estimated budgets. August is when most taxing districts must establish their boundaries for levy purposes (RCW 84.09.030).

August:

- 15 - Some assessors certify the assessment rolls to the BOE (in counties with a 60-day appeal window only).
- 20 - DOR determines final values of utility companies.
- 31 - Last day for new construction to be placed on the current assessment roll.

Valuation vs. Property Tax

Assessed value is used in the calculation of property tax but does not directly determine the amount of taxes paid.



- Property taxes are administered by local government.
- Assessed values are determined by the assessor *before* property tax levies are calculated.
- This is done using appropriate tools, practices, and methodology to review and determine assessed values as of January 1 for each assessment year (with valuation date exceptions for new construction).

**Market Value-**

An agreed-upon price between an informed and willing buyer and seller.

(True and fair value, or 100 percent of what a willing buyer would pay a willing seller when neither are under any duress to buy or sell)

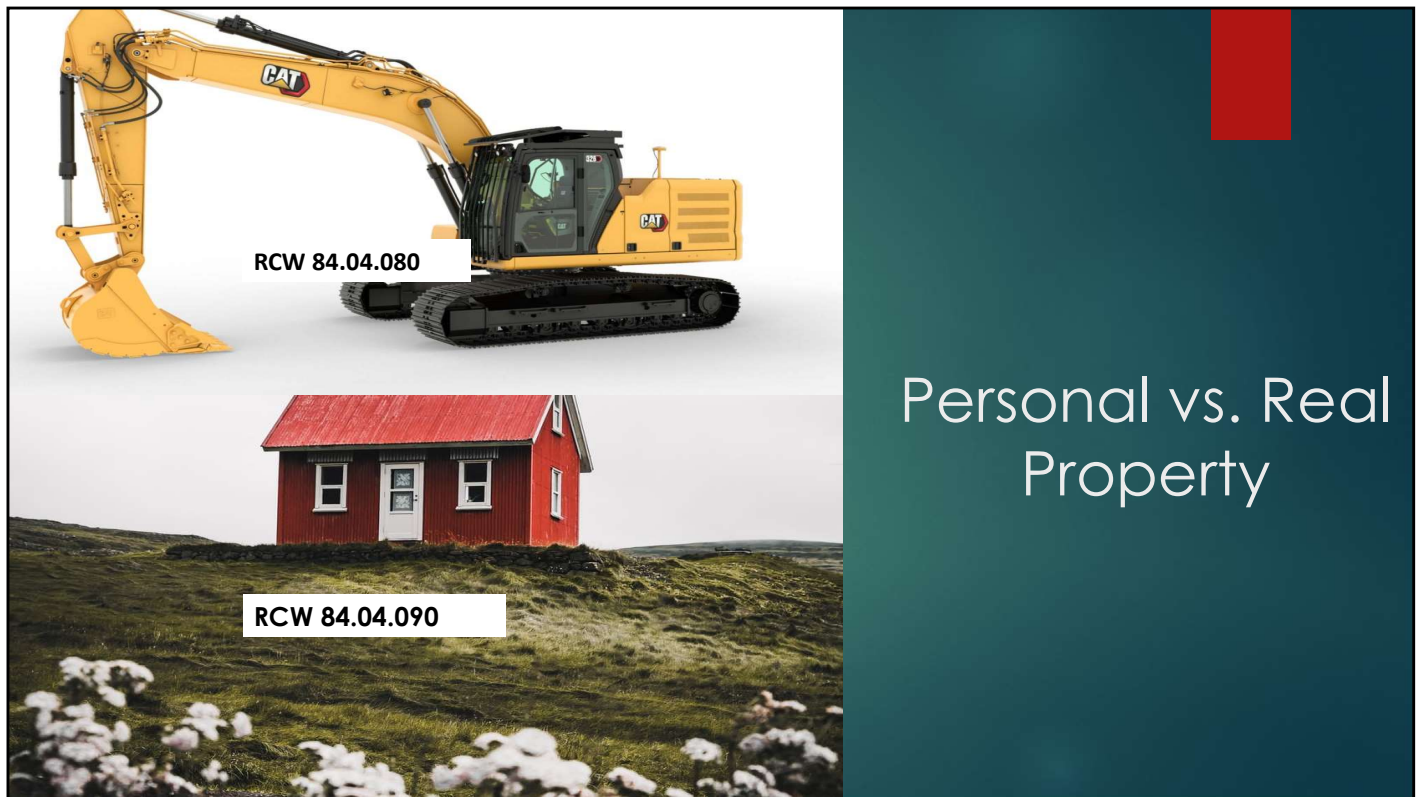
Assessed Value-

Refers to the assigned dollar value that's used to assess property taxes.

- County assessors determine the assessed value of property.

Market value is not always the same as the assessed value:

- For example, An exemption, allows taxpayers to pay tax on a value less than market value:
 1. A senior citizen or disabled person exemption, could have a frozen value
 2. Participation in the current use program
 3. Historic property



Real Property - Includes the land itself, buildings, and structures or improvements.

- The total assessed value of a parcel is determined and broken down into two components:
 1. Land
 2. Improvements/buildings

Taxpayers must appeal the total value of a parcel. You may receive petitions that're disputing only a building or "improvement" value; while they can make an argument for either the land, buildings, or improvements they must petition the assessed value.

Personal property – is property used for the purpose of doing business and is not **affixed** to land.

- Most machinery, equipment, and trade fixtures, like desks and chairs, are considered personal property unless permanently affixed to real property. The assessor's office can answer questions about whether a specific item is taxable as real or personal property.
- Personal property is taxed at the same rate as real property.

Assessment Dates



Assessors must list and value real and personal property on:

- January 1, of the assessment year and;
- For new construction, July 31, of the assessment year.

Why is it important to understand when the assessment dates are?

- When a petitioner presents sales evidence, it's an important detail to know how the petitioner's sales relate to the assessment date.
- All sales must be time trended to the assessment date of January 1 (most) or July 31 (new construction).

RCW 84.40.020

All real property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of January of the year in which it is assessed.

RCW 36.21.080

The county assessor is authorized to place any property that is increased in value due to construction or alteration for which a building permit was issued, or **should have been** issued, under chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits on the assessment rolls for the purposes of tax levy up to August 31st of each year. The assessed valuation of the property shall be considered as of July 31st of that year.

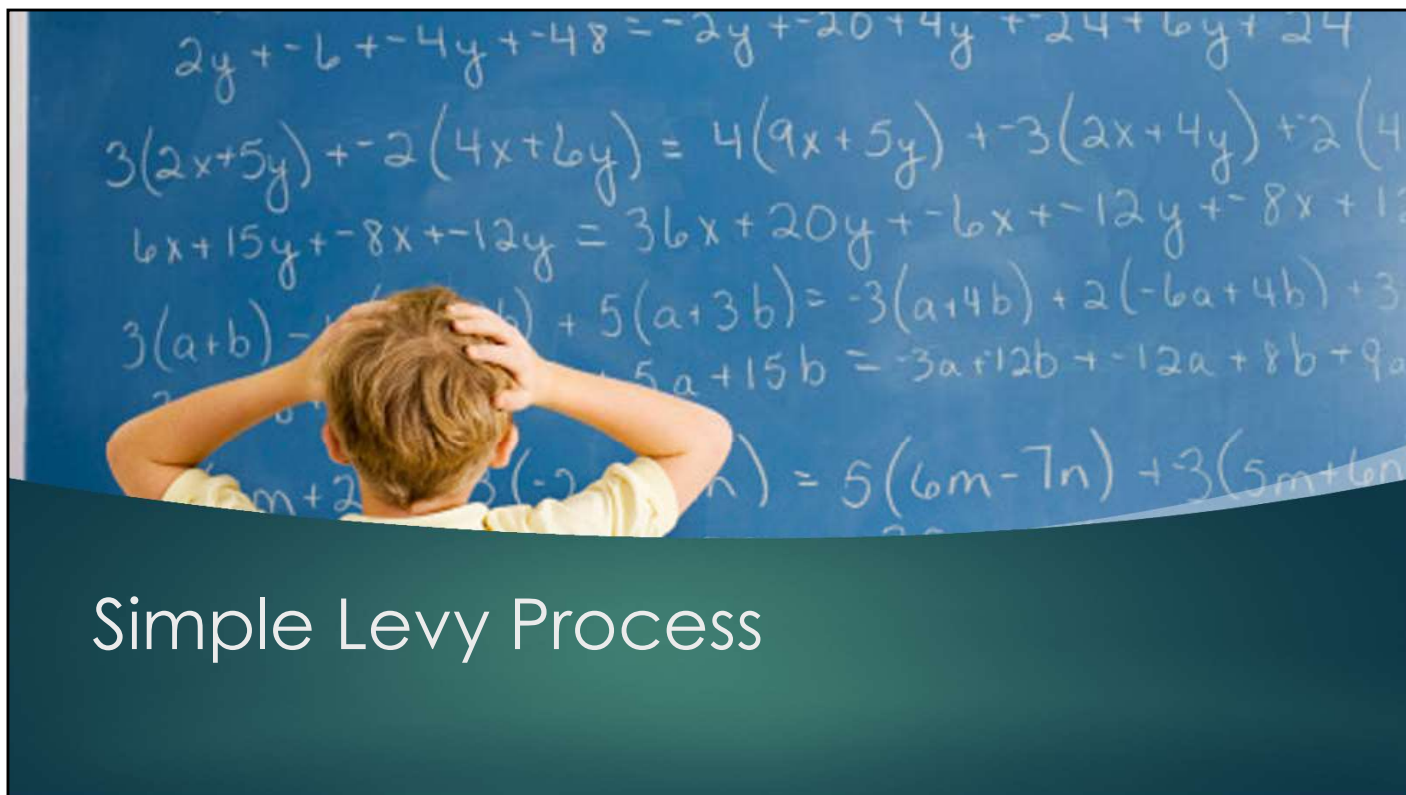


Notice of Value

Change of Value Notice (RCW 84.40.045) –

Once the assessor has determined the true and fair market value of property in the county revaluation notices must be sent, if the assessed value changes from the prior year.

*Notices are only required to be sent *if* the total assessed value of the parcel changes.



Simple Levy Process

What is the levy process?

The simple levy process is something that you will occasionally need to explain to taxpayers that call or come in the office. You will probably not explain all of the details, but an understanding of the process will be helpful to you.

The simple levy process begins with two players, taxpayers and taxing districts:

1. For the taxpayers:

- We need the assessed value of their parcels (provided by Assessors).

2. For the taxing districts:

- We need the budget or the amount of funds to be raised through the levying of property taxes.
- This is the amount a taxing district requires to operate for the year. Taxing districts provide the budget information.

Levy Rate Calculation

$$\frac{\$171,376}{\$115,795,000} = \$1.48 \text{ per } 1,000$$

(budget) / (taxable value) = (levy rate)

Fire District Taxes for Joe Smith

Taxable (Assessed) Value = \$150,000

Levy Rate = \$1.48

In the simple levy process, a taxing district's budget and assessed value are used to calculate a levy rate.

How do we calculate the levy rate?

- The taxing district's final levy amount is divided by the value of all taxable parcels in the district which then equals the levy rate for the district.
- The levy rate is expressed in terms of dollars and cents per \$1,000 of assessed value.

How is the property tax dollar amount for an individual parcel calculated?

- The parcel's taxable value multiplied by the taxing district's levy rate equals the dollar amount of property tax for that parcel.

How do exemptions affect the levy rate?

- More exemptions = higher levy rate; shifts the tax burden to non-exempt properties.

What happens when the Board changes a value?

Pre-appeal taxes:

$$\$150,000 \text{ (AV)} \times \$1.48/1,000 = \$222$$

Post- appeal taxes:

$$\$125,000 \text{ (AV)} \times \$1.48/1,000 = \$185$$

$$\text{Refund to taxpayer: } \$222 - \$185 = \mathbf{\$37}$$

When hearings occur after the Assessor has certified the tax roll to the Treasurer the following may occur:

- Appeal hearings will be held after the tax roll has been certified and there is no way to correct the roll.
- Taxing districts may lose funds since the levy rate is determined and applied to incorrect taxable value amounts for their district.
- Taxpayers may have to pay their property taxes on an assessment that is not correct and wait for a refund.

Example:

The Levy rate has already been calculated, then the BOE hears an appeal and reduces the value, that means the taxing district will not collect their full levy amount anticipated.

For instance, an assessed value is reduced from \$150,000 to \$125,000, the tax amount is reduced from \$222 to \$185, leading to a refund due the taxpayer.

What about our truck?

$$\begin{array}{lcl} \$171,376 / \$115,795,000 & = & \$1.48 \text{ per } 1,000 \\ (\text{budget}) / (\text{taxable value}) & = & (\text{original levy rate}) \end{array}$$

$$\begin{array}{lcl} \$115,795,000 \times \$1.48 \text{ per } 1,000 & = & \$171,376 \\ (\text{adj. tax value}) \quad (\text{levy rate}) & & (\text{original levy}) \end{array}$$

$$\begin{array}{lcl} \$171,376 / \$102,000,000 & = & \$1.68 \text{ per } 1,000 \\ (\text{budget}) / (\text{adj. value}) & = & (\text{adj. levy rate}) \end{array}$$

$$\begin{array}{lcl} \$102,000,000 \times \$1.50 \text{ per } 1,000 & = & \$153,000 \\ (\text{adj. tax value}) \quad (\text{max legal rate}) & & (\text{new levy}) \end{array}$$



If more than one case is decided after levy rates have been set, the impact to the district is then compounded.

- In this example, the district's taxable value should have been \$102,000,000 (due to BOE decisions) instead of \$115,795,000, a difference of \$13,795,000 (in taxable value).
- If the assessor would have known this before certifying the tax roll, the district's levy rate should have been \$1.50 (the legal maximum rate), reduced from the \$1.68 shown above. Instead of the actual levy rate of \$1.48 (calculated by using a higher taxable value). In this example, the district would only be able to levy \$153,000 instead of \$171,376.
- This results in everyone in the district, including those who did not appeal their assessment, paying an incorrect amount of tax to the fire district based on the \$1.48 levy rate instead of the \$1.50 levy rate.
- The fire district must refund \$20,416 of taxes to taxpayers who appealed their assessment and had their assessment reduced.
 - rate x amount removed from rolls by BOE = refund
 - So in this scenario, \$1.48 x \$13,795,000 = \$20,416
- If everyone pays their taxes, the district will receive \$150,960 for this tax year which is \$2,040 less than they should have received.
 - original levy amt – refund levy amt = corrected levy amt
 - So in this scenario, \$171,376 – \$20,416 = \$150,960
 - new levy amt – corrected levy amt = loss in revenue
 - So, \$153,000 – \$150,960 = \$2,040



1. Refunds & Judicial Appeals
2. Authority of the Assessor
3. Administrative Appeals
 - Board of Equalization
 - Board of Tax Appeals

Judicial Appeals & Refunds

- Payment of Taxes under protest
- Administrative Refunds for errors
- Small Claims

RCW 84.69.020 , 84.68.020, & 84.68.110



1. Judicial appeals (payment of taxes under protest): RCW 84.68.020 & WAC 458-18-215
 - Suit must be filed in superior or federal court by June 30th of the following year.
 - Taxes paid under protest must list all reasons for protest in writing.
 - Non-jury trial
 - Adverse decisions appealable through the appellate court system.
 - Refunds bear interest at the short-term U.S. Treasury securities rate
2. Administrative Refunds for errors: RCW 84.69.020 – for more information contact the county treasurer
 - Errors in description
 - Clerical errors
 - Computation errors
 - Improvements that do not exist
3. Small Claims: RCW 84.68.110
 - Petition must be filed within 3 years of the tax becoming payable, filed with the assessor
 - Maximum amount refundable is \$200 per year
 - Errors in description
 - Double assessments
 - Manifest errors



Authority of the Assessor

1. **Can correct Manifest errors:** RCW 84.48.065(1)(a) An error in listing not involving a revaluation of property/ do not involve appraisal judgment
 - Errors in description, double assessments, clerical errors in extending the rolls,
2. **Can make Stipulated value agreements:** WAC 458-14-026
3. **WAC 458-14-025 lists** Statutorily required adjustments to the assessment rolls *must* be made by the assessor as necessary and do not require any board action.
 - (a) Change of tax status due to sale to or by a public entity;
 - (d) Removal, addition, or change of status of forest land designation;
 - (f) Removal, addition, or change of status of a special valuation assessment (RCW 84.14 & 84.26);
 - (h) Change of status of property determined to be exempt by the Department;
 - (i) Exemption of a nightclub sprinkler system (RCW 84.36.660);
 - (j) Valuation reduction after an adoption of a government restriction (RCW 84.40.039);



Destroyed Property

Destroyed property claims must be:

- Destroyed in whole or part; or
- In an area that has been declared a disaster area by the Governor or the county legislative authority; and
- Reduced in value by 20% or more.
- **Only the percentage of reduction is appealable to the BOE.**

RCW 84.70.010

The Assessor can adjust the value of property that has been destroyed.

Exemption Status

The assessor may adjust the exemption status of property with respect to:

- Senior citizen exemptions,
 - Sale to or by a government entity, or
 - Physical improvements to single family dwellings.
-
- The decision to deny and the level of exemption is appealable to the BOE.



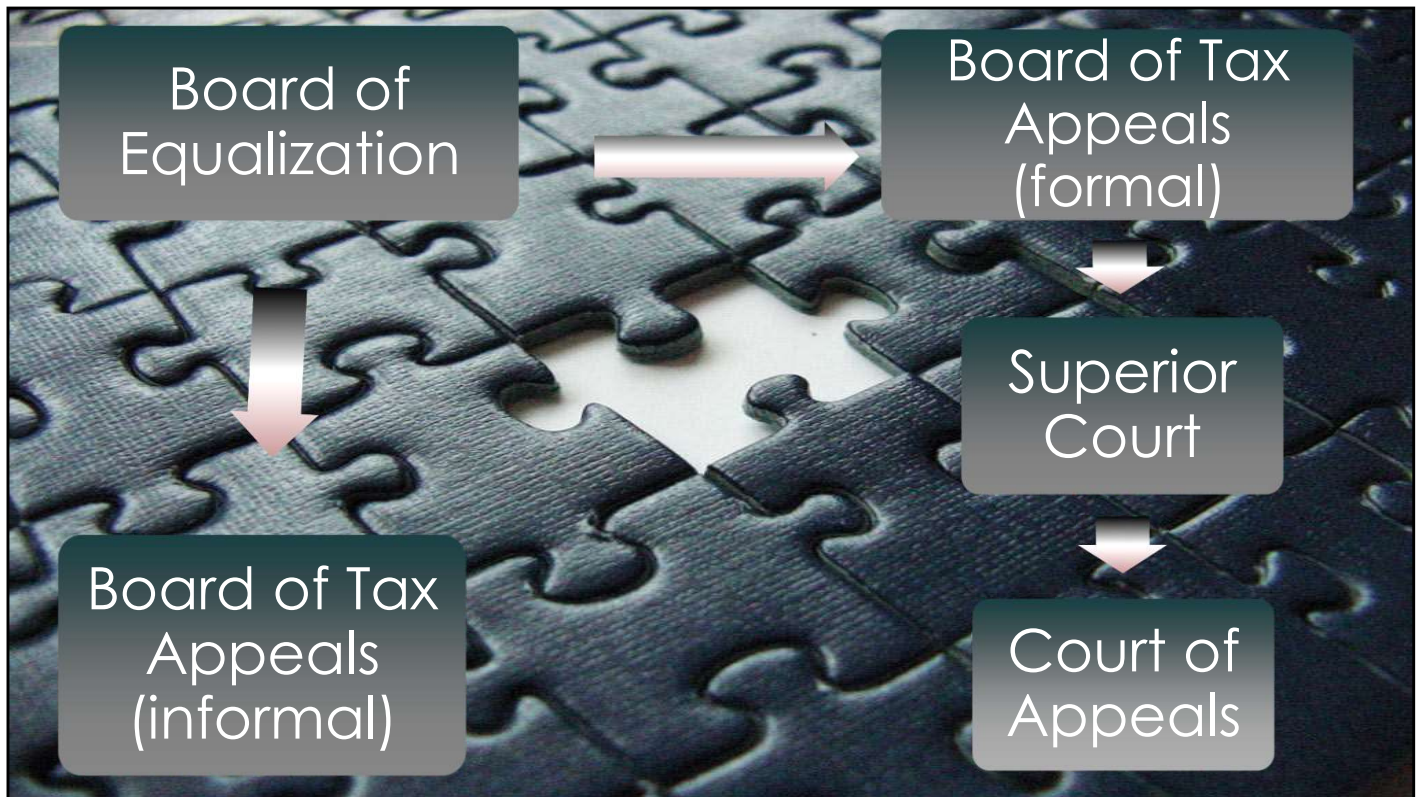


Administrative Appeals

Administrative Appeals are an inexpensive and simplified appeal process. They're quasi-judicial proceedings where boards provide an impartial hearing environment to protect each party's due process rights and results in a fair decision.

Elements of Due Process that each party has a right to have or be given

1. A notice
2. An opportunity to know the claims of the opposing party
3. The opportunity to be heard, so to appear and present evidence
4. A Reasonable time to prepare one's case
5. To have an orderly proceeding
6. The right to a cross examination and to present rebuttal evidence
7. The right to an **impartial** tribunal (not here to right wrongs, triers of facts) and
8. The right to a reasoned decision



Administrative appeal options are limited to:

- Taxpayers appeal to their local Board of Equalization.
 - BOE decisions are appealable to the BTA.
- Direct Appeals, which skip the BOE, however, these are not freely given
 - These are requested by the taxpayer after they timely file with the BOE,
 - The taxpayer, Assessor and BOE members must agree and sign the direct appeal petition form, and
 - the BTA gets to choose to accept these.
 - Typically appeals that are “highly valued, disputed property” are accepted
- BTA formal appeal decisions may be appealed to Superior Court.

County Board of Equalization



RCW 84.48.010

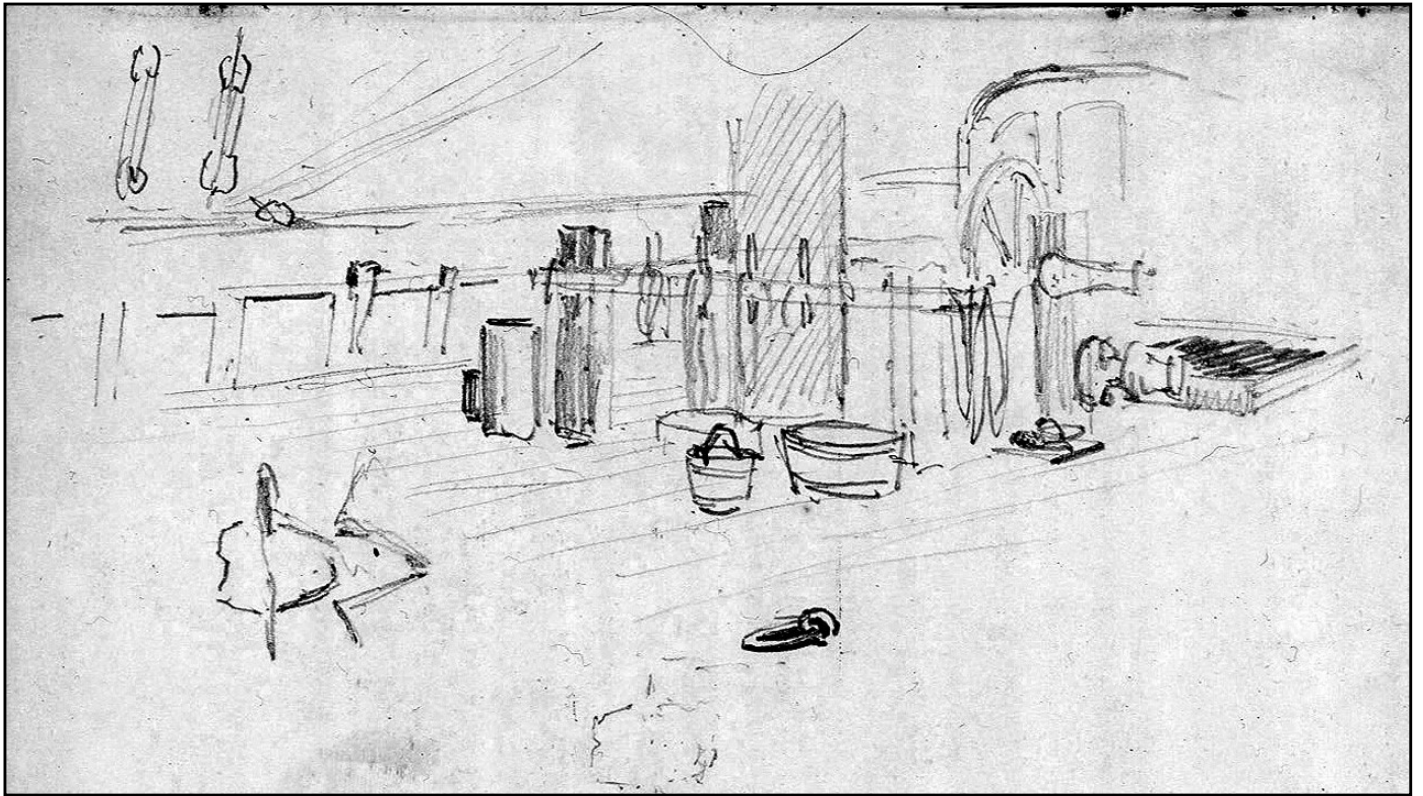
The board of equalization is tasked with providing an impartial hearing environment that protects each party's due process rights and results in a fair decision.

The Board must be at least three members with up to four alternates.

- Appointed by the Board of County Commissioners.

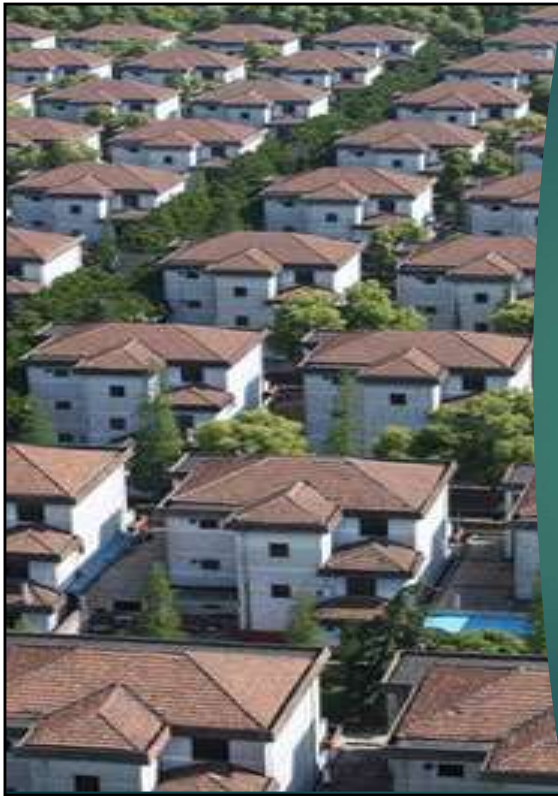
Business is usually conducted during the “Regularly Convened Session” where the board:

1. Hears appeals on most decisions made by assessors and;
2. Equalize property values



The Board is responsible for determining whether there is a sufficient amount of relevant evidence to support the appellant's claim.

The amount of evidence that is sufficient to prevail differs with the type of legal proceeding involved.



Equalization Board

Boards examine and compare assessments to see if comparable properties are comparably valued without an appeal.

The Board's:

- Have this authority on their own motion during the regular 28-day session of the current assessment year
- May be reconvened by the Department to perform equalization duties of prior assessment years (up to 3 years prior)

Equalization may be triggered when...

- A pattern of appeals indicate there may be inequality within a group or class of properties.
- An individual or group of taxpayers call or write about their assessed value as compared to similar properties.
- The assessor may propose equalization to the board.
- Any discrepancies or potential errors on the assessment roll (appeals of other properties may point to potential discrepancies).
- The Board may investigate to determine if there are legitimate reasons for value differences between appealed and similar properties.



Jurisdiction of Boards of Equalization

The BOE has jurisdiction to hear:

1. Changes in appraised value of taxable rent for appraisals done by the assessor for the department (RCW 82.29A). "leasehold excise tax"
2. Exemption cancellations of multiple unit dwellings in urban centers (RCW 84.14.110)
3. Historic property decisions/disputes (RCW 84.26.130)
4. Forestland application denial (RCW 84.33.130)
5. Forestland removal (RCW 84.33.140).
6. Current use determinations (RCW 84.34.035)
7. Denial of application for farm and agricultural land
8. Removal from current use classification (RCW 84.34.108)
9. Appeal of new assessed valuation upon removal of current use classification
10. Exemption determinations for increase in value attributable to the installation of an automatic sprinkler system in a nightclub (RCW 84.36.660)
11. Senior citizen exemption denials (RCW 84.36.385)
12. Assessed value upon which additional tax is based, upon cessation of exempt use (RCW 84.36.812)
13. Property tax deferral determinations (RCW 84.38.040)
14. Valuation reduction after government restriction determinations (RCW 84.40.039)
15. Omitted property or omitted value determinations (RCW 84.40.085)
16. Valuation appeals of taxpayers (RCW 84.48.010)
17. Assessor decisions stemming from a claim for real or personal property tax exemption (RCW 84.48.010)
18. Cancellation or corrections of manifest errors that result in a change on the assessment/tax roll (RCW 84.48.065)
19. Destroyed property appeals (RCW 84.70.010)
20. Assessor decisions of property tax limited income deferral program (RCW 84.37)



Board Meetings

- Boards **must** meet in open session on July 15th or within 14 days of certification of the county assessment rolls; whichever is LATER .
- Remain in session for 28 days
- Must meet at least 3 times during the 28-day session.
 - If the Board needs to extend past the 28-day session, you can ask the county legislative authority to convene after your regular 28-day session to hear timely filed petitions.

What can you do during the meetings?

- Swear in board members
- Review the assessment roll
- Hold hearings
- Meet with assessor for generic discussion
- Authorize members or the clerk to sign orders
- Review BTA orders

The county assessor must certify the assessment roll to the board of equalization before the board can issue any valuation determinations for that assessment year.

RCW 84.48.010 & WAC 458-14-046:

WAC 458-14-005(18): Defines regular convened session for the purposes of WAC 458-14-127 timeliness.



The BTA has a Board which is made up of 3 members (chair, vice chair, and member), they serve 6-year terms and are appointed by the Governor.

The BTA hears appeals anew which means:

- There is no restriction to reviewing only the evidence considered by the county board.
- Either party can provide new arguments, testimony, and evidence.

The BTA is bound by the same **standards of review** as the county boards.

- The original certified value enjoys the same presumption of correctness before the BTA.
- There is *NO* presumption of correctness on a value ordered by the county board, even if it was recommended by the assessor and adopted by the county board.

Types of appeals the BTA sees:

- Appeals of BOE Orders
- Determinations made by the Department
- Direct Appeals

Upon filing an appeal, a party can choose either a formal or informal appeal.

Direct Appeals

1. Taxpayers may request a direct appeal to the BTA, but must still timely file with the board of equalization.
2. All parties, including the BTA must agree to a direct appeal.
3. Only being accepted for “highly valued disputed property”

RCW 84.40.038

When:

In an appeal involving complex issues or requiring expertise beyond the board's proficiency, a taxpayer, prior to the hearing before the board, may file a request with the board for a direct appeal to the state board of tax appeals without first having been heard by the board. The taxpayer and assessor (or the assessor's authorized designee) must jointly sign this request. Without holding a public hearing on the request, the board, by simple majority vote, shall approve or deny the request within fifteen calendar days of its receipt.

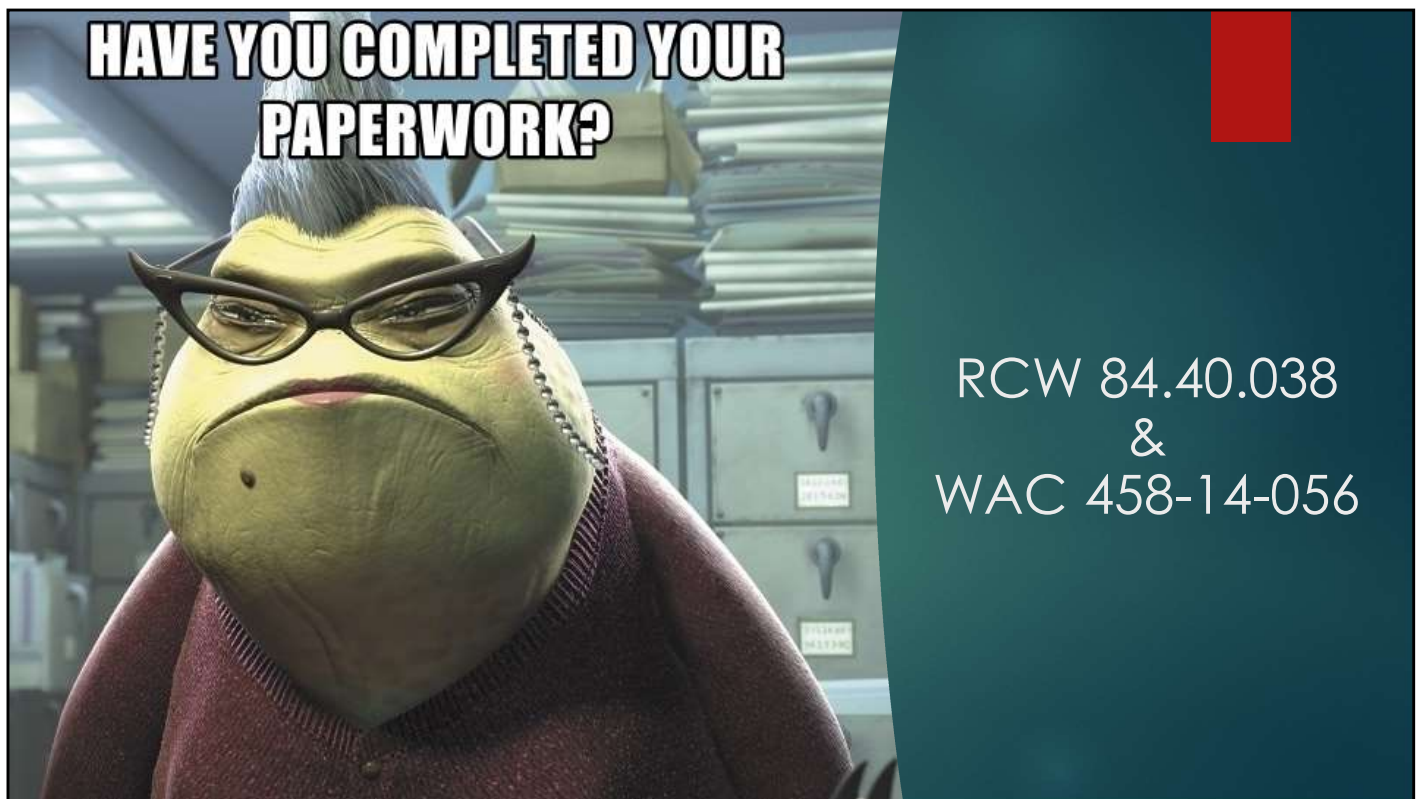
****Highly valued disputed property:** The amount in dispute exceeds $\frac{1}{4}$ of 1% of the total assessed value for the county. This is determined by the Assessor.



Appeal & Hearing Processes

DOR's appeal forms and publications:

- [Property Tax Forms \(Public Access\)](#)
- [Property Tax Publications \(Public Access\)](#)
- [Property Tax Resource Center \(PTRC\)](#)
 - [Property Tax Forms \(Clerk Use\)](#)
 - [Property Tax Publications \(Clerk Use\)](#)
 - [Education/Class Calendar](#)



The only method for appealing a county assessor's determination to the county board of equalization, is by a properly completed and timely filed taxpayer petition.

Clerks must provide the Assessors office with copies of petitions, including all attachments and evidence included at the time of filing. If the clerk doesn't the Assessor has no idea an appeal was filed. In addition, if the taxpayer checks the valuation information box the Assessor has a time limit to get that information to the taxpayer.

A photograph of a person's hands writing on a document on a wooden table. The person is wearing a green and white striped shirt. The text "Who can appeal?" is overlaid in white on the image.

Who can appeal?

The owner or person responsible for the payment of property taxes may petition the BOE.

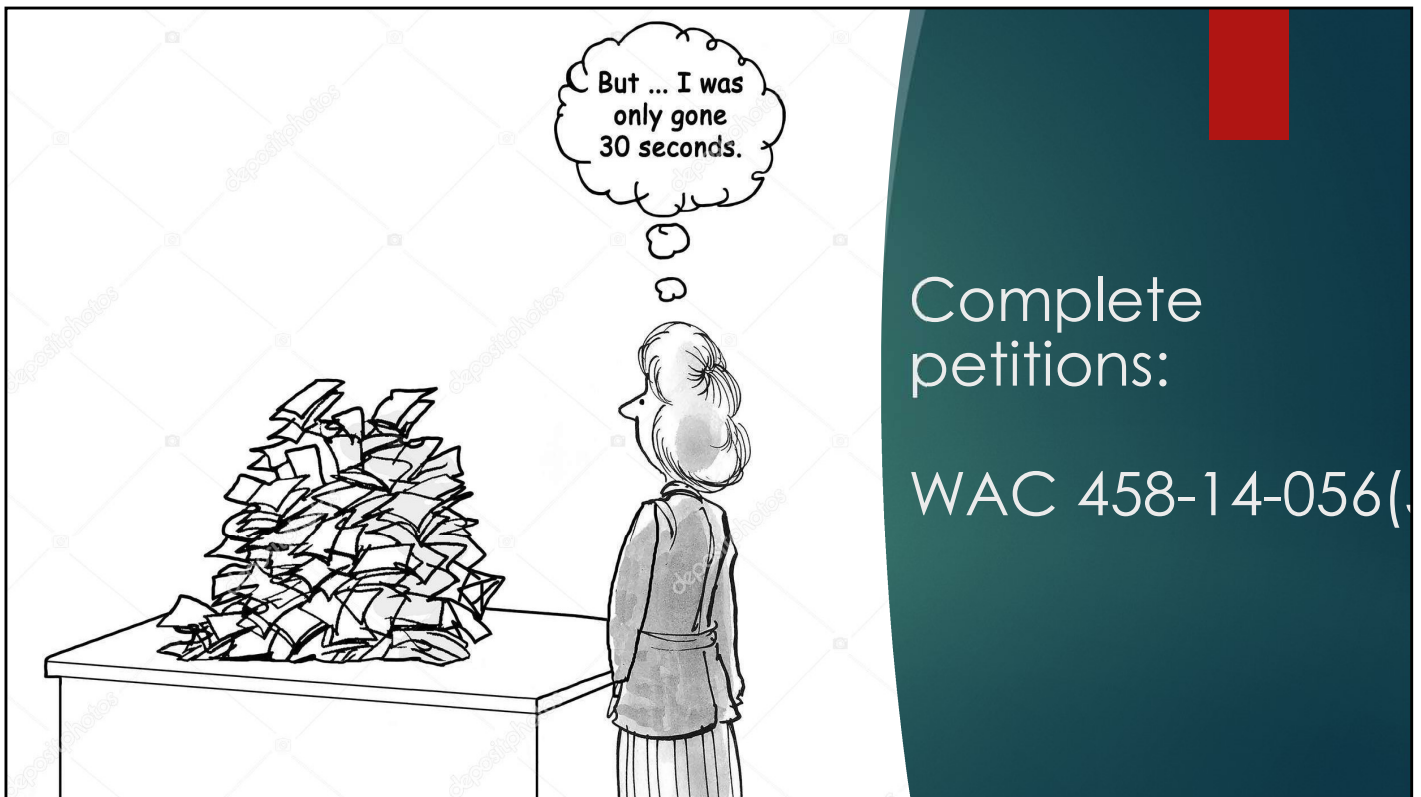
If the owner has a representative, they should provide a copy of their authorization forms.

- Check to ensure it connects the representative to the taxpayer.
- Double check the taxpayer signed it

A property owner may **contract with a lessee (less – E)** for the purpose of making the lessee responsible for the payment of the property tax and the lessee may be deemed to be a taxpayer solely for the purpose of pursuing property tax appeals in his or her own name. If the contract is made, the lessee shall be responsible for providing the county assessor with a proper and current mailing address.

WAC 458-14-005(22) defines taxpayer:

- "Taxpayer" means the person or entity whose name and address appears on the **assessment rolls, or their duly authorized agent, personal representative, or guardian.**
- "Taxpayer" also includes the person or entity whose name and address should appear on the assessment rolls as the owner of the property, but because of mistake, delay, or inadvertence does not so appear; for example, in an instance when the rolls have not yet been updated after a transfer of property.



1. Complete petitions contain (WAC 458-14-056(5)):
 - Answers to all relevant questions on the form (generally items 1-5 for property valuation appeals).
 - Sufficient information to apprise the board and assessor of the reasons for the appeal.
 - **Petitions need not contain all documentary evidence the taxpayer intends to present to be considered complete.**
2. Petitions are incomplete if they *only* contain statements such as:
 - “*The Assessor’s value is too high.*”
 - “*The property taxes are excessive.*”

Check for:

- Boxes 1-5 of the real property petition form. Box 4 is the only subjective requirement.
- Copy of COV notice when filed after July 1st.
- Copy of POA or other authorization if person filing isn’t the taxpayer.

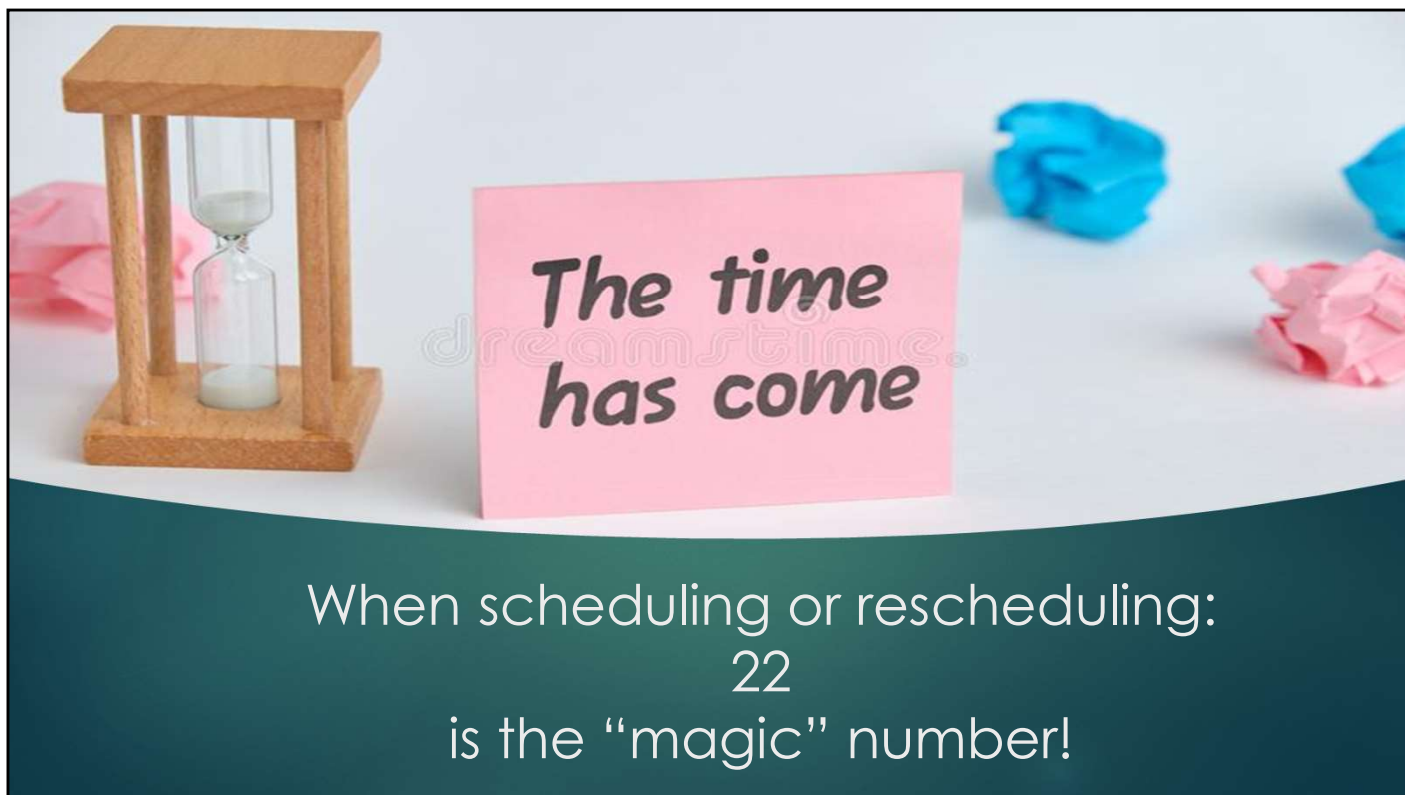


Filing deadlines (WAC 458-14-056):

- July 1 of the assessment year,
- Or 30 (up to 60 days) after the COV is mailed (petitions filed after July 1st, MUST have a copy of the revaluation notice attached).

**The board must receive an actual request prior to granting a waiver.

- We will go into GCW and Reconvenes in more detail later



A hearing must be scheduled for all timely filed petitions which have not stipulated or withdrawn.

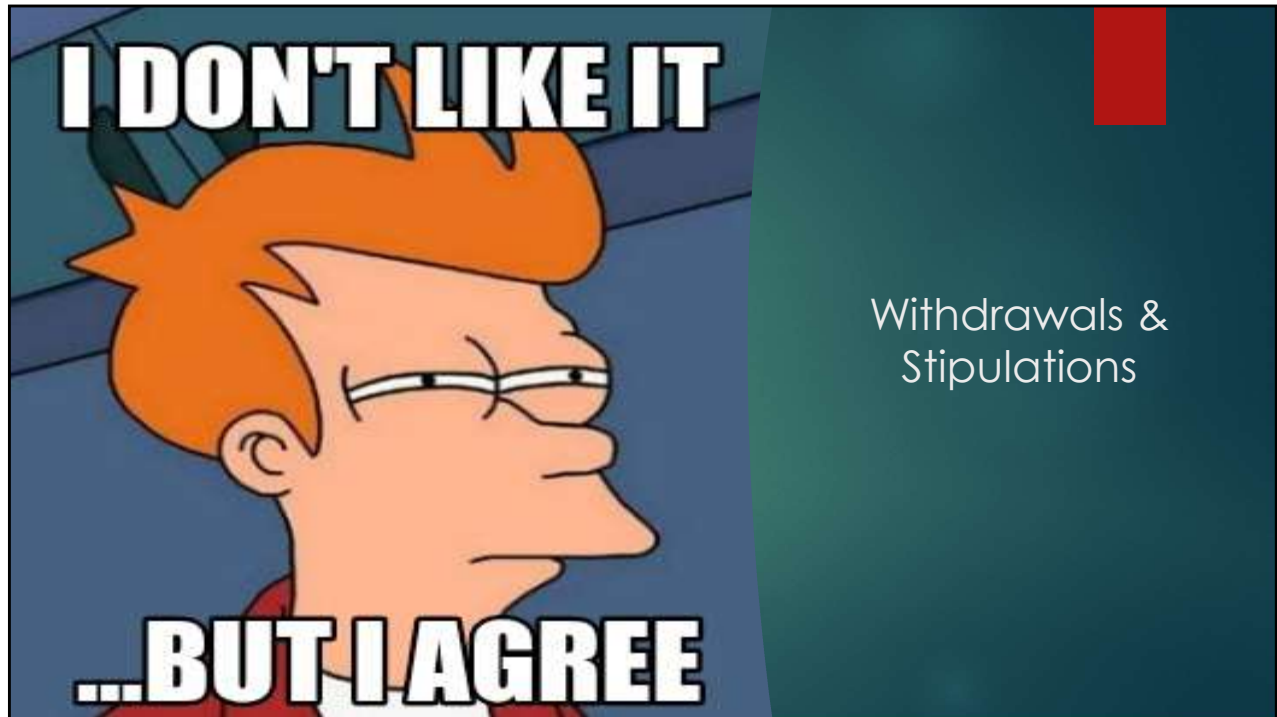
1. Notice must be at least 22 business days prior to hearing date (WAC 458-14-076(2)) and include:
 - Appellant name
 - Hearing date, time, & location
 - Hearing length
 - Account or parcel number
 - File number (assigned by clerk)
 - Additional instructions for the parties, including information concerning the process of the hearing that may be helpful to the appellant.
 - Policy for scheduling hearings or rescheduling hearings if you have one (I recommend you develop one if you do not).
2. Inform the parties, they must file (with the BOE **AND** the other party) all relevant materials as evidence at least 22 days prior to the hearing.
3. The clerk must keep a record of the notice in the appeal file.



Exchange of Evidence

21 BUSINESS DAYS PRIOR TO HEARING

1. Valuation Information: **WAC 458-14-066**
 - Assessors must provide taxpayers with information used to value property *within 60 days of request* but at least 21 business days prior to hearing. This provides taxpayers with insight into how they developed the value (the more taxpayers understand, the less likely they are to continue). Box on the petition form.
2. Exchange of Evidence: **WAC 458-14-087**
 - Taxpayer must provide their valuation evidence to the Assessor and BOE at least 21 business days prior to the hearing.
 - The assessor **may** elect to provide a response. If so, it must be provided to the taxpayer and BOE at least 21 business days prior to hearing.



When the parties reach an agreement, they can choose to stipulate when;

- The assessment roll has been certified,
- The taxpayer has a timely filed petition,
- There has not been a hearing, **and**
- Both parties have signed the stipulation.

Any signed stipulation filed with the board constitutes a withdrawal.

Withdraws: Taxpayers may choose to withdraw their petition when:

- The request is made in writing (email is acceptable),
- The request is submitted no later than 2 days prior to a hearing, unless the board allows a later withdrawal.

Its the board's responsibility to notify the Assessor of the withdrawal.

Stipulations (WAC 458-14-026)

Withdrawals (WAC 458-14-076)



RCW 84.48.028 –
The clerk is required to attend all hearings.

All hearings are required to be **recorded** with an audio recording device WAC 458-14-095(1).

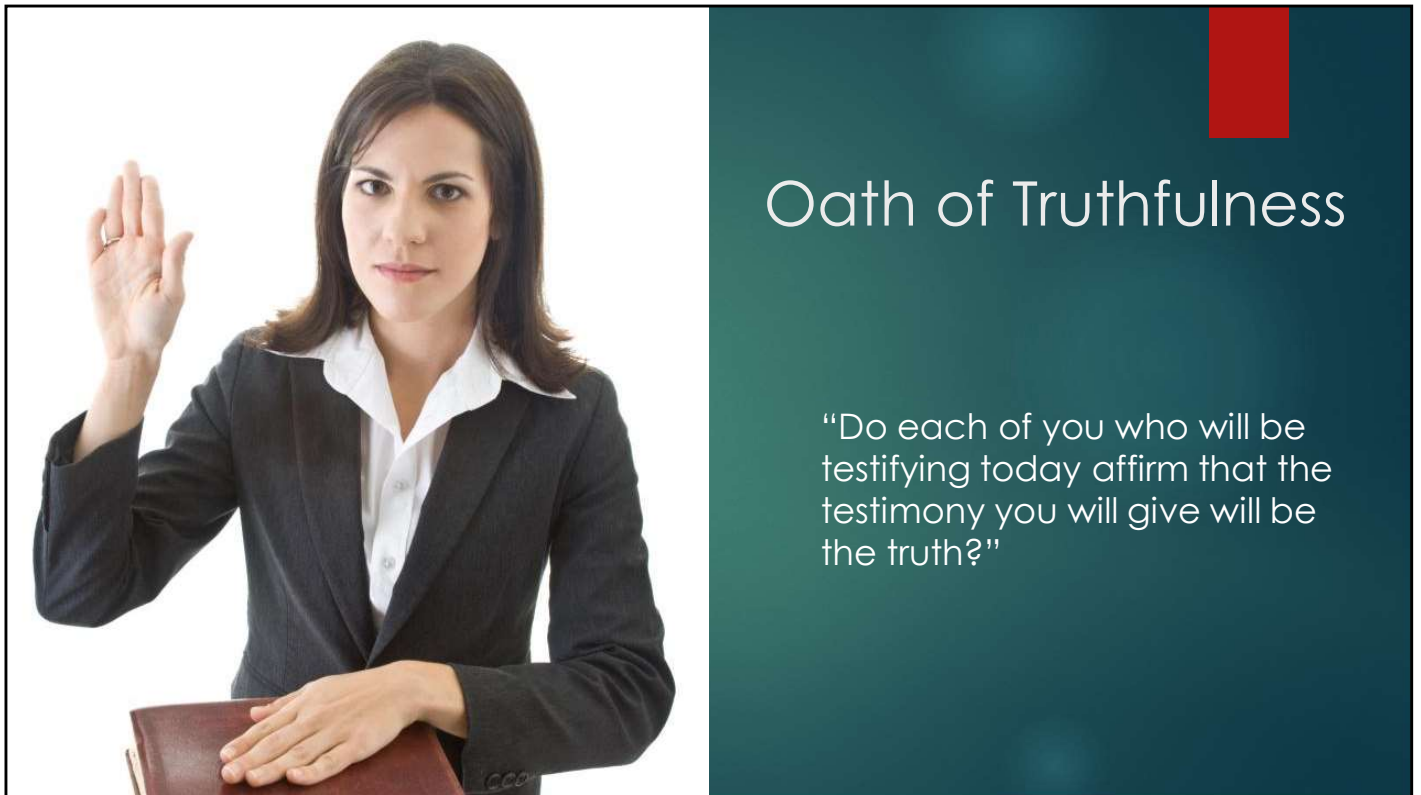
- All board hearings are open to the public unless a party requests that part or all of the hearing be closed due to confidential income data evidence.
- Sign-in sheets are recommended to provide the board a record of the names of those testifying.
- All who testify shall swear or affirm to tell the truth under penalty of perjury WAC 458-14-076(4).

WAC 458-14-095 – Confidential Information

- Hearings involving confidential information must be recorded on a separate recording/hearing.
- Confidential information must be kept in a sealed file labeled “confidential”.
- Hearings with confidential information are closed to the public, so this is where you would let the observers know the hearing will be closed for that portion.

If you’re presented with additional evidence at the hearing:

- The opposing party may object, and the board will make a ruling to accept or deny the evidence.
 - If the additional evidence is allowed, it must be provided to the board and the opposing party, then the opposing party has to be allowed time to rebut.



Oath of Truthfulness

"Do each of you who will be testifying today affirm that the testimony you will give will be the truth?"

All who testify shall swear or affirm to tell the truth under penalty of perjury WAC 458-14-076(4).

Includes: taxpayer, assessor's representative, and any witnesses

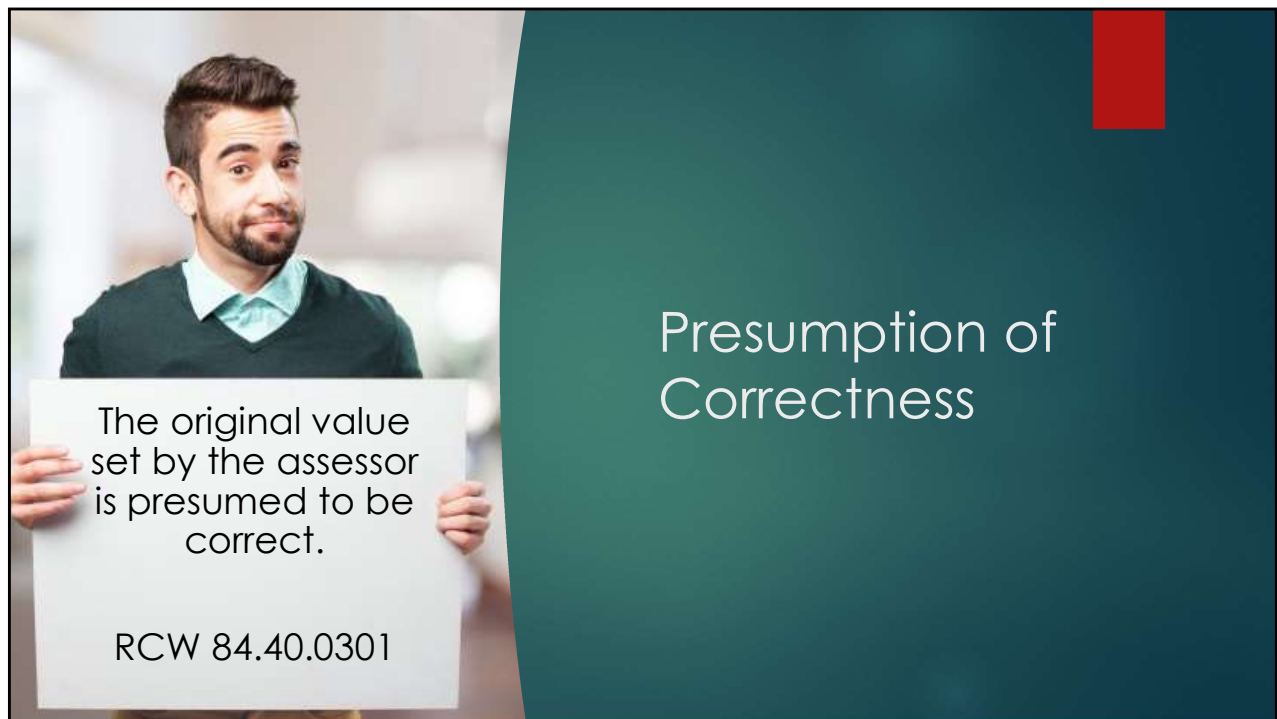
- May be given individually
- May be given to everyone offering testimony
- May be administered by the clerk or chairperson



Opening Remarks ensure the parties understand how the hearing will be conducted

The chairperson should make opening remarks to ensure parties understand how the hearing will be conducted:

1. Start with Introductions of the Board members, taxpayer, and assessor or the assessor's representative.
2. Then cover the separation of the board & assessor's office
3. The board's duty/authority
4. The assessor's presumption of correctness
5. What is considered proper evidence
6. Inform parties of testimony time limits
7. The board's decision-making procedures
8. Appeal rights (to BTA)



Presumption of Correctness

The assessor's valuation enjoys a presumption of correctness and the statute requires clear, cogent, and convincing evidence to overcome this. That means the appellant disputing the value must provide the Board with sufficient evidence to show it is highly probable the assessor's value is incorrect.

Presumption applies to:

- original certified assessed value
- values corrected under manifest error
- It EVEN applies WHEN the Assessor has **offered** a stipulated agreement– so its not signed by either party

The standard of proof shifts to a preponderance of the evidence when:


- Values have been corrected;
- Valuation methods have been invalidated;
- When the Assessor Admits error
- And finally if the issue before the Board is not a valuation issue.

Example:

1. A **taxpayer provides** clear, cogent, and convincing evidence that an element of the income approach (such as the capitalization rate) is incorrect, that factual judgment should be decided on the preponderance of the evidence.
 - For unrelated factual issues, (such as operating income, vacancy rates, and expenses) the CCC standard still applies.


Facts


- A statement that is true.
- A fact can be tested and proven.
- Examples of facts:
 - The sun is hot.
 - B is the second letter in the alphabet.
 - Friday is the day after Thursday.



Opinions

- Someone's feelings or beliefs about a topic.
- Cannot be proven true or false.
- Key words associated with opinions:
 - Believe
 - Think
 - Should





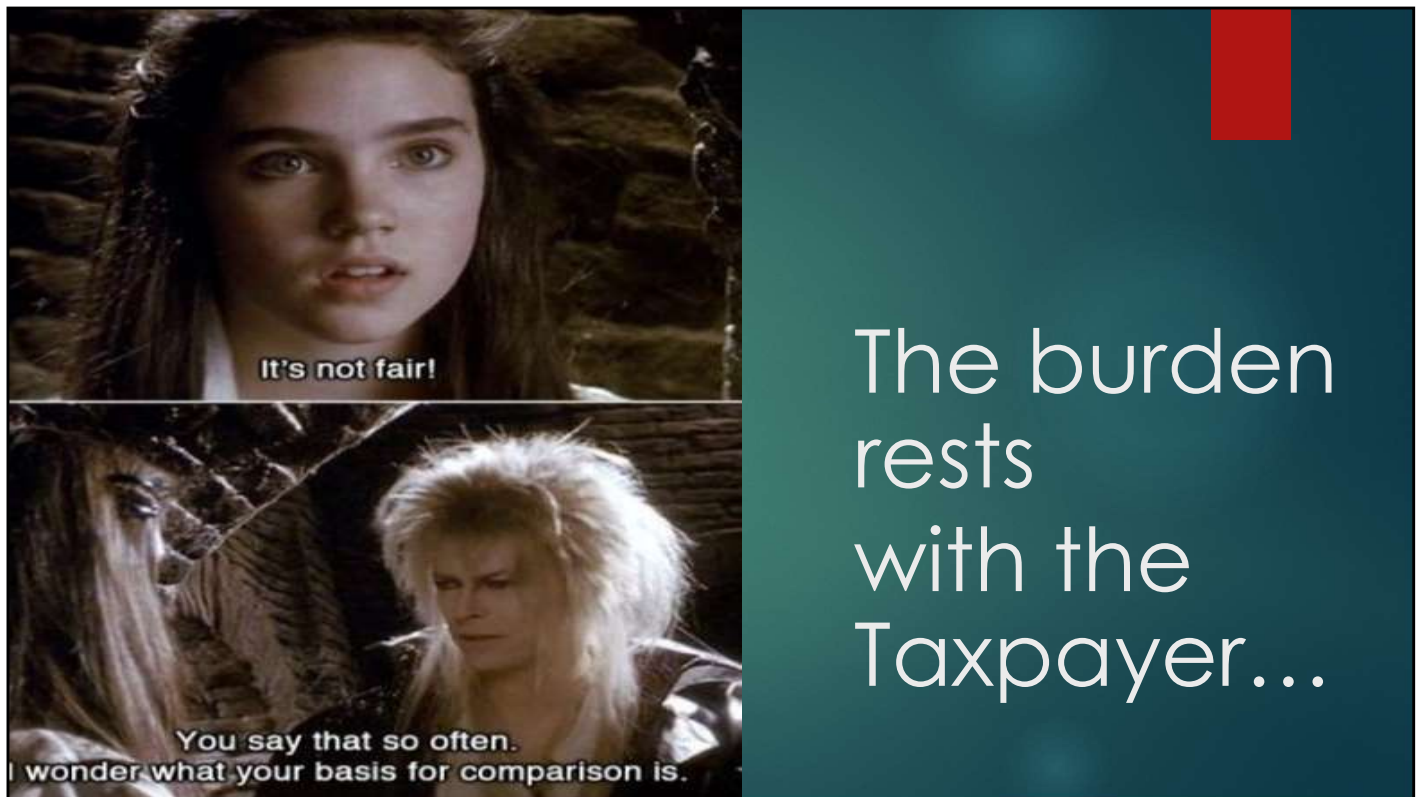
Either party may present evidence or arguments to persuade the Board. The Board must weigh each item.

The Board considers relevance of testimony and evidence presented:

- Evidence is the means by which facts are established or disproved.
- Relevant evidence makes facts more or less probable when used as part of a determination.
- The Board must consider everything from the hearing to determine if the presumption of correctness has been overcome.

The Board considers relevance of testimony and evidence presented:

- Relevant evidence may include comparable sales data, cost data, income data, maps, or photos.
- Case law, statutes, and rules are general principles not evidence.
- Arguments are an attempt at persuasion, not evidence. Examples include laws, rules, and prior court cases governing assessments.



The Board must decide if the taxpayer has *first* met their burden of providing proof **AND** have met the correct standard of proof.

The taxpayer must show it is “highly probable” the assessor made an error with Clear, Cogent, and Convincing evidence.

This is a greater standard than more probable than not. The facts are clear, positive, and unequivocal in their implication.

- This is the standard of proof needed to terminate parental rights in a child abuse case.

Now if they overcome the presumption the standard of proof shifts to a preponderance of the evidence.

This standard is more probable than not and requires at least 50% + 1, so the greater weight or amount of evidence.

- This is the standard of proof needed to recover vehicle damages at a civil trial.

Burden of Proof (RCW 84.40.0301)

Evidence of Value – What can be used?

(1) In making its decision with respect to the value of property, the board must use the criteria in RCW [84.40.030](#).

(2) Boards may consider any sales of the subject property or similar properties which occurred prior to the hearing date and within 5 years of the petition filing date (requirements of RCW [84.40.030](#), [84.48.150](#), and WAC [458-14-066](#) must be complied with).

(3) Any sales not on January 1st must be adjusted to the value on January 1st of the disputed assessment year, reflecting market activity and using generally accepted appraisal methods.

(4) More weight is given to similar sales occurring closest to the assessment date requiring the fewest adjustments for characteristics.

RCW [84.40.030](#)

Basis of valuation, assessment, appraisal—One hundred percent of true and fair value—Exceptions—Leasehold estates—Real property—Appraisal—Comparable sales.



The Board renders a decision after evaluating **all evidence & testimony and applying the correct standard of proof.**

If the Board cannot achieve a quorum, such as a tie vote, the Board must sustain the assessor's determination..

Orders:

- Discuss the evidence and indicate the value of the property or other decision.
- Issued within 45 days of the hearing (mailed to the appellant and the assessor, with a copy retained by the board).
- Parties have 30 days from the order mailing date to appeal the board's order to the BTA (parties are informed of this on the order per WAC 458-14-116(3)(b)).

Reconsiderations:

- The Department has advised boards that they may choose to accept and review requests for reconsideration, but reconsiderations should be processed only to correct an egregious error.
- The best option for any aggrieved party is to appeal the decision to the BTA.

Consider the following:

- ▶ **What am I deciding?** What is the disagreement or errors claimed, and whether that disagreement or errors are harmful such that, if fixed, would lead to a different result.
- ▶ **What is the applicable legal standard for what I am deciding?** The degree of evidence necessary to reach a level of certainty to prove or refute a particular assertion or claim and the level of deference to give the Assessor's decision/valuation.
- ▶ **Who bears the burden of meeting the legal standard?** Taxpayers generally have the responsibility to produce sufficient evidence and persuade you of their claims or assertions
- ▶ How do I weigh the evidence? What kinds of facts might prove this claim? What facts are reliable and credible, and what facts are irrelevant?



Board Reviews

County Review Auditors

Diana Burch:
360-534-1429
DianaBu@dor.wa.gov

Marc Leverington:
MarcL@dor.wa.gov
360-534-1421

Current Use
Open Position



The Department is the state agency charged with the responsibility of *statewide* administration of the property tax system.

- BOE reviews are one of the tools we use to accomplish that task. They help us to see the processes of the county boards and we use that information to provide education to help the boards improve their processes.
- We are here to help you successfully implement the law. Which helps to eliminate risk for the county. (AGO acts as legal counsel for DOR)

The Department's broad authority over county officials in general and local boards of equalization includes:

- Acting as the oversight agency. (RCW's 84.08.010, 84.08.060)
- Administration of state property tax system. (RCW's 84.08.010, 84.08.060)
- Providing education and guidance (RCW's 84.48.042, 84.48.046)



WHAT IS THE PROCESS FOR BOE REVIEWS?

The auditor will:

1. Contact the clerk to determine a date and time for an interview for the review.
2. Request a list of petitions, the list should include:
 - a) The petition #, was determination overruled/sustained?
 - b) For valuation or non-valuation issue, was petition withdrawn?
3. Choose the petition files for review.
 - a) In addition to the petition files, the clerk will provide form letters, custom forms, hearing notices, and the certification from the assessor to the board.
 - b) The clerk provides the Department with the petition files electronically.
4. Conduct a phone or online interview with the clerk.
5. Review the information gathered and draft a review report.
6. Send a draft copy of the report to the clerk.
 - a) The board will have two weeks to ask questions or provide input.
 - b) Issue the final review report.
 - c) Post the final report to the Department's website and the Property Tax Resource Center website.
7. Complete a follow-up review in the year following the review, if there were any requirements or recommendations.

Department of Revenue
Washington State

"Working together to fund Washington's future"

Property Tax Resource Center
A resource for County Assessors and County Taxpayers

Home

- Property Tax Programs
- Revaluation
- Appraiser Accreditation
- Education
- Forms & Publications**
- County Reports**
- Valuation Topics
- Laws, Rules & PTAs
- Special Notices
- Legislation
- Statewide Commercial Sales Database
- WAC 458-12 Project DOR/WSACA
- Q & A
- Statistics
- County Contacts

Forms & Publications

What type of information is available at this site?

This site contains all the forms and publications that are maintained by the property tax division. There is also a quick reference index for your convenience. The forms and publications are available as a link to the property tax website. They are provided as protected word doc or excel fill in version.

What if my county wants to customize an existing form?

Exclusive to this site, several of the forms are also available in an unprotected document that can be used by the county. The county is able to insert county specific contact information, such as, county name, address, phone number, etc. Generally, if the only information that is being revised on the form or publication is the county information, approval is not required. When customizing a form or publication, remember to revise the form number and the revision date as part of the reference. Example: Snoh 64 0024 (8/1/2007) or Snoh 64 0024 (8/1/2007) or Snoh 64 0024 (8/1/2007) or Snoh 64 0024 (8/1/2007)

What if my county wants to create a form or publication of their own?

Most forms are statutorily assigned to the property tax division to create and maintain and can not be modified by the county. The property tax form and publication reference number is found at the bottom of the form or publication. Example: Rev 64 0024 (6/30/07) or FS 0013

When creating a form or publication, remember to always include the form or publication number of the reference. Example: Snoh 64 0024 (8/1/2007) or Snoh FS0013 (8/2007)

How does the county submit a new form or publication for review/approval?

Submit a draft file to Marc Leverington, Forms/Publication Coordinator, at Marcl@dor.wa.gov for a review and approval.

What if I have questions?

Contact the Property Tax Division's Forms/Publication Coordinator, Marc Leverington, at (360) 534-1421 or publication reference number when you call.

GENERAL PROPERTY TAX INFORMATION IS AVAILABLE ON THE DEPARTMENT'S PUBLIC WEBSITE:
[HTTPS://DOR.WA.GOV/FIND-TAXES-RATES/PROPERTY-TAX](https://dor.wa.gov/find-taxes-rates/property-tax)

COMMENTS AND SUGGESTIONS ARE WELCOME AND SHOULD BE SENT TO MARC LEVERINGTON (360) 534-1421 MARCL@DOR.WA.GOV

Home | Annual Revaluation | Appraiser Accreditation | Education | Forms & Publications | County Reports | Laws, Rules & PTAs | Q & A | Statistics | County Contacts

Resources

- ▶ dor.wa.gov
- ▶ propertytax.dor.wa.gov
- ▶ BOE Manual

Resources available:

DOR Website – dor.wa.gov

The PTRC or Property Tax Resource Center is a great resource, however, it is for county officials use only.

BOE Manual – available on both websites.

Up next...

2023

Chelan

Wahkiakum

Island

Kitsap

Pacific

Skamania

Walla Walla

Whatcom

Skagit

2024

Asotin

Douglas

Cowlitz

Franklin

Jefferson

Klickitat

Lewis

Snohomish



Common Issues

1. Petition missing Change of Value (COV) Notice
2. Clerk not attending hearings
3. Regular Session meeting dates incorrect
4. Record of Hearing not published
5. Confidential information stored incorrectly
6. BOE Website
7. Control Register





Laws & Rules