

**Amend Section 51142 of the Government Code to specify the time period for a taxpayer to appeal the new valuation of property that has been removed from a Timberland Production Zone and also specify that the tax recoupment fee that must be paid when such land is immediately rezoned is due within 60 days of the mailing of the tax bill rather than within 60 days of receipt of the tax bill.**

**Source: Property Tax Department**

Under current law, land in a Timberland Production Zone (TPZ) is subject to a 10-year contractual restriction, which is extended annually, whereby use is restricted to growing and harvesting timber and certain compatible uses approved by the local county board of supervisors. In return, the valuation of timberland under TPZ for property tax purposes is based on its restricted use. As a result, its assessed value may be lower than it would otherwise be under the general assessment valuation procedures of Proposition 13.

Property owners can request that their property be immediately removed from TPZ zoning. If approved, the Government Code requires that a "tax recoupment fee" be charged. An owner may request, to either the county board of supervisors or the Board of Equalization, as specified, that the fee, in whole or in part, be waived when it is in the public interest to do so.

The tax recoupment fee is based, in part, on the value established by the assessor who must reassess the property upon its removal from TPZ. The taxpayer may appeal the value established.

This proposal would address two issues that counties have encounter in performing their functions related to the tax recoupment fee. First, a taxpayer may appeal the valuation upon which the tax recoupment fee is based "in the same manner" as an assessment appeal. This language is contained in the Government Code, but without cross reference to the specific time frame to file an appeal which is generally found in the Revenue and Taxation Code Section 1605 with respect to assessments made outside of the regular assessment period. To provide an explicit time frame to appeal directly in the Government Code, this proposal would state that the appeal application must be filed no later than 60 days after the date of mailing of notice. This parallels the time frame to file an appeal for other assessments made outside the regular assessment period, such as supplemental and escape assessments.

Secondly, the law provides that the tax recoupment fee is due within 60 days of "receipt" of the mailing of the notice. Most other laws provide that payment is due within a specific time frame of the "mailing" of the notice. A situation has occurred in Sierra County whereby a taxpayer has refused to accept mail from the county. Consequently, the county cannot certify that the tax recoupment fee notice was

received. Because the statute uses the term “receipt” rather than “mailing,” they believe they have no authority under the present statute to establish a due date for the fee. This proposal would change the language to “mailing” in conformance with most other laws.

*Section 51142 of the Government Code is amended to read:*

51142. (a) Upon immediate rezoning of a parcel in a timberland production zone, a tax recoupment fee shall be imposed on the owner of the land. Within 90 days following rezoning of land in the timberland production zone the county assessor shall reassess the rezoned parcels on the basis of the value of the property in its rezoned use. The assessor shall certify this value to the owner of the land and to the county auditor. The owner may appeal this new valuation in the same manner as an assessment appeal. The application shall be filed with the clerk no later than 60 days after the date of the mailing of the notice. Except when under such an appeal, after the certification the auditor shall, in cases of immediate rezoning, within 10 days compute the tax recoupment fee and certify the amount to the tax collector. The tax collector shall notify the owner in writing of the amount and due date of the fee. Fees shall be due 60 days after ~~receipt~~ mailing of notification.

(b) The tax recoupment fee shall apply only in cases of immediate rezoning and shall be a multiple of the difference between the amount of the tax last levied against the property when zoned as timberland production and the amount equal to the assessed valuation of the rezoned property times the tax rate of the current levy for the tax rate area, that multiple to be chosen from the following table according to subdivision (c):

Year	Multiple
1 .....	1.06000
2 .....	2.18360
3 .....	3.37462
4 .....	4.63709
5 .....	5.97332
6 .....	7.39384
7 .....	8.89747
8 .....	10.49132
9 .....	12.18080
10 .....	13.97164

(c) The multiple shall correspond to the number of years or fraction thereof, but in no event greater than 10, for which the land was zoned as timberland

production or was subject to a contract under chapter 7 (commencing with Section 51200).

(d) Tax recoupment fees imposed pursuant to this section shall be due and payable to the county in which the rezoning has taken place.

(e) In cases of immediate rezoning, an owner may submit a written application, requesting the waiver of tax recoupment fees and explaining the reasons therefor, to either the State Board of Equalization or, where the county board of supervisors has adopted an authorizing resolution, to the county board of supervisors. The board receiving an application pursuant to this subdivision may, if it determines that it is in the public interest, waive all or any portion of the fees.