

## BOARD OF EQUALIZATION RULES FOR TAX APPEALS

California Code of Regulations  
Title 18. Public Revenues  
Division 2.1. State Board of Equalization – Rules for Tax Appeals  
**Chapter 3: Property Taxes<sup>1</sup>**  
**ARTICLE 1: APPLICATION OF CHAPTER AND DEFINITIONS**

### 5310. APPLICATION OF CHAPTER.

(a) This chapter applies to:

(1) Petitions for reassessment of unitary and nonunitary assessed value and escaped or excessive assessment of state-assessed properties (including petitions for abatement of penalty), petitions for correction of assessment allocation, petitions for reassessment of private railroad car value, and assessment factor hearings for state-assessed properties and private railroad cars;

(2) Applications for review, equalization, and adjustment of the assessment of publicly-owned lands and improvements under subdivision (g) of section 11 of article XIII of the California Constitution;

(3) Petitions objecting to the County-Assessed Properties Division's findings of ineligibility for an organizational clearance certificate under section 254.6 of the Revenue and Taxation Code, denials of claims for supplemental clearance certificates under Revenue and Taxation Code section 214, subdivision (g), and claims for the veterans' organization exemption under Revenue and Taxation Code section 215.1.

(4) Petitions filed with the Board by county assessors under Government Code section 15640 et seq.

(b) To the extent this chapter does not contain a specific rule or procedure, the rules and procedures in chapter 5 (commencing with section 5510) of this division apply. Where there is a conflict between chapter 5 and this chapter, the provisions of this chapter control.

Note: Authority cited: Government Code sections 15606, 15640; Revenue and Taxation Code section 11651. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840, 11251.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

2. In subdivision (a)(3), changed veteran's to veterans'. Adopted 5-28-08; Effective 7-16-08.

### 5311. DEFINITIONS.

The following definitions apply to this chapter:

(a) "Appeals Conference" means a conference conducted by the Appeals Division, at which all parties are entitled to attend and at which issues raised in the petition are to be discussed, and if possible, resolved.

(b) "Appraisal Data Report" means, for state assesses subject to the provisions of article 2 of this chapter, a document and data sheet that accompany the Board's value determination required to be mailed to each state assessee between the first day of January and the first day of June of each year. The appraisal data report sets forth the State-Assessed Properties Division's value recommendation to the Board and a summary of the State-Assessed Properties Division's value indicators.

(c) "County-Assessed Properties Division" means the unit of the Board's Property and Special Taxes Department responsible for making determinations of eligibility for organizational clearance certificates and supplemental clearance certificates or the unit of the Board's Property and Special Taxes Department responsible for reviewing the assessment practices of county assessors under Government Code section 15640 et seq., where appropriate.

(d) "Organizational Clearance Certificate" means a certificate issued by the Board under Revenue and Taxation Code section 254.6.

(e) "Party" means:

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<sup>1</sup> Editorial change renaming subchapters to subarticles (Register 2008, No. 13.).

(1) For petitions described in section 5310, subdivision (a)(1), the petitioner and the State-Assessed Properties Division;

(2) For applications described in section 5310, subdivision (a)(2), the petitioner and the county assessor and tax agency whose assessment is questioned by a petition described in section 5310, subdivision (a)(2);

(3) For petitions described in section 5310, subdivision (a)(3), the petitioner and the County-Assessed Properties Division;

(4) For petitions described in section 5310, subdivision (a)(4), the petitioner and the County-Assessed Properties Division.

(f) "Petition" means a petition or application described in section 5310.

(g) "Petitioner" means an individual or entity that filed a petition described in section 5310, and the individual or entity's authorized representative where appropriate, and includes:

(1) A county, city, city and county, or municipal corporation that filed a petition with the Board under subdivision (g) of section 11 of article XIII of the California Constitution.

(2) The claimant of an Organizational Clearance Certificate for the property tax welfare exemption under Revenue and Taxation Code section 254.6 or Supplemental Clearance Certificate under Revenue and Taxation Code section 214, subdivision (g). For purposes of a petition from the denial of a Supplemental Clearance Certificate under Revenue and Taxation Code section 214, subdivision (g), the limited partnership is the petitioner.

(3) The county assessor and the taxing agency that filed a petition described in section 5310, subdivision (a)(4).

(h) "Respondent" means:

(1) For petitions described in section 5310, subdivision (a)(1), the State-Assessed Properties Division;

(2) For applications described in section 5310, subdivision (a)(2), the county assessor and tax agency whose assessment is questioned by a petition described in section 5310, subdivision (a)(2);

(3) For petitions described in section 5310, subdivision (a)(3), the County-Assessed Properties Division;

(4) For petitions described in section 5310, subdivision (a)(4), the County-Assessed Properties Division.

(i) "Sample finding" refers to the sampling of assessments from the county assessment roll under Government Code section 15640, subdivision (c).

(j) "Supplemental Clearance Certificate" means a certificate issued by the Board under Revenue and Taxation Code section 214, subdivision (g).

(k) "Tax and Fee Programs Division" means the unit of the Board's Legal Department responsible for representing the Department, as defined in chapter 5 of this division, in responding to petitions described in section 5310, subdivision (a)(1), (a)(3), and (a)(4).

(l) "State-Assessed Properties Division" means the unit in the Board's Property and Special Taxes Department responsible for determining value indicators and recommending values of property under the Board's assessment jurisdiction and for administering the Board's state assessment responsibilities.

(m) "State-Assessed Properties Division's Analysis" means a written summary that sets forth an analysis of all of the issues raised in the petition and the State-Assessed Properties Division's recommendation.

(n) "Written Findings and Decision" means a document prepared by the Appeals Division that sets forth the Board's decision on a petition and the supporting reasons therefor.

Note: Authority Cited: Sections 15606 and 15640, Government Code; and Section 11651, Revenue And Taxation Code. Reference: Sections 15640 And 15645, Government Code; and Sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840 and 11251, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. In subdivision (b)(7)(B), changed the cross reference from 5300 to 5310. Adopted 5-28-08; Effective 7-16-08.  
3. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments deleted subdivision (a); deleted "(b)" from before the text and deleted "also" from after "definitions" in the text that was previously designated as subdivision (b); combined the definitions for "County-Assessed Properties Division" in subdivision (b)(3) and (4) by deleting the period at the end of subdivision (b)(3), replacing "(4) 'County-Assessed Properties Division' means" with "or" at the beginning of subdivision (b)(4), and adding ", where appropriate." to the end of subdivision (b)(4); deleted subdivision (b)(5) and (12) and moved the text regarding the contents of a "Hearing Summary" and a "Summary Decision" to Regulation 5325.6; renumbered subdivision (b)(1) through (3) and (6) through (11) and (13) through (17) as subdivisions (a) through (n), and changed the paragraph letters (A) through (D) to paragraph numbers (1) through (4) in renumbered subdivisions (e), (g), and (h); and replaced "Chapter 5, General Board Hearings Procedures" with "chapter 5 of this division" in renumbered subdivision (k).

#### **5312. APPLICATION OF ARTICLES 2, 3, AND 4.**

(a) State-Assessed Property and Private Railroad Cars. The provisions of article 2 of this chapter apply to petitions described in section 5310, subdivision (a)(1), and do not apply to any other petitions.

(b) Other Property Tax Petitions. The provisions of article 3 of this chapter apply to petitions described in section 5310, subdivision (a)(2), (a)(3), and (a)(4), and do not apply to any other petitions.

(c) General Board Hearing Procedures. The provisions of article 4 of this chapter apply to all petitions described in section 5310.

Note: Authority cited: Government Code section 15606, 15640; Revenue and Taxation Code section 11651. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840, 11251.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### **ARTICLE 2: PETITIONS FOR REASSESSMENT OF STATE-ASSESSED PROPERTY AND PRIVATE RAILROAD CARS Subarticle 1: Application of Article**

#### **5321. APPLICATION OF ARTICLE.**

This article applies to petitions for reassessment of unitary and nonunitary assessed value and escaped or excessive assessment of state-assessed properties (including petitions for abatement of penalty), petitions for correction of assessment allocation, petitions for reassessment of private railroad car value, and assessment factor hearings for state-assessed properties and private railroad cars.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651. Reference: Revenue and Taxation Code sections 721, 721.5, 747, 759, 11251.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### **Subarticle 2: Assessments and Assessment Factor Hearings**

#### **5322. INFORMATION AVAILABLE TO ASSESSEES; ASSESSMENT FACTOR HEARINGS.**

(a) Each year, the State-Assessed Properties Division must perform capitalization rate studies and develop value indicators applicable to the valuation of the unitary property of each state assessee. The capitalization rate study, the value indicators, and all other appraisal data, calculations, and information developed or used by the State-Assessed Properties Division with respect to the valuation of the assessee's state-assessed property must be made available to the state assessee upon a written request to the Chief of the State-Assessed Properties Division.

(b) At the discretion of the Board, but generally at the Board's January or February meeting in Sacramento, the Board may annually hold Assessment Factor Hearings to receive public testimony on issues relating to

capitalization rates and other factors affecting values of state-assessed property and private railroad cars. At least 30 days before the Assessment Factor Hearing date, state assessees and private railroad car taxpayers, or other persons wishing to be listed on the agenda, must notify the Chief of Board Proceedings if they intend to make an oral presentation at the hearing. Testimony of persons who do not notify the Chief of Board Proceedings as set forth above may be heard after those on the agenda have completed their oral presentations. The Board may place reasonable time limits on any presentation. In lieu of oral presentations, state assessees, private railroad car taxpayers, or other persons may submit written presentations to the Chief of Board Proceedings no later than the date of the hearing.

(c) At the discretion of the Board, but generally at the Board's April meeting in Sacramento, every state assessee may be given an opportunity to make an oral presentation to the Board in a public meeting regarding the value indicators to be used to value its state-assessed unitary property, or the value of its property. In lieu of an oral presentation, a state assessee may submit a written presentation to the Chief of Board Proceedings no later than the date of the hearing.

Note: Authority cited: Section 15606, Government Code; and Section 11651, Revenue and Taxation Code. Reference: Sections 110, 721, 721.5, 722, 723, 724, 725, 731, 746, 11251, 11291, 11292 and 11293, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments inserted "January or" before "February" in the first sentence of subdivision (b).

#### **5322.5. VALIDITY OF ASSESSMENT.**

Validity of Assessment or Taxes. The failure to receive any notice required to be given by the Board or the failure of the Board to complete any action by a date specified under this article does not affect the validity of an assessment or the validity of any taxes levied pursuant thereto.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651. Reference: Revenue and Taxation Code section 725.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### **Subarticle 3: Contents of Petitions and Filing Deadlines**

#### **5323. TIME FOR FILING OF PETITIONS**

(a) Unitary Value or Penalty. If a state assessee disagrees with the value or penalty determined by the Board as set forth in the Notice of Unitary Assessed Value, the assessee must file a Petition for Reassessment of Unitary Value by July 20 of the calendar year in which the Notice of Unitary Assessed Value was issued.

(b) Correction of Assessment Allocation. If a state assessee disagrees with an assessment allocation, the assessee must file a Petition for Correction of Assessment Allocation by July 20 of the calendar year in which the Notice of Assessment Allocation was issued.

(c) Nonunitary Value or Penalty. If a state assessee disagrees with the value or penalty determined by the Board as set forth in the Notice of Nonunitary Assessed Value, the assessee must file a Petition for Reassessment of Nonunitary Value by September 20 of the calendar year in which the Notice of Nonunitary Value was issued.

(d) Escaped/Excessive Assessment. If a state assessee disagrees with the value or penalty determined by the Board as set forth in the notice of escaped or excessive assessment, the assessee must file a petition for reassessment of escaped or excessive assessment no later than the date stated in the notice of escaped or excessive assessment mailed to the assessee at its address shown in the records of the Board.

(e) Private Railroad Cars.

(1) If an owner or assessee disagrees with a value or penalty determined by the Board, the owner or assessee must file a Petition for Reassessment of Private Railroad Car Value on or before September 20 (or October 5, if extended in writing by the Board or its designee) of the year in which the Notice of Private Railroad Car value is issued.

(2) If the Board fails to complete the private railroad car tax assessments on or before August 1 but completes the assessments in the following month under section 11651.5 of the Revenue and Taxation

Code, the date for filing a petition for reassessment will be extended to October 20 (or November 4, if extended by the Board or its designee).

(3) For any assessment made outside the regular assessment period, the Petition for Reassessment must be filed on or before the 50<sup>th</sup> day following the notice of the assessment.

(4) If a petition is not timely received, the Board may consider the petition to be a claim for refund.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.

Reference: Revenue and Taxation Code sections 731, 732, 741, 758, 11338, 11339, 11651.5.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### **5323.2. FILING REQUIREMENTS AND PROCEDURES FOR CONTESTING PRIVATE RAILROAD CAR JEOPARDY ASSESSMENTS.**

The contesting of Private Railroad Car Tax jeopardy assessments is governed by the procedures set forth in chapter 2, article 2C of this division, except that if any of those procedures is inconsistent with Revenue and Taxation Code section 11351 et seq., the Revenue and Taxation Code sections control.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 11351, 11352, 11353, 11354.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### **5323.4. CONTENTS OF THE PETITION.**

(a) All petitions must conform to the requirements in this section.

(b) A valid and complete petition must:

(1) Be in writing and state the name and address of the petitioner, the Board-adopted value, the petitioner's opinion of value, and the precise elements of the Board's valuation or penalty that petitioner is contesting (including, for nonunitary property, the property identification information and location).

(2) State whether the petition constitutes a claim for refund under Revenue and Taxation Code section 5148, subdivision (f).

(3) State the facts relied upon to support the requested change in value and include supporting documents, including appraisal reports, financial studies, and any other materials relevant to determining the value of the petitioner's property or reasons why the penalty should be abated.

(4) State whether any or all of the following are requested: an appeals conference, oral hearing, or Written Findings and Decision.

(5) Be signed by the petitioner or by an authorized representative. If the petition is signed by an agent, including an attorney licensed to practice law in the State of California, the agent must be authorized by the petitioner before the time the petition is filed. Both the petitioner's mailing address and the agent's mailing address must be provided in the petition. The following language must be contained in the signature block of the petition:

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing and all information herein, including any accompanying statements or documents, is true, correct, and complete to the best of my knowledge and belief and that I am: (1) an officer, partner, or employee of the petitioner authorized to sign this petition; (2) an agent authorized by the petitioner; or (3) an agent who is any attorney licensed to practice law in the State of California, State Bar No. \_\_\_\_\_, who has been retained by the petitioner and has been authorized by the petitioner to file this petition.

(6) Be accompanied by a statement of authorization, if required as specified herein, or as specified in section 5323.8, Duplicate Petitions. If the petition is signed by an agent, other than an attorney licensed to practice law in the State of California, a statement of authorization, as described herein, or a power of attorney, as defined in chapter 5, General Board Hearing Procedures, is required. A statement of authorization must be in writing and must include the following information:

(A) Name and address of the petitioner;

- (B) Petitioner's State Board of Equalization company identification number;
- (C) Name, address, and telephone and facsimile numbers of the agent;
- (D) Statement that the agent is authorized to file the petition and represent the petitioner in the petition; and
- (E) Signature of an officer, partner, or an employee who has been designated by petitioner in writing to sign such statement on behalf of the petitioner.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 741, 744, 747, 11340.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5323.6. SUBMISSION OF PETITION.**

The original petition and supporting documents, together with 10 copies thereof, must be mailed to the Chief of Board Proceedings at the address provided in section 5570, hand delivered to the Board's headquarters office at 450 N Street, in Sacramento, California, or electronically transmitted (e.g., facsimile, e-mail, etc.) to the Chief of Board Proceedings at the email address or fax number provided in section 5570 or in accordance with instructions provided on the Board's website at [www.boe.ca.gov](http://www.boe.ca.gov). If the original petition and supporting documents are provided in an electronic format, then the petitioner is not required to provide 10 copies thereof.

Note: Authority cited: Section 15606, Government Code; and Section 11651, Revenue and Taxation Code. Reference: Section 741, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments replaced "submitted by mail or in person" with "mailed," replaced "as" with "at the address," and "5335" with "5570" in the first sentence; added all of the text following "5570" and beginning with ", hand delivered . . ." in the first sentence; and replaced the second sentence so that electronic documents are no longer required to be submitted on a compact disc.

#### **5323.8. DUPLICATE PETITIONS.**

(a) In the event duplicate petitions are filed with the Chief of Board Proceedings, the Chief of Board Proceedings will determine which petition was authorized by the petitioner.

(b) The Chief of Board Proceedings will contact the petitioner or the agent who filed the duplicate petitions, or both, by telephone, email, or facsimile and also by registered or certified mail with return receipt, and will allow 10 days for a written response. In the event no written response is received after 10 days, the first petition received will be accepted and any other petition will be rejected as a duplicate petition.

(c) For purposes of this regulation, "duplicate petition" means a petition filed by the petitioner, or its agent on its behalf, subsequent to the petition previously filed by or on behalf of the same petitioner for the same assessment year at issue. A subsequent petition that seeks to correct or supplement a previously filed petition will not be considered a duplicate petition for purposes of this regulation.

Note: Authority cited: Section 15606, Government Code; and Section 11651, Revenue and Taxation Code. Reference: Section 741, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments inserted "the" before "petitioner" in subdivision (a); deleted "and/" from after "petitioner" and deleted "machine" from after "facsimile," inserted ", or both," after "petitions" and "also" between "and" and "by," and changed "electronic mail" to "email" in the first sentence of subdivision (b); and replaced "all" with "any," inserted "a" before "duplicate," and changed "petitions" to "petition" after "other" and "duplicate" in the second sentence in subdivision (b).

#### **Subarticle 4: Timeliness, Acceptance, and Dismissal of Petitions**

##### **5324. TIMELINESS OF PETITION.**

(a) A petition is considered filed timely if it is mailed or delivered in accordance with section 5323.6 or received by the Board Proceedings Division no later than the date provided in section 5323 or, if an extension is received, the date provided in section 5324.2.

(b) Timely performance and mailing date will be determined under the provisions of chapter 5 of this division.

(c) If the Chief of Board Proceedings determines that the Board requires original versions of documents filed electronically, the original documents must be mailed to the Board Proceedings Division at the address set forth in section 5570 or hand delivered to the Board's headquarters office at 450 N Street, in Sacramento, California, no later than the business day immediately following the Chief of Board Proceedings request for original versions of such documents.

Note: Authority cited: Section 15606, Government Code; and Section 11651, Revenue and Taxation Code. Reference: Sections 733, 741, 743, 746, 747, 758, 759, 11338 and 11339, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments replaced "addressed and transmitted to the address set forth in" with "mailed or delivered in accordance with," replaced "5335," with "5323.6," and replaced "deposited personally at the headquarters office of the Board in Sacramento," with "or received by the Board Proceedings Division" in subdivision (a); inserted "the date provided in" before "section 5324.2" in subdivision (a); deleted "by" from after "filed," changed "electronic" to "electronically" and deleted "or facsimile transmission" from after "electronically" in subdivision (c); and replaced "or delivered to" with "to the Board Proceedings Division at," replaced "5335" with "5570," replaced "deposited personally at the" with "hand delivered to the Board's," replaced "of the Board in Sacramento" with "at 450 N Street, in Sacramento, California," and replaced "the electronic or facsimile transmission date" with "the Chief of Board Proceedings request for original versions of such documents" in subdivision (c)

##### **5324.2. EXTENSIONS OF TIME.**

(a) Filing of Petition. The Chief Counsel may extend the deadline to file a petition once for a period not to exceed 15 days, provided that the petitioner files a written or electronic request for the extension with the Chief of Board Proceedings no later than the due date of the petition.

(b) Supporting Documents. The Chief Counsel may grant a reasonable extension of time for reasonable cause to allow the petitioner to file supporting documentation, provided that the petitioner files a written or electronic request for the extension with the Chief of Board Proceedings no later than the due date of the petition.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651. Reference: Revenue and Taxation Code sections 733, 746, 759, 11338.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

##### **5324.4. ACCEPTING OR REJECTING A PETITION.**

(a) Determination that the Petition is Valid, Complete, and Timely. Upon receipt of the petition, the Chief of Board Proceedings will determine whether the petition is valid and complete, including whether the petition is timely. If any question arises as to the timeliness of a petition or whether a petition is valid and complete, the Chief of Board Proceedings will refer the petition to the Chief Counsel.

(b) Accepting the Petition. If the Chief of Board Proceedings, or the Chief Counsel, determines that the petition is valid and complete and that the petition is timely, or that there is a genuine, material issue relating to validity, completeness or timeliness, the Chief of Board Proceedings must accept the petition. The Chief of Board Proceedings will provide written acknowledgement of the acceptance to the petitioner and the Respondent.

(c) Issues relating to Validity, Completeness, and Timeliness. If the Chief Counsel determines that there is a genuine, material issue relating to validity, completeness, or timeliness, such matters will be considered to be at issue in the petition and will be decided by the Board.

(d) Rejecting the Petition. If the Chief of Board Proceedings and the Chief Counsel determine that the petition is not valid or complete or that the petition is not timely, and that there is no genuine, material issue relating to validity, completeness, or timeliness, the Chief of Board Proceedings must reject the petition. The Chief of Board Proceedings must provide written notification to the petitioner and the Respondent.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 733, 746, 759, 11338.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

**5324.6. SUBMISSION OF ADDITIONAL SUPPORTING DOCUMENTS BY PETITIONER.**

(a) A petitioner's appraisal reports, financial studies, and other materials relevant to value may not be presented as evidence at the hearing unless such documents were provided to the Chief of Board Proceedings at the time the petitioner filed its petition or within a subsequent time extension, or was requested by and timely provided to the State-Assessed Properties Division or the Appeals Division. However, any Board Member may, before or at the hearing, permit or request the submission of evidence that was not previously filed with the Board.

(b) The State-Assessed Properties Division or the Appeals Division may also request additional evidence in order to evaluate the petitioner's opinion of value as set forth in its petition. The State-Assessed Properties Division or the Appeals Division may request such evidence in writing or by electronic means to the petitioner or its authorized representative and provide a deadline for the submission of such additional evidence by petitioner.

(c) All evidence, including both information and exhibits, must be accompanied by a declaration signed under penalty of perjury that the information contained in the petitioner's submitted evidence is true, correct, and complete to the best knowledge and belief of the person submitting the documents.

(d) Except as specified above, any submitted evidence received by the Chief of Board Proceedings from the petitioner subsequent to the filing of the petition and after the expiration of the deadline applicable to such submission will be returned to the petitioner by the Chief of Board Proceedings.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 741, 747, 759, 11340.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

**5324.8. DISMISSAL OF PETITION.**

(a) A petition will be dismissed if:

- (1) The petition is not timely; or
- (2) The petitioner fails to timely cure the defects in an invalid or incomplete petition.

(b) The Chief of Board Proceedings will send written notice of the dismissal and supporting reasons therefore to the petitioner.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 733, 746, 759, 11338.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

**Subarticle 5: Prehearing Meetings and Review of Petitions**

**5325. PREHEARING MEETING AND EXCHANGE OF INFORMATION BETWEEN STATE-ASSESSED PROPERTIES DIVISION, TAX AND FEE PROGRAMS DIVISION, AND PETITIONER.**

(a) If requested by petitioner, the State-Assessed Properties Division and the Tax and Fee Programs Division will meet with the petitioner, either in person or by other means convenient to both parties, before the scheduled hearing date. The purpose of the meeting or meetings is to exchange relevant information and evidence, identify issues, and, if possible, enter into stipulations to resolve all or some of the issues.

(b) At any time, the State-Assessed Properties Division or the Tax and Fee Programs Division may request additional information from the petitioner to assist in resolving any issue raised by the petitioner.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.

Reference: Revenue and Taxation Code sections 741, 747, 11340.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5325.4. PETITIONS RESOLVED BEFORE APPEALS DIVISION REVIEW.**

With respect to all petitions as to which the petitioner and the State-Assessed Properties Division have agreed to a joint recommendation on a proposed resolution of all issues presented in the petition before the petitioner's appeals conference or petitioner's reply brief, if no appeals conference is scheduled, the Tax and Fee Programs Division will prepare and submit the "State-Assessed Properties Division's Recommendation for Property Tax Petition" on the "Property Tax Matters Nonappearance Calendar" to the Chief of Board Proceedings. This recommendation will include a brief analysis of the petition and the related supporting documents, if any, as well as a statement confirming petitioner's agreement with such recommendation. The Board, however, is not required to adopt the recommendation or take the recommended Board action.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.

Reference: Revenue and Taxation Code sections 741, 747, 11340.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5325.6. PREHEARING REVIEW OF ALL OTHER PETITIONS.**

(a) The Appeals Division will review and prepare a Hearing Summary or Summary Decision for all petitions for which the Tax and Fee Programs Division does not prepare the recommendation described in section 5325.4.

(1) A Hearing Summary must contain:

(A) Sufficient facts, contentions, law, and evidence to enable the Board to conduct an informed Board hearing;

(B) A discussion of the appeals conference, if one was held, including any additional information, stipulations, and resolutions resulting therefrom;

(C) The Appeals Division's analysis and comments, including questions to be posed to the parties; and

(D) Conclusions and recommendations of the Appeals Division after applying the relevant law to all of the relevant information.

(2) A Summary Decision must contain:

(A) Sufficient facts, contentions, law, and evidence to enable the Board to evaluate the merits of the petition;

(B) A discussion of the appeals conference or other Appeals Division review, including any findings, stipulations, and resolutions resulting therefrom; and

(C) The Appeals Division's analysis and recommended decision.

(b) If there has been a partial or complete resolution of issues between petitioner and the State-Assessed Properties Division after the Appeals Division has issued its Hearing Summary or Summary Decision, the Appeals Division will draft a Revised Hearing Summary or Revised Summary Decision if time permits. The Revised Hearing Summary or Revised Summary Decision will state:

(1) The issues which have been resolved;

(2) The Appeals Division's revised analysis and/or recommendation; and

(3) The issues remaining for decision by the Board, if any.

The case will remain on the agenda for Board action.

(c) At any time, the Appeals Division may request additional information or analysis from the petitioner or the State-Assessed Properties Division to assist in resolving any issue to be decided by the Board.

Note: Authority cited: Section 15606, Government Code; and Section 11651, Revenue and Taxation Code. Reference: Sections 741, 747 and 11340, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments added paragraphs (1) and (2) to subdivision (a) to prescribe the contents of a "Hearing Summary" and a "Summary Decision" using text that was previously in Regulation 5311; and replaced "Staff's" with "The Appeals Division's" in subdivision (b)(2).

### **Subarticle 6: Briefing Schedules and Appeals Conferences**

#### **5326. GENERAL BRIEFING PROCEDURES FOR PETITIONS REVIEWED BY THE APPEALS DIVISION.**

- (a) A valid and complete petition as defined in section 5323.4 is considered the petitioner's opening brief.
- (b) The State-Assessed Properties Division's Analysis is the State-Assessed Properties Division's written response to the petition.
- (c) The petitioner's reply to the State-Assessed Properties Division's Analysis is optional.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651. Reference: Revenue and Taxation Code sections 741, 747, 11340.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5326.2. BRIEFING SCHEDULE IF NO APPEALS CONFERENCE IS SCHEDULED.**

- (a) The State-Assessed Properties Division's Analysis will be submitted to the Chief of Board Proceedings no less than 45 days before the date on which the petition is scheduled for Board action.
- (b) The petitioner may submit to the Chief of Board Proceedings a reply to the State-Assessed Properties Division's Analysis within 15 days after the Board Proceedings Division mails the State-Assessed Properties Division's Analysis to the petitioner. The petitioner may not submit new or additional evidence with its reply brief unless the State-Assessed Properties Division or Appeals Division previously requested new or additional information, but the petitioner may dispute or agree with the analysis and recommendations set forth in the State-Assessed Properties Division's Analysis.
- (c) At least 10 days before the Board meeting date for which the petition is scheduled for Board action, the Appeals Division will submit a Hearing Summary or Summary Decision to the Chief of Board Proceedings.
- (d) The Chief Counsel, upon a showing of reasonable cause, may grant an extension of the time provided in subdivisions (a), (b) and (c) above.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651. Reference: Revenue and Taxation Code sections 741, 747, 11340.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5326.4. GENERAL APPEALS CONFERENCE PROCEDURES.**

- (a) An appeals conference will be held if requested by any of the following:
  - (1) By the petitioner in the petition;
  - (2) By the State-Assessed Properties Division no later than August 15 for petitions for reassessment of unitary value or October 15 for petitions for reassessment of nonunitary value;
  - (3) By the Assistant Chief Counsel of the Appeals Division; or
  - (4) By any Board Member.

(b) If an appeals conference is requested under subdivision (a)(3) or (a)(4), or for a petition for reassessment of nonunitary value under subdivision (a)(2), the Chief Counsel may modify the time periods provided in sections 5326.6 and 5327.

(c) An appeals conference will consider all issues raised in the petition. The purpose of an appeals conference is to obtain additional facts and evidence, obtain stipulations of fact, and narrow questions of law, in order to facilitate a more efficient and productive oral hearing or other Board action on the petition.

(d) The parties may attend the appeals conference in person or by telephone. The Appeals Division will attempt to conduct the appeals conference at a time and in a manner that is convenient for both the petitioner and the State-Assessed Properties Division.

(e) The petitioner and the State-Assessed Properties Division will be notified of the date, time, and place of the appeals conference in writing or by electronic mail or facsimile. The petitioner and the State-Assessed Properties Division must confirm their participation in writing or by electronic mail or facsimile. Once the parties agree to attend an appeals conference, the Appeals Division, at its discretion, may choose to hold the appeals conference at the stated date, time, and place even if one party does not appear.

(f) An attorney from the Appeals Division (conference holder) will conduct the appeals conference. To the extent practicable, the conference holder will ensure that the appeals conference is informal and non-adversarial in nature.

(g) The petitioner must be represented at the conference by an agent or employee who is thoroughly familiar with the facts and issues and has been authorized to represent the petitioner. The State-Assessed Properties Division will be represented by an appraiser.

(h) The conference holder will not record, videotape, or arrange for court reporting of the appeals conference. Any party may arrange for the appeals conference to be recorded or reported, at that party's expense. If the appeals conference is recorded or reported, a transcript must be made available to all participants. A recording or transcript of an appeals conference becomes a disclosable public record, if and when the petition being discussed on the record or transcript becomes a disclosable public record under chapter 5 of this division.

(i) If an appeals conference is scheduled, the Chief Counsel may shorten the time period provided in section 5327.4, subdivision (c), for issuing the notice of hearing.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 741, 747, 11340.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. In subdivision (a)(2) and (b), changed the word non-unitary to nonunitary. Adopted 5-28-08; Effective 7-16-08.

**5326.6. SCHEDULING OF APPEALS CONFERENCE; BRIEFING SCHEDULE FOR PETITIONS FOR WHICH AN APPEALS CONFERENCE IS SCHEDULED.**

(a) The Appeals Division will generally hold an appeals conference at least 30 days before the Board meeting at which the petition is scheduled for hearing or other Board action. The Appeals Division has broad discretion in determining the briefing schedules and the deadlines for submitting additional information.

(b) The State-Assessed Properties Division's Analysis must be submitted to the Chief of Board Proceedings no later than 35 days before the scheduled appeals conference date.

(c) The petitioner must submit to the Chief of Board Proceedings a reply to the State-Assessed Properties Division's Analysis within 15 days after the Board Proceedings Division mails the State-Assessed Properties Division's Analysis to the petitioner. The petitioner may not submit new or additional evidence with its reply brief unless the State-Assessed Properties Division or Appeals Division conference holder previously requested new or additional information, but the petitioner may dispute or agree with the analysis and recommendations set forth in the State-Assessed Properties Division's Analysis.

(d) The Appeals Division may request additional information or briefing to be provided by the petitioner or the State-Assessed Properties Division before, during, or after the Appeals conference.

(1) The Appeals Division should provide written confirmation of its request for additional information within two business days of the request.

(2) Unless otherwise permitted by the Appeals Division, all requested information must be provided no later than seven days after the date of the request.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 741, 747, 11340.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. In subdivision (d), renamed (i) to (1) and (ii) to (2). Adopted 5-28-08; Effective 7-16-08.

### **Subarticle 7: Preparing Summaries, Scheduling Hearings, and Distributing Documents**

#### **5327. APPEALS DIVISION HEARING SUMMARY OR SUMMARY DECISION.**

(a) Except as provided in subdivision (b), the Appeals Division will submit to the Chief of Board Proceedings a Hearing Summary or Summary Decision no later than 10 days before the Board hearing at which the petition is scheduled for hearing or other Board action.

(b) The Chief Counsel, upon a showing of reasonable cause, may grant an extension of a reasonable period of time for the issuance of the Hearing Summary or the Summary Decision. For purposes of this section "reasonable cause" includes, but is not limited to, an appeals conference being held less than 30 days before the hearing at which the petition is scheduled for hearing or other Board action.

(c) If prepared, a Revised Hearing Summary or Revised Summary Decision will be promptly submitted to the Chief of Board Proceedings by the Appeals Division.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 741, 747, 11651.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5327.4. ORAL HEARINGS – SCHEDULING OF HEARINGS.**

(a) The Board must hear and decide all petitions for reassessment of unitary or nonunitary values and correction of allocated values by December 31 of the year in which the notice of assessment was issued and render its decisions no later than December 31 that year, except for petitions of escape assessments described in Revenue and Taxation Code section 758.

(b) The Board must hear petitions for reassessment of private railroad car values and render its decisions by January 31 of the year following the year in which the notice was issued. If the assessment was made outside the regular assessment period, the Board must hear the petition within 90 days of the date on which the petition was filed and render its decision within 45 days of the date of the hearing on the petition.

(c) If petitioner requests an oral hearing in its petition, the Chief of Board Proceedings will mail a Notice of Board Hearing to the petitioner at least 45 days before the scheduled hearing date.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 734, 741, 742, 748, 749, 758, 11338, 11339, 11341

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5327.6. DISTRIBUTION OF DOCUMENTS.**

The Chief of Board Proceedings will promptly distribute the following documents to the petitioner, Board Members, the State-Assessed Properties Division, the Tax and Fee Programs Division, and the Appeals Division, as appropriate (the documents may be distributed separately):

(a) Petition and supporting documentation;

(b) State-Assessed Properties Division's Analysis;

(c) Petitioner's Reply Brief, if any; and

(d) Appeals Division's Hearing Summary or Summary Decision (and Revised Hearing Summary or Summary Decision, if prepared).

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 731, 732, 733, 741, 742, 743, 744, 746, 747, 748, 11338, 11339, 11340, 11353.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### **Subarticle 8: Consolidation and Withdrawal of Petitions**

#### **5328. CONSOLIDATION OF PETITIONS INTO A SINGLE HEARING.**

- (a) Multiple petitions may be consolidated for hearing or decision as provided in chapter 5 of this division.
- (b) If petitions are consolidated, the State-Assessed Properties Division's will draft a single Analysis to address and analyze the issues presented in all of the petitions. At the hearing, the Board may grant additional time, in equal amounts, to the petitioners' representative(s) and the State-Assessed Properties Division to present their respective cases. The Appeals Division will draft one Hearing Summary for all of the consolidated petitions.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code sections 731, 732, 733, 741, 742, 743, 744, 746, 747, 748.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5328.5. WITHDRAWAL OF A PETITION.**

A petitioner may withdraw its petition at any time, up to and including the date of the scheduled Board hearing, by notifying the Chief of Board Proceedings in writing, including by electronic mail or facsimile.

Note: Authority cited: Government Code section 15606; Revenue and Taxation Code section 11651.  
Reference: Revenue and Taxation Code section 733.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

## **ARTICLE 3: OTHER PROPERTY TAX PETITIONS**

### **Subarticle 1: Application of Article**

#### **5331. APPLICATION OF ARTICLE.**

This article applies to:

- (a) Applications for review, equalization, and adjustment of the assessment of publicly-owned lands and improvements filed under subdivision (g) of section 11 of article XIII of the California Constitution;
- (b) Petitions objecting to the County-Assessed Properties Division's findings of ineligibility for an organizational clearance certificate under section 254.6 of the Revenue and Taxation Code, denials of claims for supplemental clearance certificates under Revenue and Taxation Code section 214, subdivision (g), and claims for the veteran's organization exemption under Revenue and Taxation Code section 215.1; and
- (c) Petitions filed with the Board by county assessors under Government Code section 15640 et seq.

Note: Authority cited: Article XIII, section 11 of the California Constitution; Government Code sections 15606, 15640. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### **Subarticle 2: Appeal of Assessment of Publicly-Owned Property – Contents of Applications, Filing Deadlines, and Board-Appraised Property**

#### **5332. TIME OF FILING OF APPLICATION.**

(a) If any county, city, city and county, or municipal corporation wants to secure a review, equalization, or adjustment of the assessment of its property by the Board under subdivision (g) of section 11 of article XIII of the California Constitution, it must file an application with the Board on or before the later of:

- (1) July 20 of the year in which the assessment is made if the assessment appealed is made during the regular period for such assessments; or

(2) Within two weeks after the completion and delivery by the county assessor of the local roll containing the assessment to the county auditor as provided in Revenue and Taxation Code section 617.

(b) If the assessment appealed is made outside the regular period for such assessments, the application must be filed with the Board within 60 days from the date the tax bill was mailed to the applicant.

(c) An application is filed timely if it is mailed or delivered in accordance with section 5335 or received by the Board Proceedings Division within the time specified by this section.

(d) Failure to provide a timely application bars the applicant from relief under subdivision (g) of section 11 of article XIII of the California Constitution.

Note: Authority cited: Article XIII, Section 11, California Constitution; and Section 15606, Government Code. Reference: Section 1840, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments replaced "to" with "or delivered in accordance with section 5335" and replaced "at the mailing address provided in section 5335" with "by the Board Proceedings Division" in subdivision (c).

#### **5332.4. CONTENTS OF APPLICATION.**

Every application must:

- (a) Be in writing;
- (b) Be authorized by the governing body of the county, city, city and county, or municipal corporation seeking relief;
- (c) Include the official document authorizing the application;
- (d) Show the facts claimed to require action by the Board;
- (e) Include a statement of legal authorities, which includes relevant statutes and regulations;
- (f) Indicate whether a written findings and decision is desired; and
- (g) Be signed by petitioner or an authorized representative of the petitioner.

Note: Authority cited: Article XIII, section 11 of the California Constitution; Government Code section 15606. Reference: Revenue and Taxation Code section 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5332.6. SUBMISSION OF APPLICATION AND BOARD-APPRAISED PROPERTY.**

(a) The application and supporting documents, including the proof of filing under subdivision (b), must be filed in accordance with section 5335.

(b) A copy of the application, together with its separate statement of legal authorities, must also be filed by the applicant with the county assessor whose assessment is questioned and with the county board of supervisors. A proof of filing with the county assessor and the county board of supervisors must be enclosed with the application filed with the Board.

(c) Board-Appraised Property. If a property that has been appraised by the State-Assessed Properties Division becomes the subject of a proceeding under this article, both parties to the proceedings will be informed of the fact that the appraisal has been made.

(1) Each party, upon request, will have access to the appraisal records.

(2) Either party or the Board may call the State-Assessed Properties Division as a witness and may offer the appraisal records as an exhibit.

(d) A party desiring to call an employee of the State-Assessed Properties Division as a witness must notify the Chief of Board Proceedings of its intention to call such witness at least ten days before the Board hearing.

Note: Authority cited: Article XIII, Section 11, California Constitution; and Section 15606, Government Code. Reference: Section 1840, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments replaced "Submission" with "Filing" in the title of the regulation; replaced "submitted by mail or in person to the Chief of Board Proceedings as provided in" with "filed in accordance with" in subdivision (a); and inserted "Board" before "hearing" in subdivision (d).

### **Subarticle 3: Contents of Property Tax Welfare and Veterans' Organization Exemption Petitions and Filing Deadlines**

#### **5333. TIME FOR FILING OF PETITIONS.**

(a) A petitioner has 60 days from the date of mailing of a final notice denying a claim for an Organizational Clearance Certificate or Supplemental Clearance Certificate or from the date of mailing of a notice of revocation of an Organizational Clearance Certificate or, Supplemental Clearance Certificate to file a petition objecting to the denial of the claim or revocation of the certificate.

(b) A petition is timely if it is mailed or delivered in accordance with section 5335 or received by the Board Proceedings Division within the time specified by subdivision (a).

Note: Authority cited: Section 15606, Government Code. Reference: Sections 214, 254.6 and 270, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. In subdivision (a), deleted comma after the third word "or" and in "Authority cited" changed the reference of 245.6 to 254.6. Adopted 5-28-08; Effective 7-16-08.  
3. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments inserted "file a" before "petition" and replaced "the Board for hearing on" with "objecting to" after "petition" in subdivision (a); and replaced "to" with "or delivered in accordance with section 5335" and replaced "at the headquarters office of the Board" with "by the Board Proceedings Division" in subdivision (b).

#### **5333.4. CONTENTS OF PETITION.**

The petition must:

- (a) Be in writing and state all of the specific grounds upon which qualification is claimed;
- (b) Include all documents the petitioner wishes the Board to consider in deciding the petition;
- (c) Indicate whether an oral hearing is desired;
- (d) Indicate whether a written findings and decision is desired; and
- (e) Be signed by petitioner or an authorized representative of the petitioner. The Chief Counsel may require the representative to demonstrate the representative's authority to represent the petitioner.

Note: Authority cited: Government Code section 15606. Reference: Revenue and Taxation Code sections 214, 254.6, 270.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. In "Authority cited" changed the reference of 245.6 to 254.6. Adopted 5-28-08; Effective 7-16-08.

#### **5333.6. SUBMISSION OF PETITION.**

The original petition and supporting documents must be filed in accordance with section 5335.

Note: Authority cited: Section 15606, Government Code. Reference: Sections 214, 254.6 and 270, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. In "Authority cited" changed the reference of 245.6 to 254.6. Adopted 5-28-08; Effective 7-16-08.  
3. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments replaced "Submission" with "Filing" in the title of the regulation; and replaced "submitted by mail or in person to the Chief of Board Proceedings as provided in" with "filed in accordance with" in the text of the regulation.

**Subarticle 4: Contents of Property Tax Sampling Program  
Petitions and Filing Deadlines**

**5334. TIME FOR FILING OF PETITIONS.**

(a) Any county assessor may file a petition to appeal appraisals made within his or her county where differences have not been resolved before completion of the field review of county assessment procedures by the County-Assessed Properties Division.

(b) A petition must be filed within 30 days from the date that the Deputy Director of the Property and Special Taxes Department mails the final notice of sample finding to the county assessor.

(c) The determination contained within the final notice of sample finding becomes final if a petition is not filed within the time period provided in subdivision (b).

(d) A petition or supporting document is timely if it is mailed to or received at the address provided in section 5335 within the time specified in subdivision (b).

Note: Authority cited: Government Code sections 15606; 15640. Reference: Government Code sections 15640, 15645.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

**5334.4. CONTENTS OF THE PETITION.**

(a) The petition must:

- (1) Be in writing;
- (2) Identify the assessor's parcel number or assessment number and sample item number the county assessor is contesting;
- (3) State the specific issue(s) being appealed and the specific adjustment requested;
- (4) Indicate whether a Board hearing is requested; and
- (5) Be signed by the county assessor or his or her authorized representative.

(b) The filing of a completed form provided by the Board for use as a petition will satisfy the requirements of subdivision (a).

(c) The county assessor is required to submit any supporting evidence with the petition.

Note: Authority cited: Sections 15606 and 15640, Government Code. Reference: Sections 15640 and 15645, Government Code.

History: 1. New Section Adopted 9-12-2007; Effective 2-6-2008.  
2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments replaced "an oral" with "a Board" and replaced "desired" with "requested" in subdivision (a)(4).

**5334.6. SUBMISSION OF PETITION.**

The petition and supporting documents must be filed in accordance with section 5335.

Note: Authority cited: Sections 15606 and 15640, Government Code. Reference: Sections 15640 and 15645, Government Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments replaced "Submission" with "Filing" in the title of the regulation; and replaced "submitted by mail or in person to the Chief of Board Proceedings as provided in" with "filed in accordance with" in the text of the regulation.

#### **Subarticle 5: Filing and Distribution of Petitions, Briefs, and Other Documents**

#### **5335. SUBMISSION OF PETITIONS, BRIEFS, AND RELATED DOCUMENTS.**

(a) Original petitions, briefs, and related documents must be mailed to the Board Proceedings Division at the mailing address specified in section 5570 of this division or hand delivered to the Board's headquarters office at 450 N Street, in Sacramento, California.

(b) Petitions, briefs, and related documents may be electronically transmitted (e.g., facsimile, e-mail, etc.) to the Chief of Board Proceedings at the email address or fax number provided in section 5570 or in accordance with instructions provided on the Board's website.

(c) Applications and Other Submissions. For applications described in section 5310, subdivision (b), both the petitioner and the Respondent must file their submissions with the other party and enclose a proof of filing with the other party in each submission to the Board Proceedings Division.

Note: Authority cited: Sections 15606 and 15640, Government Code. Reference: Section 15640, Government Code; and Sections 214, 254.6, 270 and 1840, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.  
2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments replaced "Submission of" with "Filing" in the title of the regulation; more clearly specified how documents may be filed by mail or hand delivered to the Board's headquarters by replacing all of the text following "be" in subdivision (a); and more clearly specified how documents may be filed electronically by deleting "filed" from before "electronically," replacing "under this section only if they are transmitted to and received by" with "transmitted (e.g., facsimile, email, etc.) to" following "electronically," inserting "at the email address or fax number provided in section 5570 or" after "Proceedings," replacing "by" with "on" between "provided" and "the," changing "Board" to "Board's," and replacing the text after "Board's" with "website" in subdivision (b).

#### **5335.4. TIMELY PERFORMANCE; MAILING DATE.**

Timely performance and mailing date will be determined under the provisions of section 5571 of this division.

Note: Authority cited: Government Code sections 15606, 15640. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5335.6. DISTRIBUTION OF DOCUMENTS.**

The Board Proceedings Division will promptly distribute the petition, briefs, related documents, and the Hearing Summary or Summary Decision (and Revised Hearing Summary or Summary Decision, if prepared) to the petitioner, the Respondent, the Tax and Fee Programs Division, the Appeals Division, and the Board Members, as appropriate.

Note: Authority cited: Government Code sections 15606, 15640. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

## Subarticle 6: Accepting, Rejecting, and Perfecting Petitions and Applications

### 5336. ACCEPTING OR REJECTING A PETITION.

(a) Determination that the Petition is Valid, Complete, and Timely. Upon receipt of the petition, the Chief of Board Proceedings will determine whether the petition is valid and complete, including whether the petition is timely. If any question arises as to the timeliness of a petition or whether a petition is valid and complete, the Chief of Board Proceedings will refer the petition to the Chief Counsel.

(b) Accepting the Petition. If the Chief of Board Proceedings, or the Chief Counsel, determines that the petition is valid and complete and that the petition is timely, or that there is a genuine, material issue relating to validity, completeness or timeliness, the Chief of Board Proceedings must accept the petition. The Chief of Board Proceedings will provide written acknowledgement of the acceptance to the petitioner and the Respondent. Upon acceptance of a valid and complete property tax sampling program petition, the Chief of Board Proceedings will also notify the owner of the sampled property of the filing of the petition by the county assessor.

(c) Issues relating to Validity, Completeness, and Timeliness. If the Chief Counsel determines that there is a genuine, material issue relating to validity, completeness, or timeliness, such matters will be considered to be at issue in the petition and will be decided by the Board.

(d) Rejecting the Petition. If the Chief of Board Proceedings and the Chief Counsel determine that the petition is not valid or complete or that the petition is not timely, and that there is no genuine, material issue relating to validity, completeness, or timeliness, the Chief of Board Proceedings must reject the petition. The Chief of Board Proceedings will provide written notification to the petitioner and the Respondent.

Note: Authority cited: Government Code sections 15606, 15640. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### 5336.5. PERFECTING A PETITION.

(a) Generally. The briefing and resolution of a petition cannot begin until the petition is perfected. For purposes of this part, a petition is "perfected" if it contains substantially all the information required by section 5332.4, 5333.4, or 5334.4, whichever is applicable. In addition, a petition is not "perfected" until it contains sufficient information to identify and contact each petitioner or authorized representative, along with the signature of each petitioner or authorized representative.

(b) Time to Perfect the Petition. If the Chief of Board Proceedings receives an incomplete petition, the Chief of Board Proceedings will notify the petitioner in writing of the need to perfect the petition. The notification will be included in the acknowledgement letter issued under section 5336, subdivision (b). The notification will explain what information is necessary to perfect the petition.

(1) The petitioner must perfect the petition not later than 30 days from the date of the acknowledgement letter. The Chief of Board Proceedings may extend the deadline for perfecting the petition upon a showing of reasonable cause or upon written agreement by the parties. All parties must be notified in writing of any extension.

(2) Perfecting the petition is accomplished by filing the information necessary to perfect the petition in accordance with section 5335.

(3) If the petitioner fails to perfect the petition within the 30-day period, or within any extension period granted by the Chief of Board Proceedings, the petition must be dismissed. All parties will be notified in writing of the dismissal.

Note: Authority cited: Sections 15606 and 15640, Government Code. Reference: Sections 15640 and 15645, Government Code; and Sections 214, 254.6, 270 and 1840, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments replaced "submitting" with "filing" and replaced "to the Chief of Board Proceedings" with "in accordance with section 5335" in subdivision (b)(2).

## Subarticle 7: Prehearing Meetings and Briefing Schedules

### 5337. PREHEARING MEETING AND EXCHANGE OF INFORMATION BETWEEN RESPONDENT AND PETITIONER

(a) If requested by the petitioner with regard to a petition described in section 5310, subdivision (a)(3) or (a)(4), the Respondent and the Tax and Fee Programs Division will meet with the petitioner, either in person or by other means convenient to all parties, before the scheduled hearing date. The purpose of the meeting or meetings is to exchange relevant information and evidence, identify issues, and, if possible, enter into stipulations to resolve all or some of the issues.

(b) At any time, the Respondent or the Tax and Fee Programs Division may request additional information from the petitioner to assist in resolving any issue raised by the petitioner.

Note: Authority cited: Government Code sections 15606, 15640. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### 5337.4. BRIEFING: GENERAL REQUIREMENTS

(a) Submissions in the form of briefs are required for consideration of all petitions. The parties must adhere to the briefing schedules and other requirements set forth in this article.

(b) Upon receipt of a perfected petition, the Chief of Board Proceedings will provide written notification to each party that a perfected petition has been filed and that briefing will begin under the applicable briefing schedule, as determined by the Chief of Board Proceedings. The notification may be included, if appropriate, in the acknowledgement letter issued under section 5336, subdivision (b). Throughout the briefing schedule, the Chief of Board Proceedings will inform the parties of applicable deadlines, extensions, and other requirements by written notification, and will ensure that all parties receive copies of any correspondence.

(c) Any request to extend the period for filing a brief must be in writing. The Chief Counsel, in his or her discretion, may grant such a request upon a showing of reasonable cause or based upon the written agreement of the parties and the Appeals Division.

(d) The party filing a brief is responsible for submitting one copy of the brief and any supporting exhibits to the Board Proceedings Division. Upon receipt of any brief filed within the scope of the applicable briefing schedule, including any applicable deadlines and extensions, the Chief of Board Proceedings will provide written acknowledgement of receipt to all parties and provide each opposing party with a copy of the brief and any supporting exhibits.

(e) General Requirements. All briefs permitted to be filed under this section must follow the requirements listed below:

(1) Length.

(A) Not exceed 30 typed or handwritten, double-spaced 8 ½" by 11" pages, printed on one side only; or

(B) Not exceed 15 typed or handwritten, single-spaced 8 ½" by 11" pages, printed on one side only;

(2) Type-font size of at least 10 points or 12 characters per inch;

(3) The Table of Contents, Table of Authorities, and exhibits are not included in the page count;

(4) Exception. An exception to these requirements may be granted before the deadline for filing a brief. Exceptions may be requested by submitting a written request establishing reasonable circumstances that justify the necessity for additional pages to the Chief of Board Proceedings. It is at the discretion of the Chief Counsel or his or her designee to approve a request.

(f) The failure to file a brief within the scope of the applicable briefing schedule, including any applicable deadlines, extensions, and other requirements, is a waiver of the right to file that brief. Such a failure will also conclude the briefing schedule, except as otherwise provided in the applicable briefing schedule.

(g) Any individual or entity may file a non-party (amicus) brief regarding a petition or application described in section 5310, subdivision (a)(2), (a)(3), or (a)(4), subject to any generally applicable conditions of this section and the specific conditions of this subdivision.

(1) No individual or entity will be permitted to file more than one non-party brief. Briefs filed by unidentified individuals or entities will not be accepted.

(2) All non-party briefs must be filed before the conclusion of the applicable briefing schedule. However, the Board in its discretion may choose to accept for consideration a non-party brief filed after the conclusion of the applicable briefing schedule. For purposes of this paragraph, the conclusion of the applicable briefing schedule will be determined without regard to the filing of any non-party brief or reply thereto. There will not be any extensions of time for the filing of non-party briefs.

(3) If a non-party brief is filed, the Chief of Board Proceedings will acknowledge receipt of the brief and provide one copy to each party. Each party may file a reply to the non-party brief not later than 30 days from the date the Chief of Board Proceedings acknowledges receipt of the non-party brief.

(4) The applicable briefing schedule is not concluded until the deadline for replying to all non-party briefs has passed.

Note: Authority cited: Government Code sections 15606, 15640. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5337.6. GENERAL BRIEFING SCHEDULE.**

(a) Application. The briefing schedule in this section applies to all petitions and applications described in section 5310, subdivision (a)(2), (a)(3), and (a)(4).

(b) Opening Briefs.

(1) Petitioner's Opening Brief. The perfected petition is the Petitioner's Opening Brief.

(2) Respondent's Opening Brief. The Respondent must file an Opening Brief not later than 90 days from the date the Chief of Board Proceedings acknowledges receipt of the Petitioner's Opening Brief.

(c) Reply Briefs.

(1) Petitioner's Reply Brief. The petitioner must file a Reply Brief not later than 30 days from the date the Chief of Board Proceedings acknowledges receipt of the Respondent's Opening Brief. The Petitioner's Reply Brief, if filed, must address only points of disagreement with the Respondent's Opening Brief. Except as provided in paragraph (2) of this subdivision, the filing of the Petitioner's Reply Brief concludes the briefing schedule.

(2) Respondent's Reply Brief. The Respondent may file a Reply Brief only upon written permission from the Chief Counsel. The Respondent's Reply Brief, if filed, must address only points of disagreement with the Petitioner's Reply Brief.

(A) The Respondent will have 15 days from the date the Chief of Board Proceedings acknowledges receipt of the Petitioner's Reply Brief in which to file a written request for permission to file its Reply Brief.

(B) Upon receipt of the Respondent's written request, the Chief Counsel will determine whether additional briefing is necessary. Factors to be considered in determining whether additional briefing is necessary include, but are not limited to:

(i) Whether the Petitioner's Reply Brief raised new facts, arguments, or evidence that are essential to the resolution of the petition;

(ii) Whether the briefing filed to date has provided sufficient information for the Board to resolve the petition;

(iii) Whether the facts and issues in the petition are so complex as to require additional discussion or clarification.

(C) If the Chief Counsel determines that additional briefing is necessary, he or she will grant the Respondent's request to file a Reply Brief. The Respondent may file its Reply Brief not later than 30 days from the date on which its request is granted.

(D) If the Chief Counsel determines that additional briefing is not necessary, he or she will deny the Respondent's request to file a Reply Brief and the briefing process is concluded.

(3) Petitioner's Supplemental Brief. If the Respondent files a Reply Brief, the petitioner may file a Supplemental Brief not later than 30 days from the date the Chief of Proceedings acknowledges receipt of

the Respondent's Reply Brief. The petitioner's Supplemental Brief, if filed, shall address only points of disagreement with the Respondent's Reply Brief. The filing of the petitioner's Supplemental Brief concludes the briefing schedule.

Note: Authority cited: Government Code sections 15606, 15640. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### **Subarticle 8: Appeals Division Review, Prehearing Conferences, and Summaries**

#### **5338. APPEALS DIVISION REVIEW.**

(a) At the conclusion of the general briefing schedule under section 5337.6, the Appeals Division will review the record and determine whether the briefing on file adequately addresses all relevant factual and legal issues. If the briefing on file does not adequately address all relevant factual and legal issues, the Appeals Division may request additional briefing under section 5523.4.

(b) When the Appeals Division determines that all relevant factual and legal issues have been addressed and completes the appeals conference required by section 5338.4, the Appeals Division will notify the Chief of Board Proceedings that the petition is ready to be scheduled for an oral hearing.

(c) Upon notification from the Appeals Division that the petition is ready to be scheduled for an oral hearing, the Chief of Board Proceedings will schedule and notice an oral hearing under section 5522.6.

Note: Authority cited: Government Code sections 15606, 15640. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5338.4. APPEALS CONFERENCE.**

(a) Purpose. The purpose of an appeals conference is to obtain additional facts and evidence, obtain stipulations of fact, and narrow questions of law, in order to facilitate a more efficient and productive oral hearing or other Board action on the petition.

(b) When to Hold an Appeals Conference. An appeals conference will be held for all petitions described in section 5310, subdivision (a)(2), (a)(3), and (a)(4). An appeals conference may be held only after the briefing schedule provided in section 5337.6 has concluded.

(c) Determining the Time and Location of the Appeals Conference. The Appeals Division will determine the time and location of the appeals conference. Consistent with workload constraints, the Appeals Division will attempt to ensure that the appeals conference is held at a time convenient to the petitioner. The appeals conference will ordinarily be held at the Board's headquarters in Sacramento, and may be conducted in person, by videoconference, by teleconference, or by means of a secure electronic connection. However, an in-person appeals conference may be held outside of Sacramento if the Chief Counsel determines that there is reasonable cause and that the Board has the resources to conduct an appeals conference outside of Sacramento.

(d) Notice and Scheduling. The Board Proceedings Division will schedule the appeals conference in accordance with information provided to it by the Appeals Division and will issue appropriate written notification to all parties.

(e) Conduct and Nature of the Appeals Conference. A conference holder assigned to the Appeals Division will conduct the appeals conference. To the extent practicable, the conference holder will ensure that the appeals conference is informal and non-adversarial in nature.

(f) Recording. The conference holder will not record, videotape, or arrange for court reporting of the appeals conference. Any party may arrange for the appeals conference to be recorded or reported, at that party's expense. If the appeals conference is recorded or reported, a copy of the transcript or recording must be promptly provided to all participants. A recording or transcript of an appeals conference becomes a disclosable public record, if and when the petition being discussed on the record or transcript becomes a disclosable public record under chapter 5 of this division.

(g) Additional Briefing and Evidence. If at any time before the submittal of the Hearing Summary or Summary Decision under section 5338.6, the Assistant Chief Counsel for the Appeals Division, or his or her designee, determines that insufficient briefing or evidence has been provided, the Appeals Division may

request additional briefing or evidence from any party. The Appeals Division may set forth the order, deadlines, and conditions for briefing that it deems appropriate. The Appeals Division will administer any request made under this subdivision and may extend deadlines under this subdivision upon a showing of reasonable cause.

Note: Authority cited: Government Code sections 15606, 15640. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5338.6. PREPARING AND REVISING HEARING SUMMARIES.**

(a) Preparing the Hearing Summary. The Appeals Division will prepare and submit a Hearing Summary to the Chief of Board Proceedings within 90 days after each appeals conference held under section 5338.4, or within any other period specified by the Chief of Board Proceedings, which provides the Appeals Division with at least 30 days to prepare and submit the Hearing Summary. The Chief Counsel may extend the time for submitting the Hearing Summary upon a showing of reasonable cause. Upon receipt of the Hearing Summary, the Chief of Board Proceedings will provide one copy to each party.

(b) If the petition is submitted for decision without an oral hearing before the Appeals Division prepares a Hearing Summary, the Appeals Division will prepare a Summary Decision under section 5343.

(c) If there has been a partial or complete resolution of issues between petitioner and the Respondent after the Appeals Division has issued its Hearing Summary or Summary Decision, the Appeals Division will draft a Revised Hearing Summary or Revised Summary Decision if time permits. The Revised Hearing Summary will state:

- (1) The issues which have been resolved;
- (2) The Appeals Division's revised recommendation; and
- (3) The issues remaining for decision by the Board, if any.

Note: Authority cited: Government Code sections 15606, 15640. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 1840.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

### **ARTICLE 4: GENERAL BOARD HEARING AND NOTICE PROCEDURES**

#### **5340. RELATION TO GENERAL BOARD HEARING PROCEDURES.**

The procedures in chapter 5 of this division apply to the conduct of oral Board hearings on petitions described in section 5310. To the extent this chapter does not set forth a specific rule or procedure, the rules and procedures set forth in chapter 5 will apply to this article. Where there is a conflict between chapter 5 and this chapter, the provision of this chapter control.

Note: Authority cited: Government Code sections 15606, 15640; Revenue and Taxation Code section 11651. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840, 11251.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5341. ADDITIONAL BRIEFING.**

(a) Staff Requests for Additional Briefing. If the Assistant Chief Counsel of the Appeals Division, or his or her designee, determines that insufficient briefing or evidence has been provided, the Appeals Division may request additional briefing or evidence from any party. The Appeals Division will determine the order, deadlines, and conditions under which any briefing or evidence must be submitted. Deadlines under this subdivision may be extended upon a showing of reasonable cause.

(b) Individual Board Member's Request for Additional Briefing. Any individual Board Member may contact the Appeals Division in order to request additional briefing or evidence from any party. The Appeals Division will determine the order, deadlines, and conditions under which any briefing or evidence must be submitted. Deadlines under this subdivision may be extended upon a showing of reasonable cause.

(c) Board Requests for Additional Briefing. If the Board determines that insufficient briefing or evidence has been provided, the Board may request additional briefing or evidence from any party. The Board will determine the order, deadlines, and conditions under which any briefing or evidence must be submitted.

The Chief of Board Proceedings may extend deadlines set by the Board under this subdivision only upon a showing of extreme hardship and with the consent of the Board Chair.

(d) **Timing of Request.** A request under this section may be made during or after the applicable briefing schedule has concluded. Additional briefs or evidence provided in response to such a request are not subject to the requirements of the applicable briefing schedule.

(e) **Notification of Board Chair.** The Board Chair must be notified promptly of any request made under this section and may postpone the scheduling or hearing of an appeal.

**Note:** Authority cited: Government Code sections 15606, 15640; Revenue and Taxation Code section 11651. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840, 11251.

**History:** 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5342. NOTICE OF HEARING**

(a) **Notice of Hearing.** All parties to a petition or application will receive written notice of the date and time their petition is scheduled for oral hearing before the Board in accordance with chapter 5 of this division.

(b) **Notice of Hearing on Applications.** The notice of hearing for a hearing on an application described in section 5310, subdivision (a)(2), must contain a statement that, subject to the limitations of section 3, subdivision (b), and section 11 of article XIII, and of article XIII A of the California Constitution, the Board is required to determine the full cash value of the property that is the subject of the hearing and that this determination may exceed the value on which the assessment is based.

**Note:** Authority cited: Government Code sections 15606, 15640; Revenue and Taxation Code section 11651. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840, 11251.

**History:** 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5343. SUBMISSION FOR DECISION WITHOUT ORAL HEARING.**

(a) A petition will be submitted for decision based upon the written records on file and without an oral hearing under any of the following circumstances:

(1) The petitioner does not request an oral hearing or waives a requested oral hearing under chapter 5 of this division.

(2) The petitioner fails to respond to a Hearing Notice as provided in section 5522.6.

(b) **Preparing the Summary Decision.** Where a petition is submitted for decision without an oral hearing, the Appeals Division will prepare a Summary Decision summarizing the relevant facts and law and providing a recommendation for Board action.

**Note:** Authority cited: Government Code sections 15606, 15640; Revenue and Taxation Code section 11651. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840, 11251.

**History:** 1. New section adopted 9-12-2007; effective 2-6-2008.

#### **5344. NOTICE OF BOARD DECISIONS.**

(a) The petitioner and all other parties to a petition or application will be notified in writing of the Board's decision in accordance with chapter 5 of this division.

(b) **Decisions on Applications.** When the review, equalization and adjustment of the taxable property of a county, city, city and county, or municipal corporation is completed, the Board will mail to the assessor, the county board of supervisors, the auditor of the taxing agency, and the taxpayer, a copy of the Board's findings and decision with respect to the assessment.

(c) **Decisions on Property Tax Welfare and Veterans' Organization Exemption Claims.** Written notice of the Board's decision on a petition described in section 5310, subdivision (a)(3), will also be sent to the county assessor for the county in which the property is located.

(d) **Decisions on Property Tax Sampling Program Petitions.** The Notice of Board Action issued with regard to a petition described in section 5310, subdivision (a)(4), will be mailed to the county assessor and the property owner by the Board Proceedings Division.

Note: Authority cited: Government Code sections 15606, 15640; Revenue and Taxation Code section 11651. Reference: Government Code sections 15640, 15645; Revenue and Taxation Code sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840, 1841, 11251.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

**5345. FINALITY OF BOARD ACTION; WRITTEN FINDINGS AND DECISION.**

(a) The following provisions apply to petitions filed under this chapter:

(1) The Board's decision on a petition described in section 5310, subdivision (a)(1) or (2), is final. The Board's decision on a petition described in section 5310, subdivision (a)(3) or (4), becomes final 30 days after the date notice of the Board's decision is mailed to the petitioner, unless the petitioner files a Petition for Rehearing in accordance with the procedures provided in chapter 5 of this division within that 30-day period.

(2) The Board may not grant a rehearing to reconsider a final decision on a petition.

(3) The Board may not modify a final decision on a petition, except to correct a clerical error.

(b) The petitioner may request that the Board adopt a Written Findings and Decision for a petition. The request must be made before the commencement of the petitioner's Board hearing or, if a Board hearing is not scheduled, the commencement of the meeting at which the petition is scheduled for Board action. If a timely request is made, the Board will prepare and send to the petitioner a Written Findings and Decision according to the following procedure:

(1) After the Board has decided the petition, the Appeals Division will draft the Written Findings and Decision.

(2) The Chief of Board Proceedings will schedule the Written Findings and Decision for Board consideration.

(3) Once the Board adopts the Written Findings and Decision, the Chief of Board Proceedings will promptly mail a copy of the Written Findings and Decision to petitioner.

The petitioner may waive its right to its requested Written Findings and Decision any time before the Board adopts the petitioner's Written Findings and Decision.

Note: Authority cited: Sections 15606 and 15640, Government Code; and Section 11651, Revenue and Taxation Code. Reference: Sections 15640 and 15645, Government Code; and Sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840, 1841 and 11251, Revenue and Taxation Code.

History: 1. New section adopted 9-12-2007; effective 2-6-2008.

2. Amendments adopted November 19, 2013, effective April 1, 2014. The amendments deleted "all" from before "petitions" in subdivision (a); inserted "Board's" before "decision," replaced "of the Board upon a property tax" with "on a" before "petition," and inserted "described in section 5310, subdivision (a)(1) or (2)," after "petition" in the first sentence of subdivision (a)(1); add the second sentence to subdivision (a)(1) to allow a petitioner to file a petition for rehearing with regarding to a decision on a petition described in Regulation 5310, subdivision (a)(3) or (4) and provide procedures for filing such a petition for rehearing; inserted "grant a rehearing to" before "reconsider" and replaced "or rehear" with "a final decision on" after "reconsider" in subdivision (a)(2); inserted "not" before "modify," "final" before "decision," and ", except" after "petition" in subdivision (a)(3); clarified that petitioners "may" request that the Board adopt a Written Findings and Decision for their petitions and clarified the deadlines for making such requests by adding a new first sentence to subdivision (b), replacing "If requested by the petitioner at any point" with "The request must be made" before "before," replacing "oral" with "petitioner's Board" before hearing, and inserting ", if a Board hearing is not scheduled," after "or" in the second sentence in subdivision (b), replacing the comma with a period after "Board action" in order to make the second sentence in subdivision (b) into two sentences, and adding "If a timely request is made," to the beginning of the third sentence in subdivision (b); and inserted "the" before "Board" and replaced "approval of" with "adopts" after "Board" in the last sentence of subdivision (b).

