

R & T CODE SECTION 170

Roll value 1-1-2003 (Prop 13 value)	Date of fire 10-25-2003	Roll value 1-1-2004 (1.01867 factor)	Roll value 1-1-2005 (1.02 factor)	Roll value 1-1-2006 (1.02 est factor)	Roll value 1-1-2007 (1.02 est factor)
Land: 50,000	50,000 *	50,934	51,953	52,992	54,052
Imps: 150,000	0 (100% destroyed) **	0	0	0	153,000 (1)
Total: 200,000	50,000	50,934	51,953	52,992	207,052
			No start on rebuild	No start on rebuild	Rebuilt equivalent

(1) Imps rebuilt to substantial equivalent; restored value of 150,000 x 1.02 per Section 70(c) = 153,000

Example assumes no land damage and structure/home completely destroyed

* If land sustained damage multiply land roll value times percent of damage to land

**If structure/home were 50% destroyed, first multiply percent of damage times structure roll value and then apply the 2% factor

Note: All roll values including zero value the CPI factor was multiplied for each year as required by Prop 13

On every succeeding lien date, all three sections 75.10, 170, and section 51 (prop 8), should be looked at and enroll the lesser of the 3 values per Assessor responsibility to enroll "the lesser of" Prop 13 value indexed for inflation (75.10), Section 170, or Section 51 (Prop 8 value: current market value) which ever is the least.

SECTION 170(g) FIRE EXAMPLE WITH IMPROVEMENTS PARTIALLY DESTROYED & SUBSEQUENTLY REBUILT

Roll value 1-1-2003 (Prop 13 value)	Date of fire 10-25-2003	Roll value 1-1-2004 (1.01867 factor)	Roll value 1-1-2005 (1.02 factor)	Roll value 1-1-2006 (1.02 est factor)	Roll value 1-1-2007 (1.02 est factor)
Land: 50,000	50,000	50,934	51,953	52,992	54,052
Imps: 150,000	75,000 (50% destroyed)	76,400 (1)	77,928	79,487	157,577 (2)
Total: 200,000	125,000	127,334	129,881	132,479	211,629
			No start on rebuild	No start on rebuild	Rebuilt equivalent

Example of fire damaged property where the land suffered no damage but the improvements were 50% destroyed. The improvements were rebuilt to their substantial equivalent 4 lien dates past the damage event date.

(1) Factored by CPI per R&T Section 170 (g), "the assessed value of the property in its damaged condition, as determined pursuant to subdivision (b) compounded annually by the inflation factor specified in subdivision (a) of Section 51, shall be the taxable value of the property until it is restored, repaired, reconstructed or other provisions of the law require the establishment of a new base year value."

(2) Improvement value restoration calculation: Prior roll value (1-1-2006) of 79,487 x 1.02 = 81,077

Imp value removed as of date of fire (150,000-75,000)= 75,000 x 1.02 (2007 CPI) = + 76,500 (no CPI applied for 04,05,06)

Total imp value for 1-1-2007 **157,577**

Summation: Pursuant to LTA 81/123 in the example on page 2 the CPI/inflationary factor is applied to the structure value and then multiplied by the Percent Good, yielding the valuation to the portion of the structure that actually exists, and taking away both the non-existent structure value and, the portion of the CPI/inflation attributable to the destroyed portion of the structure. This demonstrates and supports Assessor Williamson's interpretation.

R & T CODE SECTION 75.10

Roll value 1-1-2003 (Prop 13 value) ***	Date of fire 10-25-2003	Roll value 1-1-2004 (1.01867 factor)	Roll value 1-1-2005 (1.02 factor)	Roll value 1-1-2006 (1.02 est factor)	Roll value 1-1-2007 (1.02 est factor)
Land: 50,000 Imps: 150,000 Total: 200,000	50,000 * 0 (100% destroyed) ** 50,000	50,934 <u>0</u> 50,934	51,953 <u>0</u> 51,953	52,992 <u>0</u> 52,992	54,052 <u>153,000 (1)</u> 207,052
		No start on rebuild	No start on rebuild	No start on rebuild	Rebuilt equivalent

* No damage reduction to land under 75.10

** Removal of structure is considered new construction, receives a new base year, receives a new base year value of "zero value" since structure has been removed

*** Under 75.10 adjustment to structure value made to the Prop 13 value and indexed for inflation for each year

(1) Imps rebuilt to substantial equivalent; restored value of 150,000 x 1.02 per Section 70(c) = 153,000

R & T CODE SECTION 51

“Adjustments To Base Year Values.”

- (a) For purposes of subdivision (b) of Section 2 of Article XIII A of the California Constitution, for each lien date after the lien date in which the base year value is determined pursuant to Section 110.1, the taxable value of real property shall, except as otherwise provided in subdivision (b) or (c), be the lesser of:
- (1) Its base year value, compounded annually since the base year by an inflation factor, which shall be determined as follows:
 - (2) Its full cash value, as defined in Section 110 as of the lien date, taking into account reductions in value due to damage, destruction, depreciation, obsolescence, removal of property, or other factors causing a decline in value.
 - (b) If the real property was damaged or destroyed by disaster, misfortune, or calamity and the board of supervisors of the county in which the real property is located has not adopted an ordinance pursuant to Section 170, or any portion of the real property has been removed by voluntary action by the taxpayer, the taxable value of the property shall be the sum of the following:
 - (1) The lesser of its base year value of land determined under paragraph (1) of subdivision (a) or full cash value of land determined under paragraph (1) of subdivision (a) or full cash value of land determined pursuant to paragraph (2) of subdivision (a).
 - (2) The lesser of its base year value of improvements determined pursuant to paragraph (1) of subdivision (a) or the full cash value of improvements determined pursuant to paragraph (2) of subdivision (a).

The State Constitution Article XIII A and Section 51 further support Assessor Williamson's position that a Prop 8/current market value should be considered for all properties including fire damaged properties and that current market has no inflation. The Revenue and Taxation and State Constitution require that the CPI/inflation be applied each year and to enroll the lesser of the Prop 13 indexed value or current market which is less: this requirement when the **OR** is applied that no 2% CPI/inflation is warranted as current market value has no inflation. Only the Prop 13 value has the 2% and the requirement is to do either one or the other NOT both.

SUMMATION (this further supports Assessor Williamson's interpretations)

In applying this subdivision, the base year value of the subject real property does not include that portion of the previous base year value of that property that was attributable to any portion of the property that has been destroyed or removed. The sum determined under this subdivision shall then become the base year value of the real property until that property is restored, repaired, or reconstructed or other provisions of law require establishment of a new base year value.

(c) If the real property was damaged or destroyed by disaster, misfortune or calamity and the board of supervisors in the county in which the real property is located has adopted an ordinance pursuant to Section 170, the taxable value of the real property shall be its assessed value as computed pursuant to Section 170.

R&T CODE SECTION 71: NEW BASE YEAR VALUE. The assessor shall determine the new base year value for the portion of any taxable real property which has been newly constructed. The base year value of the remainder of the property assessed, which did not undergo new construction, shall not be changed.

R&T CODE SECTION 110.1 (f) For each lien date after the lien date in which the full cash value is determined pursuant to this section, the full cash value or real property, including possessory interest in real property, shall be adjusted by an inflation factor, which shall be determined as provided in subdivision (a) of Section 51.

R&T CODE SECTION 70 (c) Notwithstanding the provisions of subdivisions (a) and (b), where real property has been damaged or destroyed by misfortune or calamity, "newly constructed" and "new construction" does not mean any timely reconstruction of the real property, or portion thereof, where the property after reconstruction is substantially equivalent to the property prior to damage or destruction.

SUMMATION

In Section 71 the physical removal of the structure by fire (LTA 81/123 includes structures destroyed by fire) removal of the structure by fire is considered "New Construction" and receives a "New Base Year" and a "New Base Year Value".

Similar restoration of said structure is **NOT** considered new construction under Section 70 (c) and retains its base year value prior to the damage/destruction plus the portion of CPI/ inflation that was attributable to the improvements that were in existence each year. See example labeled 170 (g).

CURRENT MARKET VALUE: PROP 8

When applicable, it is the Assessor's responsibility under the R&T Code to review on lien date of each year the Prop 13 value, Section 170 value, and current market value (Section 51) and enroll the lesser of.

The Assessor believes that a current market value applied under Section 51 (Prop 8) should not have an inflationary factor applied as current market value has no inflation.

CPI 1.01867

75% complete 100% complete

	1-1-2003	10-25-2003 event	1-1-2004	1-1-2005	1-1-2006	7-4-2006	1-1-2007
P-13 using 75.10 w/no fire. Owner demos SFR	20,000 80,000 100,000	20,000 0 (voluntary demo) 20,000 Negative supp assmt	20,373 0 20,373	20,780 0 20,780	21,196 150,000 (1) 171,196	21,196 250,000 (3) 271,196 Supp assessment	21,620 250,000 271,620
Individual fire Section 170	20,000 80,000 100,000	20,000 0 (100% destroyed) 20,000 Section 170 correction	20,373 0 20,373	20,780 0 20,780	21,196 61,200 (2) 82,396	21,196 81,200 (4) 102,396 Sect 170 correction	21,620 82,824 (5) 104,444
Old Fire/ Grand Prix fire. Del Rosa area	20,000 80,000 100,000	10,000 (50% dest) 0 (100% destroyed) 10,000 Section 170 correction	10,187 0 10,187	20,780 0 20,780	21,196 61,200 (2) 82,396	21,196 81,200 (4) 102,396 Sect 170 correction	21,620 82,824 (5) 104,444
P-8 value for lien date=CMV for lien date	20,000 80,000 100,000	N/A	10,187 0 10,187	20,780 0 20,780 *	21,196 61,200 (2) 82,396	N/A per prop 8	21,620 82,824 104,444 (6)
FBYV	20,000 80,000 100,000	20,000 80,000 100,000	20,373 0 20,373 Per DW	20,780 0 20,780 Per DW	21,196 81,200 102,396		21,620 82,824 104,444

- (1) CMV of NC as of 1-1-06 = \$200,000 @ 75% complete = \$150,000 CIP
- (2) FBYV ofimps = \$80,000 + 2% CPI = 81,600 @ 75% complete = \$61,200
- (3) CMV on NC as of 7-04-06 completion date is \$250,000
- (4) FBYV ofimps as of 7-4-2006 completion date is \$81,200
- (5) FBYV ofimps = \$81,600 + 2% CPI = \$82,824 @ 100% complete.
- (6) Enroll the lesser of FBYV (104,472) or CMV (est 325,000)

Base year value 7-4-2002 acq date	Roll value 1-1-2003	Date of fire	Roll value 1-1-2004 (1.01867)	Roll value 1-1-2005 (1.02 est)	Roll value 1-1-2006 (1.02 est)
50,000	50,000	25,000 (50% dest)	25,467	50,976 (1)	51,996
150,000	150,000	0 (100% destroyed)	0	0	153,000 (2)
200,000	200,000	25,000	25,467	50,976	204,996
				No start on rebuild	

(1) Lot has been cleared of rubble, land value restored; $(25467 \times 1.02) + 25000$ previously removed value = 50,976

(2) Imps rebuilt to substantial equivalent; 150,000 (1-1-03 value) $\times 1.02 = 153,000$

Application of Propositions 13's Annual Inflation Adjustment to Properties
Reconstructed Following a Disaster

Submitted by:

Donald E. Williamson, Assessor
County of San Bernardino

My interpretation of Proposition 13 is that for properties where due to a fire or other disaster all improvements were removed, the base year values of those properties, or at least the portion of the base year value attributable to improvements, should not be subject to the full 2 percent annual inflationary factor usually applied to base year values under Prop. 13. Only the percent value of property remaining should be subject to the inflationary factor.

This interpretation is based on California Constitution, Article XIII A, Section 2(b). That section states that the full cash value base may reflect from year to year the inflationary rate not to exceed 2 percent for any year or reduction as shown in the consumer price index, or may be reduced to reflect substantial damage, destruction or other factors causing a decline in value. It is this language that forms the basis of my theory that a property's base year inflationary factor should be modified if improvements on the property are destroyed.

This theory is supported by a number of statutes. Revenue and Taxation Code section 75.10(b) provides that a new base year value is created when a structure is removed from a property. Removal of a structure from land constitutes "actual physical new construction" under the code section. The property is revalued at its full cash value on the date the new construction is completed. ***In this case, "completion of the removal of the structure constitutes new construction and gets a new base year and a new base year value."*** The inflationary factor is apportioned between the value of the land and the value of the structure on the land. ***In this case, "the value of the structure is now zero, so the inflationary factor apportioned to the structure is zero."***

Revenue and Taxation Code Section 170(h)(3)

(3) For purposes of this subdivision, "new taxable value" shall mean the lesser of the property's (A) full cash value, or (B) factored base year value does not include application of the inflation factor to the damaged portion for the years in damaged or destroyed condition, or its factored base year value as adjusted pursuant to subdivision (c) of Section 70

Revenue and Taxation Code section 170(g) states that the assessed value of property in its damaged condition is the taxable value of the property until it is restored or reconstructed. This section supports the theory that the inflationary factor of 2 percent is multiplied by the value of the property (which is zero when it is destroyed) during the period of time property improvements are damaged.

(see LTA 86/36 from May 23, 1986)

Revenue and Taxation Code section 51(b) (2) says that the base year value of real property does not include the portion of the previous base year value of the property that has been destroyed or removed. This section bases the base year value on the value of the property that remains after partial or total destruction of improvements. The annual inflation factor is applied to that. If there is zero structure value, the factor is applied against that.

In sum, the foregoing legal provisions support my theory that for properties where due to a fire or other disaster all improvements were removed, the base year values of those properties, or at least the portion of the base year value attributable to improvements, should not be subject to the full annual 2 percent inflationary factor usually applied to base year values under Prop. 13. The inflationary factor attributable to the structure is reduced in a proportionate amount based on the proportion of the structure that has been damaged.



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No. 86/36

May 23, 1986

TO COUNTY ASSESSORS:

DECLINES IN VALUES ON FIRST LIEN DATE
(PROPOSITION 8)

We have received various inquiries about our recommended procedure for recognizing declines in value that occur subsequent to purchase date but before the first succeeding lien date.

Article XIII A, Section 2(a) of the Constitution says, in part:

"Full cash value" means the appraised value of property when purchased...or a change in ownership has occurred."

And Article XIII A, Section 2(b) of the Constitution says, in part:

"... 'full cash value base'... may be reduced to reflect... a decline in value."

However, Revenue and Taxation Code Section 50 says, in part:

"... values determined for property which is purchased or changes ownership... shall be entered on the roll for the lien date next succeeding the date of the purchase or change in ownership." (Emphasis added.)

The problem is apparent. If the assessor must enter on the roll the value ascribed to the property on its purchase date, then the decline in value that occurred between the purchase date and the lien date will not be recognized. It is the Board's position that a decline in value must be reflected on the first lien date under Section 2(b) of Article XIII A, and that Section 50 should be interpreted as the general rule, applicable only where no declines in value are involved.

In discussing the proper implementation of Section 2(b) of Article XIII A (Proposition 8) the courts have stated:

"A fundamental rule of construction of any legal document is that the main object of the interpretation is to ascertain the intent of the parties who made the instrument and to give that intent the fullest effect possible consistent with the language of the provisions and the related body of law." (State Board of Equalization v. Board of Supervisors, 105 Cal. App. 3d 813.)

Further, the California Supreme Court in interpreting a previous constitutional amendment drew an analogy to interpreting a statute and stated:

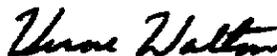
"[t]he intent prevails over the letter, and the letter will, if possible, be so read to conform to the spirit of the act." (Bakkenson v. Superior Court (1925) 197 Cal. 504, 511 [241 P. 874].)

Thus, the two constitutional sections previously cited (Article XIII A, 2(a) and 2(b)) clearly intend that a property's base year value is established at the ownership change date and that any subsequent value declines should be recognized. And, the courts have made it clear that the intent of the sections should be given the "fullest effect possible." Therefore, we recommend that assessors recognize value declines that might occur between purchase date and the next lien date by enrolling the lower value on the regular roll as an Article XIII A, Section 2(b) (Proposition 8) assessment.

Revenue and Taxation Code Section 75.10

Section 75.10 provides that the full cash value of a property on date of ownership change is the new base year value (commencing with the 1983-84 assessment year). This new base year value is used for both supplemental roll purposes and regular roll purposes. If there is a subsequent value decline, the new base year value remains and values can rise back to that level without the 2 percent per year limitation. Thus, where there is a loss of value before the first lien date, the amount entered on the regular assessment roll for the first time is simply an interim taxable value (Proposition 8) and not the new base year value. The new base year value will, of course, be used on the supplemental roll. And this amount will need to be maintained in the assessors' records for future calculation purposes.

Sincerely,



Verne Walton, Chief
Assessment Standards Division

VW:wpc
AL-04D-3050A

Article XIII A
Sec. 2

Property Taxes Law Guide
CALIFORNIA CONSTITUTION

1155
2003-1

is eligible for the homeowner's exemption under subdivision (k) of Section 3 of Article XIII and any implementing legislation may transfer the base year value of the property entitled to exemption, with the adjustments authorized by subdivision (b), to any replacement dwelling of equal or lesser value located within the same county and purchased or newly constructed by that person as his or her principal residence within two years of the sale of the original property. For purposes of this section, "any person over the age of 55 years" includes a married couple one member of which is over the age of 55 years. For purposes of this section, "replacement dwelling" means a building, structure, or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated. For purposes of this section, a two-dwelling unit shall be considered as two separate single-family dwellings. This paragraph shall apply to any replacement dwelling that was purchased or newly constructed on or after November 5, 1986.

In addition, the Legislature may authorize each county board of supervisors, after consultation with the local affected agencies within the county's boundaries, to adopt an ordinance making the provisions of this subdivision relating to transfer of base year value also applicable to situations in which the replacement dwellings are located in that county and the original properties are located in another county within this State. For purposes of this paragraph, "local affected agency" means any city, special district, school district, or community college district that receives an annual property tax revenue allocation. This paragraph shall apply to any replacement dwelling that was purchased or newly constructed on or after the date the county adopted the provisions of this subdivision relating to transfer of base year value, but shall not apply to any replacement dwelling that was purchased or newly constructed before November 9, 1988.

The Legislature may extend the provisions of this subdivision relating to the transfer of base year values from original properties to replacement dwellings of homeowners over the age of 55 years to severely disabled homeowners, but only with respect to those replacement dwellings purchased or newly constructed on or after the effective date of this paragraph.

(b) The full cash value base ~~may reflect from year to year~~ the inflationary rate not to exceed 2 percent ~~for any given year~~ or reduction as shown in the consumer price index or comparable data for the area under taxing jurisdiction ~~or~~ may be reduced to reflect substantial damage, destruction or other factors causing a decline in value.

(c) For purposes of subdivision (a), the Legislature may provide that the term "newly constructed" does not include any of the following:

- (1) The construction or addition of any active solar energy system.
- (2) The construction or installation of any fire sprinkler system, other fire extinguishing system, fire detection system, or fire-related egress improvement, as defined by the Legislature, that is constructed or installed after the effective date of this paragraph.

Article 2. Assessments on the Supplemental Roll

- § 75.10. New base year value.
- § 75.11. Supplemental assessments.
- § 75.12. New construction: notice to assessor.
- § 75.13. Supplemental assessment not an escape assessment.
- § 75.14. Supplemental assessment: limitation.
- § 75.15. Taxable fixtures.
- § 75.16. Computing the value of fixtures. [Repeated.]

75.10. New base year value. (a) Commencing with the 1983-84 assessment year and each assessment year thereafter, whenever a change in ownership occurs or new construction resulting from actual physical new construction on the site is completed, the assessor shall appraise the property changing ownership or the new construction at its full cash value (except as provided in Section 68 and subdivision (b) of this section) on the date the change in ownership occurs or the new construction is completed. The value so determined shall be the new base year value of the property or the new construction.

(b) For purposes of this chapter, "actual physical new construction" includes the removal of a structure from land. The new base year value of the remaining property (after the removal of the structure) shall be determined in the same manner as provided in subdivision (b) of Section 51.

(c) For purposes of this section, "actual physical new construction" includes the discovery of previously unknown reserves of oil or gas.

History.—Stats. 1984, Ch. 946, in effect September 10, 1984, added "(a)" before "commencing", and added "resulting from actual physical new construction on the site" after construction in the first sentence thereof, and added subdivision (b). Stats. 1985, Ch. 441, effective July 31, 1985, added "(except as provided in Section 68 and subdivision (b) of this section)" after "value" in the first sentence of subdivision (a), added subdivision (b), and relettered former subdivision (b) as (c). Stats. 1997, Ch. 940 (SB 542), in effect January 1, 1998, substituted "subdivision (b)" for "subdivision (c)" after "provided in" in the second sentence of subdivision (b).

Note.—See note following Section 75.

Construction.—The supplemental assessment provisions of this section do no more than affect the time at which existing real property taxes are calculated and imposed, implementing Article XIII A of the Constitution, and neither impose new ad valorem taxes in violation of Article XIII A, Sections 3 or 4, nor tax property which has not been taxed in the past. *Shafer v. State Board of Equalization*, 174 Cal.App.3d 423.

75.11. Supplemental assessments. (a) If the change in ownership occurs or the new construction is completed on or after January 1 but on or before May 31, then there shall be two supplemental assessments placed on the supplemental roll. The first supplemental assessment shall be the difference between the new base year value and the taxable value on the current roll. In the case of a change in ownership of the full interest in the real property, the second supplemental assessment shall be the difference between the new base year value and the taxable value to be enrolled on the roll being prepared. If the change in ownership is of only a partial interest in the real property, the second supplemental assessment shall be the difference between the sum of the new base year value of the portion transferred plus the taxable value on the roll being prepared of the remainder of the property and the taxable value on the roll being prepared of the whole property. For new construction, the second supplemental assessment shall be the value change due to the new construction.

to appraised value at time of acquisition. Nothing in Article XIII A changed or prohibited the existing assessment procedure under which a change of value during the fiscal year would only be reflected in the appraisal on the next lien date, and the enactment of supplemental assessment provisions of Revenue and Taxation Code sections 75 through 75.801 does not establish that the prior method of assessment under this section was unconstitutional. *Vacaville Company v. Sonoma County*, 190 Cal.App.3d 947.

51. Adjustments to base year values. (a) For purposes of subdivision (b) of Section 2 of Article XIII A of the California Constitution, for each lien date after the lien date in which the base year value is determined pursuant to Section 110.1, the taxable value of real property shall, except as otherwise provided in subdivision (b) or (c), be the lesser of:

(1) Its base year value, compounded annually since the base year by an inflation factor, which shall be determined as follows:

(A) For any assessment year commencing prior to January 1, 1985, the inflation factor shall be the percentage change in the cost of living, as defined in Section 2212.

(B) For any assessment year commencing after January 1, 1985, and prior to January 1, 1998, the inflation factor shall be the percentage change, rounded to the nearest one-thousandth of 1 percent, from December of the prior fiscal year to December of the current fiscal year in the California Consumer Price Index for all items, as determined by the California Department of Industrial Relations.

(C) For any assessment year commencing on or after January 1, 1998, the inflation factor shall be the percentage change, rounded to the nearest one-thousandth of 1 percent, from October of the prior fiscal year to October of the current fiscal year in the California Consumer Price Index for all items, as determined by the California Department of Industrial Relations.

(D) In no event shall the percentage increase for any assessment year determined pursuant to subparagraph (A), (B), or (C) exceed 2 percent of the prior year's value.

(2) Its full cash value, as defined in Section 110, as of the lien date, taking into account reductions in value due to damage, destruction, depreciation, obsolescence, removal of property, or other factors causing a decline in value.

(b) If the real property was damaged or destroyed by disaster, misfortune, or calamity and the board of supervisors of the county in which the real property is located has not adopted an ordinance pursuant to Section 170, or any portion of the real property has been removed by voluntary action by the taxpayer, the taxable value of the property shall be the sum of the following:

(1) The lesser of its base year value of land determined under paragraph (1) of subdivision (a) or full cash value of land determined pursuant to paragraph (2) of subdivision (a).

(2) The lesser of its base year value of improvements determined pursuant to paragraph (1) of subdivision (a) or the full cash value of improvements determined pursuant to paragraph (2) of subdivision (a).

In applying this subdivision, the base year value of the subject real property does not include that portion of the previous base year value of that property that was attributable to any portion of the property that has been

destroyed or removed. The sum determined under this subdivision shall then become the base year value of the real property until that property is restored, repaired, or reconstructed or other provisions of law require establishment of a new base year value.

(c) If the real property was damaged or destroyed by disaster, misfortune or calamity and the board of supervisors in the county in which the real property is located has adopted an ordinance pursuant to Section 170, the taxable value of the real property shall be its assessed value as computed pursuant to Section 170.

(d) For purposes of this section, "real property" means that appraisal unit that persons in the marketplace commonly buy and sell as a unit, or that is normally valued separately.

(e) Nothing in this section shall be construed to require the assessor to make an annual reappraisal of all assessable property. However, for each lien date after the first lien date for which the taxable value of property is reduced pursuant to paragraph (2) of subdivision (a), the value of that property shall be annually reappraised at its full cash value as defined in Section 110 until that value exceeds the value determined pursuant to paragraph (1) of subdivision (a). In no event shall the assessor condition the implementation of the preceding sentence in any year upon the filing of an assessment appeal.

History.—Stats. 1981, Ch. 377, in effect January 1, 1982, added "and the board . . . to Section 170" after "calamity" and "value; or" after "new base year" in subdivision (c); lettered the former second paragraph as subdivision (e) and substituted "subdivisions (a) and (b)," for "this section" therein; and lettered the former third paragraph as subdivision (f). Stats. 1984, Ch. 1164, in effect January 1, 1985, substituted "determined as follows:" for "the percentage change in the cost of living, as defined in Section 2212; provided, that any percentage increase shall not exceed 2 percent of the prior year's value; or" in the first sentence of subdivision (a), and added subsections (1) and (2) thereto. Stats. 1985, Ch. 441, effective July 31, 1985, substituted ". . . for "; or" at the end of subdivisions (a)(1), (a)(2), (b), and (c); added "removal of property," after "obsolescence," in subdivision (b); and substituted "marketplace" for "market place" after "the" in subdivision (e). Stats. 1995, Ch. 491, in effect January 1, 1996, added subdivision letter designation (a) before "For purposes" and added ", except as . . . or (c)," after "property shall" in the first paragraph; renumbered former subdivisions (a) and (b) as paragraphs (1) and (2), respectively, relettered former paragraphs (1) and (2) of former subdivision (a) as subparagraphs (A) and (B), respectively; substituted ". . . In no event shall" for "; provided, that" after "Relations", substituted "subparagraph (A) or (B)" for "paragraph (1) or (2) shall not" after "pursuant to" in subparagraph (B) of paragraph (2) of subdivision (a); relettered former subdivisions (c), (d), (e), and (f) as (b), (c), (d), and (e) respectively; added "real" after "If the", added "real" after "which the", added "any portion . . . has been" after "170, or", added "taxable . . . be the" after "taxpayer, the", added "the following:" after "sum of" and created new paragraph with the balance of subdivision (b) beginning with "(1)"; substituted "The" for "the" after "(1)", added "paragraph (1) of" after "determined under", added "paragraph (2) of" after "pursuant to", and substituted "(a)" for "(b), plus" in paragraph (1) of subdivision (b); created new paragraph beginning with "(2)", substituted "The" for "the", substituted "pursuant to paragraph (1) of" for "under" after "improvements determined", added "paragraph (2)" after "determined pursuant to", substituted "(a)" for "(b), which" after "subdivision", created new paragraph with the balance of the sentence by adding "The sum determined under this subdivision" before "shall then", added "of the real property" after "year value", and substituted "that" for "such" after "until" in paragraph (2) of subdivision (b); added "real" after "If the", added "real" after "in which the", and added "the taxable . . . shall be" after "Section 170" in subdivision (c); substituted "this section" for "subdivisions (a) and (b)" after "For purposes of", substituted "that" for "which" after "appraisal unit", and substituted "that is" for "which are" in subdivision (d); and added second and third sentences in subdivision (e). Stats. 1996, Ch. 1087, in effect January 1, 1997, added ", rounded to the nearest one-thousandth of 1 percent," after "percentage change in" the first sentence of subparagraph (B) of paragraph (1) of subdivision (a). Stats. 1997, Ch. 940 (SB 1105), in effect January 1, 1998, added "and prior to January 1, 1998," after "January 1, 1985," in subparagraph (B), added subparagraph (C), substituted "(A), (B), or (C)" for "(A) or (B)" after "pursuant to subparagraph", and lettered the former second sentence of subparagraph (B) as subparagraph (D) in subdivision (a). Stats. 2000, Ch. 647 (SB 2170), in effect January 1, 2001, added the first sentence of the second paragraph of subdivision (b).

Note.—Stats. 1995, Ch. 491, provided that the amendments to Section 51 made by that act do not constitute a change in, but are declaratory of, existing law.

Note.—Stats. 1981, Ch. 377, provided no appropriation is made by this act and the state shall not reimburse any local agency for any property tax revenues lost by it under this act, because any property tax revenues lost would be as a result of a constitutional amendment approved by the voters.

- § 74.5. Seismic retrofitting improvements.
- § 74.6. Disabled person accessibility exclusion.
- § 74.7. Environmentally contaminated property exclusion.

70. **“Newly constructed,” “new construction.”** (a) “Newly constructed” and “new construction” means:

(1) Any addition to real property, whether land or improvements (including fixtures), since the last lien date; and

(2) Any alteration of land or of any improvement (including fixtures) since the last lien date that constitutes a major rehabilitation thereof or that converts the property to a different use.

(b) Any rehabilitation, renovation, or modernization that converts an improvement or fixture to the substantial equivalent of a new improvement or fixture is a major rehabilitation of that improvement or fixture.

(c) Notwithstanding the provisions of subdivisions (a) and (b), where real property has been damaged or destroyed by misfortune or calamity, “newly constructed” and “new construction” does not mean any timely reconstruction of the real property, or portion thereof, where the property after reconstruction is substantially equivalent to the property prior to damage or destruction. Any reconstruction of real property, or portion thereof, that is not substantially equivalent to the damaged or destroyed property, shall be deemed to be new construction and only that portion that exceeds substantially equivalent reconstruction shall have a new base year value determined pursuant to Section 110.1.

(d) (1) Notwithstanding the provisions of subdivisions (a) and (b), where a structure must be improved to comply with local ordinances on seismic safety, “newly constructed” and “new construction” does not mean the portion of reconstruction or improvement to a structure, constructed of unreinforced masonry bearing wall construction, necessary to comply with the local ordinance. This exclusion shall remain in effect during the first 15 years following that reconstruction or improvement (unless the property is purchased or changes ownership during that period, in which case the provisions of Chapter 2 (commencing with Section 60) of this division shall apply).

(2) In the sixteenth year following the reconstruction or improvement referred to in paragraph (1), the assessor shall place on the roll the current full cash value of the portion of reconstruction or improvement to the structure that was excluded pursuant to this subdivision.

(3) The governing body that enacted the local ordinance shall issue a certificate of compliance upon the request of the owner who, pursuant to a notice or permit issued by the governing body that specified that the reconstruction or improvement is necessary to comply with a seismic safety ordinance, so reconstructs or improves his or her structure in accordance with the ordinance. The certificate of compliance shall be filed by the property owner with the county assessor not later than six months after the completion

of the project. The failure to file a certificate of completion within the prescribed filing period shall be deemed a waiver of the exclusion for that year.

(e) (1) Notwithstanding the provisions of subdivisions (a) and (b), where a tank must be improved, upgraded, or replaced to comply with federal, state, and local regulations on underground storage tanks, "newly constructed" and "new construction" does not mean the improvement, upgrade, or replacement of a tank to meet compliance standards, and the improvement, upgrade, or replacement shall be considered to have been performed for the purpose of normal maintenance and repair.

(2) Notwithstanding the provisions of subdivisions (a) and (b), where a structure, or any portion thereof, was reconstructed, as a consequence of completing work on an underground storage tank to comply with federal, state, and local regulations on these tanks, timely reconstruction of the structure shall be considered to have been performed for the purpose of normal maintenance and repair where the structure, or portion thereof, after reconstruction is substantially equivalent to the prior structure in size, utility, and function.

History.—Stats. 1983, Ch. 1187, in effect January 1, 1984, operative June 5, 1984, added subdivision (d). Stats. 1999, Ch. 352 (SB 933), in effect September 7, 1999, substituted "that" for "such" after "rehabilitation of" in the first sentence of subdivision (b), added subdivision (e), and substituted "that" for "which" throughout text. Stats. 2001, Ch. 330 (AB 184), in effect September 25, 2001, substituted "not later than six months after the completion of the project" for "on or before the following April 15" after "assessor" in the second sentence, deleted the former third sentence which provided that "The provisions of this subdivision shall not apply to any structure for which a certificate is not filed.", and added the third sentence to paragraph (3) of subdivision (d).

Note.—Section 2 of Stats. 1983, Ch. 1187, provided that no appropriation is made and no reimbursement is required by this act. Sec. 3 thereof provided the provisions of this act shall become operative only if Senate Constitutional Amendment No. 14 of the 1983-84 Regular Session of the Legislature is approved by the voters.

Note.—Section 3 of Stats. 2001, Ch. 330 (AB 184) provided that notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made by this act and the state shall not reimburse any local agency for any property tax revenues lost by it pursuant to this act. Sec. 4 therein provided that this act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

71. New base year value. The assessor shall determine the new base year value for the portion of any taxable real property which has been newly constructed. The base year value of the remainder of the property assessed, which did not undergo new construction, shall not be changed. New construction in progress on the lien date shall be appraised at its full value on such date and each lien date thereafter until the date of completion, at which time the entire portion of property which is newly constructed shall be reappraised at its full value.

Construction.—Property Tax Rule 463, which provides that if a given unit within a multiple structure development is capable of being occupied and utilized without regard to the completion of the remaining structures, a base year date and value should be set at that time, is consistent with the Legislature's intent in enacting Section 71, which requires a reappraisal of the "entire portion of property which is newly constructed." And Rule 463(e), which defines "date of completion" of new construction as "the date the property or portion thereof is available for use," giving consideration to the date of the final inspection by the appropriate governmental official, the date the prime contractor fulfills all contract obligations, or the date of the completion of testing of machinery and equipment, comports with Section 71, which requires that new construction be reappraised at the date of completion. *Pope v. State Board of Equalization*, 146 Cal.App.3d 1132. The date of completion of new construction for purposes of assessing real property taxes pursuant to Article XIII A of the Constitution is the date the property or portion thereof is available for use. *Frederick v. Sonoma County*, 176 Cal.App.3d 1243.



SAN BERNARDINO AREA CHAMBER OF COMMERCE

546 W. 6TH ST. • P.O. BOX 658 • SAN BERNARDINO, CA 92402 • (909) 885-7515 • FAX (909) 384-9979
sba.chamber@verizon.net www.sbachamber.org

July 26, 2005

To Whom It May Concern:

The San Bernardino Area Chamber of Commerce agrees with the San Bernardino County Assessor, Don Williamson that the victims from the recent fires throughout California should not be assessed a 2% inflationary factor for the years that the property is destroyed. This would apply only to the destroyed portion of the property.

Mike Brophy is representing the chamber and its approximate 1,000 members as our official ambassador.

Sincerely,

Judi Penman

Executive Vice President

3-20-05



CASSIE MACDUFF

ASSESSOR VS. TAXES

San Bernardino County's maverick assessor, Don Williamson, is going to bat for taxpayers again, this time for people who lost their homes in the October 2003 wildfires.

Williamson believes the state should not apply the Prop. 13 inflation index to 1,026 homes that burned down in the Grand Prix and Old fires.

Structures lost in governor-declared disasters are taken off the tax rolls until they're rebuilt. As long as the rebuilt home is "substantially equivalent" to the one lost, its pre-fire assessment is restored, including the 2-percent-a-year, Prop. 13 inflation increase.

(Land values are also reduced; Williamson cut them in half. The land continues to appreciate at the Prop. 13 rate of 2 percent per year.)

Williamson contends the clock should stop on the structures' Prop. 13 index. "There's no structure," he said. "Zero structure cannot inflate."

That puts him at odds with his counterparts around the state.

They contend the law requires assessors to apply the 2 percent index. Not to do so would be unfair, they say.

"A temporary situation warranting relief should not lead to a permanent benefit in which two identical properties are treated differently," said Larry Stone, Santa Clara County assessor, in a Jan. 5 letter.

In San Diego County, where close to 2,500 homes were lost in the October 2003 fires, Chief Deputy Assessor David Butler said his office applies the 2 percent index.

The intent of the law is to restore the property to where it would have been had the disaster not occurred, Butler said.

Riverside County Assessor Larry Ward said he reviewed the law and believes it requires the index to be applied. "To me, the assessor is not there to change the law," he said.

Williamson took his case to the state Board of Equalization on March 8.

Board of Equalization member Bill Leonard later told me Williamson's unscheduled appearance was the first the board had heard of the issue.

He cautioned that Williamson's interpretation of the law would give a rebuilt home a lower assessment than one nearby that didn't burn.

"There is an equity issue involved, although I think I'd lean toward the side of the taxpayer-victim," he said.

It might be necessary to ask the Legislature to change the law, if it turns out to be more than just a matter of legal interpretation, Leonard said.

Vice Chairman Claude Parrish, whose district includes much of San Bernardino and Riverside counties, agreed to put it on the agenda soon.

What's at stake is only a couple hundred dollars per home. But it's the principle of the thing to Williamson.

He told me he considers himself an advocate for the taxpayer, not a revenue agent.

After he was elected in 1994, he stunned fellow county officials by soliciting property owners to use Prop. 8 to reduce their tax bills, since property values had fallen. He said 100,000 properties' assessments in San Bernardino County were reduced that way.

"I'm always trying to help the taxpayer. If there's a way, I'll find it," Williamson said. "That's what they elected me for."

He said if he can't get the Board of Equalization to agree with his interpretation of the law, he'll sue.

Stay tuned for the results.

Cassie MacDuff can be reached at (909) 806-3068 or cmacd@pe.com

I agree with
 assessor, I had
 2% stand in
 be assessed to
 an existing state
 that does not
 existing.

Frank
 Alexander

3/25/05 } City of
 } Fort
 } Tax p.

April Naverty
 I agree

Jeff Miller
 I agree

Alan Cary
 Bruce Brady
 Deanne Villaverde
 Cathy Camp
 John Miller
 Maria Jarkin

Adair, Jeannie (Assessor)

From: Lila Hayes [info@oldfirerecoverygroup.org]
Sent: Friday, April 08, 2005 1:07 PM
To: cfrrg@yahoogroups.com; steering@twiceburned.org; SRllko4@aol.com; dbhalte@cox.net
Cc: Adair, Jeannie (Assessor)
Subject: Property Tax Issue

Hello everyone. Sorry for the multiple e-mail's this week (to the regular OFRG mailing list), but I just learned of this today and wanted to get this to you since immediate support is needed.

The Tax Assessor of San Bernardino County (Donald Williamson) has brought to light an issue that I thought you all might be interested in. I think you should also contact your own Tax Assessor (an elected position) and ask them what their stance is on this issue as well. Let me try to explain it in a nutshell.

Let's say when you lost your home, your home was worth \$75,000 and the land was worth \$25,000 (of course in some mythical place that is not located in California, but there's math involved so bear with me). After the fire the Tax Assessor should've removed the \$75,000 improvement from your assessment and your tax bill should've been based only on the land value of \$25,000. Every year the value can only be increased by 2% so the year after the fire your property tax was based on the land value of $\$25,000 * 2\%$ or \$25,500. Two years after the fire, your land value would be assessed at $\$25,500 * 2\%$ or \$26,010 and so on until you rebuild your house.

At the point you rebuild your house, the tax code provides you relief (because you are in a declared disaster) in that you can have your **old tax basis** back on your dwelling instead of the new market value of your house (which would've been the case if you had decided to voluntarily rip down the house and rebuild).

So you're thinking... okay, if it took me 3 years to rebuild my house, the value of the property would be taxed at \$26,530.20 (which is one more year than the above example) plus \$75,000 or \$101,530.20. The fact is... that is **not** what they are doing! The tax assessors are actually continuing to increase the structure part of the land value **AS WELL AS THE LAND PORTION** of the value. So in our example, if you move into your house after 3 years, your tax would be based on \$106,120.80.

So, now you might be thinking... well, it's only about \$4,500 and I'm only charged a percentage of that \$4,500 anyway. But remember, this number will continue to accumulate for the entire time you own your home. If you own this home for an additional 5 years past the time you reconstructed your house, the difference would be up to \$12,874.45. 10 years after you reconstruct the house, your tax bill would be based on a value that is **more than \$22,000** above what it would be if they hadn't continued to accrue the value of the house that was no standing there for those years!

Of course most houses are way more in value than this so you'll have to do your own math but it is likely to be many times this number.

I hope you see the potential in this and contact your Tax Assessor and give them your opinion. The San Bernardino County Tax Assessor could also use your help in this matter. He is going to Sacramento on Monday to lobby the State Board of Equalization, who interprets tax revenue code for the Tax Assessors, and would like to know what you think of this matter. You can contact him as follows:

Donald Williamson
 San Bernardino County Tax Assessor
 172 West 3rd St
 5th Floor
 San Bernardino CA 92415
 Fax 909-387-6781
 Phone (909) 387-0117
 ladair@ast.sbcounty.gov

4/8/2005

Remember, your tax assessor is an elected position. Remind them they are there to serve us!

Lila Hayes
Old Fire Recovery Group
www.oldfirerecoverygroup.org
619-300-1154 cell
909-266-1459 vm/fax

4/8/2005

Adair, Jeannie (Assessor)

From: pamelah heath [rapheath@earthlink.net]
Sent: Friday, April 08, 2005 2:22 PM
To: Adair, Jeannie (Assessor)
Subject: Property Tax Issue

Dear Mr. Williamson,

We lost our home during the Old Fire in October of 2003 and it was my understanding that since we were in a declared disaster area that we would retain the same tax basis as we had prior to the fire as opposed to being taxed on the new market value of our property.

Apparently that is not the case as I just received an email from the Old Fire Recovery Group notifying the group that the Tax Assessors are actually continuing to increase the structure part of the land value as well as the land portion of the value. In other words we will be taxed more now than if our house would have not burned in the first place. Since the people who lost their homes during the fire were not at fault and the fire was an unvoluntary act on our part, we as property owners and tax payers **SHOULD NOT BE PENALIZED** for an act that we had no control over.

It is bad enough that we have had to endure the loss of our homes and personal property not to mention countless mementos, we have to deal with the stress of rebuilding a home and dealing with insurance companies not to mention an unlimited number of other time consuming details attempting to regain what we lost and now we must also be **PENALIZED** by an increase in property taxes. This is unacceptable treatment of residents and tax payers.

Mr. Williamson, I urge you as our Tax Assessor to lobby our cause representing the residents and tax payers of San Bernardino County and not allow the property owners to be taxed unjustly.

Sincerely,

Pamela Heath
rapheath@earthlink.net
Why Wait? Move to EarthLink.

4/8/2005

Old - Fire - Recovery - Group - of - San - Bernardino - Valley
A Project of Community Partners Ph/Fx 909-266-1459
3968 Modesto Dr info@oldfirerecoverygroup.org
San Bernardino CA 92404 www.oldfirerecoverygroup.org



August 9, 2004

Donald Williamson
Fax 909-387-6781
172 West 3rd St
5th Floor
San Bernardino CA 92415

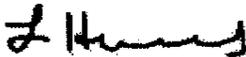
Dear Sir:

Property taxes after a disaster

Thank you for how active you have been when dealing with your constituency after the 2003 California Firestorm. I was distressed to learn that between the time the homeowners lost their home and the time they rebuild their home, their property tax value continues to increase despite the fact that there is no longer a home on the lot.

To me, this makes no sense. Since there is no house on the lot, how can it continue to increase? 2% of zero is zero last time I studied arithmetic. We support you 100% in trying to find clarification in this issue.

Sincerely



Lila Hayes
Coordinator
Old Fire Recovery Group

April 7, 2005

Donald E. Williamson
Assessor ~ San Bernardino County
172 W. Third Street
San Bernardino, CA 92415

Dear Don:

We cannot thank you enough for everything you and your staff have done to ease the trauma fire survivors encountered following the 2003 Old Fire. The fire swept though the San Bernardino Mountains in late October early November, 2003 with over 91,000 acres being burned and 445 homes, within the Rim Communities, being lost.

You were very pro-active in adjusting the assessed values on the homes that were destroyed by taking them "off-the-books". In addition you also re-assessed the property values that were lowered to reflect their true market value following the fire.

We were quite concerned to learn that when individuals rebuild their homes that they may be re-assessed to their former values **plus** annual increases that would have applied if their house had not been lost. How can you add 2% a year to a zero value and come up with anything but "0"?

It is unbelievable what the fire survivors have gone through in dealing with the aftermath of the fire. It is our best guess that it will take at least six to seven years to complete most of the rebuilding. As of today, seventeen months following the fire, of the 445 homes lost only fifty two (52) building permits (less than 12%) have been issued and only eight (8) home have been reoccupied. Recovery is a very long process and home owners that experienced their "unplanned" lost should not be penalized on their assessed tax base.

We truly hope you are successful in getting the current situation clarified and corrected.

With best regards

David W. Stuart
Executive Director

Rebuilding Mountain



Executive Director
David Stuart
Lake Arrowhead Rotary

Resource Coordinator
Stacey McKay
Lake Arrowhead Rotary

Officers & Affiliations

Ira Maser
Chair
*Christmas in April,
Mountains Community
Hospital Auxiliary,
Rim Family Services,
Sunrise Mountain Rotary*

Tom Bachman
Vice-Chair
*Mountains Community
Hospital,
Lake Arrowhead Rotary*

Charis Larson
Secretary/Treasurer
*Soroptimist International
of Lake Arrowhead, Inc.,
Lifeline*

Gunther H. Schmitt
PO Box 30727
San Bernardino, CA 92413-0727
April 10, 2005

Donald E. Williamson
Assessor
172 West 3rd Street
San Bernardino, CA 92415-0310

Dear Mr. Williamson,

Lilah Hayes, the chairperson of the Old Fire Recovery Group (Association of Fire Victims) told us at the last meeting of the Association that you need evidence of voter support for your effort to control home owner's tax levels for those of us who lost our homes in the wildfires of 2003, and are rebuilding (or trying to rebuild) our homes here in San Bernardino. My burned home was at 1249 Quail Court (parcel no. 0270151540000)

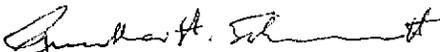
San Bernardino, CA 92404

I have owned this home since I came from Wisconsin in Feb. 1975, and lived there until it burned down completely on Oct. 25, 2003. I intend to move back when reconstruction is completed. The PO Box shown above is my temporary address until it reverts to the previous address.

I heard that you are trying to keep the property tax from going up while we are waiting to get the home rebuilt. Our association is keeping track of elected officials who are trying hard to represent our best interests in government.

Thanks very much.

Sincerely yours,


Gunther H. Schmitt

C.c. Lilah Hayes OFRG



CASSIE MACDUFF

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He said if he can't get the Board of Equalization to agree with his interpretation of the law, he'll sue.

Stay tuned for the results.

Cassie MacDuff can be reached at (909) 806-3068 or cmacd@pe.com

A tax on Air

By: Assemblyman Bill Emmerson

I was speaking with my friend County Tax Assessor Don Williamson the other day. He is a great guy, very smart, but still down to earth. He has got a great sense of humor and doesn't mind the occasional jokes about taxes and the "tax-man." All kidding aside Don is always looking out for, and trying to help the little guy when it comes to taxes.

When I saw him I had just come back from Sacramento. There are a lot of people up there trying to raise taxes. I am fighting hard to stop them. It's tough though because many of my opponents are truly creative in their strategies to raise taxes. Democrat Johan Klehs, chairman of the assembly tax committee, has proposed taxes on laundry services, tickets to the movies, taxes on sporting events (charged to your tickets), concerts, and beer. There are even tax proposals for the dead including a funeral tax and new taxes on inheritance. The old saying that you can't avoid death and taxes has taken on a whole new meaning.

Anyway, while I was talking with Don he told me about an even bigger problem concerning property tax. Tragically some of my constituents here in the Inland Empire had their homes destroyed during the fires a year and a half ago. Unfortunately the taxes on their homes, their homes that don't exist, have increased by 2% per year. That is the same increase that happens on all homeowners – even those homeowners who still have a home.

If you stand on the vacant lots where the burned out houses used to be, you find only air. And that is what those homeowners are paying increased taxes on, the air that is there. They certainly are not paying increased taxes on their homes, because their homes do not exist anymore! So it seems the State of California actually has, in a round about way, managed to tax the air!

My friend Don is going up to Sacramento on April 12th to make his case in front of the Board of Equalization. He believes that the people who do not have houses should not pay the 2% increase per year on a house they do not have. I want to be on the public record supporting Don. I want to be counted in public as taking the side of the forgotten man. Those are the people that pay the taxes that: build the roads, pay for our schools, and care for the sick who are not able to care for themselves. I am on the side of the hard working people who give a large portion of their incomes to help their fellow citizens. When people have paid so much property tax, then lose their property in a disastrous fire, I don't want to hurt them even more by increasing their taxes on something that does not exist. I don't think people should be taxed on something they have not got. The very people that have supported our communities through their property tax dollars should not be ignored, or worse, kicked in the wallet when tragedy strikes at them.

This is my approach to taxation and the public good: Be fair. The State Government should spend money on the things the public needs such as roads and schools, not the things the government wants like more bureaucracy and do-nothing agencies. Don't tax people just to tax them, don't tax a person's house if they don't have a house, and don't tax the air!