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July 13, 2001

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TO INTERESTED PARTIES:

REVISION OF LOCAL ROLL RULES
PROPERTY TAX RULES 252, 253, 254, 256, 261, 262, AND 304:
PROPOSED NEW RULES 255, 263, 264, AND 265

Letter To Assessors 2000/081 announced a Board project to revise property tax rules relating to the local roll. On March 2, 2001, staff distributed a preliminary draft of the revised rules and proposed new rules. As part of the revision process, staff proposes to delete Rules 253, 256, and 262, and renumber Rule 304 as 266. Staff is proposing new Rules 255, 263, 264, and 265. Staff met with interested parties on March 20, 2001 to discuss the preliminary drafts. Based on comments received on the preliminary drafts, staff made additional revisions and distributed new drafts on May 4, 2001. Interested parties were asked to provide changes, in the form of alternative text, to the draft rules. Staff reviewed those changes and incorporated those that were deemed appropriate.

Enclosed is (1) a matrix summarizing proposed changes to the May 4, 2001 draft rules and (2) current drafts of the revised rules. The matrix contains all proposed changes to the draft rules, originating from both interested parties and staff, together with staff's position in regard to each proposed change. This document will form the basis of discussion at the interested parties meeting. The enclosed versions of the draft rules show, in strikethrough-underline format, how the language in the existing rules would change if staff's proposed changes are accepted.

On July 27, 2001, staff will hold a meeting with interested parties to discuss proposed changes identified on the matrix. The purpose of the meeting is to reach agreement on rule language. The meeting is scheduled to start at 9:30 a.m. in Room 122 of the Board of Equalization, 450 N Street, Sacramento.

After the interested parties meeting, it is anticipated that the project will proceed as follows:

- Staff to submit issue paper and other required material for the Property Tax Committee meeting by August 29, 2001.
- The Board's Property Tax Committee will hear discussion of any unresolved language issues at its September 12, 2001 meeting.

TO INTERESTED PARTIES

July 13, 2001

This letter and all future information regarding this project will be posted to the Board's Web site (www.boe.ca.gov) and can be accessed by way of the following path: (1) Property Taxes, (2) Property Tax Committee Work Plans, (3) Property Tax Committee Work Plans 2001. If you have any questions or suggestions regarding the revision of these rules, please contact any of the following:

Mr. Lou Ambrose at (916) 445-5580, lou.ambrose@boe.ca.gov
Ms. Kristine Cazadd at (916) 323-7713, kristine.cazadd@boe.ca.gov
Mr. Gordon Ferguson at (916) 322-3815, gordon.ferguson@boe.ca.gov

Sincerely,

/s/ Richard C. Johnson

Richard C. Johnson
Deputy Director
Property Taxes Department

RCJ:gf
Enclosures

**LOCAL ROLL RULES,
MATRIX OF PROPOSED ALTERNATIVE LANGUAGE**

Comments on May 4, 2001 Draft

Item	Rule No.	Reference Page	Line	Source	Proposed Language	Staff Position/Comments
1.	252	1	13-16	Orange County Assessor	<p>Delete the following: "...and each taxable possessory interest in tax-exempt real estate to which the exemption authorized by section 218 of the Revenue and Taxation Code has been applied. The assessment of the taxable possessory interest shall not be a lien on the tax-exempt real estate and that fact shall be noted on the secured roll."</p> <p>Comment: The addition of this requirement is not necessary. All the parcels that receive exemptions are noted already, and the note related to the non-applicability of tax lien for possessory interest on exempt properties is not needed on the roll.</p>	<p>Not accepted. The entry on the roll of these taxable possessory interests in tax-exempt property and the accompanying notation are expressly required by Revenue and Taxation Code section 2190.</p>
2.	252	1	36-37	Los Angeles County Assessor	<p>Modify as follows: "The assessed value of any property <u>pursuant to Article 3 (commencing with section 501)</u> that escaped assessment in a prior year, together with the notation required by section 533 of the Revenue and Taxation Code."</p> <p>Comment: Additional language is required to clarify that this requirement pertains to arbitrary and penal assessments only.</p>	<p>Modify as follows: "The assessed value of any property <u>pursuant to Article 3 (commencing with section 501) or Article 4 (commencing with section 531)</u> that escaped assessment in a prior year, together with the notation required by section 533 of the Revenue and Taxation Code."</p>

Item	Rule No.	Reference Page	Line	Source	Proposed Language	Staff Position/Comments
3.	252	2	12-16	Orange County Assessor	<p>Delete the following: "Whenever the assessor determines that a change in ownership or the completion of new construction has occurred, the assessor shall place a notice of the pending supplemental billing on the roll being prepared and shall notify the auditor, who shall place a notation on the current roll or on a separate document accompanying the current roll that a supplemental billing may be forthcoming.</p> <p>Comment: The proposed notice of pending supplemental assessment is not practical and will very likely cause confusion. At the time the roll is published, review and processing of the pending supplemental assessments would have been just initiated. Therefore, any notices of such nature would be incomplete and premature.</p>	Not accepted. Revenue and Taxation Code section 75.30 expressly requires the assessor to place a notice of the pending supplemental billing on the roll and to notify the auditor as described.
4.	261	1	5	Yolo County Assessor	<p>Include 75% penalty provided for in section 503 in list of possible penalties.</p> <p>(No specific wording provided).</p>	Modify subdivision (a) to include the 75% penalty amount as follows: “. . . 10% or 25% <u>or the prescribed percentage</u> or the maximum allowable dollar amount,”

Item	Rule No.	Reference Page	Line	Source	Proposed Language	Staff Position/Comments
6.	264	1	16-19	Los Angeles County Assessor	<p>Revise as follows: " 'The assessment year for which the base year value was first established' means the assessment year commencing with the first lien date next succeeding the date <u>of the value enrollment</u> of the change in ownership or completion of new construction giving rise to the new base year value."</p> <p>Comment: Additional language is required since not all escapes and corrections are enrolled in a timely manner. The value enrollment date is more critical than the actual event date when considering a correction to base values.</p>	Not accepted. Staff has taken the view that the four-year period commences on the first lien date after the change in ownership or completion of new construction regardless of when the base year value is actually enrolled. However, this is a matter of statutory interpretation, not previously decided by the Board.
7.	264	1	24-30	Los Angeles County Assessor	<p>Revise as follows: "If a correction authorized by subsection (a) or (b) reduces the base year value, the assessor shall transmit the correction to the auditor by means of information noted on the roll and appropriate cancellations or refunds of tax shall be granted in accordance with Division 1 of the Revenue and Taxation Code. If the correction increases the base year value, the assessor shall transmit the information regarding the correction to the auditor by means of a notation on the roll and appropriate escape assessments shall be imposed in accordance with Division 1 of the Revenue and Taxation Code."</p> <p>Comment: The language is not required under code section 51.5 and most assessors do not perform this function.</p>	Accepted. There is no statutory requirement for this language.

Item	Rule No.	Reference Page	Line	Source	Proposed Language	Staff Position/Comments
8.	265	1	all	Orange County	<p>Comment: Revise rule to reflect current automation practices that changes to the roll made by the Assessment Appeals Board are usually forwarded to the Auditor-Controller on a daily basis.</p> <p>(No language provided)</p>	<p>Not accepted. Revenue and Taxation Code section 1614 expressly provides for monthly transmittal of roll changes to the auditor-controller. To implement the recommendation, a legislative amendment would be necessary.</p>

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1 **Rule 252. CONTENT OF ASSESSMENT ROLL**

2 **(a) Minimum Contents of "Machine-Prepared" or "Electronic" Local Rolls.** If
3 "Machine-prepared" roll within the meaning of Revenue and Taxation Code §Section 109.5,
4 includes any preparation of the local roll by the assessor of each county by an electronic
5 medium. In accordance with Revenue and Taxation Code section 601 et seq., each local
6 assessment roll shall contain, at least a minimum, the following information:

7 (1) The name of the county.

8 (2) Either the calendar year in which the roll is prepared or the fiscal year for which the
9 taxes are levied.

10 (3) An explanation of abbreviations and legends appearing on the roll.

11 (4) On the secured roll, the assessor's The parcel number or other legal description of that
12 identifies each parcel of taxable land, and each parcel for which an exemption is enrolled,
13 and each taxable possessory interest in tax-exempt real estate to which the exemption
14 authorized by section 218 of the Revenue and Taxation Code has been applied. The
15 assessment of the taxable possessory interest shall not be a lien on the tax-exempt real
16 estate and that fact shall be noted on the secured roll.

17 (5) On the unsecured portion of the roll, a description or designation the assessor's parcel
18 number or other legal description that sufficiently identifies the location of the location of
19 each taxable possessory interest, improvement, and personal property sufficient to identify
20 the property, such as the number of the parcel on which located.

21 (6) The name of the assessee, if known.

22 (7) The latest mailing address (not an e-mail address) of the assessee contained in the
23 assessor's records. ~~If the county auditor prepares a separate roll on which to extend taxes,~~
24 ~~however, the address need not be shown on the roll prepared by the assessor.~~

25 (8) The separately stated assessed values of all land, improvements, and personal
26 property subject to taxation at general property tax rates (or payments in lieu of property
27 tax computed by applying general property tax rates to fixed or variable "assessed
28 values"), and the separately assessed values of any privately owned land, improvements,
29 and personal property of a type exempt from taxation, but subject to ad valorem special
30 assessments when within a district levying such assessments. If real property is situated
31 within a resource conservation district that is levying a special assessment, the assessed
32 value of ~~standing trees, timber, and~~ mineral rights must be separated from the land value.

33 (9) The tax rate area in which each piece of property assessed is situated.

34 ~~(9)(10) The penalties imposed upon such assessments, in the form required by rule~~
35 ~~261Section 261, Title 18 (Rule 261) of this code.~~

36 ~~(10)(11) The assessed value of any property pursuant to Article 3 (commencing with~~
37 ~~section 501) or Article 4 (commencing with section 531) that escaped assessment in a~~

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1 prior year, together with the notation required by sSection 533 of the Revenue and
2 Taxation Code.

3 ~~(11)~~(12) The exempt amount of any assessed values required by paragraph (a)~~(98)~~ to be
4 enrolled, with identifying legends or distinctive positions for amounts allowed pursuant to
5 any reimbursable exemption.

6 ~~(12)~~(13) The total net taxable value.

7 ~~(13)~~(14) In a separate section of the roll, the assessed value of any personal property for
8 which tax revenues are subject to allocation in a manner different from that provided for
9 general property tax revenues (e.g., general aircraft).

10 ~~(14)~~(15) On the secured roll, a cross-reference notation made pursuant to Revenue and
11 Taxation Code sSection 2190.2 that is adjacent to the assessment of any taxable land when
12 a possessory interest in such land or an improvement thereon is separately assessed to
13 another owner pursuant to sSection 2188.2 of the Revenue and Taxation Code.

14 (16) Whenever the assessor determines that a change in ownership or the completion of
15 new construction has occurred, the assessor shall place a notice of the pending
16 supplemental billing on the roll being prepared and shall notify the auditor, who shall
17 place a notation on the current roll or on a separate document accompanying the current
18 roll that a supplemental billing may be forthcoming.

19 (17) After each assessment of tax-defaulted property, the assessor shall enter on the roll
20 the fact that it is tax-defaulted and the date of declaration of the default.

21 (18) Any other items required by the State Board of Equalization.

22 **(b) Exempt Values not Required to be Enrolled.** Parcel numbers or other legal
23 descriptions of ~~other~~ exempt real property may be entered on the roll without values.
24 Alternatively, such exempt real property may be listed with values shown in a separate
25 column or field (e.g., ~~the remarks column~~ a comments field) or in the exemption column or
26 field on lines that are coded in such manner as to preclude the addition of the values when the
27 exemption column or field is totaled; the exempt values shall not be shown in land or
28 improvement columns or fields.

29 **(c) Content of Extended Roll.** The extended assessment roll or new local assessment roll
30 for the extension of taxes prepared by the county auditor shall contain, in addition to all of
31 the contents required by ~~paragraph~~ subsection (a) of this rule ~~preceding~~,

32 (1) The mailing address, if known, of the assessee.

33 (2) The ~~tax rate area number~~ revenue district for each group if assessments are grouped
34 by ~~tax rate area~~ revenue district, and for each assessment if assessments are not so
35 grouped.

36 (3) All tax rates and ad valorem special assessment extensions required by law.

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1 (4) The amount of tax to be paid on the property listed. The amounts due in installments
2 shall be stated separately and shall be totaled. All rates applicable to any assessment may
3 by combined into a single figure for purposes of computation and extension of the roll.

4 ~~(4)(5)~~At the beginning of the roll, or at the beginning of each tax-rate area grouping on the
5 roll, a list of all revenue districts levying taxes within each tax-rate area in the county.

6 ~~(5)(6)~~ An identification of each tax-~~sold~~ defaulted property sold ~~as such~~, with the date of
7 sale.

8 **(d) Minimum Contents of Local Rolls not Machine-Prepared.** The local roll of each
9 county utilizing a roll that is not "machine-prepared" within the meaning of Revenue
10 and Taxation Code sSection 109.5 shall have the contents specified in ~~subdivisions~~
11 subsections (a) and (c) of this ~~section~~ rule.

12 (1) The secured assessments shall be arranged in ascending parcel number order within
13 tax-rate area groupings, with unparcelled properties at the end of each tax-rate area group
14 if there are both parcelled and unparcelled properties in the tax-rate area.

15 **(e) Approval of Roll Forms.**

16 (1) Whenever the local assessment roll is to be prepared in a form other than that
17 previously approved by the board, the assessor shall submit to the board for approval in
18 duplicate by ~~March~~ January 1 the forms to be used for the succeeding fiscal year.

19 (2) Forms to be submitted include, but are not ~~necessarily~~ limited to, the following:

- 20 A. Secured roll prepared by the assessor.
- 21 B. Secured roll alphabetical index.
- 22 C. Unsecured roll prepared by the assessor.
- 23 D. Unsecured roll alphabetical index.
- 24 E. Notice of assessment.
- 25 F. Notice of supplemental assessment.
- 26 G. Notice of escape assessment.
- 27 H. Notice of proposed escape assessment.

28 (3) When submitted for approval, each roll form listed in (2) shall be filled out with
29 examples sufficient to illustrate its completed appearance, except that totals and
30 summaries need not be shown.

31 **(f) Nothing in this rule is meant to alter the intent of section 109.6 of the Revenue and**
32 **Taxation Code.**

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- 1 *Authority:* Section 15606, Government Code.
- 2 *Reference:* Sections 75.30, 75.31, 109, 109.5, 109.6, 533, 601, 602, 618, 1612, 1614, 1646, 2152, 2188.2,
- 3 2190, 2190.2, 2601, Revenue and Taxation Code.

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1 **Rule 253. MACHINE-PREPARED ROLL; CONTROLS.**

2 In any county utilizing a machine prepared roll whose county auditor prepares a new local
3 assessment roll on which to extend taxes, the following controls shall be maintained:

4 (a) ~~Columnar totals for land, improvements and personal property, the columnar total of~~
5 ~~allowable exemptions, with separate subtotals for the homeowner's exemption, and the~~
6 ~~columnar total of the net assessed value shall be computed and made a part of both the~~
7 ~~unextended roll and the extended roll.~~

8 (b) ~~A tabulation showing the totals of the net assessed values and the tax extensions for each~~
9 ~~tax area shall be prepared and made a separate portion of the extended roll.~~

10 (c) ~~A tabulation of any changes made by the county board of equalization, together with a~~
11 ~~reconciliation of the totals to the totals of the original assessment roll, shall be added to and~~
12 ~~made a part of the extended assessment roll each month. The tabulation shall show the roll~~
13 ~~column totals as of the beginning of the month, each change during the month, including~~
14 ~~penalties, and the roll column totals as of the end of the month.~~

15 (d) ~~The extended assessment roll shall incorporate all changes and orders made by the county~~
16 ~~board and all changes, cancellations, or corrections made pursuant to law. The nature and~~
17 ~~amount of the changes, cancellations, or corrections shall be kept as a separate part of the~~
18 ~~roll.~~

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21 ~~Authority: Section 15606, Government Code.~~

22 ~~Reference: Sections 109, 109.5, 618, 1612, 1614, 1646, 2152, 2601, Revenue and Taxation Code.~~

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1 **Rule 254. USE OF BOARD-PREPARED ROLL AS UNEXTENDED ROLL.**

2 Any county utilizing a machine-prepared roll whose county auditor prepares a new
3 assessment roll on which to extend taxes may use the roll prepared by the state board for
4 state-assessed properties as the unextended assessment roll. In such case, the assessments of
5 state-assessed properties shall be kept in a separate sections or sections ~~volume or volumes~~ of
6 the extended roll and the values shall be separately totaled.

7 Prior to delivery of the extended roll to the tax collector the auditor shall affix to the ~~volume~~
8 ~~or volumes~~ section or sections of the extended roll containing state-assessed property an
9 affidavit subscribed by him or her as follows:

10 "I, _____, Auditor of _____ County, swear that the attached roll is a
11 reproduction of the assessments of state-assessed properties in this
12 county as prepared and corrected by the State Board of Equalization,
13 together with the extensions required by law."

14 Nothing in this rule is meant to alter the intent of section 109.6 of the Revenue and Taxation
15 Code.

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18 *Authority:* Section 15606, Government Code.

19 *Reference:* Sections 109, 109.5, 618, 1612, 1614, 1646, 2152, 2601, Revenue and Taxation Code.

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1 **Rule 255. ENROLLMENT OF SUPPLEMENTAL ASSESSMENTS.**

2
3 **(a) When the period for claiming exemption has expired, and any exemptions have been**
4 **processed, the assessor shall transmit the supplemental assessment and the following**
5 **information to the auditor:**

6 **(1) Name and address, if known, of the assessee.**

7 **(2) The parcel number or legal description of the property.**

8 **(3) The tax rate area in which the property is located.**

9 **(4) The new base year value of the property with the value for the land separated**
10 **from the value for improvements.**

11 **(5) The value of the property on the current roll, or the roll being prepared, or both.**

12 **(6) The exemption applicable, if any.**

13 **(7) The net supplemental assessment after exemption, or the values required for the**
14 **auditor to calculate and bill the supplemental value.**

15 **(8) The date of the change of ownership or completion of new construction.**

16 **(b) The auditor shall apply the current year's tax rate, as defined in section 75.4 of the**
17 **Revenue and Taxation Code, to the supplemental assessment or assessments, computing**
18 **the amount of taxes that would be due for a full year. If the tax rate for the "roll being**
19 **prepared" is known, the rate may be used with respect to the fiscal year to which it**
20 **applies, rather than the current year's tax rate as defined in section 75.4. If the tax rate for**
21 **the "roll being prepared" is not known, the current year's tax rate as defined in section**
22 **75.4 shall be used. For property on the supplemental roll, the taxes due shall be**
23 **computed in two equal installments.**

24 **(c) The taxes due shall be adjusted by a proration factor as set forth in section 75.41 of**
25 **the Revenue and Taxation Code to reflect the portion of the tax year remaining as**
26 **determined by the date on which the change in ownership occurred or the new**
27 **construction was completed. In computing the portion of the tax year remaining, the**
28 **change in ownership or completion of new construction shall be presumed to have**
29 **occurred on the first day of the month following the date on which change in ownership**
30 **or completion of new construction occurred.**

31 **(d) After computing the supplemental taxes due, if the total is twenty dollars (\$20) or**
32 **less, the auditor may cancel the amount as provided by section 4986.8 of the Revenue**
33 **and Taxation Code.**

34 **(e) If the supplemental assessment is a negative amount, the auditor shall follow the**
35 **procedures of section 75.41 of the Revenue and Taxation Code to determine the amount**
36 **of refund to which the assessee may be entitled.**

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1 (f) No supplemental assessment authorized by this regulation shall be valid, or have any
2 force or effect, unless it is placed on the supplemental roll on or before the applicable
3 date specified in Revenue and Taxation Code section 75.11.

4 (g) No limitations period specified in Revenue and Taxation Code section 75.11 shall
5 commence unless the filing or transmittal specified in the relevant paragraph has been
6 completed.

7 (h) If, before the expiration of the applicable period specified in subsection (f) for
8 making a supplemental assessment, the taxpayer and the assessor agree in writing to
9 extend the period for making a supplemental assessment, correction, or claim for refund,
10 a supplemental assessment may be made at any time prior to the expiration of that
11 extended period. The extended period may be further extended by successive written
12 agreements entered into prior to the expiration of the most recent extension.

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15 Authority: Section 15606, Government Code.

16 Reference: Sections 75.7, 75.11, 75.21, 75.40, 75.41, 75.42, Revenue and Taxation Code.

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1 ~~Rule 256. TAPE STORAGE OF ROLL DATA.~~

2 ~~Nothing in Sections 252 to 254, inclusive, is meant to alter the intent of Section 109.6 of~~
3 ~~the Revenue and Taxation Code.~~

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6 ~~Authority: Section 15606, Government Code.~~

7 ~~Reference: Sections 109, 109.5, 618, 1612, 1614, 1646, 2152, 2601, Revenue and Taxation Code.~~

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1 **Rule 261. PENALTIES; FORM AND MANNER OF ENTRY.**

2 A penalty imposed under sections 75.12, 463, 480, 480.1, 480.2, 480.7, 482, 503 or 504 of
3 the Revenue and Taxation Code shall be entered on the local roll in any one of the following
4 forms:

5 (a) By adding 10 percent or 25 percent or the prescribed percentage or maximum allowable
6 dollar amount, as the case may be, to the assessed value of each class of property to which
7 the penalty is applicable and referencing the values so increased to footnotes or entries in the
8 ~~remarks column or comment field~~ which read: "Includes __% penalty or the maximum
9 allowable dollar amount penalty added pursuant to Sec. ____, R & T Code," or words
10 substantially to this effect.

11 (b) By inserting the amount to be added to the assessed value of each class of property
12 ~~below the assessed value~~ and identifying the penalty by an entry ~~on the same line but in~~
13 ~~another column or other columns~~ which reads: "Penalty added pursuant to Sec. ____, R & T
14 Code," or words substantially to this effect.

15 (c) By entering the amount to be added to the assessed value of each class of property in
16 another part of the roll, together with the name and address of the assessee, the tax rate area
17 code, the words "Penalty added pursuant to Sec. _____, R & T Code" or words substantially
18 to this effect, and a cross reference to the place on the roll at which the assessed values are
19 entered. When this manner of enrolling penalties is chosen, the assessed value entries shall be
20 cross-referenced to the penalty entries.

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23 *Authority:* Section 15606, Government Code.

24 *Reference:* Sections 505, 533, 602, 615, Revenue and Taxation Code.

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1 **Rule 262. INDEXING ASSESSMENTS OF ESCAPED PROPERTY.**

2 *Reference:* Sections 505, 532, 615, Revenue and Taxation Code.

3 ~~When an assessment is made of property which has escaped assessment a reference to the~~
4 ~~assessment shall be included in the alphabetical index of the roll. If the assessment is~~
5 ~~made after the roll has been delivered to the auditor, and writing the reference in its~~
6 ~~proper alphabetical order is not mechanically feasible, the reference may appear in a~~
7 ~~supplement to the index alphabetized at least to the first letter.~~

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9 *History:*— Adopted October 6, 1966, effective October 6, 1966.

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1 **Rule 263. ROLL CORRECTIONS.**

2 (a) Any error or omission not involving the exercise of value judgment which results in an
3 incorrect entry or entries on the roll may be corrected after the roll is delivered to the auditor,
4 provided that the correction is made within four years after the making of the assessment that
5 is being corrected.

6 (1) If an error or omission not involving the exercise of value judgment is discovered as
7 the result of an audit of a taxpayer's books and records, that error or omission may be
8 corrected at any time prior to the expiration of six months after the completion of the
9 audit.

10 (b) Any error or omission involving the exercise of value judgment that arises solely from a
11 failure to reflect a decline in the taxable value of real property as required by paragraph (2) of
12 subdivision (a) of Revenue and Taxation Code section 51 shall be corrected within one year
13 after the making of the assessment that is being corrected.

14 (c) Any incorrect entry on the roll resulting from a defect of description or clerical error, as
15 determined by the assessor upon audit, made by the assessee in the property statement or in
16 other information or records which causes the assessor to assess taxable tangible property
17 which was not subject to assessment or to assess taxable tangible property at a substantially
18 higher value may be corrected under this rule. The correction shall be made after the roll is
19 delivered to the auditor within the time period for making escape assessments as provided in
20 Revenue and Taxation Code sections 532 and 532.1. The change to be made on the roll shall
21 be certified to the auditor by the assessor.

22 (d) If a correction will increase the amount of unpaid taxes, the assessor shall notify the
23 assessee of the procedure for obtaining review by the county board under Revenue and
24 Taxation Code section 1605 and the procedure for applying for cancellation under Revenue
25 and Taxation Code section 4986.

26 (e) If a correction will decrease the amount of unpaid taxes, the consent of the board of
27 supervisors is necessary to make the correction.

28 (f) Corrections authorized under this rule shall be made by the auditor upon delivery of the
29 relevant information by the assessor.

30 (g) The provisions of this rule do not apply to escape assessments caused by the assessee's
31 failure to report the information required by article 2 (commencing with section 441) of
32 Chapter 3 of Part 2 of the Revenue and Taxation Code, and roll corrections are not a
33 prerequisite for escape assessments or base year value corrections.

34 (h) If the roll of any taxing agency in the course of preparation is lost or destroyed because
35 of public calamity and is reconstructed from available data, at any time before the declaration
36 of default the assessor may correct any erroneous assessment. The assessor shall:

37 (1) Send certified notices of the correction to the tax collector, the auditor, and the
38 Controller.

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1 (2) Enter the date and nature of the correction with reference to the property on the roll to
2 which it relates.

3 (i) On receipt of satisfactory, verified, written evidence that taxes have been entered on the
4 secured roll as a lien on real property on which they are not legally a lien, the assessor shall
5 transmit the evidence and his or her cancellation to the auditor. On direction of the board of
6 supervisors, the auditor shall cancel the entry as a lien on that real property and reenter such
7 taxes as follows:

8 (1) If the assessee has real property sufficient, in the assessor's opinion, to secure the
9 payment of the taxes, as a lien on real property.

10 (2) Where there is not sufficient real property to secure the taxes on locally-assessed
11 property, the taxes shall be placed on the unsecured roll. In the case of state-assessed
12 property, the taxes shall be placed on the secured roll.

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15 Authority: Section 15606, Government Code.

16 Reference: Sections 4831, 4831.5, 4834, 4835, 4836, 4838, and 4840, Revenue and Taxation Code.

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1 **Rule 264. BASE YEAR VALUE CORRECTIONS.**

2 (a) Notwithstanding any other provision of the law, any error or omission in the
3 determination of a base year value pursuant to paragraph (2) of subdivision (a) of section
4 110.1 of the Revenue and Taxation Code, including the failure to establish that base year
5 value or the determination of a change in ownership, which does not involve the exercise of
6 an assessor's judgment as to value, including a clerical error, shall be corrected in any
7 assessment year in which the error or omission is discovered.

8 (1) The existence of a clerical error shall be proved by a preponderance of the
9 evidence, except that if the correction is made more than four years after July 1 of the
10 assessment year for which the base year value was first established the clerical error
11 shall be proved by clear and convincing evidence, including the papers in the assessor's
12 office.

13 (b) An error or an omission described in subsection (a) which involves the exercise of an
14 assessor's judgment as to value may be corrected only if it is placed on the current roll or roll
15 being prepared, or is otherwise corrected, within four years after July 1 of the assessment
16 year for which the base year value was first established. "The assessment year for which the
17 base year value was first established" means the assessment year commencing with the first
18 lien date next succeeding the date of the change in ownership or completion of new
19 construction giving rise to the new base year value. An error or an omission involving the
20 exercise of an assessor's judgment as to value shall not include errors or omissions resulting
21 from the taxpayer's fraud, concealment, misrepresentation, or failure to comply with any
22 provision of law for furnishing information required by sections 441, 470, 480, 480.1, and
23 480.2 of the Revenue and Taxation Code, or from clerical errors.

24 (c) If a correction authorized by subsection (a) or (b) reduces the base year value, the
25 assessor shall transmit the correction to the auditor ~~by means of information noted on the roll~~
26 and appropriate cancellations or refunds of tax shall be granted in accordance with Division 1
27 of the Revenue and Taxation Code. If the correction increases the base year value, the
28 assessor shall transmit the information regarding the correction to the auditor ~~by means of a~~
29 ~~notation on the roll~~ and appropriate escape assessments shall be imposed in accordance with
30 Division 1 of the Revenue and Taxation Code.

31 (d) For purposes of this rule:

32 (1) "Assessment year" means an assessment year as defined in Revenue and Taxation
33 Code section 118.

34 (2) "Clerical errors" means only those defects of a mechanical, mathematical, or clerical
35 nature, not involving judgment as to value, where it can be shown from papers in the
36 assessor's office or other evidence that the defect resulted in a base year value that was not
37 intended by the assessor at the time it was determined.

38 *Authority:* Section 15606, Government Code.

39 *Reference:* Sections 51.5, Revenue and Taxation Code.

DRAFT

1 **Rule 265. BOARD ORDERED ROLL CHANGES.**

2 On the second Monday of each month the clerk of the board of equalization shall deliver the
3 statement of all changes made by the county board during the preceding calendar month to
4 the auditor with an affixed affidavit, subscribed by him or her, as follows:

5 "I, (clerk's name), swear that, as Clerk of the Board of Equalization of (county
6 name) County, I have kept correct minutes of all the acts of the board during
7 the month of (month/year) touching alterations in the assessment roll, that all
8 alterations agreed to or directed to be made have been included in the attached
9 statement and that no other alterations are included therein."

10 Upon receiving a statement of changes from the clerk, the auditor shall promptly correct the
11 roll to reflect the changes made by the county board.

12

13

14 Authority: Section 15606, Government Code.

15 Reference: Sections 1614 and 1646.1, Revenue and Taxation Code.

DRAFT

1 **Rule ~~266~~ 304. LOCATION OF LOCAL ROLL FOR INSPECTION.**

2 The local roll or a copy thereof shall be made available for inspection by all interested
3 parties during regular office hours of the officer having custody thereof. Copies may be
4 made available for inspection at other places for the convenience of the public.

5

6

7 *Authority:* Section 15606, Government Code

8 *Reference:* Section 1602, Revenue and Taxation Code.