

CHANGES WITHOUT REGULATORY EFFECT UNDER
CALIFORNIA CODE OF REGULATIONS, TITLE 1, SECTION 100

Statement of Explanation

Title 18. Public Revenues

Section 282. *Temporary Certification.*

Section 283. *Permanent Certification.*

A. Factual Basis

Government Code section 11342.600 defines the term “regulation” to include every “rule . . . of general application.” Government Code section 15606 authorizes the State Board of Equalization (Board) to prescribe “rules for its own government and the transaction of its business,” including the assessment of state-assessed property under chapter 4 (commencing with section 721) of part 2 of division 1 of the Revenue and Taxation Code (RTC), as well as “rules and regulations” governing county assessors when assessing and local boards of equalization when equalizing under division 1 of the RTC. As a result, the regulations the Board has adopted to implement, interpret and make specific the property tax laws codified in division 1 of the RTC and codified in division 1 of title 18 of the California Code of Regulations are commonly referred to as “Property Tax Rules” or “rules,” rather than property tax regulations or regulations. (See, e.g., Rule 1 explaining that chapter 1 of division 1 of title 18 contains “rules” that “govern assessors when assessing, county boards of equalization and assessment appeals boards when equalizing, and the [Board]”; and the “Property Tax Rules” in the Property Tax Law Guide (PTLG)¹ published by the Board.) However, California Code of Regulations, title 18, section (Rule) 282, subdivisions (a) and (b), cross-reference “regulation 281” and “regulation 283,” respectively, and Rule 283, subdivision (b), cross-references “regulation 282” in two places, even though the regulations being cross-referenced are commonly referred to as “Property Tax Rules” or “Rules.” Therefore, the Board proposes to replace “regulation” with “Rule” in the cross-references so that Rules 282 and 283 more clearly refer readers to Rules 281, 282, and 283.

Also, Rule 283, subdivision (a)(3)(B), refers to a person’s experience as “a real estate licensee, licensed by the California Department of Real Estate, engaged in buying, selling, leasing, or managing real estate.” However, the Governor’s Reorganization Plan No. 2 replaced the Department of Real Estate, which was previously part of the Business, Transportation and Housing Agency, with the Bureau of Real Estate, which is part of the Department of Consumer Affairs, as the entity that issues real estate licenses under part 1 (commencing with section 10000) of division 4 of the Business and Professions Code (BPC), operative July 1, 2013. Assembly Bill No. (AB) 1317 (Stats. 2013, ch. 352, §§ 15, 16) amended BPC sections 10004 and 10005 to reflect the change by defining the term “Bureau” to mean the Bureau of Real Estate in

¹ The PTLG is available at <http://www.boe.ca.gov/lawguides/property/current/ptlg/property-taxes-law-guide.html>.

the Department of Consumer Affairs and providing that statutory references to “bureau,” “department,” and “Department of Real Estate” in part 1 of division 4 of the BPC now mean the Bureau of Real Estate. Therefore, the Board proposes to change “Department” to “Bureau” in Rule 283, subdivision (a)(3)(B), to reflect the amendments to BPC sections 10004 and 10005 made by AB 1317 to implement the Governor’s Reorganization Plan No. 2.

In addition, Rule 283, subdivision (a)(3)(C) and (D), refers to a person’s experience as an appraiser aide or appraiser trainee or other type of employee in the “property taxes department of the Board.” However, the Board recently created a new “Property Tax Department” and assigned the new department the property tax related duties previously performed by the “property taxes department” referred to in Rule 283. Therefore, the Board proposes to change Rule 283, subdivision (a)(3)(C) and (D), to refer to the “Board’s Property Tax Department,” instead of referring to the “property taxes department of the Board,” to reflect the Board’s recent organizational change.

The Board has determined that the changes to Rules 282 and 283 are appropriate for processing under California Code of Regulations, title 1, section (Rule) 100. This is because the changes update Rule 283 to reflect organizational changes in state government and the Board, make minor grammatical changes to two cross-references in each of the rules, and do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision.

B. Proposed Changes

The following Rule 100 changes are proposed to Rules 282 and 283:

TEXT OF PROPOSED CHANGES

Rule 282. Temporary Certification.

(a) A person shall not perform the duties of an appraiser, as defined in ~~Rule~~^{regulation} 281, unless the person has been issued a temporary or permanent certificate by the Board, nor shall the person continue to perform such duties for more than a year (excluding any break in service as an appraiser of less than six months which is reported to the Board) without having been permanently certified.

(b) The Board shall issue a temporary certificate to any other person employed to perform the duties of an appraiser for property tax purposes in the service of the state, a county, a city and county, or an appraisal commission if the person meets the minimum qualifications set out in subsection (a) of ~~Rule~~^{regulation} 283 or has equivalent qualifications which, in the opinion of both the assessor and the Board, demonstrate that the person is competent to perform the work of an appraiser. The assessor shall submit such qualifications to the Board on a form supplied by the Board.

(c) . . . (unchanged).

(d) . . . (unchanged).

Note: Authority cited: Section 15606, Government Code. Reference: Section 24002.5, Government Code; and Sections 670 and 673, Revenue and Taxation Code.

Rule 283. Permanent Certification.

(a) The Board shall issue a permanent certificate to any person employed to perform the duties of an appraiser for property tax purposes in the service of the state, a county, a city and county, or an appraisal commission who, within one year of employment, attains a passing grade on a certification examination prepared or approved by the Board and who meets the following minimum qualifications:

(1) The person is currently employed by, or has a bona fide employment offer from, the Board, a county assessor, a city and county assessor, or an appraisal commission, and

(2) Either the person is a graduate of an accredited four-year institution of higher education, or

(3) The person has graduated from high school (or has the equivalent of a high school education as determined by the taking of a general educational development test approved by the California Department of Education) and has four years of relevant experience. "Relevant experience" means employment experience within the last ten years in any of the following occupations:

(A) an accountant, auditor, real property appraiser, building cost estimator, engineer, real estate loan agent, real estate loan underwriter, right-of-way agent, licensed building contractor, or

(B) a real estate licensee, licensed by the California ~~Bureau~~Department of Real Estate, engaged in buying, selling, leasing, or managing real estate, or

(C) an appraiser aide or appraiser trainee in an assessor's office or in the Board's Property Tax Department~~property taxes department of the Board~~, or

(D) an employee, other than an appraiser, appraiser aide, or appraiser trainee, of an assessor's office or of the Board's Property Tax Department~~property taxes department of the Board~~, except that such employment time shall be limited to qualifying for only 2/3 of the four-year experience requirement. The remaining 1/3 of time shall be accumulated by other relevant experience as described in subparagraphs (A), (B), and (C) above or by education in an accredited institution of higher education.

Four years of relevant experience or any combination of relevant experience and of education in an accredited institution of higher education totaling four years can be substituted for the educational requirement in subsection (a)(2). When fewer than four years of education in an

accredited institution of higher education are used to meet the minimal qualifications, the number of qualifying years or fractions thereof shall be determined by the number of units in which passing grades were received. One year of education requirement shall consist of either 30 semester units or 45 quarter units. The qualifications of the person seeking permanent certification in this manner shall be submitted on a form supplied by the Board when the person files the application.

(b) When a person has been temporarily certified under subsection (b) of ~~Rule~~regulation 282 by reason of equivalent qualifications or under subsection (c) of ~~Rule~~regulation 282 by reason of election or appointment as assessor, the person shall be admitted to the examination referred to in subsection (a). Upon receiving a passing grade in the examination, the person shall be issued a permanent certificate by the Board.

(c) . . . (unchanged).

Note: Authority cited: Section 15606, Government Code. Reference: Sections 670 and 673, Revenue and Taxation Code; and Section 24002.5, Government Code.