(916) 445-8485

February 8, 1980

This is in response to your January 22, 1980, letter to Mr. James Delaney wherein you inquired concerning the authority of a local board of equalization to abate 25 percent penalties imposed pursuant to Revenue and Taxation Code Section 504.

As adopted on May 11, 1967, Property Tax Rule 302(b) provided that the functions of a local board are to review, equalize and adjust penal and escaped assessments on the local tax assessment roll. Thereafter, former Revenue and Taxation Code Section 1603, now Section 1604, was amended to provide that a local board would have no power to receive or hear any petition for a reduction in an escaped assessment made pursuant to Section 531.5* nor a penal assessment levied in respect thereto, nor to reduce such assessments. Consistent therewith, Rule 302(b) was amended on June 4, 1969, to provide that the functions of a local board are to review, equalize, and adjust penal and escaped assessments on the local tax assessment roll except escaped assessments made pursuant to Revenue and Taxation Code Section 531.1 where veterans' exemptions were improperly granted.

Rule 302(b) presently provides that the functions of a local board are to review, equalize and adjust penal and escaped assessments on the local tax assessment roll except escaped assessments made pursuant to Revenue and Taxation Code Section 531.1. Since Section 1604 contains the only limitation

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* 531.1 substituted for 531.5 in 1969.

upon local boards' power to review, equalize and adjust penal assessments (penal assessments made pursuant to Section 531.1), we believe that Rule 302(b) authorizes local boards to review, etc. penal assessments other than those made pursuant to Section 531.1.

Very truly yours,

James K. McManigal, Jr.
Tax Counsel

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