

**STATE BOARD OF EQUALIZATION**

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August 17, 1994

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No. 94/46

TO COUNTY ASSESSORS:

**CORRECTION TO LTA 94/32 - ESCAPE ASSESSMENTS**

We received a question concerning the role Section 531.8 of the Revenue and Taxation Code<sup>1</sup> plays in our advice on the enrollment of an escape assessment in letter to assessors 94/32. In the last paragraph of page 6 of the letter, we advised:

"Section 534 distinguishes between (1) the process of entering or placing an escape assessment on the roll and (2) the making of an escape assessment. Consistent with our analyses for other types of assessments, we believe an assessment is entered or placed on the roll when the assessor delivers the required information to the auditor. However, the assessment is not "made" on the date unless the assessee is notified of the assessment within 60 days after (1) the statute of limitations expires or (2) the assessment is entered or placed on the roll. If the assessee is not notified as provided above, the assessment is "made" on the date the assessee is notified. If a separate notice is never sent to the taxpayer, the tax bill serves as the notice and the assessment is made on the date the assessee receives the tax bill. Thus, for purposes of the statute of limitations, an escape assessment requires both timely delivery of the assessment to the auditor and timely notification of the assessment to the assessee."

The above advice is correct but incomplete. We should have pointed out that in the case of an escape assessment, the assessment cannot be enrolled until 10 days after the assessor has mailed or otherwise delivered to the assessee a "Notice of Proposed Escape Assessment." (See letter to assessors 94/06 for a discussion of Section 531.8.) The last sentence quoted above should have read:

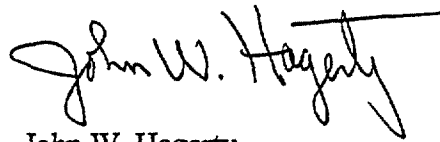
For purposes of the statute of limitations, an escape assessment requires timely mailing or delivery of a "Notice of Proposed Escape Assessment" (see Section 531.8), timely delivery of the assessment to the county auditor, and timely notification of the assessment to the assessee. Note that Section 532.1 provides that if the Notice of Proposed Escape Assessment is mailed or delivered within 90 days of the expiration of the statute of limitations, that limitations period and any limitations period on filing a refund claim with respect to the same assessment year is extended to the 90th day after the date of mailing or delivery."

<sup>1</sup>All statutory references in this letter are to the Revenue and Taxation Code.

Letter to assessors 94/32 was not intended to provide advice on all the requirements for making assessments; its purpose was to provide advice on what specific actions constitute "enrollment" of an assessment or "placement" of an assessment on the roll, particularly when there is a question as to whether the assessment was made within the time period allowed by the statute of limitations. Nevertheless, since Section 531.8 adds a new requirement for making an assessment, we should have mentioned that an escape assessment cannot be enrolled unless the Notice of Proposed Escape Assessment was mailed or delivered timely.

If you have questions or comments concerning this letter, please contact either our Business Property Technical Services Section or Real Property Technical Services Section at the above address or (916) 445-4982.

Sincerely,

A handwritten signature in cursive script that reads "John W. Hagerty". The signature is written in black ink and is positioned above the typed name.

John W. Hagerty  
Deputy Director  
Property Taxes Department