

## ASSESSMENT ROLL CHANGES AUTHORITATIVE CITATIONS

The following provides the authoritative citations for the Assessment Roll Changes Survey Topic. In general, citations include Constitutional provisions, sections of the Revenue and Taxation Code, other applicable statutes, court cases, Property Tax Rules, *Assessors' Handbook Sections*, Letters To Assessors, and legal annotations pertaining to the topic.

CITATION	DESCRIPTION
<b>Revenue and Taxation Code</b>	
<a href="#">§51.5</a>	Any clerical error or omission in determining a base year value shall be corrected in the assessment year when discovered. Errors involving the assessor's value judgment may also be corrected, but only within four years after July 1 of the assessment year when the base year value was first established. "Value judgment" does not include errors resulting from the assessee's error, misrepresentation, or failure to furnish information under §441, §470, §480, §480.1, or §480.2. A "preponderance of the evidence" is required to prove clerical error, except that if the correction is made more than four years after July 1 of the assessment year for which the base year value was first established, the standard becomes "clear and convincing evidence," which is more rigorous.
<a href="#">§504</a>	A 25 percent penalty assessment shall be added to assessments where the assessee willfully concealed, failed to disclose, removed, or misrepresented tangible personal property and so caused an underassessment.
<a href="#">§506</a>	Monthly interest must be added to arbitrary (estimated) and penal assessments.
<a href="#">§531</a>	Upon discovery of property escaping assessment, the assessor shall assess the property at its value on the lien date for the year in which it escaped assessment.
<a href="#">§531.1</a>	In general, if an exemption or any portion of an exemption has been terminated or has been incorrectly allowed, an escape assessment in the amount of the exemption or portion of the exemption that has been terminated or erroneously allowed, with interest shall be made.
<a href="#">§531.2</a>	When real property has changed ownership or becomes subject to a lien (e.g., mortgage, deed of trust, etc.) after July 1 of the year of escape but prior to the date of assessment and entry on the secured roll, the escape assessment shall not create or impose a lien on the property. In this case, the escape assessment shall be entered on the unsecured roll in the name of the person who would have been the assessee in the year of escape.  If the real property escaped assessment as a result of an unrecorded change in ownership or if a change in control is not filed, the assessor shall value the property as of the date of transfer and enroll the difference in taxable value for each of the subsequent years on the secured roll.

CITATION	DESCRIPTION
<a href="#">§531.3</a>	Escape assessment due to inaccurate report of personal property cost when assessor required a cost report.
<a href="#">§531.4</a>	Escape assessment due to inaccurate business property statement or report.
<a href="#">§531.5</a>	Escape assessment due to incorrect business inventory exemption.
<a href="#">§531.6</a>	<p>Escape assessment due to incorrect application of the homeowners' exemption.</p> <p>The property owner who files a claim for the homeowners' exemption is responsible for notifying the assessor when the property is no longer eligible for the exemption. If the assessor determines that the property is no longer eligible for the exemption, he shall immediately cancel the exemption on the property, enroll an escape assessment, and, unless an assessor's error caused the exemption to be improperly allowed, shall also include a penalty under §504 and interest under §506.</p>
<a href="#">§531.8</a>	<p>Requires that the assessor notify the assessee at least ten days prior to entering the escape assessment on the roll.</p> <p>Certain information is required to be included on the notice. The notice must contain:</p> <ul style="list-style-type: none"> <li>• The amount of any escape assessment;</li> <li>• The telephone number of the assessor's office; and</li> <li>• The following heading prominently displayed: "NOTICE OF PROPOSED ESCAPE ASSESSMENT."</li> </ul>
<a href="#">§531.9</a>	A county board of supervisors may, by ordinance, prohibit an assessor from making escape assessments of appraisal units where the amount of taxes due is less than the cost of assessing and collecting them, not to exceed \$50.
<a href="#">§532</a>	<p>Generally, escape assessments must be made within four years after July 1 of the assessment year in which the property escaped assessment or was underassessed.</p> <ul style="list-style-type: none"> <li>• The time period is extended to eight years for assessments where 25 percent nondisclosure or fraud penalty applies (§§502 and 504).</li> <li>• For properties escaping taxation or underassessed following an unrecorded change in ownership or change in control for which no <i>Change of Ownership Statement (COS)</i> or <i>Preliminary Change of Ownership Report (PCOR)</i> was timely filed, the assessment must be made within eight years after July 1 of the assessment year in which the property escaped taxation or was underassessed.</li> </ul> <p>For properties where either the §503 penalty must be added or a legal entity change in ownership statement was not filed under §480.1 or 480.2, an escape assessment shall be made for each year of escape.</p>

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<a href="#">§532.1</a>	<p>Extends the time period for making an escape assessment, correction, or claim for refund.</p> <ul style="list-style-type: none"> <li>• Extension only applies to corrections and refunds if specifically stated in the written agreement between the taxpayer and assessor.</li> <li>• Written agreement must be made before the expiration of statute of limitations.</li> </ul>
<a href="#">§532.2</a>	<p>The assessor must enroll as escaped property any property for which a welfare exemption was granted while the property was under construction where either: (1) construction was abandoned or (2) the property is used for non-qualifying uses.</p>
<a href="#">§533</a>	<p>If an audit discloses incorrect assessments for a prior year, and an escape assessment is therefore made, tax refunds shall be offset against proposed tax liabilities including accumulated penalties and interest, for any year of audit.</p> <p>If the tax refund exceeds increased tax liabilities, the tax collector shall notify the assessee of the excess and right to claim a refund from the county as provided by §5096 or 5096.7.</p>
<a href="#">§534</a>	<p>Escape assessments for prior years must be entered at the tax rate applicable to the year(s) of escape.</p> <p>For an escape assessment to be deemed made on the date entered on the roll, the assessor must notify the assessee of escape assessments within 60 days after the statute of limitations or placing of the escape assessment on the roll.</p> <p>The notice must be given on a Board-approved form and must include the date the notice was mailed and information regarding review and appeal rights and procedures, including that an appeal must be filed within 60 days of the later of the printed date of mailing or the postmark date. For counties that have adopted a resolution pursuant to §1605(c) and Los Angeles County, receipt of the tax bill by the assessee satisfies the notice requirements of this §, provided that the bill advises the assessee of the right to file an appeal within of 60 days of the later of the date of mailing printed on the tax bill or the postmark on the envelope.</p>
<a href="#">§1605</a>	<p>An escape assessment is not effective until the assessee has been officially notified of it. In Los Angeles County and those counties who have adopted a resolution setting an alternate assessment appeal filing date, receipt by the assessee of the tax bill is sufficient notice.</p> <p>For counties other than Los Angeles and those who have adopted an enabling resolution, the appeal of an escape assessment must be filed no later than the later of 60 days after the date of mailing printed on the notice of assessment or the postmark therefore. In Los Angeles and counties that have adopted a resolution, the filing deadline is no later than 60 days after the date of mailing printed on the tax bill or the postmark on the envelope.</p>

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<a href="#">§4831</a>	<p>Allows corrections to the roll for errors resulting in incorrect entry on the roll or clerical error. This § does not apply to the following:</p> <ul style="list-style-type: none"> <li>• Errors involving the exercise of value judgments, except to reflect a decline in value as provided in §4831, subdivision (b).</li> <li>• Escaped assessments caused by the assessee's failure to report the information.</li> </ul> <p>Subdivision (c) provides that any error or omission involving the use of a value judgment arising from a failure to reflect a decline in a real property's market value below the factored base year value shall be corrected within one year after the making of the assessment that is being corrected. Effective 1/1/2012, this also applies to floating homes pursuant to §229 and manufactured homes subject to taxation under Prop 13.</p> <p>The correction shall be made within four years after the making of the assessment that is being corrected.</p>
<a href="#">§4831.5</a>	Provides for correction of errors when information furnished to the assessor has resulted in an overassessment of the property.
<b>Property Tax Rules</b>	
<a href="#">Rule 261</a>	Prescribes the form and manner in which penalties under §§75.12, 463, 480, 480.1, 480.2, 480.7, 482, 503, and 504 shall be added to the local roll.
<a href="#">Rule 263</a>	Provides authority for roll corrections and requires assessors to follow specified procedures for correcting the local roll under §§4831, 4831.5, 4834, 4835, 4836, 4838, and 4840.
<a href="#">Rule 264</a>	Provides authority for base year value corrections and requires assessors to follow specified procedures for correcting base year values on the local roll under §51.5.
<a href="#">Rule 305.3</a>	Clarifies the conditions under which an assessee may file an application for assessment appeal based on the result of an audit. §469 provides that when the result of an audit discloses property subject to escape assessment, the assessee may appeal the original assessment of all property at the location of the business, trade, or profession. Specifies how the notices sent to taxpayers under §533 (regarding audit offset and audit results) and §534 (regarding escape notification) may satisfy the requirement of taxpayer notification.

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<b>Letters To Assessors</b>	
<a href="#">86/07</a>	If an audit of a business property account discloses that an estimated assessment under §501 was too high, the estimated value should be reduced as well as the §463 nonfiling penalty, because the penalty was based on the estimated assessment.
<a href="#">88/49</a>	Suggested procedure for preventing hardship on taxpayers who, as heirs to an estate, receive escape assessments on the unsecured roll under §531.2 for reappraisals of the decedent's property due to statutory change in ownership caused by the decedent's death.
<a href="#">94/06</a>	BOE's suggested <i>Notice of Proposed Escape Assessment</i> form for notifying taxpayers pursuant to §531.8.
<a href="#">94/32</a>	BOE guidelines for when an assessment is considered "made." Discusses supplemental assessments, regular (§601) enrollments, and escape assessments. An escape assessment is considered "made" when: <ul style="list-style-type: none"> <li>• the necessary information is timely delivered to the county auditor and cannot thereafter be unilaterally changed by the assessor; and</li> <li>• the assessment notice has been timely sent to the assessee.</li> </ul> "Timely" means within 60 days after (1) the statute of limitations expires or (2) the assessment is entered or placed on the roll. If no separate notice is ever 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.
<a href="#">94/46</a>	With the addition of §531.8, an escape assessment also requires timely mailing or delivery of the <i>Notice of Proposed Escape Assessment</i> , as well as timely delivery of the assessment to the auditor, and timely notification of the assessment to the assessee.
<a href="#">2001/043</a>	To meet the assessee notification requirement of §534 for escape assessments, the BOE prescribed Forms BOE-66-A and BOE-66-B, <i>Notice of Enrollment of Escape Assessment</i> . Version "A" is for counties in which the board of supervisors has not adopted an alternate assessment appeal filing deadline under the provisions of §1605(c); version "B" is for use in Los Angeles County and those counties that have adopted the provisions of §1605(c)
<a href="#">2003/066</a>	<i>Notice of Enrollment of Escape Assessment</i> and <i>Notice of Supplemental Assessment</i> forms are BOE-approved rather than BOE-prescribed. Forms BOE-66-A/-B or BOE-67-A/-B meet statutory requirements. If the assessor chooses to develop his own forms instead, they must still contain the elements specified in §75.31 and §534 and must be submitted to the BOE for review and approval.
<a href="#">2008/021</a>	All assessors must send a <i>Notice of Proposed Escape Assessment</i> pursuant to §531.8. And, unless the county has adopted a §1605(c) ordinance deeming the tax bill as notice, they must also send a <i>Notice of Enrollment of Escape Assessment</i> to

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	assessee pursuant to §534. In either circumstance, the assessee's right of appeal is maintained: the 60-day filing period for escape assessments begins only after either the §534 notice or the tax bill has been mailed.
<a href="#">2008/060</a>	To ensure that taxpayers are properly advised of their appeal rights, assessors should include language in their <i>Notice of Proposed Escape Assessment</i> informing the taxpayer that they may not file an appeal based on receipt of that notice, but must rather receive a <i>Notice of Enrollment of Escape Assessment</i> before they may appeal the escape assessment.
<a href="#">2012/032</a>	Amends Rule 263(b) to include floating homes subject to taxation under §229 and manufactured homes subject to taxation under Prop 13.
<a href="#">2015/055</a>	A cumulative listing of the CCPI for dates 1976 through 2016 applicable to R&T Code §51
<b>Annotations</b>	
<a href="#">285.0005 - 285.0090</a>	BOE staff correspondence dealing with different aspects of roll corrections such as assessment errors, base year values, clerical error, declines in value, and judgmental and non-judgmental errors.
<a href="#">390.0001-390.0100</a>	BOE staff correspondence dealing with different aspects of escape assessments such as assessment appeals, bankruptcy and foreclosure, notice to taxpayers, statute of limitation, and unrecorded changes in ownership or control.