

Memorandum

To : Mr. Dean Kinnee
Executive Director (MIC 73)

Date: February 28, 2018

From : Henry Nanjo, Chief Counsel
Legal Department (MIC: 73)

Subject : **Board Meeting, March 27, 2018**
Item G - Chief Counsel's Rulemaking Calendar
Property Tax Rule 301, *Definitions and General Provisions*

We request your approval to place proposed changes to Property Tax Rule 301, *Definitions and General Provisions*, on the Chief Counsel's Rulemaking Calendar for the March 27, 2018, Board meeting. The proposed changes update Rule 301 to make it consistent with the recent addition of chapter 1.5 to part 3 of division 1 of Revenue and Taxation Code (RTC) (commencing with section 1750) made by Senate Bill (SB) 447 (Stats. 2017, ch. 132). SB 447 authorizes county boards of supervisors of two or more counties to establish a multijurisdictional assessment appeals board to equalize the valuation of taxable property within each participating county by the enactment of an ordinance in each participating county.

Property Tax Rule 301 implements, interprets, and makes specific RTC sections 1601 and 1603 et seq., by providing definitions and general provisions for the rules governing property tax hearings by county boards of equalization and assessment appeals boards (California Code of Regulations, title 18, ch. 3, art. 1; Property Tax Rules 301 through 326). Effective January 1, 2018, sections 1750-1756 authorize county boards of supervisors of two or more counties to establish a multijurisdictional assessment appeals board to equalize the valuation of taxable property within each participating county by the enactment of an ordinance in each participating county. These sections are effective until January 1, 2028. Therefore, staff proposes to clarify in Property Tax Rule 301, subdivision (c), that the term "board," as used in Property Tax Rules 302-326, means a board of equalization or assessment appeals board of the county or a multijurisdictional assessment appeals board. Also, staff proposes to add "1701 et seq.," to the list of reference statutes.

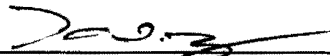
Staff will request the Board's authorization to make the changes to Rule 301, under California Code of Regulations, title 1, section 100 (Rule 100), without the normal notice and public hearing process. The changes are appropriate for processing under Rule 100 because they make Rule 301 consistent with the addition of chapter 1.5 to part 3 of division 1 to RTC made by SB 447, and they do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision.

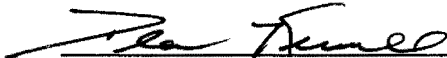
Attached is a strikeout and underlined version of the regulation illustrating the proposed changes.

If you have any questions regarding this request, please contact me at 1-916-323-1094.


Recommendation by:

Approved:



Henry Nanjo, Chief Counsel


Dean Kinnee, Executive Director

Approved:


Brenda Fleming, Chief Deputy Director

BOARD APPROVED
At the 3/27/18 Board Meeting


Joann Richmond, Chief
Board Proceedings Division

Attachment: Proposed Changes to Property Tax Rule 301

cc: Mr. Dean Kinnee (MIC 64)
Ms. Joann Richmond (MIC 80)
Mr. Henry Nanjo (MIC 73)
Mr. David Yeung (MIC 64)
Mr. Richard Moon (MIC 82)
Ms. Glenna Schultz (MIC 64)

State of California
BOARD OF EQUALIZATION
PROPERTY TAX RULES

Division 1. State Board of Equalization-Property Tax
Chapter 3. Local Equalization
Article 1. Hearing by County Board

Rule 301. Definitions and General Provisions.

Authority: Section 15606, Government Code.

Reference: Sections 110, 110.1, 110.5, 1601, 1603 et seq., 1750 et seq., Revenue and Taxation Code; and Section 31000.6, Government Code.

The provisions set forth in this regulation govern the construction of this subchapter.

(a) "County" is the county or city and county wherein the property is located that is the subject of the proceedings under this subchapter.

(b) "Assessor" is the assessor of the county.

(c) "Auditor" is the auditor of the county.

(d) "Board" is the board of equalization or assessment appeals board of the county or a multijurisdictional assessment appeals board.

(e) "Chair" is the chair of the county board of equalization or assessment appeals board.

(f) "Clerk" is the clerk of the county board of equalization or assessment appeals board.

(g) "Person affected" or "party affected" is any person or entity having a direct economic interest in the payment of property taxes on the property for the valuation date that is the subject of the proceedings under this subchapter, including the property owner, a lessee required by the property lease to pay the property taxes, and a property owner who acquires an ownership interest after the lien date if the new owner is also responsible for payment of property taxes for the lien date that is the subject of the application.

(h) "Full cash value" or "fair market value" is the value provided in sections 110 and 110.1 of the Revenue and Taxation Code.

(i) "Restricted value" is a value standard other than full cash value prescribed by the Constitution or by statute authorized by the Constitution.

(j) "Full value" is either the full cash value or the restricted value.

(k) "Equalization" is the determination by the board of the correct full value for the property that is the subject of the hearing.

(l) "County legal advisor" is the county counsel of the county, or the district attorney of the county if there is no county counsel, and the City Attorney of the City and County of San Francisco, or outside counsel specifically retained to advise the county board of equalization or assessment appeals board.

(m) "Authorized agent" is one who is directly authorized by the applicant to represent the applicant in an assessment appeals proceeding.

History: Adopted May 11, 1967, effective June 11, 1967.
Amended July 27, 1982, effective December 30, 1982.
Amended January 5, 2000, effective April 22, 2000.