

I only have couple of proposed amendments to the Joint Tenancy Property Tax Rule.

### **Proposed Amendment/ Comment # 1**

Under General Rule section (b) Exceptions last sentence, it describes how an original transferor status is created. It will be helpful to describe that the purchase of the property as Joint Tenants does not constitute an original transferor status. We keep having issues with people thinking that the termination of a joint tenants can be excluded from reassessment because both joint tenants originally acquired title as joint tenants. It will be nice to make it clear in the property tax rule. See below:

**(b) Exceptions.** The following transfers of property do not constitute a change in ownership:

(1) The transfer creates or transfers any joint tenancy interest and after such creation or transfer, all transferor(s) are among the joint tenants. Upon the creation of such a joint tenancy (hereafter a joint tenancy described in subdivision (b)(1)), ~~Such a transferor who is also a transferee is, therefore, considered to be an "original transferor" for purposes of determining the property to be reappraised upon subsequent transfers. If a spouse of an "original transferor" acquires an interest in the joint tenancy property either during the period that the "original transferor" holds an interest or by means of a transfer from the "original transferor," such spouse shall also be considered to be an "original transferor."~~ "Spouse" includes a registered domestic partner who shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities and obligations as granted to and imposed upon spouses pursuant to section 297.5 of the Family Code. For a transfer of a joint tenancy interest into trust from November 13, 2003 to a date before October 1, 2013, any joint tenant may also become an "original transferor" by transferring his or her joint tenancy interest to the other joint tenant(s) through his or her trust if the trust instrument names the other joint tenant(s) as the present beneficiary or beneficiaries. All other initial and subsequent joint tenants are considered to be "other than original transferors." To create original transferor status, a transaction must occur that either changes title to joint tenancy or adds an additional person to title. The elimination of a joint tenant does not create "original transferor" status in any of the remaining joint tenants.

**ADD** 

**The purchase of the property as Joint Tenants does not constitute an original transferor status.**

### **Proposed Amendment/ Comment # 2**

Example # 9 can be clearer if written this way and follows the same format as example #10 in which the description of the domestic partner is describe after the transfer.

A transfers property to A and B as joint. The joint tenancy of A and B is a joint tenancy described in subdivision (b)(1) of this rule; A is an "original transferor," and B is an "other than original transferor." A and B, as joint tenants, transfer the property to A, B, and C as joint tenants. **C is A's registered domestic partner. C is an "original transferor" because he is a registered domestic partner of an "original transferor" an acquired his interest in the joint**

tenancy during the period that A was an “original transferor.” B becomes an “Original Transferor” because he is a transferor who is among the transferees.

Thank you so much

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