

**STATE BOARD OF EQUALIZATION**

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Executive Director

No. 2001/077

November 9, 2001

TO: COUNTY ASSESSORS
COUNTY AUDITORS
COUNTY TAX COLLECTORS

**TIME FOR FILING APPLICATIONS FOR REDUCED ASSESSMENT DUE TO
MISFORTUNE OR CALAMITY UNDER SECTION 170 OF THE REVENUE AND
TAXATION CODE**

Pursuant to the authority vested in me by section 155 of the Revenue and Taxation Code, I am extending for 40 days the time for accepting applications for reassessment under section 170 of the Revenue and Taxation Code based on damage resulting from the September 11, 2001, disaster. Assessors may accept applications up to and including **December 24, 2001**. This extension applies to all county assessors in the State of California.

In extending this period, I have determined that subdivision (a) of section 170, where applicable, requires applications for reassessment to be filed within 60 days after the September 11th attacks on America, and that the 60th day is November 10, 2001. Since November 10th is a Saturday and the following Monday is a state holiday, this period is extended by law to November 13, 2001, the next regular business day. I have further determined that the events of September 11, 2001, constitute a public calamity, and therefore have extended the period for accepting such applications for 40 days.

In the meantime, Board staff is reviewing the issue of whether disaster relief under section 170 can be granted to taxpayers whose business property was impacted by the events of September 11th. The 40 day extension of the filing period will allow a reasonable time for taxpayers to calculate the impact on their property values, and still meet filing deadlines while state tax officials determine the extent to which relief may be granted under the law.

The extension of the filing period is of particular interest to the airline industry and related businesses. Section 170 includes within the definition of damage a diminution in the value of property as a result of restricted access to property caused by the major misfortune or calamity. Access to many airports in California was restricted in the wake of the terrorist attacks. Thus, a key issue under review is whether the terms of section 170 can be applied not only where restricted access was caused by actual physical damage on or around the property, but also where, as in the case of the events of September 11th, restricted access resulted from emergency measures taken by government in response to a disaster that occurred out of proximity to the property.

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By way of a press release dated November 8, 2001, the Board has publicized the extension of the filing period, and we have urged taxpayers who believe they may be entitled to relief to take advantage of this opportunity to preserve their rights to relief. At the same time, we ask assessors in all affected counties to be generous in applying the terms of this extension while the issues relating to possible relief are being resolved.

Questions regarding the extended filing deadline should be directed to Mr. Larry Augusta at (916) 445-6493.

Sincerely,

James E. Speed
Executive Director

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