

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the Matter of setting out procedures and policies )        R E S O L U T I O N  
for the Board of Equalization and its members        )                    93-331

WHEREAS, state law requires creation of local Boards of Equalization to hear and decide appeals by citizens of local property tax assessments; and

WHEREAS, passage of the property tax limit (Measure 5) has focused increased public attention on the processes by which property tax assessments are appealed and determined; and

WHEREAS, in Multnomah County, the appeals workload has resulted in creation of three panels of Board of Equalization; and

WHEREAS, the panels of the Board of Equalization come into contact with thousands of county citizens each year; for many people, this contact is their most significant personal experience with county government; and

WHEREAS, given the importance of the Board of Equalization as a decider of property tax appeals and as a representative of county government, it is necessary and desirable that the functions and processes of the Board be examined and improved where possible; and

WHEREAS, resolution 93-120 was passed by the Board of County Commissioners to address specific issues related to the functions and processes of the Board of Equalization; and

WHEREAS, specific issues in Resolution 93-120 have been addressed by the attachments A through I; and

WHEREAS, attachments C, H-1 and H-2 are living documents and may be changed or updated under the direction of the Division of Assessment and Taxation; and

WHEREAS, the attachments A through I reflect the collaborative work of the citizen task force, Division of Assessment and Taxation, the Board of County Commissioners and a private consultant; and

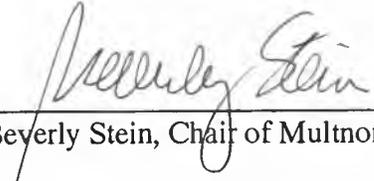
WHEREAS, this collaborative work represents a major step forward to working towards making the functions and process as user friendly as possible to the taxpayers of Multnomah County.

BE IT RESOLVED that Multnomah County hereby adopts attachments A through I to put in place procedures and polices relating to the Board of Equalization and its members.

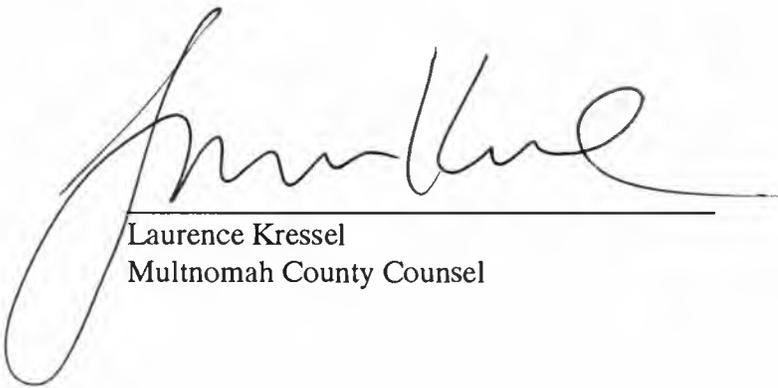
DATED this 30th day of September, 1993.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON



  
\_\_\_\_\_  
Beverly Stein, Chair of Multnomah County

REVIEWED:

  
\_\_\_\_\_  
Laurence Kressel  
Multnomah County Counsel

**Program to Work with Neighbors in the Areas to be Physically Assessed**

- The Division of Assessment and Taxation will be more aggressive in working with neighborhood associations in the areas to be physically assessed.
- Better coordination with the district neighborhood offices to ensure each neighborhood to be physically assessed is notified.
- The Division of Assessment and Taxation personnel to be available to attend information meetings.
- Written overview of appraisal process including how the six year cycle works and what the Division of Assessment and Taxation looks for when considering values.
- A story board display will be placed in the Division of Assessment and Taxation's public information room that will show how appraisals are done.
- For neighborhoods outside of the Neighborhood Association Boundaries, the Division of Assessment and Taxation will distribute press releases for the Oregonian and the Gresham Outlook as the Division of Assessment and Taxation begins assessment work in effected areas.
- The Division of Assessment and Taxation will provide better information on the process for citizens to continue the appeals process with the State Department of Revenue. The brochure explaining the appeal process to the state department of Revenue is to be reviewed and updated.

### **Qualifications for Membership on the Board of Equalization**

#### Desirable Experience

A candidate should have one or more of the listed credentials;

- Real estate experience (i.e., broker or property appraiser, etc.)
- Title experience
- CPA or an economist
- Educator in the Finance or Business area
- Banking experience (i.e., loan officer, etc.)
- Attorney with experience in the area of property litigation
- Property management
- Tax preparer
- Home owner
- Past Board of Equalization Member

#### Personal Attributes or Desired Traits

- Must work cooperatively and conduct self in a tactful manner at all times
- Must be willing to commit necessary time during Board of Equalization sessions
- Must be available to attend required Department of Revenue and Multnomah County training sessions
- Must have the ability to speak up, ask questions, and express opinions during the hearings and during deliberations

#### Board of Equalization Mix

- Good ethnic representation
- Mixture and balance of men and women
- Diversity of age groups
- At least one member on Board I, II, and III must have experience in real estate or assessment and taxation
- At least one member on Board I, II, and III should be an ex-member of the Board of Equalization
- Members from throughout the County, representation from each district would be optimum
- Sensitivity to issues of diversity

Attachment # **B-2**  
In response to **item #2** in Resolution 93-120  
Submitted by **Staff to the Chair**  
Responsible for Implementation **Board of County Commissioners**

### **Process for Appointment**

As of the 1994 selection process, there will be active recruitment for the Board of Equalization.

Public Service Announcements should be placed annually in the Oregonian and other local newspapers by the Chair's office in conjunction with the Board of Equalization staff to solicit Board of Equalization members. Additionally, the Board of County Commissioners should contact constituents who meet the criteria and who are interested in serving on the Board of Equalization, and board staff members should share information regarding appointments with interested parties.

Second, the actual appointment process is as follows:

Once the interest forms are collected by the Chair's office, the Board of County Commissioners are informed by memo of the potential membership at least five days before the board meeting in which they are to be ratified. This allows time for the Board of County Commissioners to review the item. If there are no objections, the item is placed on the agenda (consent calendar) by the Chair's office. Thus, the Board of Equalization is appointed by the County Chair with the approval of the Board of County Commissioners.

Attachment #C  
In response to item #3 in Resolution 93-120  
Submitted by Caroline Miller  
responsible for Implementation Staff to the Board of Equalization

# The Board of Equalization

## Handbook

Prepared on behalf of the  
Multnomah County Board of Commissioners

September 30, 1993

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## INTRODUCTION

Welcome to the Board of Equalization! This handbook serves two functions:

- a) it acts as a guide for new members and
- b) provides a review for those with experience.

The information contained within cannot anticipate every question which may arise during a session, but should prove useful as a reference when making decisions. Any document referred to but not quoted in its entirety is footnoted by a parenthesis.

### SECTION I - KEY PROVISIONS OF THE OREGON CODE

**TERM OF OFFICE** General provisions regarding the Board of Equalization can be found in (ORS 309.020) of the Oregon codes. The code states that the term of office for members of the Board of Equalization begins on January 1 and ends June 30 of the same year or until a successor has been appointed.

The board of equalization shall convene on the second Monday in January of each year and shall continue from day to day, exclusive of legal holidays, until its work is completed. The board shall hear petitions for reduction of the real market or assessed value of property as of July 1 of the current tax year. The board shall adjourn no later than April 15.

**QUORUM** To form a quorum of the board when it is in session, two members must be present. An alternate may sit as a member of the board to achieve a quorum, but in no case may a member of the board or an alternate participate in making a decision on an appeal if that member or alternate was not present at the hearing.

**RECORDS** Hearings of the Board of Equalization are recorded on tape as well as in written records. (As an aside, members must be careful about noise in or around the recorders as excessive paper shuffling, coughing or whispers can interfere with the quality of the taped record).

**WHO MAY APPEAL** The board may hear appeals from an owner or the owner of a taxable property or his/her attorney, or any relative or person licensed as an Oregon real estate broker or an Oregon state certified appraiser or Oregon state licensed appraiser or the lessee of the property if the lessee, relative or person holds a power of attorney executed by the owner or owners or person in whose name the property is assessed. A copy of the power of attorney shall be attached to the petition.

Please note that sometimes purchasers of property will appeal a valuation. If they did not own the property on July 1 of the tax year, they do not have standing to appeal nor does the board of equalization have the authority to order changes in the valuation on the purchaser's petition.

**POWER OF ATTORNEY** For detailed instructions on Power of Attorney, see (PPS. 101 to 102 Board of Equalization Manual issued October 1992.)

**TIMELY RECEIPT OF PETITION** Any petition received through the United States mail regardless of country of origin "shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it, or on the date it was mailed if proof satisfactory to the addressee establishes that the actual mailing occurred on an earlier date." (ORS 305.820 (a)).

**BOARD ORDERS** The orders of the Board of Equalization shall be sent by registered or certified mail to the petitioner and shall be sent to the assessor. The orders shall specify what changes were made in the tax roll, if any. The board may issue amended orders to correct clerical errors appearing in its original orders. Such errors include, but are not limited to, arithmetic and copying errors and omission or misstatement of identification of property. Amended orders may only be issued during the board's session, or by call of the chairperson, within 30 days after final adjournment of the session.

## SECTION II - BOARD REGULATIONS AND PRACTICES

**CONTINUED SERVICE** Members of the Board of Equalization wishing to serve for an additional term must submit letters of interest to the chairperson of the Multnomah County Board of Commissioners. The clerk of the Board of Equalization and/or the County Chair's office has forms available.

**SERVICE ON OTHER BOARDS** Although members are appointed to a particular board, they may sit on other boards if the regular members are unavailable. This is an opportunity for members to gain experience in valuation issues for commercial, personal property and industrial property in addition to residential property. If a member has a subject matter preference it should be communicated to the clerk or the chair of Board I. Efforts will be made to honor such requests.

**SCHEDULING** Work schedules for board members are prepared at least a month in advance. Members will be asked what days they will be unavailable each coming month and the results posted for everyone to review. If at some later date a member discovers he/she cannot serve on an assigned day, IT IS HIS/HER RESPONSIBILITY TO FIND A SUBSTITUTE from among the other board members. Once a substitute is found, the scheduling clerk must be notified of the change.

**PERSONAL LIABILITY** The question of personal liability for board members is answered in a memo from Paul Mackey, Assistant County Counsel, to Jane Rhodes, chair of the Board of Equalization, (August 29, 1990). In it, he defines members of the Board of Equalization as agents of the county. The "governing body of any public body shall defend, save harmless and indemnify any of its officers, employees and agents, whether elective or appointive, against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty." (ORS 30.265 (1)) However, this provision does not apply in cases of "malfeasance in office or willful or wanton neglect of duty." (ORS 30.285(2)). County counsel's conclusion is as follows: "absent evidence that a Board member has conducted themselves in a manner to take them out of the protection of the statute, the County has a legal duty to provide indemnification and defense in the event of a claim against one of your members." (August 23, 1990 memo / Mackey-Rhodes).

**PER DIEM AND THE IRS** The IRS has ruled that per diem paid to members of the Board of Equalization is reimbursement for costs and is not subject to Social Security or self-employment taxes. However, per diem is subject to state and federal income taxes.

**HEALTH & WELFARE AND UNEMPLOYMENT BENEFITS** Although members of the Board of Equalization do serve as agents of the county, they are not county employees. They are not entitled to fringe benefits or unemployment compensation.

**BOARD APPRAISER** To aid the Board of Equalization, "the board shall hire one or more appraisers registered under ORS 308.010 or licensed or certified under ORS 674.310 and not otherwise employed by the county, and other necessary personnel for the purpose of aiding the board in carrying out its functions and duties under ORS 309.026. The boards of various counties may make such reciprocal arrangements for the exchange of appraisers with other counties as will most effectively carry out the functions and duties of the boards." (ORS 309.024)

**CONFIDENTIALITY** All board records which include information on personal property or industrial equipment are confidential. The board therefore maintains separate log books, tapes and minutes of those hearings. Petitioners may request that hearing room be emptied to protect that confidentiality, and the public will not be allowed access to the records of those confidential hearings. A petitioner may review his/her case only under the supervision of a board member or the clerk. All board members will be asked to read the State regulations on confidentiality. You will sign the confidentiality statement to record their compliance.

**CONFLICT OF INTEREST** Since board members have access to information which is not public information, great care must be taken in their role as guardians of the public trust. Just as there are rules barring insider trades on Wall Street, members of the board should not act or appear to act on information which comes to them as a result of their special position. Soliciting real estate/appraisal business from people appealing property values, expressing an interest in purchasing property or handing out business cards to the appellants is inappropriate conduct.

You will have access to financial information from commercial businesses. This is confidential information and must not be discussed outside of your board meetings. Chapter 244 of the Oregon Statutes details the need to make disclosures of potential conflicts of interest. ORS 244.040 of that chapter bars use of office to obtain personal gain. (see appendix)

**WHAT THE BOARD CAN HEAR** "The Board of Equalization can deal only with the value of property as it was estimated to be on July 1 of the current tax year or in a declining market as of the date the assessor chose as the point of minimum value during the tax year. This value appears on the tax statement received by the petitioner in October." (Memo, Feb. 12, 1993, Sandra Kennedy/ DOR to All Boards of Equalization and all Assessors)

"A decline in value which results from any other event or circumstances which occurred after July 1 cannot be acted upon by the Board of Equalization. If the board obtains such an appeal, they should dismiss the petition and instruct the petitioner to appeal to the Board of Ratio Review. The petitioner must appeal to the Board of Ratio Review in order to obtain relief, even though the circumstances that caused the decline occurred prior to December 31." (Ibid)

**REAL MARKET VALUE** "Real market value of all property, real and personal, as the

property exists on the date of assessment, means the minimum amount in cash which could reasonably be expected by an informed seller acting without compulsion from an informed buyer acting without compulsion, in an arm's length transaction during the fiscal year.

Real market value in all cases shall be determined by methods and procedures in accordance with rules adopted by the Department of Revenue and in accordance with the following:

- (a) the minimum amount a typical seller would accept or the highest amount a typical buyer would offer which could reasonably be expected by a seller of property.
- (b) An amount in cash shall be considered the equivalent of a financing method that is typical for a property.

...The significant difference in the new measure 5 standard is a change in the period of time over which we are to examine the real estate market. In the past, your concern was over the market as it existed on a single date January 1. The new standard is the minimum value during the fiscal year. During the summer of 1992, the assessor forecasted that minimum value and the forecast was presented to the board of equalization. In most cases, the evidence was that the real estate market was going up and that the minimum value during the fiscal year occurred on the first day of the fiscal year July 1.

The question you must now answer is: Given the range that represents market value and based on market data, is the value of the appeal property, as the property existed on July 1, lower than the value forecasted by the assessor?" (Memo to All Boards of Equalization/All County Assessors from Jim Wilcox, DOR dated January 13, 1992)

**HEARING PROCEDURES** John DuBay, assistant County counsel writes that the board's procedures must provide due process and defines it as follows: "The rudiments of due process include due notice, an opportunity to present the grounds for the petition, and equality of treatment for all petitioners." (Memo, Feb. 11. 1993 John Dubay, Chief assistant County Counsel/ Hank Miggins, Executive Assistant to Chair.)

**TIME LIMITS** County Counsel's opinion is that the board may set reasonable time limits for hearing. Usually, this is decided by the board at its first meeting and is based upon the number of petitions filed. (For a fuller discussion of this topic see pg. 18).

**NUMBER OF BOARDS IN SESSION** The board of equalization has two ways of responding to the work load: 1) It can reduce the number of boards in session if the number of petitions filed is small or it can use all 3 boards if the number of petitions filed is large. In no case can it extend the number of boards in session beyond the number granted by the legislature. To increase that number would require that new legislation be submitted by the Board of County Commissioners and that it be passed at a session of the legislature. 2) The other means of flexibility the board of equalization has is to reduce or increase the length of time petitioners have for a hearing. (See pg. 18, Time Limitations.) There is no provision in the statues for unprocessed petitions after the April 15 deadline.

**REQUESTS FOR RESCHEDULING OF HEARINGS** The statutes require a minimum of five days written notice of the time and place to appear for an petitioner to make his/her appeal.(ORS 309:100 (4)) Multnomah County's policy is to mail notices at least 9 days, including Saturday but not Sunday between the date of the hearing and the date of the notice. Although the clerk will try to accommodate scheduling requests of the petitioner, requests for rescheduling are not generally honored. The board may reschedule in the case of extreme emergency or hardship.

**REQUESTS FOR REHEARINGS** Requests for rehearings after a board decision has been made are usually not honored. The next step in the petitioner's appeal is to the Department of Revenue (DOR). Usually, the work schedule of the board of equalization does not permit rehearings, even if new information is available. Since the petitioner may appeal to the DOR, it is felt that he/she is not harmed by having a rehearing denied. "Due process does not require a rehearing if the procedures at the first hearing afforded due process. However, the statutes do not prohibit rehearings. The board could allow them as a matter of discretion. However, without rules setting out the conditions and procedures to grant rehearings, the requirement of equal opportunity for all could create a problem for the board." (Memo, Feb. 11, 1993, John DuBay, Chief Assistant County Counsel/ Hank Miggins, Executive Assistant to Chair).

**DEFICIENT PETITIONS** County policy requires that all petitions missing information or containing faulty information as described in the Board Manual, will be returned to the petitioner for correction. The petitioner will be given 20 days to return the petition. Any questions regarding whether or not a petition is deficient will be referred to the Chairperson of Board 1. If the petition is returned and is still deficient, the case will be scheduled. If the petition is not returned, the Board will decide whether to dismiss or schedule the case.

**WITHDRAWALS** Upon receiving a written request from the petitioner to withdraw a case, the board will dismiss the petition, stating the cause as withdrawn upon petitioner's request.

### SECTION III - WORK PRACTICES OF THE BOARD

**OFFICE HOURS** Generally, the business hours of the board of equalization will be set after discussion at its first meeting of the session. Board members are asked to work full days, somewhere between 8:30 a.m. to 4:00 p.m., when they serve. Other starting and ending times can be set as the board sees fit. Generally, the number of petitions filed determines the number of days worked, the number of boards called into session and the length of the work day. Board members are discouraged from working beyond 4:30 p.m. as staff leaves at that time and security devices become activated in the evening which make it difficult to exit the building without a risk of tripping an alarm.

**DECORUM** As agents of the county, members of the board of equalization are expected to maintain standards of appearance, manner and language that are in accord with those required of county employees.

**BUILDING SECURITY SYSTEM** County staff hours are from 8:00 a.m. to 4:30 p.m. During this period, anyone can enter or leave the building through any of its doors. If board members plan to stay beyond 4:30 p.m., they must make certain that any items they wish to take with them, e.g. coats, keys, umbrellas, purses, are not left in the central office. Those doors are locked at

4:30 p.m.. Board members who plan to stay late should speak to the staff about how to leave the building once security systems are in place. For obvious reasons, the security measures are not described here.

**MAIL BOXES** Each Board member is assigned a mail box which is located at the west end of the central office. Check for materials on a regular basis at least two or three times a day. Items meant to be routed to other members will pile up otherwise and slow up decisions and record keeping.

**ROUTING HOLDS FOR A & T** UNDER NO CIRCUMSTANCES SHOULD ANY BOARD MEMBER ROUTE MATERIALS TO THE DIVISION WITHOUT GOING THROUGH THE CLERK OF THE BOARD OF EQUALIZATION. Doing so will increase the possibility that a file will be lost. Completed routing forms should be attached to the petition in question and given to the clerk. He/She will send the file to A & T and keep a record of its progress.

When the file is returned it will be routed to the appropriate members. They are to read A & T's comments and note their decision on the routing form and pass the material on to the next board member noted. When the decision of each board member is obtained, the chair of the affected board enters the majority decision into the record.

**FILES** At the end of each day the files assigned to each board are returned to the clerk. They should be in numerical order. The only exceptions to this procedure are those files which are to be sent to Assessment and Taxation. They are separated from the batch and are given to the clerk with their routing forms attached.

**DUPLICATING MATERIALS** There are no facilities to assist the public in duplicating material. Instructions to the petitioners indicate as much and they are advised that anything entered into the record cannot be returned. If petitioners want copies of their records, they must make their own arrangements in advance.

#### SECTION IV - DUTIES OF THE CHAIRS

**DUTIES OF THE CHAIR OF BOARD I** The chair of board I conducts the general meetings of the board which may include members of boards I, II and/or III. He/She works with staff to see that any new information is shared among the boards and that there is reasonable uniformity in the way boards perform and evaluate appeals. Board staff is not under the supervision of the chair of board I but he/she may expect to be consulted with regard to schedules and any difficulties that may impede the flow of work. Staff will bring issues impacting petitioners to the attention of the chair of board I and to the chairs of Board II and III when appropriate or if directed to do so by the chair of board I.

In the course of a session, numerous issues may arise. For example, a petitioner may request a rehearing, or a citizen may file a complaint, or there may be a dispute among board members. The chair of board I is charged with the responsibility for keeping the work of boards running smoothly and should act in concert with the whole or with individuals to resolve problems.

To facilitate this work, the chair of board I shall call meetings he/she deems necessary. For

example, after a week or two of service, new board members may welcome an opportunity to raise questions about their experiences. Or, it can happen that during a session, individual boards may begin to drift in their practices. When this happens the chair of board I must resolve the discrepancies so that equity is preserved for the petitioners. Common points of departure are on how to weigh the merits of professional appraisals or on what method to use in calculating the cap rate.

In setting these internal regulations and policies the chair of board I should, as much as possible, strive for a consensus among the members. Failing that, he/she shall operate by majority rule, unless there is some conflicting County policy or a legal impediment.

The chair of board I is responsible for the morale of the members. He/She will meet with members who are excessively tardy, frequently absent or too often leave the work place early as such conduct places an undue burden upon others and may cause resentment. Questionable conduct of any kind shall come under the purview of the chair of board I. If the problem is one which cannot be resolved or has legal implications, the chair of board I should bring the matter to the attention of the Chair of the Multnomah County Board of Commissioners or the Commissioner assigned as liaison.

Requests for assistance from any county division other than that provided by Assessment and Taxation, county counsel for example, are to be channeled through the chair of board I. Following this procedure avoids duplication of effort.

**DUTIES OF THE CHAIRS OF BOARD II and III** The chair of each board is responsible for the conduct of its sessions, for recording board decisions when necessary and communicating information which he/she receives to fellow board members. The chair of each board is also responsible for working with the clerk assigned to his/her board to make sure that records are complete and that they reflect the reasons for the board's decisions. The chair should work with the clerk to make sure that he/she understands the board's expectations and to acquaint him/her with how the board conducts its business.

The chair of each board shall be responsible for returning the files to the clerk at the end of each work day and shall ensure that they are in numerical order or properly tagged for routing to Assessment and Taxation.

The chair of each board shall be responsible for taking the computer terminals off line at the end of each working day or shall direct that it be done.

The chair of each board is responsible for the smooth conduct of business. Problems or questions which arise which go beyond the scope of the individual board's routine should be brought to the attention of the chair of board I.

## SECTION V - CONDUCTING HEARINGS

**HEARINGS** Hearing should be conducted in a manner that gives the petitioner sufficient time to present their appeal. The chair should call the petitioner's name and read the petition number aloud. The petitioner is then asked to give his/her name and address for the record. The address

requested is the mailing address where the board's decision is to be sent, not the address of the subject property under appeal, though most often these will be the same. Next the chair will announce the value set by the assessor and the requested value of the petitioner. If the property in question is a rental, the chair will indicate the amount of income the property generates per month. Then, the chair will ask the petitioner to tell the board why he/she feels the value should be reduced and marks the petition number on any exhibits that the petitioner provides which are not already in the file. The chair makes clear to the petitioner that no documents submitted with the appeal may be returned.

After the petitioner has stated his/her reasons for wishing a change in the valuation of the subject property, the board members may ask questions to clarify the testimony. After all questions are answered, the chair puts the petition filed in order with all the exhibits and gives it to the clerk or the member of the board who is keeping the files in numerical order. The chair thanks the petitioner for his/her presentation and tells him/her when the board expects to make its deliberation on the petition and invites the petitioner to return to hear the discussion. The chair advises the petitioner that during the deliberations, no further testimony is taken.

Regardless of whether or not the petitioner wishes to return to hear the deliberations, the chair tells the petitioner that he/she will be notified of the board's decision by certified mail. The chair apprises the petitioner of his/her right to appeal the board's decision and gives instructions on how to obtain written information that tells him/her how to make that appeal.

#### SAMPLE DIALOGUE

CHAIR: Petition # 37452 is before us. The subject property is at 216 NW Feathersone. The assessor has the property valued at \$23,000. The petitioner requests that the value be set at \$20,500. Subject property is a duplex, with rental income per unit of \$150 per month. The property was built in 1940. It is a class 3. Each unit consists of one bedroom and one bath. Will the petitioner please give his/her name and mailing address for the record and tell us why he/she feels the value of the property should be set at \$20,500. Please try to hold your comments within the time frame allowed so that others waiting will not be unduly delayed.

PETITIONER: My name is Mrs. Danby.....

CHAIR: (After Mrs. Danby's testimony) Mrs. Danby has stated her reasons for her appeal. Do the members of the board have any questions to ask of her?  
(questions and answers by the board members and petitioner.)

CHAIR: Thank you Mrs. Danby for your presentation. The board will be making decisions this afternoon between 1 and 4 p.m. You are welcome to hear the deliberations which will begin at 1 p.m. this afternoon. However, you will not be allowed to enter any further testimony at that time. If you do not plan to return this afternoon, our decision will be mailed to you by certified mail in approximately 4 weeks. If you are dissatisfied with the board's decision, you may appeal to the Department of Revenue. The instructions for how to file are on the blue sheets that are on the chair by the door. Please be sure to take one before you leave.

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The suggested dialogue is not meant to be a rigid format but suggests that an ordered hearing ensures that pertinent data will be entered into the record and that everyone has an opportunity to be heard. If there are several petitioners in the room, the chair need not slavishly repeat the

information of general interest to each petitioner, but he/she should keep an eye on the flow of traffic so that, when there are a significant number of new people present, instructions may be given again.

To make everyone comfortable with the process, each board should sit down before the session begins and talk about how they would like to operate. Do the members want to take formal breaks? (Clerks must be given break periods, but members are not required to do so.) How is the information to be shared during the hearing? (Some members feel a need to look at the characteristic card during the testimony.) With these preferences ascertained, the work of the board tends to run smoothly.

**TIME LIMITATIONS** The amount of time dedicated to an individual hearing is driven by the number of petitions filed. Hearings scheduled at five minute intervals tends to be the norm. Usually, questions asked by board members are not considered to be within the five minute limit, but again, that varies depending upon the press of work. In principal, however, the five minute interval was set to assure the petitioner that he/she had an uninterrupted time to make his/her appeal. The chair of each board should discourage too many interruptions while the petitioner is testifying as this practice is apt to leave people with the feeling that their testimony has been cut short. After all, there is a reason why these sessions are called HEARINGS. It is the public's time to address their government.

Besides curbing interruptions, the chair of each board should help members resist the urge to educate. Sometimes, this is very hard to do, particularly when a petitioner is ill prepared or bases his/her appeal upon assessments rather than sales. Nonetheless, the board of equalization is charged with making decisions based upon information provided by the petitioner and the division of Assessment and Taxation. Board members are not charged with making the case for either party. Too much time spent trying to educate a petitioner will delay the proceedings and cause other members of the public to wait, many of whom have jobs to which they must return. In any case too much instruction invites misinterpretation and may give the petitioner a feeling that he/she is being patronized.

Hopefully, the county will continue its outreach efforts to inform the public on how to make successful appeals; but that role is no more the charge of the board of equalization than it is for a judge to instruct defendants on how to plead their cases.

Again, these comments are only guidelines. Members of the board must use their judgment on how much or how little help they have time to give. The caveat being stressed here is that members wishing to provide help must do so: 1) without undue interruption of the petitioner's testimony; 2) with a sensitivity to how the information is delivered and received, and 3) with one eye on the clock.

**USE OF MATERIALS** The amount of information made available through the division of Assessment and Taxation is prodigious. There are computer programs, sales books, trend charts etc. In the name of good public relations avoid referring to these while the petitioner is speaking. He/She may find the experience is disconcerting and rather like trying to get the attention of a doctor who is absorbed in peering at a set of x-rays. One isn't sure how much is being heard and worse one hasn't the foggiest notion of what those mysterious documents mean!

**MAKING THE DECISIONS** Any petitioner who returns to hear the board make its decision on his/her appeal should be accommodated. The petition should be taken out of sequence, if necessary, and reviewed in the petitioner's presence. Not to do so denies the petitioner his/her rights and creates a quagmire for the clerk of the board. If the petition is not heard on the day assigned, the clerk must notify the petitioner in writing of the new time set for its review.

On the plus side, letting petitioners hear how the value is determined is probably an instructive tool and may help them make better appeals in the future.

## SECTION VI - RELATIONSHIP OF THE BOARD OF EQUALIZATION TO COUNTY OPERATIONS

**RELATIONSHIP OF BOARD OF EQUALIZATION TO THE DIVISION OF ASSESSMENT AND TAXATION** Assessment and Taxation provides clerical support to the Board of Equalization. This includes telephone support, scheduling meetings and processing decisions made by the board. Appraisers and appraisal supervisors are also available for consultation. However, it must be emphasized that the Board of Equalization, a citizen's board, is independent from the county operations.

**RELATIONSHIP OF BOARD OF EQUALIZATION TO THE BOARD OF COUNTY COMMISSIONERS** The members of the Board of Equalization are appointed by the Multnomah County Board of Commissioners (ORS 309.010 [2]). The members of the Board of Equalization represent the County in matters of property appeals and their interaction with the public reflects upon Multnomah County. Appointees who are unable or unwilling to serve may be replaced "in the manner of the original appointment" (ORS 309.020[4]). As stated, the statutes grant limited authority over the Boards of Equalization to counties. General supervisory and training authority over Boards of Equalization is vested in the State Department of Revenue. If a member of the board fails to perform reasonably, the Board of County Commissioners will schedule a hearing for replacement of the appointee upon providing notice of the pending hearing (ORS 306.220). An exercise of independent judgment is not such a failure to perform reasonably. After hearing the facts, the Board of County Commissioners would adopt a resolution and order reciting the decision and the grounds for the decision.

## SECTION VII - MISCELLANEOUS INFORMATION

**PARKING** Off-street parking is provided for members of the Board of Equalization. A map indicating where members may park appears in the appendix of this booklet. Street parking is discouraged because: 1) spaces are limited and the county wishes to be cooperative with its neighbors. 2) Petitioners need the access. 3) The one and two hour parking restrictions are vigorously enforced by the City of Portland. Using the assigned parking spaces on the county property means that members of the Board of Equalization will avoid getting costly tickets.

**INCLEMENT WEATHER** On days which are icy and snowy, members of the board should listen to their radios to determine if the county will be open for business. If the county offices are

closed, a member should stay home even if he/she feels able to reach the building, because no staff will be present . On other occasions when the weather is poor, but the county is open, the board is free to set its own policy, depending on whether or not a quorum can be gathered. To facilitate this decisions, the Chair of Board I should set up a phone tree which will allow him/her to determine who shall be in attendance on any given snow day. Once the decision is made, the Chair of Board I SHALL NOTIFY THE CLERK OF THE BOARD OF EQUALIZATION THAT A QUORUM HAS OR HAS NOT BEEN ACHIEVED.

**LUNCH** There are few restaurants within easy walking distance from the Morrison Building. Board members, therefore, are encouraged to bring their lunches and to share the lunchroom used by the staff of the various divisions housed in the Morrison Building. Members who choose to do so should remember that they are guests of the permanent employees. Any baked goods or birthday cakes are meant for the members of a particular division, and not necessarily for everyone who eats in the lunchroom. Please do not take any of these treats unless specifically invited to do so, or unless there is a sign which says anyone may share.

There is a refrigerator in the lunchroom where sack lunches may be stored. Coffee will be provided on a donation basis and available throughout the session.

**PAYROLL/PER DIEM/ TIME SHEETS** Members of the Board of Equalization will receive their compensation on a monthly basis, and sometime around the 10th of the month. At that time, members will also receive a computer-driven calendar of the days worked. Members should check their calendars to determine whether or not they have been fully compensated. Members are paid in four-hour increments.

## SECTION VIII - HOW TO READ A CHARACTERISTIC CARD

The following pages give a summary of the codes shown on the characteristic card. It is intended to be a quick reference. Detailed information can be found in the "Residential Characteristics Manual" which can be obtained from the clerk of the board. Many codes appear on the back of the characteristic card as well.

The sequence of presentation follows the format of the manual, and page references where more detail can be found appear in the parentheses.



SALES DATA				
PRICE	DATE	TYPE	REASON	BOOK/PAGE
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-

WINDOW IV

SALES DATA shows the 4 most recent recorded ownership transfers.

- (101) STR CLASS:
- (102) STR TYPE:
- (103) ARCH STYLE:
- (190) APPR STATUS:
- (110) APPR DIST:
- (111) NEIGH CODE:
- (112) MAP NBR:
- (113) ZONING:
- (114) RATIO CODE:
- (115) USE CODE:
- LEVY CODE:

WINDOW V

STR Class [101] numbers 1 through 8 to identify structure's overall quality of construction. 1 is lowest, 8 is highest.

STR TYPE [102] deals with number of stories, presence or absence of basement, attic and identification of whether these are finished or unfinished. A = one story, B= 1 story with basement, C = 1 story with finished attic, etc. (14)

ARCH STYLE [103] (See Addendum 12) W = bungalow, A = cape cod, c = colonial, n= contemporary, b = daylight basement, etc.

APPR STATUS [field 190] codes for appraisal status are as follows:

- K accounts that do not fall into any of the remaining categories.
- C account appraised by the State Dept. of Revenue.
- D Assigned when new plats are being created and for divisions, consolidations or taxable status changes.
- F frozen values, cannot be trended e.g. historical properties.
- G frozen values that can be trended e.g. residential rehab status.
- H canceled accounts with unpaid taxes.
- N accounts to which no value is being assessed. (5)
- O Open space deferral account.
- P account to be reviewed because of changes being made to property.(5)
- U unbuildable land.

APPRAISAL DISTRICT [field 110] the number of the appraisal district in which property is found: 1, 2, 3, etc.

NEIGH CODE [field 111] neighborhood number: 010 through 999).

ZONING [113] refer to proper zoning authorities for current information.

RATIO CODE [field 114]

- 1 = residential
- 2 = commercial
- 3 = industrial
- 4 = tract & nondeferred farm
- 7 = multifamily zoning

For more codes and greater detail see addendum F12 of the Manual. USE CODE [field 115]:

- A vacant land
- B residential improvements other than condos or attached housing.
- W condominium
- x attached housing

LEVY CODE data from roll file.

LAND DATA	
(001) SIZE	(013) VIEW UTILITY
(002) ROAD TYPE	E,G,A,P:
D,G,P,S:	(014) VIEW SUBJECT
(003) ROAD COND	C,M,V,W,I,A:
A,B:	(015) UG UTIL
(004) CUL DE SAC	(016) SEWER STORM
(005) CORNER	(017) SEWER SANIT
(006) ALLEY	X,P,G,S:
(007) PARKWAY	(018) WATER
(008) TRAFFIC LEV	SITES
L,M,H:	(019) NBR VACANT
(009) CURB	(020) NBR W/IMPS
(010) SIDEWALK	
(011) VIEW FACTOR	(021) OSD
(012) VIEW ANGLE	-.0,+V.56729:
E,G,A,P:	

### WINDOW VI

LAND SIZE entered in three ways:

- X site is perfect rectangle.
- S square footage
- A acreage

\*NOTE: An X beside any field number in this window indicates the presence of the feature. For a detailed explanation of the letter codes see (810). A few of the less obvious codes are listed here.

ROAD TYPE (d) dirt, (g) gravel, (p) paved, (s) stripped (no curbs or sidewalks)

ROAD CONDITION (a) average, (b) bad

TRAFFIC LEVEL (l) light, (m) medium, (h) high

VIEW FACTOR [011] 1 being lowest, 9 being highest, blank if there is no view.

VIEW ANGLE [012] reflects degree of view i.e. 90, 180 etc.

VIEW UTILITY [013] reflects how well the building is placed to maximize the view.

VIEW SUBJECT [014] city (C), mountain (M), valley (V), water, (W), UG [015] under ground utility

SEWER STORM [016] marked with an X if it exists

SEWER SANIT [017] marked with X if it exists (other letters, P,G,S no longer used.) industrial (I), airport (A).

SITES - Nbr vacant [field 019] number of building sites possible if land were vacant and available to be developed to its highest and best use.

NBR W/Imps [020] number of existing dwellings, plus number of additional building sites available.

OSD [021] entry number 1 through 9 relates to on-site development costs analysis in Nbrhood land study when the site is improved with a dwelling. OSD costs include water and sewer connections fees, site preparation, landscaping and other costs related to making site buildable. (78)

```

-----
GEN LAND ADJUST
200
201
202
203
204
205
206
207
208
209
-----

```

WINDOW VII

GEN LAND ADJUST [200 THROUGH 209] Alphabet entries A THROUGH Z. (See addendum H of Manual). These adjustments are supported by land value analyses contained in Neighborhood Land study. (11)

```

-----
GENERATED LAND VALUE
(524) YR VALUE
-----

```

WINDOW VIII

GENERATED LAND VALUES [field 524] an entry made of the last two numbers of the current appraisal year ONLY when a new record is being created together with computer processing. (Of no interest to board members). (11)

```

-----
APPRAISER LAND VALUE
(027) YEAR
(022) VALUE
(024) NON TAX
-----

```

WINDOW IX

APPRAISER LAND VALUE [fields 027,022,024] tax year, dollar entries for value and non tax. These fields are used when there is a message in the Addition Name section [Window II] that property is less than 100% taxable. (11)

```

-----
LAND APPRAISER (030) DATE
(031) ID (032) REV NBR
-----

```

WINDOW X

LAND APPRAISER has the following fields:

- Date [030] date property was physically appraised.
- ID [031] appraiser's identification number.
- REV NBR [032] supervisor's i.d. number. (12)

(528) VALUE SELECT IMPS:  
 (529) VALUE SELECT LAND:

WINDOW XI

VALUE SELECT IMPS [528]/ VALUE SELECT LAND [529] Computer processing information for the appraisers. (13)

20:10:30.9 662  
 BATCH NUMBER: K321

IMPROVEMENTS BY LEVEL					
LEVEL	(300)	(301)	(302)	(303)	(304)
CLASS	(305)	(306)	(307)	(308)	(309)
FIN SQFT	(310)	(311)	(312)	(313)	(314)
UNF SQFT	(315)	(316)	(317)	(318)	(319)
BATHROOM	(320)	(321)	(322)	(323)	(324)
PART BATH	(325)	(326)	(327)	(328)	(329)
BEDROOM	(330)	(331)	(332)	(333)	(334)
REC HALL	(335)	(336)	(337)	(338)	(339)
SER HALL	(340)	(341)	(342)	(343)	(344)
OTH HALL	(345)	(346)	(347)	(348)	(349)
DEN	(350)	(351)	(352)	(353)	(354)
LIVING	(355)	(356)	(357)	(358)	(359)
DINING	(360)	(361)	(362)	(363)	(364)
KITCHEN	(365)	(366)	(367)	(368)	(369)
NOOK	(370)	(371)	(372)	(373)	(374)
UTILITY	(375)	(376)	(377)	(378)	(379)
FAMILY RM	(380)	(381)	(382)	(383)	(384)
OTHER RM	(385)	(386)	(387)	(388)	(389)

1  
2  
1

WINDOW XII

IMPROVEMENTS BY LEVEL [FIELDS 300 THROUGH 304]:  
 F= FIRST FLOOR, S = SECOND FLOOR, ETC. A= ATTIC, B= BASEMENT.  
 CLASS quality of finished area. (15)

FOUNDATION %		
125		
126		
127		
ROOF COVER %		
128		
129		
130		
ROOF TYPE		
131		
132		
133		
EXTERIOR %		
134		
135		
136		
137		
138		
INTERIOR FLOOR		
139		
140		
141		
142		
143		
144		
INTERIOR WALLS		
145		
146		
147		
FIREPLACE #		
148		
149		
150		

WINDOW XIII

[Fields 125127] self explanatory (16)

```

      PLUMBING #
151
152
153
154
155
156
157
158
159
160
161
162

      FUEL TYPE
163

      HEAT SQ FT
164

      HEAT SYSTEM FNC
165
166
167
168
169

      APPLIANCE #
170
171
172
173
174
175
176

```

WINDOW XIV

[Fields 151 through 163] self explanatory  
 [Fields 165-169] these fields deal with heating systems:  
     A= auxiliary, B = backup, P= primary.  
 [Fields 170-176] self explanatory.(17)

```

      GARAGE
(116) CLASS
(117) TYPE
      A, D, B, C:
(118) FLOOR
      C, O, D:
(119) NBR CAR
(120) SQFT

REMODELING EST YR
(121) BATH
(122) KITCHEN
(123) OTHER
-----

```

WINDOW XV

Garage [Field 116] numerical value, like house.  
 TYPE [117] a = attached, d = detached, b = basement, c = community. FLOOR [Field 118] C = concrete, o = other, d = dirt.  
 NBR CAR [Field 119] number of cars that can be accommodated plus (any other garages listed in Miscellaneous Improvements section. SQ. FT self explanatory).(18)  
 REMODELING EST YR. year remodeled indicated, and type of remodeling, e.g. bathroom, basement etc. (18)

	REPLACEMENT COST	ADJ	AMOUNT
	TYPE		
(500)	FOUNDATION		
(501)	LEVEL X		
(502)	LEVEL X		
(503)	LEVEL X		
(504)	LEVEL X		
(505)	LEVEL X		
(506)	ROOF		
(507)	EXTERIOR		
(508)	INTERIOR		
(509)	PLUMBING		
(510)	HEAT/COOL		
(511)	APPLIANCE		
(512)	FIREPLACE	X	
(513)	GARAGE	X	
TOTAL IMPS			
(514)	YR BUILT		
(515)	EFF AGE		
(516)	FUNC-E,G,A,F,P:		
(517)	ECON-E,G,A,F,P:		
(518)	COND-E,G,A,F,P:		
REMAIN GOOD %			
(519)	ADJUST RG %		
	NET RG %		
DEPR IMPS			
MISC IMPS			
TOTAL IMPS			

### WINDOW XVI

REPLACEMENT COST this section applies to replacement cost of new structure. It does not reflect deferred maintenance. Most of the fields in this window are self explanatory. One exception is field 515, Effective Age.

EFFECTIVE AGE [515] a numerical entry based upon benchmark analysis conducted for the neighborhood in which the improvements are located.

REMAIN GOOD % is derived after factoring in depreciation and other data. It indicates what percentage of the structure is in good condition as compared to benchmark houses in the area.

RG percentages can be modified for functional and economic causes as well as condition.

E= excellent (and so an upward adjustment is made, G = good (upward adjustment), A = average (no adjustment), F = fair (downward adjustment, P = poor (downward adjustment).

Any entries will cause an upward or downward modification of the RG % and will be displayed in the NET RG % field. [519].

DEPR IMPS [519] depreciated replacement cost based on ratings.(20).

MISC IMPROVEMENTS						
TYPE	QUANTITY	CLASS	RG	COST		
(800)	(801)	(802)	(803)			
(804)	(805)	(806)	(807)			
(808)	(809)	(810)	(811)			
(812)	(813)	(814)	(815)			
(816)	(817)	(818)	(819)			
(820)	(821)	(822)	(823)			
(824)	(825)	(826)	(827)			
(828)	(829)	(830)	(831)			
(832)	(833)	(834)	(835)			
(836)	(837)	(838)	(839)			
(840)	(841)	(842)	(843)			
(844)	(845)	(846)	(847)			
(848)	(849)	(850)	(851)			
(852)	(853)	(854)	(855)			
(856)	(857)	(858)	(859)			

### WINDOW XVII

MISC. IMPROVEMENTS [800859] various entries used to arrive at value of total improvements. (2021)

-----  
APPRAISER IMPS VALUE  
(195) YEAR  
(178) VALUE  
(179) NON TAX

### WINDOW XVIII

APPRAISER IMPS VALUE This section is used when there is a message in the Addition Name section that the property is less than 100% taxable, and when the appraiser elects to override the computer generated improvements value. (2122).

-----  
IMPS APPRAISER (180) DATE  
(181) ID (182) REV NBR (194) INSIDE INSP

### WINDOW XIX

IMPS APPRAISER In the case of unimproved accounts, this data shows the appraiser has checked the record for accuracy.

DATE [field 180] date of physical inspection.

ID [field 181] appraiser's identification number.

REV NBR [182] supervisor's ID number.

INSIDE INSP [field 194] N = no inside inspection, R = received information at the door or by phone, Y = inside inspection. (22 23)

## GLOSSARY OF TERMS

**ACCRUED DEPRECIATION** the difference between an improvement's reproduction or replacement cost and its market value as of the date of the appraisal.

**APPROACHES TO VALUE** the appraisal methods used in estimating property value. The three methods or approaches commonly used in appraising real estate are:

1) **COST APPROACH:**

A set of procedures in which an appraiser derives a value indication by estimating the current cost to reproduce or replace the existing structure, deducting for all accrued depreciation in the property and adding the estimated land value.

2) **SALES COMPARISON APPROACH:**

A set of procedures in which an appraiser derives a value indication by comparing the property being appraised to similar properties that have been sold recently, applying appropriate units of comparison and making adjustments based on the elements of comparison to the sale prices of the comparables.

3) **INCOME CAPITALIZATION APPROACH:**

A set of procedures in which an appraiser derives a value indication for income producing property by converting anticipated benefits into property value. This conversion is accomplished either by 1) capitalizing a single year's income expectancy or an annual average of several years' income expectancies at a market derived capitalization rate or a capitalization rate that reflects a specified income pattern, return on investment and change in the value of the investment; or 2) discounting the annual cash flows for the holding period and the reversion at a specified yield rate.

**ARMS LENGTH TRANSACTION** a transaction arrived at in the open market by unrelated parties under no duress.

**A&T** shorthand for the Division of Assessment and Taxation.

**BOE** Board of Equalization

**BORR** Board of Ratio Review

**BUILDABLE LOT** a lot that meets the land use and zoning criteria for placing specific types of improvements on it.

**COMPARABLES (Comps.)** A shortened term for competitive property sales, rentals or operating expenses used for comparison in the valuation process.

**DEPRECIATION** the reduction of value of a tangible asset from its original cost arising from wear. (Assets depreciate at different rates. The Oregon Department of Revenue provides depreciation schedules in order to calculate assessed value.)

**DIRECT CAPITALIZATION** the capitalization method used to convert an estimate of a single year's income expectancy or an annual average of several year's income expectancies into an indication of value in one step, either by dividing the income estimate by an appropriate rate (OAR) or by multiplying the income estimate by an appropriate factor. (GIM)

**DOR** Department of Revenue of Oregon

**ESCHEAT** the government right that gives the state titular ownership of a property when its owner dies with a will or any ascertainable heirs.

**EXCESS LAND** a parcel of land too small to build on.

**FEE SIMPLE ESTATE** Absolute ownership unencumbered by any other interest or estate; subject only to limitations of eminent domain, escheat, police power and taxation.

**GROSS RENT MULTIPLE** a number that when multiplied by gross annual rent of a small apartment complex, 5 to 20 units, approximates market value. Rentals of 4 units or less are valued by comparing them with single family units. For apartments with more than 20 units, the capitalization of net income is a better measure.

**IMPROVEMENTS** structures and machinery and equipment that are parts of or imbedded in structures considered to be real property. (Machinery and equipment that can be easily removed without being destroyed are classed as personal property.

**ISD** Information Services Division of Multnomah County i.e. the data processing or computer center.

**LOCAL COST MODIFIER (LCM)** a city or neighborhood specific factor used to adjust cost estimates from state or national cost manuals to the reappraisal neighborhood.

**MARKET ANALYSIS** an estimate of market value, using sales prices and judgment

**MARKET RELATED COST APPROACH** A traditional cost approach that is influenced significantly by market elements such as LCM, market determined on sight development and market depreciation.

**OBSOLESCENCE** the decrease in value of an asset due to changes in style or design or the introduction of superior substitutes.

**PERSONAL PROPERTY** Any property other than real property. In Oregon only tangible business property is subject to taxation with inventories (raw materials, goods in process and finished goods for sale) exempt.

**PHYSICAL APPRAISAL** an on site inspection and the comparing of the subject with recent sales of comparables.

**RAW LAND** land that has not been subdivided and without site specific infrastructure, e.g., sidewalks and dedicated streets.

**REAL ESTATE** Physical land and appurtenances affixed to the land; e.g., structures.

**REAL MARKET VALUE (RMV)** The minimum amount in cash which could reasonably be expected by an informed seller acting without compulsion from an informed buyer acting without compulsion in an arm's length transaction during the fiscal year. (ORS 308.205(2)) without subparagraphs (a) through (d).

**REAL PROPERTY** All interests, benefits and rights inherent in the ownership of physical real estate.

**REAPPRAISAL** The mass appraisal of a given neighborhood or property type using the "standard methods and procedures" adopted by the Dept. of Revenue.

**SALES RATIO** The number derived by dividing the assessed value by the selling price; used as a measure of the relationship between an assessment and market value.

**SALES RATIO ANALYSIS** A study of the relationship between assessed values, sales prices and the deviation that results from differences between the two; used to determine the efficiency and fairness of assessment in a particular jurisdiction.

**TRENDING** In years for which a physical appraisal is not made, the county assessor divides the sum of the sales prices of recent properties that were market sales by the sum of the assessed values for the same properties. This establishes the ratio of sales prices to assessed value. Thus, if sales are 110 percent of assessed value, assessed values are all increased (trended) by 10 percent.

**UNIFORMITY** In assessment, denotes assessed values that bear the same relationship to market value or another value standard, as all other assessments in the tax district, implies equalization of the tax burden.

## APPENDIX



## Appendix A

244.040 Code of Ethics. The following actions are prohibited regardless of whether

potential conflicts of interest are announced or disclosed pursuant to ORS 244.120:

(1) No public official shall use official position or office to obtain financial gain for the public official, other than official salary, honoraria or reimbursement of expenses, or for any member of the household of the public official, or for any business with which the public official or a member of the household of the public official is associated.

(2) No public official or candidate for office or a member of the household of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$100 from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has or the candidate if elected would have any official position or over which the official exercises or the candidate if elected would exercise any authority.

(3) No legislative official, statewide official or candidate therefor shall receive or solicit a campaign contribution to the official or candidate or the official's or candidate's principal campaign committee or solicit a campaign expenditure in support of the official or candidate, from any person or political committee during the period beginning January 1st immediately preceding a regular biennial session of the Legislative Assembly and ending upon adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(4) The Governor, Governor-elect or a candidate for Governor shall not receive or solicit a campaign contribution to the Governor or candidate for Governor or the Governor's or candidate's principal campaign committee or solicit a campaign expenditure in support of the Governor or candidate for Governor, from any person or political committee during the period beginning January 1st immediately preceding a regular biennial session of the Legislative Assembly and ending 30 days following adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(5) No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby.

(6) No public official shall further the personal gain of the public official through

## Appendix B

305.820 Date when writing or remittance deemed received by tax officials. (1) Any writing or remittance required by law to be filed with or made to the Department of Revenue, county board of equalization, county assessor or tax collector (designated in this section as the "addressee") which is:

(a) Transmitted through the United States mail, shall be deemed filed or received on the date shown by the post-office cancellation mark stamped upon the envelope containing it, or on the date it was mailed if proof satisfactory to the addressee establishes that the actual mailing occurred on an earlier date.

(b) Lost in transmission through the United States mail, shall be deemed filed and received on the date it was mailed if the sender:

(A) Can establish by competent evidence satisfactory to the addressee that the writing or remittance was deposited on or before the date due for filing in the United States mail and addressed correctly to the addressee; and

(B) Files with the addressee a duplicate of the lost writing or remittance within 30 days after written notification is given by the addressee of its failure to receive such writing or remittance.

(2) Whenever any writing or remittance is required by law to be filed or made on a day which falls on a Saturday, or on a Sunday or any legal holiday, the time specified shall be extended to include the next business day.

(3) As used in this section, "writing or remittance" includes, but is not limited to, "report," "tax return," "claim for credit," "claim for refund," "statement," "notice of appeal," "petition for review," "notice of election," "documentary proof," a claim for exemption, a claim for deferral, a return of property, a claim for cancellation of an assessment, an application for a special assessment, and remittances. [Formerly 306.440; 1965 c.344 §27]

COUNTY BOARDS OF EQUALIZATION  
(General Provisions)

309.020 Board of equalization; members; qualifications; term of office; replacement; alternates; participation in determinations. (1) Except as provided by subsections (5) and (6) of this section and ORS 309.021, the board of equalization of each county shall consist of those members of the county board of ratio review appointed under ORS 309.010 (1)(a) and (d).

(2) The term of each member of a county board of equalization shall begin the January 1 next following appointment. The term of each member of the board of equalization shall end on June 30 or when a successor is appointed.

(3) The member of the board appointed by the county governing body shall, if present, be chairperson of the board. Two members shall constitute a quorum.

(4) In the event of the inability or unwillingness of any member to serve, such indisposition continuing for more than seven consecutive days, the member shall be replaced in the manner of an original appointment.

(5) In any county, the county governing body may appoint one nonoffice-holding county resident to serve on the board instead of appointing a member of the county governing body.

(6)(a) In any county, one person may be appointed by the county governing body to sit as an alternate for any member of the board. Notwithstanding that a person is appointed to sit as an alternate for a particular board member, after appointment, the person may sit as an alternate for any member of the board.

(b) An alternate may sit as a member of the board when necessary to achieve a quorum as provided in this section.

(c) A member of the board or an alternate shall not participate in the determination of a petition after the hearing if the board member or alternate did not hear and consider, as a member of the board, the evidence presented at the hearing. (Amended by 1953 c.714 §3; 1955 c.709 §1; 1957 c.326 §1; 1967 c.142 §1;

1971 c.363 §1; 1973 c.61 §3; 1973 c.372 §1; 1979 c.725 §1; 1985 c.318 §2; 1989 c.330 §2; 1991 c.459 §186]

Note: Section 187, chapter 459, Oregon Laws 1991, provides:

Note: Sec. 187. Board members for 1991-1992; alternates; replacements. Notwithstanding ORS 309.020, as amended by section 186 of this Act, for the 1991-1992 tax year only, the members of the board of equalization shall be those persons first appointed to serve on the board of equalization as of January 1, 1991, including any alternates. If any member is unable or unwilling to serve on the board of equalization, the member shall be replaced in the same manner as provided for the original appointment. [1991 c.459 §187]

**309.021 Additional members; appointment; qualifications; functions; alternates.** (1)(a) If the chairperson of the board of equalization determines that the number of petitions filed with the board under ORS 309.100 can reasonably be expected to make it difficult for the board to complete its work within the time prescribed under ORS 309.026, the governing body of the county, at the request of the chairperson, may appoint three additional board members to sit as board Number II and to hear and determine petitions filed with the board.

(b) If, even with the appointment of board Number II, the number of petitions can reasonably be expected to make it difficult for the board to complete its work within the time prescribed under ORS 309.026, the county governing body, at the request of the chairperson of the initial board, may appoint three members to sit as board Number III and to hear and determine petitions filed with the board.

(c) Appointment and selection under this section shall be made as provided in ORS 309.020 for appointment and selection of the initial board.

(d) The governing body of the county shall appoint the chairpersons of board Number II and Number III.

(2) If additional board members are appointed as described under subsection (1) of this section, the three board members appointed under ORS 309.020 shall sit as board Number I of the board in the hearing and determination of petitions filed with the board. A member of any board may sit on any other board when necessary to achieve a quorum as provided in ORS 309.020. A member of board Number II, or of board Number III, shall serve until the chairperson of board Number I determines that the function of the member is complete. Alternates may be appointed for the members of board Number II, or for the members of board Number III, in the same manner as alternates are appointed for members of board Number I under ORS 309.020, and may sit as members of the board in the hearing and determination of any petition, subject to the

limitations provided in ORS 309.020 applicable to board Number I alternates. After appointment, an alternate may sit for any member of any board when necessary to achieve a quorum.

(3) Except as specifically provided in this section, or except where the context requires otherwise, the provisions of this chapter relating to board members shall apply to the members of board Number II and to the members of board Number III, including but not limited to taking the oath of office under ORS 309.070 and the exercise of the same powers and duties as the other board members in the hearing and determination of petitions filed with the board and assigned to them by the chairperson of board Number I. [Formerly 309.045]

**309.022 Training; expenses; expense of appraiser assistance.** (1) Each member of the board of equalization or alternate who did not serve as a member of a board or alternate for the term immediately preceding shall attend in-service training school conducted by the Department of Revenue for the term of appointment. Each member of the board or alternate who did not attend in-service training school conducted by the department for the term immediately preceding shall attend in-service training school. The department shall conduct in-service training school for each term of appointment at multiple locations chosen by the department on the basis of accessibility to members of boards and alternates.

(2) Sufficient provision shall be made in the county budget for the reasonable expenses of the board, including a per diem allowance to the members of the board and alternates, a sum sufficient to defray the necessary traveling and living expenses of each member of the board and each alternate member of the board while attending an in-service training school conducted by the Department of Revenue as required under subsection (1) of this section and a sufficient amount to compensate the appraisers provided for under ORS 309.024. [1953 c.714 §3; 1955 c.709 §2; 1989 c.330 §3; 1991 c.459 §188]

**309.024 Record of proceedings; clerk; legal advisor; appraiser assistance.** The board of equalization shall keep a record of all proceedings. The county clerk, as described in ORS 306.005, shall serve as clerk of the board and the clerk or deputy clerk shall attend all sessions of the board. The district attorney shall be the legal advisor of the board and the district attorney or deputy district attorney may attend all sessions of the board. The board shall hire one or more appraisers registered under ORS 308.010, or licensed or certified under ORS 674.310, and not otherwise employed by the county, and

other necessary personnel for the purpose of aiding the board in carrying out its functions and duties under ORS 309.026. The boards of the various counties may make such reciprocal arrangements for the exchange of appraisers with other counties as will most effectively carry out the functions and duties of the boards. [1953 c.714 §3; 1955 c.709 §3; 1957 c.326 §2; 1971 c.377 §2; 1973 c.336 §1; 1981 c.804 §2; 1989 c.330 §16; 1991 c.5 §24; 1991 c.459 §189]

#### (Appeals of Value)

309.025 Notice of hearings on appeals of separate assessments of property; contents; publication; proof of notice; interested persons to appear. (1) Before the second Monday in January, the clerk of the board of equalization shall give public notice that the board will meet at a specified time and place to hear appeals for the reduction of the real market value or assessed value placed upon property by the assessor as of July 1.

(2)(a) The notice provided under this section shall be given by three weekly publications in a newspaper of general circulation in the county or, if there is no newspaper of general circulation, then by posting notices in six conspicuous places in the county.

(b) Proof of notice shall be made. If the notice is published in a newspaper, proof thereof shall be made by affidavit as provided by law, filed in the office of the county clerk on or before the day on which the board is to convene. If the notice is posted, proof of notice shall be made by the affidavit of the clerk of the board, setting out the time, manner and place of posting the notices, similarly filed in the office of the county clerk.

(3) Persons interested shall appear at the time and place appointed in the notice. [1991 c.459 §194a]

Note: 309.025 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 309 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

309.026 Sessions; hearing of petitions; adjournment. (1) The board of equalization shall convene on the second Monday in January of each year. The board shall meet at the courthouse or courthouse annex. If the meeting place is other than the courthouse or annex, notice of the meeting place shall be posted daily in the courthouse. The board shall continue its sessions from day to day, exclusive of legal holidays, until the functions provided in subsection (2) of this section are completed.

(2) The board shall, as by law provided:

(a) Hear petitions for reduction of the real market or assessed value of property as of July 1.

(b) Consider applications to excuse liability for the penalty imposed under ORS 308.295.

(3) The board shall adjourn no later than April 15. [1955 c.709 §4; 1957 c.326 §3; 1959 c.519 §3; 1971 c.377 §3; 1975 c.753 §3; 1979 c.241 §35; 1981 c.804 §3; 1983 s.s. c.5 §9; 1985 c.318 §3; 1989 c.330 §4; 1991 c.459 §190]

309.028 [1955 c.709 §6; 1959 c.519 §4; 1971 c.377 §4; 1975 c.753 §4; 1979 c.241 §36; 1981 c.804 §4; 1989 c.330 §5; 1991 c.459 §191; renumbered 309.014 in 1991]

309.030 [Amended by 1955 c.709 §9; renumbered 309.038]

309.032 [1955 c.709 §7; 1959 c.519 §5; 1973 c.402 §13; 1975 c.753 §7; 1979 c.241 §37; 1981 c.804 §5; 1983 s.s. c.5 §10; 1985 c.613 §11; 1989 c.330 §6; repealed by 1991 c.96 §13 and 1991 c.459 §208]

309.034 [1955 c.709 §8; repealed by 1971 c.377 §5 (309.035 enacted in lieu of 309.034)]

#### DEPARTMENT OF REVENUE RATIOS, RECOMMENDATIONS, ORDERS

309.035 Real market value standard; compliance; recommendations or orders by department; examination of ratio study; action if assessed value deviates from real market value. (1) On or before July 31 of each year, the Director of the Department of Revenue shall give specific written recommendations or orders to the county assessor as to the actions which, in the director's judgment, should be taken by the assessor in order to achieve compliance with the real market value standard required under ORS 308.232 in the forthcoming assessment roll. Copies shall be sent to the county governing body and county board of ratio review for their information. On or before August 15 following, the county assessor shall act upon the recommendations or orders of the director, or notify the department in writing, of any objections to the director's recommendations or orders.

(2) After July 1, but prior to September 1, the Director of the Department of Revenue shall examine the certified ratio study prepared by each county assessor under ORS 309.200 and studies prepared by the department, to determine if the value of all locally assessed taxable properties complies with the real market value requirements of ORS 308.232. The assessor and the director shall cooperate with each other to keep the director informed as to the assessor's needs and as to the status of the current assessment work. If, in the judgment of the director, the attainment of the real market value standard required under ORS 308.232 is in jeopardy, the director shall notify the assessor in writing of the determination and the factors giving rise to it, with the statement that if unfulfilled statutory duties specified by the director are not met, the director shall take action pursuant to this section. A copy of

such notice shall be sent to the county governing body, for its information. On or before September 1, if necessary to meet the requirements of ORS 308.232, the director shall issue a written order to the assessor to adjust classes on the assessment roll:

(a) If the director finds that the ratio of all taxable properties deviates more than five percent, from the real market value level required by ORS 308.232, the director shall order an adjustment to the real market values that will result in assessment levels in compliance with ORS 308.232. The assessor shall apply the adjustment to property values shown as real market value on the assessment roll and compute corrected assessed values. A tolerance of five percent from 100 percent may be presumed by the director to meet the requirements of ORS 308.232. Notwithstanding satisfactory compliance with the provisions of paragraph (b) of this subsection, the director shall take any action necessary to achieve the real market value level required by ORS 308.232.

(b) If the director finds that the real market value for any class of property provided for under ORS 308.215 and used in the current assessment roll as the basis for determining assessed value deviates more than 10 percent from 100 percent of real market value for the class, the director shall order a change of values to bring the class to 100 percent of real market value. The order may be made applicable to the class throughout the county or to the class in specific areas of the county and may take into account variations caused by appraisals being made in different years. If the director's order results in a valuation increase, the order may be appealed in the manner provided by ORS 309.100.

(3) If the director orders an adjustment to the real market values of property under paragraph (a) of subsection (2) of this section, the director shall immediately give notice to the assessor, showing why the adjustment is ordered. [1971 c.377 §6 (enacted in lieu of 309.034); 1973 c.71 §1; 1975 c.753 §8; 1975 c.763 §2; 1979 c.241 §38; 1981 c.804 §6; 1983 s.s. c.5 §11; 1989 c.330 §7; 1991 c.459 §192]

309.036 [1955 c.709 §§17, 18; 1971 c.377 §7; 1979 c.241 §39; 1981 c.804 §7; 1983 s.s. c.5 §12; 1985 c.613 §12; repealed by 1989 c.330 §19]

309.038 [Formerly 309.030; 1981 c.804 §8; 1983 s.s. c.5 §13; 1985 c.318 §4; repealed by 1989 c.330 §19]

309.040 [Amended by 1953 c.714 §3; 1959 c.666 §2; 1981 c.804 §9; 1983 c.603 §1; repealed by 1989 c.330 §19]

309.045 [1977 c.219 §2; 1979 c.725 §2; 1981 c.804 §10; 1983 s.s. c.5 §14; 1985 c.318 §5; 1989 c.330 §8; 1991 c.459 §193; renumbered 309.021 in 1991]

309.050 [Amended by 1955 c.709 §10; 1971 c.377 §8; 1979 c.241 §40; 1981 c.804 §11; 1983 s.s. c.5 §15; 1985 c.613 §13; 1989 c.330 §9; 1991 c.459 §194; renumbered 309.011 in 1991]

309.060 [Amended by 1955 c.709 §11; 1981 c.804 §12; 1989 c.330 §10; repealed by 1991 c.96 §13 and 1991 c.459 §208]

## BOARDS OF RATIO REVIEW AND EQUALIZATION

### (Generally)

309.070 Oaths. Before proceeding to the functions and duties required by this chapter, each member of the board of ratio review and each member of the board of equalization shall take and subscribe to an oath to faithfully and honestly discharge the duties of the board. The oath shall be administered by a member of the appropriate board and shall be filed with the county clerk. [Amended by 1979 c.241 §41; 1981 c.804 §13; 1991 c.459 §195]

309.072 Record of board affairs. The meetings, qualification, sittings and adjournment of the board of ratio review and the board of equalization shall be recorded in the journal of the county governing body. [Formerly 309.140]

309.080 [Amended by 1955 c.709 §12; 1957 c.326 §4; 1979 c.241 §42; 1981 c.804 §14; 1989 c.330 §11; repealed by 1991 c.96 §13 and 1991 c.459 §208]

309.090 [Amended by 1953 c.296 §2; 1957 c.326 §5; 1979 c.241 §43; 1981 c.804 §15; 1985 c.613 §22; repealed by 1991 c.96 §13 and 1991 c.459 §208]

### (Appeals of Value)

309.100 Petitions; contents; verification; filing; hearings; notice of hearing; representation at hearing. (1) The owner or an owner of any taxable property or the person in whose name the property is assessed, may petition to the board of equalization for reduction of the real market or assessed value placed upon the property by the county assessor. Petitions filed under this subsection shall be for the reduction of the real market or assessed value of property as of July 1 and shall be filed with the clerk of the board during the period beginning October 25 and ending December 31.

(2) The owner or an owner of any taxable property or the person in whose name the property is assessed may petition the board of ratio review for reduction of the real market or assessed value of property because of changes in the real market or assessed value of the property occurring after July 1 and on or before June 30 of any tax year. Petitions may be filed with the clerk of the board under this subsection after July 1 and no later than July 15 immediately following the end of the tax year for which the petition is filed.

(3) Each petition for the reduction of the real market or assessed value of a particular property shall:

(a) Be made in writing.

(b) State the facts and the grounds upon which the petition is made.

(c) Be verified by the oath of:

(A) The owner or an owner of the taxable property or the person in whose name the property is assessed; or

(B) An attorney at law for the owner or an owner or for the person in whose name the property is assessed; or

(C) Any relative or person licensed as a real estate broker under ORS 696.025 or is a state certified appraiser or state licensed appraiser under ORS 674.310 or the lessee of the property, if the lessee, relative or person holds a power of attorney executed by the owner or owners or person in whose name the property is assessed that authorizes the lessee, relative or person to verify a petition under this section and to appear and represent the owner or owners or person at a hearing before the board. A copy of the power of attorney shall be attached to the petition.

(d) State the address to which notice of the action of the board shall be sent which may be the address of the person described in subparagraph (B) or (C) of paragraph (c) of this subsection.

(e) State if the petitioner or a representative desires to appear at a hearing before the board.

(4) If the petitioner has requested a hearing before the board, the board shall give such petitioner at least five days' written notice of the time and place to appear. If the board denies any petition upon the grounds that it does not meet the requirements of subsection (3) of this section, it shall issue a written order rejecting the petition and set forth in the order the reasons the board considered the petition to be defective.

(5) Notwithstanding ORS 9.320, the owners or an owner of the taxable property, or the person in whose name the property is assessed may appear and represent himself or herself at the hearing before the board, or may be represented at the hearing by any of the persons described in subparagraph (B) or (C) of paragraph (c) of subsection (3) of this section. [Amended by 1955 c.709 §14; 1959 c.56 §1; 1967 c.78 §5; 1969 c.561 §2; 1971 c.377 §9; 1973 c.402 §34; 1981 c.804 §16; 1983 c.603 §2; 1983 s.s. c.5 §16; 1987 c.808 §1; 1989 c.330 §12; 1991 c.5 §25; 1991 c.459 §196]

Note: Section 197, chapter 459, Oregon Laws 1991, provides:

Sec. 197. The amendments to ORS 309.100 by section 196 of this Act first apply to petitions for reduction of valuation for the 1991-1992 tax year. [1991 c.459 §197]

309.103 [1969 c.561 §1; 1973 c.402 §14; 1981 c.804 §17; 1983 c.603 §3; 1989 c.330 §13; repealed by 1991 c.96 §13 and 1991 c.459 §208]

309.105 [1955 c.709 §13; 1971 c.377 §10; 1979 c.241 §44; 1981 c.804 §18; 1983 s.s. c.5 §17; 1985 c.613 §14; repealed by 1991 c.96 §13 and 1991 c.459 §208]

309.110 Action on petitions; orders; contents; mailing; delivery; amended orders. (1) The action of the board of equalization or the board of ratio review upon every petition for the reduction of a particular assessment, and the determinations of the board that certain corrections, additions to or changes in the roll shall be made, shall be entered of record by formal order. A copy of the order as to each petition shall be sent, by registered or certified mail, to the petitioner at the post-office address given in the petition. When a copy of the board's order is personally delivered to the petitioner, the requirement to mail a copy of the order is waived. A copy of each order shall be delivered to the assessor and the officer in charge of the roll on the same day that the order is mailed or delivered to the petitioner. The orders of the board shall specify what changes shall be made in the tax roll, if any, and shall direct the officer in charge of the roll to make them. The district attorney shall be available to aid the board in the preparation of its orders.

(2) The board may issue amended orders to correct clerical errors appearing in its original orders.

(3) As used in this section a clerical error is an error in the order which either arises from an error in the minutes of the board or which is a failure to correctly reflect the minutes of the board, and which, had it been discovered prior to the order being issued would have been corrected as a matter of course, and the information necessary to make the correction is contained in the minutes of the board. Such errors include, but are not limited to arithmetic and copying errors and omission or misstatement of identification of property.

(4) Amended orders may only be issued during the board's session, or by call of the chairperson, within 30 days after final adjournment of the session.

(5) The provisions of subsection (1) of this section shall apply to amended orders, unless the context requires otherwise. Amended orders shall be mailed to the petitioner and delivered to the assessor and the officer in charge of the roll not later than five days after the adjournment of the board's meetings or five days after the 30-day period provided for in this section, if issued during the 30-day period. [Amended by 1957 c.326 §6; 1959 c.666 §1; 1977 c.884 §14; 1981 c.804 §19; 1983 c.602 §1; 1985 c.318 §6; 1985 c.613 §23; 1989 c.330 §14; 1991 c.459 §198]

309.115 Property value corrected upon appeal; tax years affected; exceptions. (1)

If the board of equalization, the board of ratio review, the Department of Revenue or a court enters an order correcting the real market value of a separate assessment of property and there is no further appeal from that order, except as provided under subsection (2) of this section, the real market value so entered shall be the real market value entered on the assessment and tax rolls for the five assessment years next following the year for which the order is entered.

(2) Subsection (1) of this section shall not apply to changes in value as a result of:

(a) Reappraisal as part of the routinely scheduled reappraisal required under ORS 308.027 and 308.234.

(b) Annual trending or indexing applied to all properties of the same property class in the county, or within clearly defined areas of the county under ORS chapter 309.

(c) Annual trend or depreciation factors applied by type of property to industrial or personal property.

(d) Additions or retirements based upon returns filed under ORS 308.290.

(e) Annual valuations under ORS 308.505 to 308.660 and 308.705 to 308.730, which only reflect additions, retirements or economic trends.

(f) Increases directly related to additions, remodeling or rehabilitation made to locally appraised property.

(g) Property damaged, destroyed or otherwise subject to loss of value.

(h) Orders as a result of appeals for subsequent years.

(i) A recommendation by the board of ratio review due to the effect of events or activities occurring outside the property. (1989 c.678 §2; 1991 c.459 §198a)

309.120 Entry in roll of corrections, additions or changes. Corrections, additions to, or changes in the roll shall be entered in the roll by the officer in charge of the roll in a manner clearly showing that the assessor's prior entry, if any, has been superseded, and showing the entry ordered by the board of equalization or board of ratio review, indicating the change substantially "as ordered by the county board of equalization" or "as ordered by the county board of ratio review." The entries shall be a part of the record of the action of the board. (Amended by 1957 c.326 §7; 1981 c.804 §20; 1991 c.459 §199)

309.130 (Amended by 1957 c.326 §8; 1981 c.804 §21; repealed by 1991 c.96 §13 and 1991 c.459 §208)

309.140 (Amended by 1991 c.459 §200; renumbered 309.072 in 1991)

309.150 Appeals of value upon summary or accelerated collection of taxes. Appeals of the value of personal property, on which the tax is required to be paid as provided in ORS 311.465 and 311.480, shall be heard by the board of equalization or board of ratio review in the same manner that other assessments of property are heard. (Amended by 1975 c.365 §2; 1981 c.804 §22; 1991 c.459 §201)

309.160 (1979 c.241 §32; 1981 c.804 §1; 1983 s.s. c.5 §18; repealed by 1985 c.613 §31)

SALES RATIO STUDIES

309.200 Assessor to collect sales data and prepare ratio study; filing study with board and department. (1) Between May 1 of each year and April 30 of the next year the county assessor shall collect sales data for a ratio study, and by May 15 shall file a copy of the sales data with the Department of Revenue.

(2) By the July 1 next following, the assessor shall prepare and complete a certified ratio study in the manner provided by the rules adopted by the Department of Revenue and determine the ratio between the real market value of each class of locally assessed taxable property on the current assessment roll and the real market value of each such class of property in the county. Not later than July 1 of each year, the assessor shall file with the clerk of the board of ratio review, three certified copies of the ratio study and at the same time shall file a certified copy with the Director of the Department of Revenue. (1975 c.753 §2; 1981 c.804 §23; 1985 c.613 §24; 1989 c.330 §18; 1991 c.459 §202)

309.205 (1975 c.753 §6; 1979 c.241 §45; 1981 c.804 §24; 1985 c.613 §25; repealed by 1989 c.330 §19)

309.210 (Repealed by 1953 c.708 §19)

309.215 (1975 c.753 §9; 1979 c.241 §46; repealed 1981 c.804 §112)

309.220 (Repealed by 1953 c.708 §19)

309.230 (Repealed by 1953 c.708 §19)

309.240 (Repealed by 1953 c.708 §19)

309.250 (Repealed by 1953 c.708 §19)

309.260 (Repealed by 1953 c.708 §19)

309.270 (Repealed by 1953 c.708 §19)

EQUALIZATION OF ASSESSED VALUATIONS OF COUNTIES BY DEPARTMENT OF REVENUE

309.310 "Department" defined for ORS 309.320 to 309.400. As used in ORS 309.320 to 309.400, "department" means the Department of Revenue.

309.320 Department to equalize assessed valuation of counties. In order to secure an equal and uniform assessment and taxation of all the taxable property in the state, the Department of Revenue shall, an-

**DIVISION 309  
EQUALIZATION OF  
PROPERTY TAXES**

**Training of Board of Ratio Review Members**

150-309.010(7) (1) The Department of Revenue shall provide in-service training for board of ratio review members and alternates. Each member and alternate must attend training the first year of their appointment and at least every other year thereafter, as long as they continue to serve on the board. If there is a break in service for any member, the first year of the new appointment shall be considered the same as their original appointment year. Training must be specific to boards of ratio review.

Members and alternates who have not attended the training for two years will not be allowed to serve on the board.

(2) If an appointed member or alternate resigns after the last training session offered by the department within any given year, the person appointed to replace this member may serve without training. This person cannot serve as a member or alternate for the next board of ratio review session, unless they have attended training by the time that session begins.

Hist: Filed 10/14/92 and Eff. 12/31/92

**Minutes of Board of Ratio Review Meetings**

150-309.012(5) The record of the meetings of the board of ratio review shall be in the form of written minutes in accordance with ORS 192.650. The written minutes shall clearly state the basis of all decisions of the board.

Written minutes should include but are not limited to:

(1) Date of the session.

(2) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.

(3) Substance of any discussion on any matter. The record of the discussion should clearly reflect the basis of any decision. For example, "The board reviewed the taxpayer's evidence of comparable sales and determined the petitioner's requested value to be the real market value of the property."

(4) Reference to any documents discussed at the meeting.

(5) Results of all votes and the vote of each member by name.

(6) Names of all persons present who present evidence of the value of property under appeal.

(7) Names of all members present.

(8) Petition number.

(9) Petitioner's name.

(10) Account numbers of the property under appeal.

Hist: Filed 10/14/92 and Eff. 12/31/92

**Petitions for Reduction of Value to the Board of Ratio Review**

150-309.018 For the purposes of Board of Ratio Review hearings, petitions for the reduction of value shall be considered in the same manner as petitions identified in OAR 150-309.026(2).

Hist: Filed 10/14/92 and Eff. 12/31/92

**Appeals to Board of Ratio Review**

150-309.018(1) (1) Boards of ratio review shall hear appeals of the prior year's real market or specially assessed value of property, as the property existed on July 1 of the previous tax year.

(2) A board of ratio review may reduce value only when evidence is presented that proves:

(a) The value of the property has declined below the value on the tax statement and the loss in value occurred after July 1 and on or before June 30 of the prior tax year due to a general decline of the market in the area.

Examples of evidence to prove a decline include but are not limited to:

(A) A sales comparison study of similar properties showing a general decline in values. A sale or appraisal of an individual property may not be sufficient to prove a decline.

(B) The Certified Ratio Study currently under review by the board of ratio review.

(b) A specific event or activity external to the property has occurred since July 1 of the prior tax year which has caused the value of the property to fall below the value on the tax statement.

For example: A rendering plant is established across the street from a property and the property owner asserts this has caused the value of the property to decline.

Examples of evidence to prove a loss in value due to an external event include:

(A) A sales comparison study of properties suffering from similar adverse conditions.

(B) Other market indications such as a loss in value measured by a reduction of the income producing capacity of the property directly related to the external event.

(c) The owner has discovered a physical condition that existed on the property on the previous July 1, and which, if identified timely, would have resulted in a lower real market value of the property.

For example: The owner discovers that underground gasoline storage tanks located on the property had been leaking since before July 1. The owner claims that this discovery has affected the value of his property.

Examples of evidence to prove a loss in value resulting from a physical condition would include:

(A) A sales comparison study of properties suffering from similar conditions.

(B) The market's recognition of a loss in value due to the cost to cure the condition.

(C) A finding of the Department of Environmental Quality that the property is contaminated, supported by a demonstrated loss of value based upon the cost to cure the condition.

(D) Formal septic denial based upon a physical condition of the property that existed on July 1, which a corresponding loss in value demonstrated by sales of similar properties.

(d) The value of the property declined after July 1 of the previous tax year for any other reason.

(3) Boards of ratio review shall not hear appeals for value reduction based upon a physical change that occurred after July 1 of the previous tax year.

Hist: Filed 5/28/92 and Eff. 6/1/92

#### Board of Ratio Review Petitions

150-309.018(2) (1) If the board of ratio review is unable to complete its review of a perfected petition filed under ORS 309.100(2), the petition shall be forwarded to the Department of Revenue. A formal notice of forwarding signed by the board chair shall be mailed to the petitioner within 10 days after the date the board adjourns. The petition forwarded to the department shall be the original petition

filed with the board. A copy of the petition shall be kept by the clerk of the board. A copy of the notice of forwarding signed by the board chair shall be delivered to the assessor on the same day the notice is delivered or mailed to the petitioner.

(2) Any petition determined to be deficient by the board of ratio review and not amended under 150-309.100 shall be dismissed by formal order.

(3) Petitions forwarded to the Department of Revenue by boards of ratio review under ORS 309.018 shall be treated procedurally in the same manner as appeals from an order of the board of equalization.

(4) Determination of completeness and correctness of the petition and jurisdiction for the appeal shall be made by the department in the same manner as if made by the board of ratio review.

Hist: Filed 5/28/92 and Eff. 6/1/92; Amended 12/31/92

#### Chairperson of Board of Equalization

150-309.020(3) The chairperson of the board of equalization shall be the member of the county governing body appointed under ORS 309.010(a) or the nonoffice-holding county resident appointed in place of this member under ORS 309.020(5). If the chairperson is absent, either of the regularly appointed members may serve as chair.

Hist: Filed 10/14/92 and Eff. 12/31/92

#### Alternates for Boards of Equalization

150-309.020(6)(a) Only one alternate may be appointed for each county board of equalization. The records of the board shall specify the particular board member the alternate has been appointed to sit for. After appointment the alternate can sit for any member of the board. However, alternates should not serve as acting chairperson.

Hist: Filed 10/14/92 and Eff. 12/31/92

#### Training for Board of Equalization Members

150-309.022(1) (1) Regularly appointed members of boards of equalization and alternate members must attend in-service training conducted by the department in the year they are first appointed and at least every other year thereafter. If there is a break in service for any member, the first year of the new ap-

pointment shall be considered the same as their original appointment year. Training must be specific to boards of equalization.

Members and alternates who have not attended the training for two years will not be allowed to serve on the board.

(2) If an appointed member or alternate resigns after the last training session offered by the department within any given year, the person appointed to replace this member may serve without training. This person cannot serve as a member or alternate for the next board of equalization session, unless they have attended training by the time that session begins.

Hist: Filed 9/20/89 and Eff. 12/31/89; Amended 12/31/92

#### Minutes of Board of Equalization Meetings

150-309.024-(A) The written minutes of the Board of Equalization shall be kept in the same manner as the Board of Ratio Review as provided for in OAR 150-309.012(5).

Hist: Filed 10/14/92 and Eff. 12/31/92

#### Petitions for Reduction of Value

150-309.026(2) (1) The jurisdiction of the board of equalization, as an administrative body established by statute, is limited to those actions specifically granted by statute. Because the statute is specific that the board may hear "petitions for reduction of the real market value of property," the board's jurisdiction does not include appeals to increase the overall value of the property. If the board receives petitions requesting an increase in the real market value of property, it shall dismiss those petitions for lack of jurisdiction.

(2) If a petition is filed requesting a reduced total value without specifying reductions for land and improvements, the board may increase the land or improvements as long as the net result is to sustain or reduce the total value on the roll.

(3) If a petition is filed or amended under OAR 309.100(3) requesting a reduction in one portion of the value and no change in the other portion of the value, the board may only act on the portion for which the reduction has been requested.

Hist: Filed 9/20/89 and Eff. 12/31/89; Amended and Renumbered from OAR 150-309.026(2)(e) to OAR 150-309.026(2), 12/31/92

#### Orders Issued When No Appeal Is Filed

150-309.080 [Repealed 12/31/92]

#### Corrections or Additions by Board

150-309.090-(A) [Repealed 12/31/92]

#### Authorization to Sign Notices

150-309.090-(B) [Repealed 12/31/92]

#### Board of Equalization and Board of Ratio Review Petitions

150-309.100 (1) For purposes of this rule, petitioner shall mean petitioner or petitioner's duly authorized representative.

(2) The purpose of a petition is to inform a board of equalization, board of ratio review and the assessor of the nature of the claim for relief. For this reason, petitions shall include the following information:

(a) A brief statement of the facts on which the appeal is based.

(b) The real market value requested.

(c) The real market value on the current tax roll.

(d) On specially assessed properties, the assessed value on the current tax roll.

(e) The assessor's account number for the property in question.

(f) The mailing address where the order shall be mailed.

(g) A written declaration that the contents of the petition are true and made subject to the statutory penalties for false swearing.

(h) The signature of petitioner or petitioner's duly authorized representative.

(3) The clerk of each board shall review the filed petitions for compliance with this rule. If the board clerk determines a petition is deficient, the board clerk shall notify the petitioner of the nature of the deficiency and advise petitioner that failure to correct the deficiency will result in dismissal of the appeal. The board clerk shall mail the notice to the petitioner at the address appearing on the petition and allow petitioner not less than 20 days from the mailing date of the notice to amend the petition to correct the deficiency.

(4) The clerk of the board of ratio review shall review each filed petition for compliance with this rule. If the board clerk determines a petition is deficient, the board clerk shall notify the appealing party personally or by mail of the nature of the deficiency and advise peti-

tioner that failure to correct the deficiency will result in dismissal of the appeal. If the clerk of the board of ratio review mails the notice to the appealing party, the clerk shall use the address appearing on the petition. If the petitioner does not request to be present at the hearing, the petitioner will be allowed 10 days from the notice of deficiency to correct the petition. If the petitioner requests to be present at the hearing, the petitioner may correct the petition, either in writing or in person, up to and including the time of the hearing.

(5) A petitioner may amend a petition up to and including the time of their regularly scheduled hearing. Amendments to a petition may include correction of deficiencies which were not corrected in response to notice by the board clerk. Other permitted changes to a petition include:

(a) Addition or deletion of land or improvements from consideration by the board.

(b) Addition of a separate account number which, together with the original account appealed, creates a "parcel" within the meaning of OAR 150-308.377. Petitioner may not amend a petition to include a separate account which is not part of an identified parcel.

(c) Amendment of the value requested.

(6) In the event the board clerk does not identify a petition as defective until less than 20 days remain of the board session:

(a) The board clerk shall notify the petitioner of the defective petition and the time available to amend the petition by telephone, fax, or letter, whichever the clerk determines would be most effective.

(A) The petitioner shall have until the end of the session to amend the defective petition.

(B) The petitioner may amend the petition other than to correct a deficiency up to and including the time of the hearing.

(b) The board shall dismiss the petition under ORS 309.100(4) as defective under ORS 309.100(3) if the petitioner has not requested to be present at the hearing and has not amended the petition or if there is insufficient time to allow notice to be given to the petitioner.

(7) If after the board has adjourned the clerk discovers petitions which the board did not act upon, the clerk shall notify the peti-

tioner within 10 days. The notice shall include the petitioner's right to appeal to the Department of Revenue.

**Hist:** Filed 10/5/87 and Eff. 12/31/87; Amended 12/31/89, 12/31/91; Amended and Renumbered from OAR 150-309.100(2) to OAR 150-309.100(3), 6/1/92; Amended and Renumbered from OAR 150-309.100(3) to OAR 150-309.100, 12/31/92

#### Those Authorized to Sign Petitions Limited

150-309.100(3)(c) (1) The following persons, only, may sign a petition and present an appeal to a county board of equalization:

(a) The owner of the property or, if more than one owner, any of the owners.

(b) The person in whose name the property is assessed. This provision shall only apply to persons in control of personal property who have been assessed according to ORS 308.105.

(c) Attorney at law, legal guardian or conservator who is acting on behalf of the person(s) in (a) or (b) above.

(d) Any relative of (a) or (b) above. For purposes of this rule, the term "relative" means any of the following:

(A) The spouse of the property owner or any of the property owners;

(B) A son, daughter, stepson or stepdaughter of the property owner or any of the property owners;

(C) A brother, sister, stepbrother or stepsister of the property owner or any of the property owners;

(D) The father, mother, stepfather or stepmother of the property owner or any of the property owners;

(E) A son or daughter of a brother or sister of the property owner or any of the property owners or

(F) A son-in-law, daughter-in-law, father-in-law or mother-in-law of the property owner or any of the property owners.

(e) A real estate broker under ORS 696.025, a state certified appraiser or state licensed appraiser under ORS 674.310, or the lessee of the property.

(f) Executors and administrators of the estate of any deceased person.

(g) For property owned by a corporation, the petition must be signed by an authorized corporation officer, employee regularly em-

ployed in tax matters, or attorney at law representing the corporation.

(2) If the petition is not signed and verified by the owner or an owner or person in whose name the property is assessed, the petition must include a power of attorney or other legal document that specifically grants to such person the authority to verify a petition and appear at the hearing to represent the petitioner. If the person signing is an attorney-at-law, the Oregon State Bar number assigned to the attorney shall be considered sufficient to verify the petition.

(3) Any petition received, signed by a person not listed in ORS 309.100 or in this rule or lacking a copy of the necessary authorization, shall be dismissed by formal order of the board as provided in ORS 309.100(4).

(4) Petitioner shall mean the owner or an owner of any taxable property or the person in whose name the property is assessed.

Hist: Filed 10/5/84 and Eff. 12/31/84; Amended 12/31/87, 12/31/89; Amended and Renumbered from OAR 150-309.100(2)(c) to OAR 150-309.100(3)(c), 12/31/91; Amended 12/31/92

#### Mailing of Board Orders

150-309.110(1)-(A) (1) All copies of orders which are mailed to petitioners must be mailed within 5 days of the date issued and no later than 5 days after the board has adjourned. Orders should be mailed the same day as delivery is made to the assessor.

(2) Prior to January 1 each year, the department shall send each assessor a list of industrial accounts for which it has valuation responsibility. This list shall include the real market value transmitted by the department and placed on the assessment roll. The assessor, within 5 days of receiving a copy of an order of the board for any property included on the department's list, shall notify the department in writing of the real market value ordered by the board.

Hist: Filed 9/22/86, Eff. 12/31/86; Amended 12/31/89, 12/31/92

#### Validity of Board Order

150-309.110(1)-(B) When the officer in charge of the roll is ordered to place a value on the roll by the board of equalization or board of ratio review, and the officer in charge of the roll has reason to believe the order is void, a

review by the Department of Revenue shall be requested before such value is placed on the roll.

Hist: Filed 9/22/86, Eff. 12/31/86; Amended 12/31/91, 12/31/92

#### Assessor's Ratio Study for Tax Purposes: Definitions

150-309.200-(A) (1) Appraisal area is an area in a county generally composed of one or more school districts, a city or other political subdivision, or any other logical division established by the county assessor for conducting an orderly reappraisal of taxable property as required by ORS 308.234. All real property in such an area normally will be reappraised at the same time and at intervals not exceeding six years.

(2) A neighborhood is a group of properties within an appraisal area that generally shares important characteristics that influence value. Typically, a neighborhood delineation is made along physical/geographic boundaries. Each neighborhood should contain a sufficient number of accounts to ensure adequate sales samples for analysis.

(3) Appraisal ratio is the percentage relationship between the real market value for the prior year and an estimate of the current year's real market value made by a qualified appraiser for a particular property.

(4) Appraisal ratio study is a statistical compilation of appraisal ratios for a representative group of properties in the county randomly selected on a property class basis to produce an indication of the ratio of the prior year's real market value to the current year's real market value for all taxable properties in a particular class of property within the county, in a particular class of property within an appraisal area, or in a particular class of property within a neighborhood.

(5) Assessor's ratio study is the study required to be filed with the clerk of the board of ratio review (county clerk).

(6) Class is a classification of property described in OAR 150-308.215(1)(4).

(7) Current assessment roll is the roll in preparation on May 1 of the current calendar year listing the properties assessed as of July 1 of the same year.

(8) Current real market value is the property's market value, or for specially as-

essed properties the statutory value, as of the July 1 assessment date for which the roll is being prepared.

(9) New construction is a new structure or structures added to the current assessment roll or value added by completion of construction, remodeling, renovation or other physical improvement of existing property.

(10) Properties added to the roll are any properties on the current assessment roll which were not assessed on the prior year's roll. They include value added by changed status of specially assessed properties and value added through partitioning or subdividing properties.

(11) Qualified appraiser is an appraiser registered pursuant to ORS 308.010 or who is licensed or certified under ORS 674.310.

(12) Ratio study is a study which estimates:

(a) The percentage relationship between the total prior year's real market value of each class of taxable property on the prior assessment roll and the total current real market value of the same properties in each class on the current assessment roll, and

(b) The percentage relationship between the total prior year's real market value of each class of taxable property on the prior assessment roll and the total current real market value of the same properties in each class on the current assessment roll within each appraisal area.

(13) Sales ratio is the percentage relationship between the real market value for the prior assessment year and the selling price for a particular property.

(14) Sales ratio study is a statistical compilation of sales ratios designed to produce an indication of the real market value ratio of each property class, and the real market value ratio of each property class within each appraisal area.

(15) Taxable property includes all locally assessed property, real and personal, not exempt from taxation (whether appraised by the assessor or the Department of Revenue). It does not include properties assessed by the Department of Revenue pursuant to ORS 308.505 to 308.660.

(16) Real market value ratio is the percentage relationship between the prior year's real market value of a class of taxable property on the prior assessment roll and the cur-

rent real market value of the same property on the current assessment roll.

Hist: Eff 12/19/76, Amended 12/31/79, 12/31/84, 12/31/89, 12/31/92

#### Contents of the Assessor's Certified Ratio Study

150-309.200-(B) The Assessor's Certified Ratio Study shall be prepared in accordance with OAR 150-309.200-(C), completed according to instructions provided by the Department of Revenue, and consist of the following items:

(1) A sales ratio study, consisting of a listing of all sales used in the ratio study. The listing shall include all nonrejected sales for the 12-month period ending April 30 of the current calendar year.

(2) Any appraisal ratio study prepared and submitted as part of the assessor's certified ratio study. In the absence of sales which can be used in the valuation of farm-use assessed land (see ORS 308.345(3)), the assessor shall make a ratio study of the farm property classes, Farm and Range Property, Non-EFU Zone Farm and Range Property, and EFU Zoned Farm and Range Property, by using rental data for farmland. Such studies shall be considered appraisal ratio studies and shall be included with the study.

(3) Other data showing assessment levels including items such as rental data, gross rent multipliers and real estate trends, including paid sale/resale studies.

(4) A sales ratio data sheet, titled Ratio Indications and Adjustments.

(5) A ratio computation sheet for each neighborhood, titled Ratio Computations by Neighborhood by Property Class by Appraisal Area.

(6) A ratio computation sheet for each property class, titled Summary of Ratio Computations by Property Class by Appraisal Area.

(7) A ratio summary, titled Summary of Ratio Indications by Appraisal Area.

(8) A current roll forecast summary, titled Summary of Current Roll RMV (Forecast).

Personal property shall be included as a class of property in the ratio computations.

(9) An analytical ratio summary, titled Analytical Ratio.

(10) A status summary, titled Cyclical Appraisal Program.

(11) A county map indicating appraisal areas.

(12) A real market value analysis, titled Reconciliation of RMV Forecast Analysis.

(13) A certification of the ratio study, titled Certification of Assessor's Ratio Study and Adjustment Program, required by ORS 309.200.

(14) An accounts/sales summary, titled Summary of Accounts/Sales by Appraisal Area.

Hist: Eff. 12/19/75, Amended 12/31/79, 12/31/84, 12/31/87, 12/31/89, 12/31/92

**Preparation of the Sales Ratio Study**

150-309.200-(C) (1) The collecting, recording, confirming, analyzing, and formatting of the sales data used in the sales ratio study and any other data to be used in preparing the certified ratio study shall be done under the supervision of the county assessor in conformance with the current Assessor's Ratio Procedure Manual and Data Exchange Manual published by the Department.

(2) Deviations from the procedures contained in the manual must be approved by the Department.

(3) The sales data file, if electronically maintained, shall have the format required by OAR 150-306.125(1).

[Publications: The publication(s) referred to or incorporated by reference in this rule is available from the Department of Revenue pursuant to ORS 183.360(2) and ORS 183.355(6).]

Hist: Eff. 12/19/75, Amended 12/31/79, 12/31/89, 12/31/92

**Analysis of Valuation Methods and Procedure**

150-309.200-(D) [Repealed 12/31/92]

**Contents of the Assessor's Final Ratio Study**

150-309.205-(A) [Repealed 12/31/92]

**Administration of Appeals Process**

150-309.360 (1) The Board of Equalization (BOE) or Board of Ratio Review (BORR) clerk shall summarize BOE or BORR orders on a form provided by the Department of Revenue.

(2) The completed form shall be sent to the Department of Revenue within 45 days after adjournment.

Hist: Filed 9/18/91 and Eff. 12/31/91; Amended 12/31/92

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January 13, 1992

TO: All Boards of Equalization  
All County Assessors

FROM: Jim Wilcox, Manager  
Valuation Section

SUBJECT: THE REAL MARKET VALUE STANDARD

We thought it important to help clarify the new value standard against which you will be testing specific assessments as you now begin your deliberations on value appeals.

The new value standard, Section 88 of HB 2550 (ORS 308.205), is as follows:

"Real market value of all property, real and personal, as the property exists on the date of assessment, means the minimum amount in cash which could reasonably be expected by an informed seller acting without compulsion from an informed buyer acting without compulsion, in an arm's-length transaction during the fiscal year.

Real market value in all cases shall be determined by methods and procedures in accordance with rules adopted by the Department of Revenue and in accordance with the following:

- (a) The minimum amount a typical seller would accept or the highest amount a typical buyer would offer which could reasonably be expected by a seller of property.
- (b) An amount in cash shall be considered the equivalent of a financing method that is typical for a property."

The use of the word "minimum" has prompted some questions. The word "minimum" refers to both "...amount...expected by (a) seller..." and "...during the fiscal year...".

The concept of a seller's minimum expectation is not different from the old true cash value standard of the buyer's maximum offer. See (a) and (b) above.



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All County Assessors  
January 13, 1992

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The standard is not different in terms of the way in which you look at the assessed property -- you still examine the condition of the property on a single date. The words "... as the property exists on the date of assessment..." means July 1. The minimum concept does not refer to any sort of minimum property condition during the fiscal year. The assessment date has been changed from January 1 to July 1.

As in the past you will often be confronted with evidence of a range of value rather than evidence of a single, precise value. The "minimum" concept does not include setting values at the bottom of the range. As in the past, your job is to look for a typical value within the range.

As in the past any sale of real or personal property submitted to the board of equalization as evidence of real market value should be verified to insure that it reflects an arm's-length transaction. Sale prices which reflect non-typical market conditions (duress, foreclosure, etc.) should not be considered unless market-based adjustments can be made.

It is especially important to validate a recent sale of an appealed property to insure that the sale price is reflective of the market. If the sale price is within the expected market value range, the sale will act to validate the assessment and the board of equalization may well decide that no reductions are warranted.

The significant difference in the new measure 5 standard is a change in the period of time over which we are to examine the real estate market. In the past, your concern was over the market as it existed on a single date -- January 1. The new standard is the minimum value during the fiscal year. Last summer the assessor forecasted that minimum value and the forecast was presented to the board of equalization. In most cases, the evidence was that the real estate market was going up and that the minimum value during the fiscal year occurred on the first day of the fiscal year -- July 1.

The question you must now answer is: Given the range that represents market value and based on market data, is the value of an appealed property, as that property existed on July 1, lower than the value forecasted by the assessor?

Your job at this time is to address appeals for which taxpayers now have evidence that they are overassessed. The board of ratio review will, next July, hear appeals wherein taxpayers allege that market values have declined during the fiscal year.

Taxpayers have an opportunity to appeal to the board of ratio review next summer between July 1 and July 15.

Here are some examples of how to deal with the new standard.

**EXAMPLE #1:**

A tenant causes \$6,000 damage to a single family dwelling on July 15, 1991. The property owner appeals.

Neither the board of equalization nor the board of ratio review have the authority to grant relief for this situation as the change in the physical condition of the property occurred after July 1. The petition should be dismissed due to lack of jurisdiction.

**EXAMPLE #2:**

A taxpayer appeals an assessed value of \$115,900 alleging that the market value is really only \$111,000. Assessor submits five sales with appropriate adjustments which indicate the following values for the subject.

- (1) \$117,200
- (2) \$116,000
- (3) \$115,200
- (4) \$112,000
- (5) \$110,500

These five sales support the value on the roll, and if no contradictory information is supplied by the petitioner, should be indicative of the market value of the property under appeal. The requested value of the subject property falls within an acceptable range of the assessed value on the roll and is supportive of that roll value.

**EXAMPLE #3:**

A taxpayer appeals an assessed value of \$125,000 arguing that, while the property may have been worth that much last summer, it can no longer be sold for any more than \$80,000 as the taxpayer believes the major employer will be going out of business in the spring.

The board of equalization should not grant a reduction. The taxpayer is arguing for a reduction based on a belief that the property will decline in the future -- no evidence has been submitted that the value decline has taken place to

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date. If the employer does indeed go out of business and there is evidence that values did indeed decline in the spring, the taxpayer has recourse to the board of ratio review.

We hope this information will assist you during the 1992 board of equalization session.

DATE: February 12, 1993

TO: All Boards of Equalization  
All Assessors

FROM: Sandra Kennedy  
Special Programs and Training Services Unit  
Property Tax Division *Sandra*

SUBJECT: Board of Equalization Questions and Answers

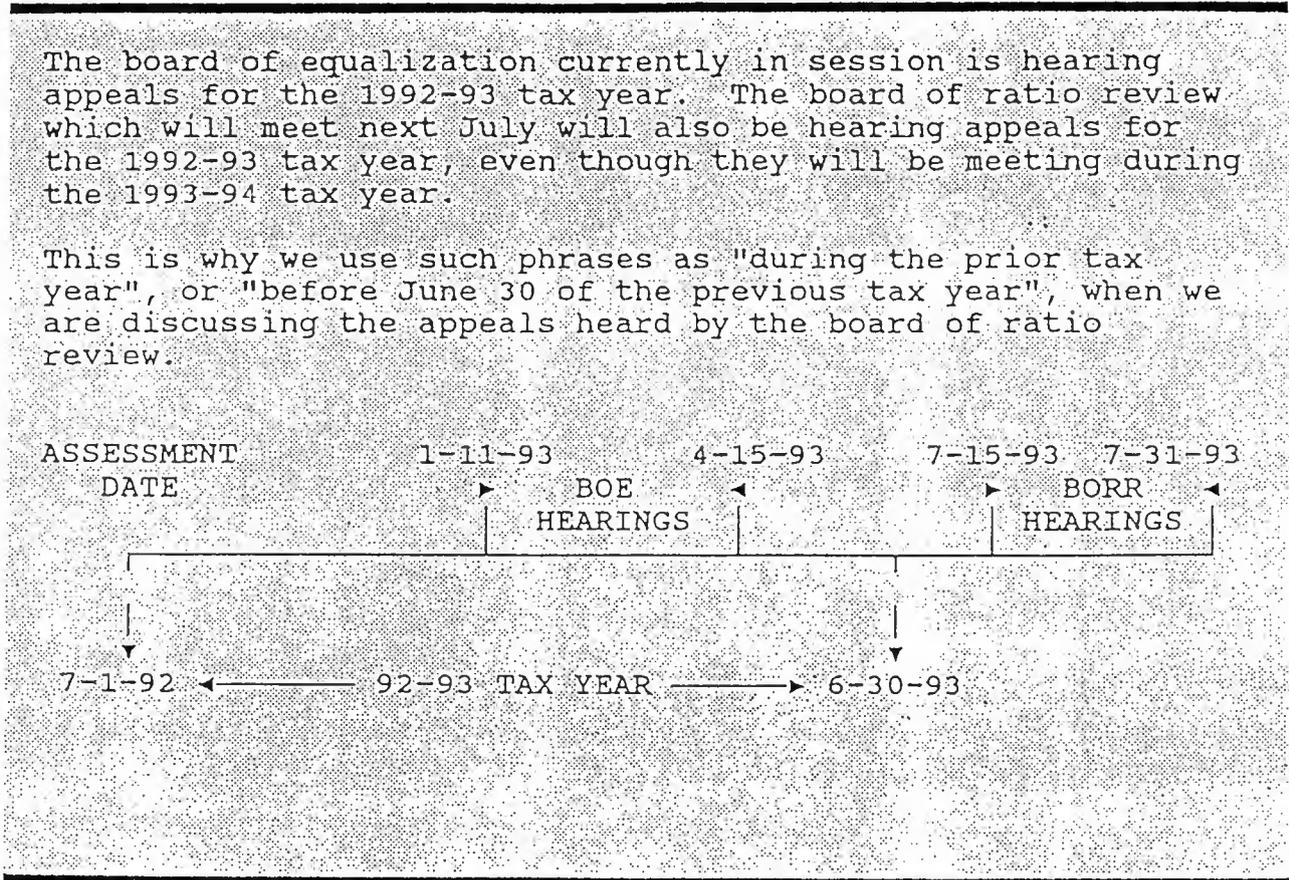
Attached are the answers to four of the more important questions that were asked at the board of equalization training sessions.

Since it's still relatively early in the session, I hope this material will help you in your decision making process. If you've already completed your session, these answers should help you next year.

I'll have the other answers out to you as soon as possible.



1.) Please clarify the difference between the jurisdiction of the board of equalization and the board of ratio review in hearing appeals of property value.



The board of equalization can deal only with the value of property as it was estimated to be on July 1 of the current tax year or in a declining market as of the date the assessor chose as the point of minimum value during the tax year. This value appeared on the tax statement received by the petitioner in October.

The board of ratio review can deal only with declines in the value of property after July 1 and on or before June 30 of the previous tax year.

These limitations imply the following concepts:

Any appeal which is based upon the "discovery" of a condition which existed on the property on July 1 can be appealed to either board, no matter when the "discovery" of the condition was made.

For example:

In October of the current tax year, the owner of an older home discovers that a leaking roof has caused extensive damage to the exterior walls of the house. It is reasonable to assume that this damage was in existence on the previous July 1 assessment date. If the owner has evidence that the condition has affected the market value of the property, either the board of equalization or the board of ratio review can accept the petition and reduce the value based on the evidence.

Other examples of "discoveries" that the owner might make during the tax year which may result in a loss of value are:

- A written septic denial;
- An engineer's report proving contamination;
- Proof of any other condition which existed on July 1.

If the denial or certificate proving the condition was issued before or on July 1, the property owner should appeal to the board of equalization for relief.

If the denial or certificate proving the condition was issued after July 1, and it may reasonably be concluded that the condition itself existed on July 1, the petitioner can appeal to either the board of equalization or the board of ratio review.

Other declines that can be appealed to either board under certain circumstances are:

- General declines in the real estate market which occurred after July 1 and before June 30.

A general decline in real estate values which occurred after July 1 should generally be the basis for an appeal at the board of ratio review, but can be used at the board of equalization if it is being used to test the accurateness of the forecast adjustment used by the assessor to arrive at the real market value appearing on the tax statement.

For example:

If the assessor forecast that the market in the subject's area would decrease by 5 percent after July 1, but evidence is brought before the board of equalization that shows values actually declined by 8 percent; this evidence can be used to prove a decline in the value of the subject.

- Other declines in the value of the subject property as evidenced by:
  - [For the board of equalization] An appraisal report which offers conclusive evidence that the value on the tax roll for the subject property exceeded its real market value on July 1 or in a declining market as of the date the assessor chose as the date of minimum value.
  - [For the board of ratio review] An appraisal report which offers conclusive evidence that the value of the subject property is lower at the time of the appraisal than it was on July 1.
  - Double sales of the subject property which prove either that the forecast adjustment was incorrect (for board of equalization appeals) or that the value of the property declined during the tax year (for board of ratio review appeals).

A decline in value which results from any other event or circumstance which occurred after July 1 cannot be acted upon by the board of equalization. If the board obtains such an appeal they should dismiss the petition and instruct the petitioner to appeal to the board of ratio review. The petitioner must appeal to the board of ratio review in order to obtain relief, even though the circumstance that caused the decline occurred prior to December 31.

Examples of declines which must be appealed to the board of ratio review are:

- The Oregon Department of Transportation "takes" a strip of property adjacent to the subject (the property under appeal) on September 20 of the previous tax year. The owners of the subject property assert that this taking has caused the value of their property to decline because the buffer strip between their property and the freeway may cease to exist at any time.
- A solid waste disposal site is developed across the street from the subject property. Construction begins on October 4. The petitioners assert this has caused a decline in the value of their property.
- A decline in the local economy during the tax year forces the closure of a sawmill. Market data proves the closure has affected the value of the mill.

- 2.) Should the board of equalization reduce the value of a property if the only evidence of a decline in value is the sale of the subject property itself (not accompanied by an appraisal or any other evidence)?

If a petition is filed with the board of equalization with documentation of a sale which took place before December 31, the board can probably consider the sale as an indicator of the value of the property if they believe that the sale price shows the value of the property as of July 1 or as of the date the assessor chose as the point of minimum value during the tax year. The board should establish the value of the property as of July 1 or in a declining market as of the date the assessor chose as the point of minimum value.

The sale must be an arm's-length transaction and the sales price should be within a range of value typical for like properties.

- 3.) Should the board of ratio review reduce the value of a property if the only evidence of a decline in value is the sale of the subject itself (not accompanied by an appraisal or any other evidence)?

If a petition is filed with the board of ratio review with documentation of a sale which took place during the tax year, the board must use its own knowledge of the county and the local real estate market in making its decision.

If the board believes that any of the decline in the value of the property occurred after July 1, the board can order a reduction in the value of the property. The board should confirm, however, that the decline actually occurred after July 1. In order to do this, the board may need to establish that a general decline in the real estate market has occurred during the tax year. The board can obtain this information from their county's sales data analyst. If the board cannot confirm that the decline in value (as evidenced by the sale of the property) occurred during the tax year, it may conclude that it was the original value on the tax statement that was incorrect. In this case, the petitioner should have appealed to the board of equalization in order to obtain relief.

- 4.) Can the board of equalization arrive at a value conclusion for an appealed property by changing the original ratio conclusion, the trend factor, or the final ratio conclusion approved by the board of ratio review the previous July?

The board must either give the assessor a specific value or a percentage decrease to be applied to the property in order that the known figure on the roll can be adjusted to another known figure (See page 368, 309.080 Property Tax Law Abstracts, 1991 Cumulative Edition).

Applying a trend factor to a base value is simply one method of arriving at the real market value of property. Under current law the assessor uses two different factors to establish RMV. The first factor is based on the trend to July 1, and the other is the forecast adjustment factor. The forecast adjustment is a number used to adjust the July 1 factor based upon an estimate of future market conditions.

The board of equalization may change any ratio conclusion or trend factor used to arrive at the value of an individual property if evidence establishes that the original ratio or factor used was incorrect.



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL  
1120 S.W. FIFTH AVENUE, SUITE 1530  
P.O. BOX 849  
PORTLAND, OREGON 97207-0849  
(503) 248-3138  
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY, CHAIR  
PAULINE ANDERSON  
RICK BAUMAN  
GRETCHEN KAFOURY  
SHARRON KELLEY

COUNTY COUNSEL  
LAURENCE KRESSEL  
CHIEF ASSISTANT  
JOHN L. DU BAY  
ASSISTANTS  
SANDRA N. DUFFY  
J. MICHAEL DOYLE  
GERALD H. ITKIN  
H. H. LAZENBY, JR.  
PAUL G. MACKEY  
MATTHEW O. RYAN  
MARK B. WILLIAMS

M E M O R A N D U M

TO: Jane Rhodes  
Board of Equalization

FROM: Paul G. Mackey  
Assistant County Counsel (106/1530)

DATE: August 29, 1990

RE: Personal Liability of Board of  
Equalization Members

You ask what liability a Board of Equalization member is exposed to in the performance of their duties. The answer is none.

By law, the County is "subject to action or suit for its torts and those of its officers, employees and agents acting within the scope of their employment duties ...". ORS 30.265(1). The "governing body of any public body shall defend, save harmless and indemnify any of its officers, employees and agents, whether elective or appointive, against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty." ORS 30.285(1). However, this provision will not apply in cases of "malfeasance in office or wilful or wanton neglect of duty." ORS 30.285(2). The remainder of the statute prescribes the duty of the public body to provide a legal defense and related matters.

Your Board is appointed in the manner prescribed in ORS 309.020, as an entity to serve the government of Multnomah County. You serve as the County's agents. You are included as persons appointed to perform a duty during which performance you are protected by the statutes quoted above.

Jane Rhodes  
August 29, 1990  
Page 2

Absent evidence that a Board member has conducted themselves in a manner to take them out of the protection of the statute, the County has a legal duty to provide indemnification and defense in the event of a claim against one of your members.

Please advise if you have further concerns.

3ATTY.243/ac

cc: Opinion File



MULTNOMAH COUNTY OREGON

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PO BOX 849  
PORTLAND, OREGON 97207-0849  
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BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY, CHAIR  
PAULINE ANDERSON  
RICK BAUMAN  
GARY HANSEN  
SHARRON KELLEY

M E M O R A N D U M

TO: Hank Miggins  
Executive Assistant to Chair

FROM: John L. DuBay (106/1530)  
Chief Assistant County Counsel

DATE: February 11, 1993

SUBJECT: Board of Equalization Procedures

COUNTY COUNSEL  
LAURENCE KIMBLE  
CHIEF ASSISTANT  
JOHN L. DUBAY  
ASSISTANTS  
J. MICHAEL COOPER  
SANDRA M. GIBBY  
OFELIA D. JENKINS  
M.H. LAFFERTY JR.  
STEVEN J. DEBROW  
MATTHEW J. DYAN  
JACQUELINE A. SHERER

You asked three questions about Board of Equalization Procedures. First, what are the time limits to complete the board's work? Second, can the board limit the time taxpayers may present appeals at Board hearings? Third, can or must the board grant rehearings if requested?

In summary, the answers are 1) statute; 2) yes; and 3) they may grant rehearings but are not required to do so if the proceedings meet due process requirements. Discussion follows.

After Measure 5, two bodies can order adjustments to assessed values. The Board of Equalization, between the second Monday in January and April 15, makes adjustments to the assessed values on July 1 of the current tax year. ORS 309.026. After Measure 5, taxpayers may also petition the Board of Ratio Review to reduced assessed valuations for changes in market value occurring after July 1 of the prior tax year. The Board of Ratio Review must complete its review work between July 15 and July 31. ORS 309.018. This memo discusses only the Board of Equalization proceedings to adjust the July 1 values for the current year.

Board's time frame

Terms of B/E members begin on January 1 following appointment and end on June 30. ORS 309.020. The board must convene on the second Monday in January and adjourn no later than April 15. ORS 309.026(1) and (3). If the number of petitions would prevent completion of the work in this time

frame, two additional boards may be appointed. ORS 309.021. The statutes make no allowance for unprocessed petitions after April 15. The board may meet after April 15, at the call of the Chairman, to amend board orders for clerical errors. This last task must be completed within 30 days after the end of board sessions. ORS 309.110(4).

These statutes control the dates during which the board must complete its work.

### Hearing time limits

All petitions for reduction in assessed value must state if a hearing is requested. ORS 309.110(3)(e). If so, the board must give petitioners 5 days prior notice.

However, no statute controls board hearing procedures. Considering the volume of petitions to consider in a limited time frame, setting a reasonable time limit on oral presentations does not seem to be unreasonable. I note that the DOR's board member training outline includes the following:

"The board should:

\* \* \*

- " . Establish policy regarding rescheduling hearings.
- " . Determine time to be allotted for each hearing.
- " . Establish hearing schedule for both petitioners who requested to be present at the hearing." (Emphasis added.)

1992 Training Outline, p. 6-2.

Of course, the board's procedures must not violate due process requirements. The rudiments of due process include due notice, an opportunity to present the grounds for the petition, and equality of treatment for all petitioners. It is therefore, my opinion the board may set reasonable time limits for hearings which must be uniformly applied.

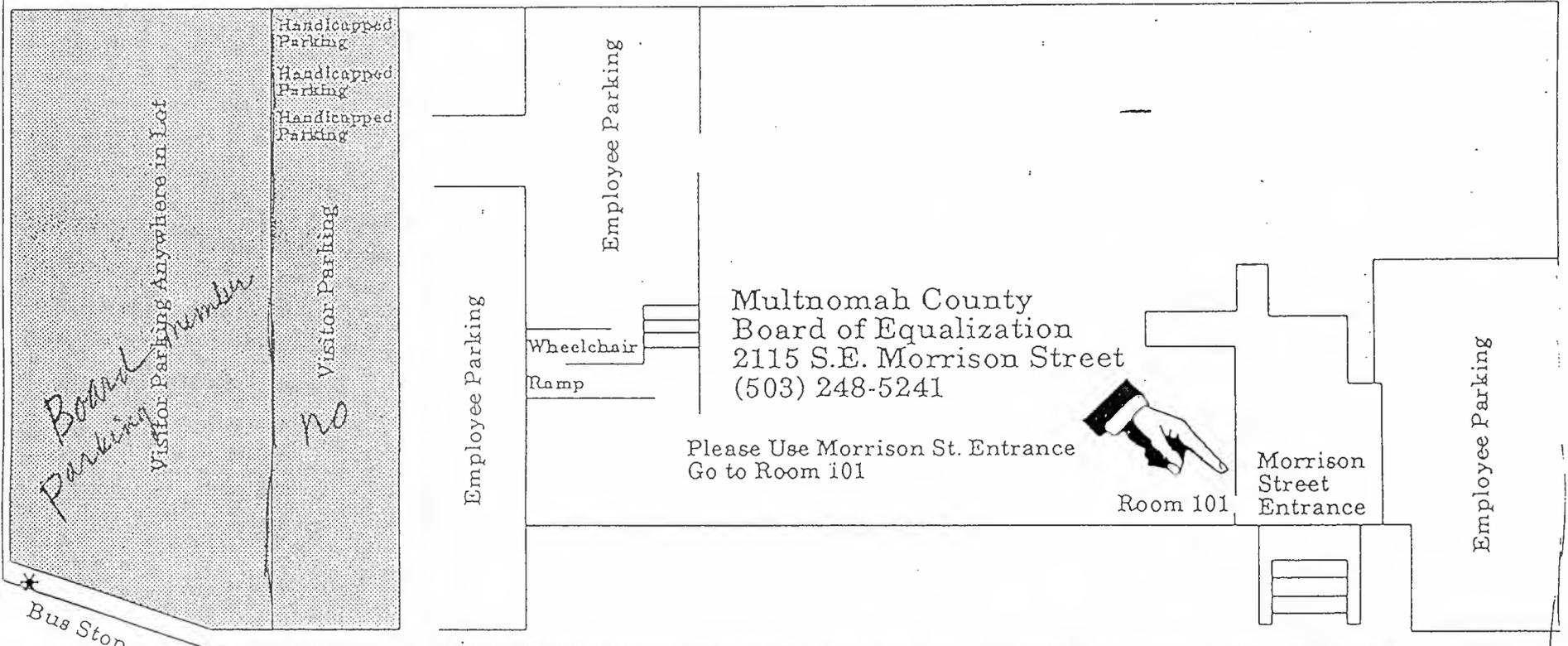
### Rehearings

Due process does not require a rehearing if the procedures at the first hearing afforded due process. However, the statutes do not prohibit rehearings. The board could allow them as a matter of discretion. However, without rules setting out the conditions and procedures to grant rehearings, the requirement of equal opportunity for all could create a problem for the board.



S.E. 20th Avenue

Employee Parking Throughout Tunnel



Multnomah County  
Board of Equalization  
2115 S.E. Morrison Street  
(503) 248-5241

Please Use Morrison St. Entrance  
Go to Room 101



Room 101

Morrison  
Street  
Entrance

Employee Parking

Employee Parking

Employee Parking

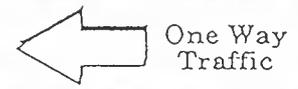
Handicapped  
Parking  
Handicapped  
Parking  
Handicapped  
Parking

Visitor Parking

no

Bus Stop

Two-hour Parking this side of street



One Way  
Traffic

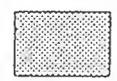
S.E. Morrison Street

Yes

No Time Limit Parking this side of street



Tri-Met Bus #15 stops  
at 20th & SE Belmont  
every 12 minutes. Catch  
at 5th & SW Salmon  
downtown.



Indicates Available Parking Areas

### **Proposed Training Outline**

Technical training will be provided by the Department of Revenue in accordance with the Department of Revenue rules and regulations.

Multnomah County Training will consist of:

I. Public Meetings

- A. How to Chair a meeting
- B. How to participate in public meetings
- C. Appropriate rules of order

II. Conflict Resolution

- A. How to defuse hostile situations
- B. How to deal with angry citizens
- C. How to avoid overreacting

III. Listening Skills

- A. The importance of listening skills
- B. Handling of misunderstandings
- C. Active listening
- D. Levels of listening
- E. Non-verbal messages -- facial expressions, voice pitch, body movements, etc.
- F. Blocks to listening

IV. How to help Petitioners tell their Story

V. Special Challenges

Character traits that may impede communication -- anger, excessive legalese, disorganized behavior, Attacking/blaming, non-stop talker, etc.

Attachment # **E**

In response to **item #5** in Resolution 93-120

Submitted by **Director of Assessment and Taxation**

Responsible for Implementation **Board of County Commissioners**

**Job Description for Members of the  
Board of Equalization**

Members of the Board of Equalization, sitting as a citizens board, hear appeal petitions from taxpayers who dispute the value of their property as assessed by the County Assessor.

Board of Equalization members review the evidence as presented by the petitioner and using data provided by the County (Comparable Sales Information, Appraisal Information) make a determination on the market value of the property under appeal.

Board members are responsible for the formal recording of decisions.

### **Assessment of the Board of Equalization Members**

A process for assessment of each of the Board of Equalization members will be finalized by the Chair's office with input from the Board of County Commissioners.

This assessment process will include:

A random sampling of appellants through the use of questionnaires. The questionnaire is to be mailed out and coded according to an upheld or denied petition ensuring the responses will be considered in the light of the appellant's outcome.

Each member of the Board of Equalization will have an exit interview conducted by the Chair's office that will include, but not limited to, attendance, ability to work with colleagues and ability to work with the public.

Assessment of the Board of Equalization members will be considered in reappointments.

Attachment # **G**  
In response to **item # 7** in Resolution 93-120  
Submitted by **Staff to the Board of Equalization**  
Responsible for Implementation **Board of County Commissioners**

### **Reimbursement for Board of Equalization / Ratio Review Members**

Board of Equalization members and alternates are **appointed** citizens and are **not** regular employees of the County nor independent contractors.

The Board of Equalization's duties and actions are governed by the Department of Revenue and Oregon Revised Statutes (ORS). Board of Equalization members are paid an allowance pursuant to ORS 309.022 (3) and this per diem is paid on a monthly basis.

Multnomah County currently (1993) pays a per diem of \$84.00 to any member or alternate serving an entire day on the board.

Attachment # **H-1**

In response to **item #8** in Resolution 93-120

Submitted by **Board of Equalization Task Force**

Responsible for Implementation **Staff to the Board of Equalization**

H-1

# 1993-94

## Board of Equalization

### *Residential Real Property*

### APPEAL PROCEDURES

If you have decided to appeal your property value to the Board of Equalization, this information booklet will explain the appeal process. It tells you how to prepare for your hearing, what to expect at the hearing and what follows the hearing. Please take time to read it carefully and keep it until your case has been concluded.

### REAL MARKET VALUE

By law, your property is required to be assessed at **real market value**. The value on your 1993-94 tax statement is the assessor's estimate of your property's real market value on the assessment date, July 1, 1993. If you disagree with the assessor's estimate, and can provide evidence to support a lower value, you have grounds for an appeal to the Board of Equalization.

When you appeal, the **burden of proof is on you**. This means you must:

- Present evidence that the value on your tax statement is incorrect  
and
- Show why the value you are requesting is correct.

The question you must answer in your appeal is "What is the real market value of my property?"

**Real market value** is the minimum price in terms of money which the property will bring if exposed for sale in the open market, allowing a period of time typical for the particular type of property involved, and under conditions where both parties to the transaction are under no undue compulsion to sell or buy and are able, willing, and reasonably well-informed.

## THE APPRAISAL CYCLE

State law requires all real property in each county to be physically appraised at least once every six years.

To do this, the assessor divides each county into six appraisal districts which contain many smaller divisions, or neighborhoods. Each year, appraisers from the assessor's office inspect and estimate values for the properties within one appraisal district. If the property owner is not at home when the appraiser calls or if the appraiser is refused admission, the inspection consists of a walk-around viewing of the exterior. There is no statute that requires the assessor to make interior inspections as part of reappraisal.

The areas that are not physically reappraised for that year are valued based on trends established by the assessor's certified ratio study. This annual study compares the sale prices of properties to the assessed values of the same properties. If, for example, the findings indicate that on the average properties in a given neighborhood are selling for 10% above their assessed value, this trend will be applied to all properties in that neighborhood, and their assessed value will be increased by 10%. All ratio study data are subjected to careful professional statistical analysis. Before its publication, the ratio study is reviewed by the Board of Ratio Review, and must be approved by the Oregon Department of Revenue.

## THE BOARD

The function of the Board of Equalization is to hear petitions for reductions in assessed property value. Board members are not part of the assessor's office. They play no role in setting the assessed value. They are private citizens who are appointed by the county commission. They are not professional appraisers, but have training, experience and knowledge in property valuation. The Board may be thought of as a panel which decides the value of your property based on the evidence you present.

\* \* \* \* \*

## GROUND FOR APPEAL

### By State law, the Board will

- consider evidence relating to the **real market value** of the property.

### By State law, the Board cannot:

- consider hardship as a factor in establishing value;
- set the amount of tax you owe;
- consider a sharp increase in value in a single year to be a valid reason for appeal;
- regard lack of normal property maintenance as a reason for appeal;
- consider testimony on tax rates or the fairness of the tax system.

## TYPES OF EVIDENCE

**You must prove** that the **real market value** of your property is less than the assessed value. There are a number of ways to offer this evidence to the Board.

•**Purchase documents** – If the property was purchased within the last year, the purchase price is one proof of value, provided the sale meets the criteria discussed previously. Other useful pieces of evidence are:

- A signed earnest money receipt;
- The closing statement; and
- The recorded deed to the property.

•**Appraisals / Real Estate Broker Opinions of Value** – If the property has been appraised recently, a copy of the appraisal is useful evidence. All appraisers and brokers must be licensed in the state of Oregon. The Board may ask you about the purpose of the appraisal.

•**Sale listings** – You may have recently listed your property for sale, or it may be currently on the market. If this is the case, provide copies of listing (s) with a real estate agent giving dates, terms and listing price. Be prepared to submit documentation of any offers you have received.

•**Comparable sales** – Maybe you have owned your property for many years and do not plan to sell it. To prove its real market value, you will need to use proof of **sales of comparable properties** near yours. You may obtain this information at the Assessor's office at 610 SW Alder, Portland, on the second floor. You will need to visit the office any weekday between 8 am to 4:30 pm. Give your property address and ask for the list of property sales in your neighborhood. You will be told your neighborhood number and will be shown a book with one or more pages of house sales in the same neighborhood. These sales all occurred in the period between approximately April 1992 - April 1993. They are listed in ascending order of sale

### SUGGESTED FORMAT FOR PRESENTING EVIDENCE OF COMPARABLE SALES

	Subject Property (Yours)	Comp #1	Comp #2	Comp #3
Street Address				
Sale Date	<del>                    </del>			
Area of lot (sq. ft.)				
Construction class				
Year built				
Basement (full/partial)				
Number of baths				
Number of bedrooms				
Type of heat				
Number of fireplaces				
Garage size (single/double)				
Area of house (sq. ft.)				
Distance from subject				
Sales price	<del>                    </del>			

**Instructions:** Use this worksheet to compare your property to nearby properties which have recently sold. If you plan to present these comparisons to the Board of Equalization as evidence to support your request for a valuation reduction, please **include a photograph of the front of each house**. Mark the photograph of your house "**Subject**" and mark the other photographs, "**Comp #1**", "**Comp #2**", etc. If you wish to present more than three comparable sales, use the same format. Write the street address of each of the comparable properties on the reverse side of the photograph.

If you don't have answers for all the spaces, complete only those which you can confirm. Don't guess at answers, or make estimates. The information can be obtained by visiting the assessor's office at 610 S.W. Alder, Portland, or may be obtained from the realtor who handled the sale.

price. Look for houses which sold for approximately what you think your property is worth. The address of each house is listed, plus the age, style, areas of the lot and the building, number of bedrooms and the class of construction. Construction classes range from 1 (lowest) to 8 (highest) and reflect the quality of materials and methods used. Coin-operated photocopier are available.

If you find houses which seem comparable to yours in age, size, style and class, and which sold for less than your home's assessed value, this is evidence that your house may be over valued. The next step is to locate the houses and take photographs to compare to photographs of your house. All photographs of houses should be a **clear view of the entire front of the building**. Write the property address on each photograph. Label your property "**subject.**" A suggested format for presenting evidence of comparable sales is available.

•**Characteristics Cards** – While at the assessor's office you may also want to look up the characteristics cards of your property and of comparable properties. This is a sheet listing details of the property and giving the assessed value of the land and building(s) for the last three years. Characteristics included in addition to the size, age and class of construction are a listing of the various rooms, type of heat, garage, fireplace, patio, etc. There is also information about the street, traffic, and view. This information is on microfiche and can be viewed at no charge. You may make a print of the information on the screen for any one property for 25 cents. If you notice errors on the characteristics card for your property you should notify the assessor.

If you learn of sales of comparable properties which have occurred after April, 1993 you can look up the characteristics card for those properties and include the information in your evidence.

## TYPES OF EVIDENCE

(continued) *from where?*

•**Repair Estimates** – Routine maintenance such as painting and re-roofing are a continuing responsibility of the homeowner. Failure to keep the property in good condition is not in itself grounds for requesting a value reduction from the Board. However, if there is structural damage such as cracked foundations, or if there is water damage and dry rot, or there are other similar conditions, they may be offered as evidence. Submit detailed, written estimates from professional repair firms of the cost to cure the deficiencies. Include pictures of major damage. Explain the nature of the damage on the picture.

\* \* \* \* \*

## PREPARING EVIDENCE

A strong case requires careful preparation. Whatever you provide as evidence becomes a permanent part of your file. It **cannot be returned to you**. This means that **before** coming to your scheduled hearing, **you must photocopy** all documents, including photographs, that you wish to leave with the Board. The only evidence the Board can consider is what **you provide with this appeal**.

Evidence submitted in prior appeals is not useable by the current Board. You may send your evidence with your petition, or bring it at the time of the hearing. **All evidence, including display, should fit in an 8 1/2 x 14 inch legal size file folder.**

\* \* \* \* \*

## THE HEARING

State law requires that notices be mailed at least five days prior to the hearing. Directions to the hearing site are included with the notice. Nearby parking is available. If you are handicapped, please notify the office so arrangements can be made. If you know in advance that you will be unable to attend on given day(s) and have listed those times on your petition, every attempt will be made to accommodate your schedule. **Hearings cannot be rescheduled.** If, after your hearing is scheduled, you find you cannot attend, you may send a representative. Read carefully the information on the reverse side of the petition about authorizing another person to represent you at the hearing.

State law requires that hearings must be held between the second Monday in January and April 15. The law also limits the number of panels which hear appeals to no more than three. These few panels often must hear and decide over 5,500 appeals in the short time of three months. In order to be fair to the large numbers of appellants, a typical residential hearing is limited to a total of 5 minutes.

Within the 5 minutes you will introduce yourself and identify your property. The Board chair will announce the current assessed value and your requested value, and will confirm the size, location and type of property under appeal. The chair may ask for clarification of anything on your petition which may be unclear. You will then be asked to make a statement supporting your requested value. The Board will not have had time to review your petition or evidence prior to the hearing. If you have included a written statement, it is not necessary to read it to the Board, but you should briefly summarize its content. Describe each piece of evidence you present. There may be questions by Board members either at the end of your statement, or perhaps for clarification as you make your presentation. You must make your statement, present your evidence, and allow for questions within the 5 minute period. The process is informal.

You should expect to be treated with courtesy. The chair must, however, adhere to the time schedule and you will be asked to cooperate in this regard.

Remember that by state law, the Board can consider **ONLY** evidence showing that the real market value of the property is less than the assessed value. **For the best use of your limited appeal time, confine your remarks to proof that the value you are requesting is the real market value.**

\* \* \* \* \*

### **THE DECISION PROCESS**

To insure that all appellants are heard at the scheduled time, the Board hears all the day's testimony before making any decisions. The decision-making process is typically deferred to between 2:00 and 4:00 pm. You do not have to be present, but are welcome to observe the process. The time needed to make a decision varies considerably from case to case, making it impossible for the Board to schedule the decision on your appeal. If you are present, the Board will try to minimize the wait to hear your decision. At the decision time, you will be unable to comment or offer any further testimony. The Board's decisions are not available by telephone.

\* \* \* \* \*

### **AFTER THE DECISION**

Your decision will be a formal order, mailed to you about four weeks after the hearing. The Board of Equalization has no information about your refund. Inquiries on refunds should be made to **Tax Information at 248-3326**. Refunds are issued within 6 to 8 weeks from the time you receive your decision.



*Read All Instructions On Reverse Side Before Completing This Form*

## REAL PROPERTY PETITION FOR 1993-94 TAX YEAR

### SECTION A - Property Description

Assessor's Account Number: (from Tax Statement)

R- \_\_\_\_\_ - \_\_\_\_\_

(One Account Number per form only)

Property Address under appeal

So that your hearings are all scheduled for the same date and time, please indicate the total number of tax accounts you are appealing: How Many? \_\_\_\_\_

I wish to be present at the hearing:     YES     NO

Dates I cannot attend: \_\_\_\_\_

TYPE OF PROPERTY	
<input type="checkbox"/> House	<input type="checkbox"/> 5-20 Units
<input type="checkbox"/> Condominium	<input type="checkbox"/> Over 20 Units
<input type="checkbox"/> 2-4 Units	<input type="checkbox"/> Commercial
If any of above three property types are non-owner occupied, give monthly gross rent:	
\$ _____	<input type="checkbox"/> Industrial
	<input type="checkbox"/> Vacant Land
<input type="checkbox"/> Other: _____	

### SECTION B - Notification Information - Person to whom hearing notification/decision should be sent:

Name	Daytime Telephone		
Address	City	State	Zip Code

### SECTION C - Property Value

	<u>Land</u>	<u>Building</u>	<u>Total</u>
Real Market Value of Property from 1993-94 tax statement:	_____	_____	_____
I am petitioning for the Real Market Value to be reduced to:	_____	_____	_____

NOTE: It is not necessary to separate Land and Building values, but there must be a value requested for the Total ↑

I am petitioning for reduced value for the following reasons: (attach supporting evidence or provide at hearing)

The following facts relate to the value of the property described above.

Purchase Price if within last year	Date of Purchase	Terms: <input type="checkbox"/> Cash <input type="checkbox"/> Contract <input type="checkbox"/> Trade <input type="checkbox"/> Other		
Has the property been offered for sale within the last year? <input type="checkbox"/> YES <input type="checkbox"/> NO	When?	How Long?	How offered?	Asking Price
Was the property appraised by someone other than the assessor? <input type="checkbox"/> YES <input type="checkbox"/> NO	Purpose and date of appraisal		Appraised by	Appraised value

I, \_\_\_\_\_  Owner of the property, or  Attorney for Owner \_\_\_\_\_ (O.S.B. #)

(please print name clearly)

Other (Attach Authorization to Represent Form - SEE INSTRUCTIONS) declare under the penalties for false swearing contained in ORS 305.990(4), that the contents of the foregoing Petition and any evidence and testimony are true.

signature required \_\_\_\_\_ address \_\_\_\_\_ city \_\_\_\_\_ state \_\_\_\_\_ zip \_\_\_\_\_

**SECTION E - Refund Information**

In the event your appeal results in a refund, please indicate to whom it should be made payable and where it should be sent:

Payable to Name: \_\_\_\_\_

Mail to Name: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Telephone Number \_\_\_\_\_

**DECISION:**

Land: \_\_\_\_\_

Building: \_\_\_\_\_

TOTAL: \_\_\_\_\_

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

PETITION NO. \_\_\_\_\_

## INSTRUCTIONS FOR FILING PETITION

### GENERAL INFORMATION

Petitions must be delivered or mailed between **October 25 and no later than midnight on December 31, 1993**, to the Board of Equalization Office at 2115 SE Morrison St., Room 101, Portland, OR 97214. An after-hours mail slot will be provided for your use on December 30 and 31st, 1993, **ONLY**. The slot is in the side door at the southeast corner of the building. If mailed, a U.S. Postal Service postmark will govern timeliness of filing.

The Board of Equalization will consider petitions for the **July 1, 1993 - June 30, 1994 tax year only**.

Please enter **all** information requested on the petition. If **any** information is missing, your petition may be considered incomplete and may be returned to you. If your petition is not completed by the time of the hearing, it may be dismissed. You will receive a formal order of dismissal.

Additions or corrections to this petition may be made at any time up to and including the time of hearing.

For an explanation of the evidence needed, the hearings procedure and other important information, refer to the **Board of Equalization Residential Real Property Appeal Procedures Pamphlet**. You may get this pamphlet from the Board by calling 248-5241.

### SECTION A - PROPERTY DESCRIPTION

Use the account number (9 digit number preceded by an "R") from your tax statement. You may also obtain the account number by calling **248-3326 Tax Information** between 9 am and 5 pm weekdays.

Please complete street address where property is located. If the property is vacant land and there is no street address, include legal description.

If you are appealing more than one property, you must use a separate petition for each property account number. If you have more than one petition, all of them will be scheduled to be heard on the same date.

Hearings are scheduled between 8:30 am and 3 pm weekdays from January 10 through April 15, 1994. If you do not indicate whether or not you wish to be present or have someone represent you, a hearing time **will be scheduled** for you. If you request a hearing and know that you will **not be available** on certain date(s), please indicate, and **every attempt** will be made to schedule your hearing accordingly. **HEARINGS CANNOT BE RESCHEDULED**. Citizens with disabilities should call the office to obtain special assistance.

**Type of Property** For non-owner occupied houses, condominiums and plexes of up to four living units please state monthly gross rent. For five or more units, commercial and industrial properties, please provide complete income statements. Statements may be presented at time of hearings.

### SECTION B - NOTIFICATION INFORMATION

The **hearing notice and decision** will be mailed to the person named in this section. Please print clearly.

### SECTION C - PROPERTY VALUE

Property value must be from the **1993-94 tax statement**. Statements are mailed late in October, 1993. If you have not received your statement, call **Tax Information at 248-3326** for the property value.

Property value you are requesting may be itemized between land and building, but this is optional. However, you **must** request an exact **total value**.

Reasons for requested reduction should be listed briefly. Attach a separate statement of evidence that the requested value is the **real market value**. Some possible reasons are: purchase price of property, appraisal value, sales of comparable property, condition of property. See the Appeal Procedures Pamphlet for a full discussion of evidence.

### SECTION D - DECLARATION

Only certain people are allowed to sign the petition and represent the owner(s), at a board of equalization hearing. Some of these people must have a power of attorney or authorization in order to sign the petition for the owner. Petitions received without the required authorization will be dismissed by formal order of the board.

Those people **who need** a signed authorization include:

- A relative. "Relative" means: spouse, child or stepchild, parent or stepparent, brother, sister, stepbrother, stepsister, niece or nephew, son- or daughter-in-law, father- or mother-in-law.
- A real estate broker licensed under ORS 969.025 or real estate appraiser certified or licensed under ORS 674.310.
- The lessee of the property, if the lessee **is not** the person in whose name the property is assessed.
- An employee regularly employed in tax matters for property owned by a corporation.

If someone on the above list will represent owner, they may obtain an **Authorization to Represent** form if needed by calling the Board of Equalization at **248-5241**.

Those people **not** needing a signed authorization include:

- An attorney-at-law. Attorneys must include their OSB number on the petition.
- Lessee, if the lessee **is** the person in whose name the property is assessed.
- Legal guardian or conservator with proper court appointment.
- Executor or administrator of the estate of a deceased person with proper court appointment.
- Trustee in bankruptcy proceedings with proper court appointment.

#### **SECTION E - REFUND INFORMATION**

Any refund resulting from this appeal will be issued by the tax collector. Please allow six to eight weeks from the time you receive your notification of the board of equalization's decision. Call Tax Information at **248-3326** if you have questions about the refund.

### **Examination of the Length of Time Available to Appellants**

The Task Force examined the serious problem of the amount of time appellants have to present their cases.

Unfortunately, the number of appeals in a year must be handled by the number of Boards allowed by the state within the timelines prescribed by the Oregon Revised Statutes. The amount of time allowed for each appellant to present their case then becomes a question of mathematics.

Because of this restraint little can be done to lengthen the time for each appellant. If the Board of Equalization staff observes that the number of petitions are increasing, he/she should recommend to the Board of County Commissioners that legislation to increase the number of Board of Equalization boards be submitted to the legislature.