

P. O. Box 47471
Olympia, WA 98504-7471

Washington Department of Revenue Property Tax Division

2021 Review of the Yakima County Board of Equalization



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Overview

Introduction

The Department of Revenue (Department) conducted a telephone interview with the Clerk of the Yakima County Board of Equalization (Clerk). The interview focused on the Yakima County Board of Equalization's (Board) processes and procedures.

Purpose

The Department's primary purpose of this review is to assist the Board in their processes and procedures to ensure compliance with state statutes and regulations.

An effective review of the methods employed by the Board in administering the assessment appeal process will promote fair, timely, and uniform property tax assessments.

Scope of review

The review is limited in scope. We reviewed administrative procedures for compliance with state statutes and regulations.

Information reviewed

To complete our review, we gathered information about the administration of the Board through interviews, documents provided by the Clerk, and independent verification. The areas we reviewed included, but were not limited to:

- Petitions for appeal 2020 assessment year for taxes payable in 2021
- Hearing procedures
- Deliberation process
- Board orders
- Regular convened session
- Reconvening processes
- Publications, forms, literature, and website
- Board policies

Acknowledgment

We thank the Board and Clerk for their cooperation throughout our review. We commend the Board for their willingness to look at opportunities to improve the uniformity and administration of property tax.

Executive Summary

About this review

The Department conducted a telephone interview with the Board's office. We interviewed the Board's Clerk about the processes and procedures used in hearing appeals.

Categories of results

The Department has completed its review and grouped the results into two categories:

- The first category, *Requirements*, is of the greatest urgency for effective administration by the Clerk and the Board. A change is required to adhere to the law.
- The second category, *Recommendations*, requires the attention of the Board. The Department believes the Board could improve their performance and service to the public by making voluntary changes in procedures.

The Department bases requirements and recommendations contained in our reports on our review of the administrative procedures employed, existing state statutes and regulations, and areas we saw opportunities to improve processes, procedures, and communication.

Results

The Department identified four requirements and one recommendation directed toward improving the Board's methods.

The items identified may be specific to the Clerk's duties, the Board's duties, county legislative authority duties, or they may have shared components of responsibility. A summary of these items follows.

Executive Summary, continued

Requirements

1. The Clerk is required to keep and publish a record of the Board's proceedings.
2. The Clerk is required to provide notice of the hearing date to the Assessor and appellant at least twenty-two business days before the hearings, unless all parties agree to a shorter time period.
3. A taxpayer is required to provide the Board with a copy of the Assessor's Notice of Value or other determination as proof of a timely filed petition for an appeal of valuation when the petition is filed after July 1 of the assessment year in question.
4. The Board is required to inform the appellant their petition will be denied unless the appellant requests and qualifies for a good cause waiver of the filing deadline.

Recommendations

1. The Department recommends the Board use the most current versions of forms.

Requirement – Record of hearing

Requirement

The Clerk is required to keep and publish a record of the Board's proceedings.

What the law says

The law requires the Clerk to maintain a journal or record of the board of equalization's proceedings and orders. The record must be published in the same manner as other proceedings of the county legislative authority (RCW 84.48.010 and WAC 458-14-095(5)).

What we found

The petition files reviewed did not contain the *Board Clerk's Record of Hearing* as required by RCW 84.48.010.

Action needed to meet requirement

The Board is required to take the following action(s):

- The Clerk must keep a record of hearings and include it in each appeal file, and publish the record in the same manner as other county legislative authority proceedings. The Board could accomplish this by:
 - Adding the hearing start and stop time and recording number to the *Hearing and Decision Worksheet*. Then publish it in the same manner as the county legislative authority meeting minutes.

Or

- Using the Department's form REV 60 0002, *Board Clerk's Record of Hearing*. Then publish it in the same manner as the county legislative authority meeting minutes.

Why it's important

The record of hearing provides the public a summary of actions taken by a board for each hearing.

Requirement – Hearing notice

Requirement

The Clerk is required to provide notice of the hearing date to the Assessor and appellant at least twenty-two business days before the hearings, unless all parties agree to a shorter time period.

What the law says

The clerk must notify the assessor and appellant of the hearing at least twenty-two business days before the hearing, unless all parties agree to a shorter time period. (WAC 458-14-076)

What we found

Of the seventeen petition files we reviewed, five resulted in a hearing. All five files with hearings scheduled did not contain a Notice of Hearing letter.

Action needed to meet requirement

The Clerk must provide notice of the hearing to both the Assessor and appellant at least twenty-two business days prior to the hearing.

Why it's important

Without proper hearing notification, the assessor may not be able to meet their statutory deadline to provide the appellant and board with their market-based evidence at least twenty-one business days before the hearing. While the minimum twenty-two business days meets the statutory requirement, a greater notification period could be of benefit to the assessor and appellant to complete their market analysis, and potentially resolve appeals prior to the hearing.

Requirement – Complete and timely filed petitions

Requirement

A taxpayer is required to provide the Board with a copy of the Assessor’s Notice of Value or other determination as proof of a timely filed petition for an appeal of valuation when the petition is filed after July 1 of the assessment year in question.

What the law says

A petition of value may be accepted by the Board as long as it is filed timely, on or before July 1 of the assessment year or within 30 days, unless the county legislative authority has extended the appeal period up to 60 days, after the date the value change notice was mailed, whichever is later (RCW 84.40.038 and WAC 458-14-056).

The appeal must be on forms as prescribed or approved by the Department and be complete.

What we found

It is unclear if most of the files submitted after July 1 were filed timely, they did not include a value notice.

Action needed to meet requirement

The Board is required to take the following action:

- Require a copy of the Assessor’s Notice of Value or other determination be provided with all petitions submitted after July 1 of the assessment year in question to assist in determining if the petition is timely filed. If the appellant does not provide this document with the petition, the Clerk is required to take the following actions:
 - Send the appellant a notice of incomplete petition asking for a copy of the value change notice. Be sure to provide a deadline in the notice as to when the appellant must reply.
 - Retain copies of the envelopes including the postmark for all petition files, both timely and untimely filed.

Why it’s important

Proper documentation of complete and timely filed appeals assures both the assessor and the taxpayer due process.

Requirement – Good cause waiver request

Requirement

The Board is required to inform the appellant their petition will be denied unless the appellant requests and qualifies for a good cause waiver of the filing deadline.

What the law says

The appeal petition must be filed with the board on or before July 1 of the assessment year or within 30 days, or up to 60 days if a longer time period is adopted by the county legislative authority, whichever is later. The board must make a decision and promptly notify the taxpayer of the decision, in writing.

No late filing of a petition shall be allowed unless the appellant requests and can show good cause to waive the filing deadline. A petition that is filed after the deadline without a showing of good cause must be dismissed by the board and returned to the petitioner. To reinstate the petition, the appellant must show good cause, within a reasonable time, for the board to waive the filing deadline. The board of equalization's decision to waive the filing deadline for good cause is not appealable to the State Board of Tax Appeals (RCW 84.40.038 and WAC 458-14-056).

What we found

The Board's Good Cause letter does not follow all necessary steps of the process. The first letter should identify the issue, set the deadline to request good cause and/or reconvene, and then let the appellant know it *may* be dismissed. The second letter would then say if the taxpayer was denied or granted good cause, followed by their appeal rights.

Action needed to meet requirement

The Board is required to take the following action(s):

- When the Board receives a request to waive the filing deadline, due to good cause, they must send a notice informing the appellant whether they are granting or denying the request. If the Board denies the request, the notice should include language that specifically states *the waiver request for good cause is denied*. This statement is important because the Board's decision to deny a good cause waiver request is not appealable to the BTA.

Why it's important

Proper administration of petitions ensures a fair and equitable appeals process for both the appellant and the assessor.

Recommendation – Forms

Recommendation

The Department recommends the Board use the most current versions of forms.

What we found

The Board is using several outdated forms:

- REV 64 0075 – Taxpayer Petition to the County BOE for Review of Real Property Valuation Determination
- REV 64 0076 – Taxpayer Petition to the County BOE for Review of Personal Property Valuation Determination
- REV 64 0077 – Petition for Review of Current Use or Designated Forest Land Determination
- REV 64 0078 – Assessment Roll Corrections Agreed to by the Taxpayer

Action recommended

The Department recommends using most up-to-date forms. The Department sends out quarterly updates to forms and maintains them on the [Property Tax Resource Center website](#). Any forms meant for petitioners should be linked or provided by dor.wa.gov forms page.

Why it's important

The Department updates forms for accuracy and consistency as laws, policies, and procedures change. Using the most up-to-date forms will ensure accurate and current information.

Next Steps

Prioritizing Requirements and Recommendations

Once the Clerk and Board receive a final copy of this review, the Department will (if requested) consult with them to prioritize the items listed in the report.

Follow-up

The Department will follow up in one year to review the changes implemented. This will give the Board an opportunity to provide information to the Department about any issues encountered during the implementation process.

Questions

For questions about specific requirements or recommendations in our report, please contact the Property Tax Division at (360) 534-1400.

For additional information contact:

Washington State Department of Revenue
Property Tax Division
PO Box 47471
Olympia, WA 98504-7471
(360) 534-1400
<http://dor.wa.gov>