

Board of Property Tax Appeals Manual



Oregon Department of Revenue

Board of Property Tax Appeals Manual

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History and Overview of the Boards of Property Tax Appeals

Property owners have been able to appeal the value on which their property tax is based since 1907, when the Oregon Legislature enacted laws that created boards of equalization. From their creation until 1951, boards of equalization consisted of the county judge (or county commissioners in counties that didn't have a county judge), the county clerk, and the county assessor.

In 1951, the make-up of the board was changed to consist of the county judge or chairman of the county commissioners, the appointive member of the budget committee, and a non-office holding freeholder. The purpose of this change was to eliminate any potential conflict of interest on the assessor's part.

In 1990, voters passed Measure 5, a constitutional amendment that limited property taxes and changed the definition of real market value. This amendment resulted in legislation that created boards of ratio review. From 1991 to 1996, each county had one or more boards of equalization and one board of ratio review. The boards of equalization were responsible for hearing appeals based on the value of property as of July 1, while the boards of ratio review heard appeals based on declines in value after July 1 of the tax year. This legislation also replaced the budget officer with another non-office holding county resident.

Oregon voters passed Measure 47 in the fall of 1996, which was replaced by Measure 50 in the spring of 1997. Measure 50 created a maximum assessed value of property which was the 1995–96 real market value minus 10 percent. It limited future growth of maximum assessed value to 3 percent per year with certain exceptions. Legislation resulting from Measure 50 changed the name of the board of equalization to the board of property tax appeals (BOPTA) and eliminated the board of ratio review.

County boards of property tax appeals hear petitions for reduction of the real market, maximum assessed, specially assessed, and assessed value of property placed on the roll by the county assessor. The boards also consider requests to waive penalties assessed for the late filing of real and personal property returns. The functions of the boards are a very important part of maintaining a fair and equitable property tax system in Oregon.

When an individual accepts an appointment to the board, that person becomes a public official. Membership on the board is an important position that requires knowledge of the law, appraisal procedures, assessment practices, patience, understanding, and a sense of civic responsibility.

If a board acts outside its legal jurisdiction, the board's decision may be challenged and subsequently invalidated. Therefore, it is important that the members of the board become familiar with the following:

- Board of Property Tax Appeals Law, [ORS Chapter 309](#)—Governs the functions of the board.
- [Board of Property Tax Appeals Manual, 150-303-484](#)—Gives comprehensive guidelines for the functions of the board.
- Public Meetings Law, [ORS Chapter 192](#)—Governs public meetings.
- Public Records Law, [ORS Chapter 192](#)—Applies to keeping the records of the board.
- Government Ethics, [ORS Chapter 244](#)—Governs conflicts of interest and ethics.

Board members may contact the Oregon Department of Revenue's BOPTA program manager at ptd.programassistance@dor.oregon.gov. Members may also ask for assistance from their designated legal counsel.

Board of Property Tax Appeals Calendar

Date	Action	Who	Reference
By September 1	— Order petitions and other forms.	Clerk	Non-statutory
Before October 15	— Work with governing body to find pool members.	Clerk	Non-statutory
On or before October 15	— Appoint pools. — File ratio study with clerk.	Gov. Body Assessor	ORS 309.067 ORS 309.200(3)
After tax statements are mailed	— Accept petitions. — Keep log of petitions received. — Update computer software. — Reserve meeting room if necessary.	Clerk Clerk Clerk Clerk	ORS 309.100(1) ORS 309.024 Non-statutory Non-statutory
After October 15 and while board is in session	— Select members from pools.	Clerk	ORS 309.020
December 31 or next business day if holiday or weekend	— Last day to accept petitions.	Clerk	ORS 309.100(2) ORS 305.820 ORS 187.010
Month of January	— Post notices of session three weeks before the beginning of the session.	Clerk	ORS 309.025
Before board convenes	— Send training notices to pool members. — All pool members complete training prescribed by Department of Revenue. — Enter affidavit of posting into record. — Notify members of first meeting. — Determine where daily meeting notices will be posted. — Confirm who acts as legal advisor. — Confirm whether clerk will hire a board appraiser. — Deliver ORS 308.242 stipulations to clerk.	Clerk Board Clerk Clerk Clerk Clerk Clerk Assessor	Non-statutory ORS 309.022 ORS 309.025(2) Non-statutory ORS 309.024 ORS 309.024 ORS 309.024 ORS 308.242
Five days before hearing	— Mail notices of hearings.	Clerk	ORS 309.100(5)
On or after first Monday in February	— Convene first meeting. — Take and administer oaths of office. — Enter oaths of office in record. — Authorize clerk or one member to correct clerical errors in orders.	Chair Board Clerk Board	ORS 309.026(1) ORS 309.070 ORS 309.070 ORS 309.110(3)

Date	Action	Who	Reference
On or after first Monday in February (cont.)	— Determine whether clerk attends meetings.	Board and Clerk	ORS 309.024
	— Decide time needed for each hearing.	Board and Clerk	Non-statutory
	— Establish policy about rescheduling hearings.	Board	Non-statutory
	— Establish policy about swearing in witnesses.	Board	Non-statutory
	— Enter training certificates into board record.	Clerk	ORS 309.022
On or after first Monday in February through April 15	— Hold hearings.	Board	ORS 309.026
	— Keep record of meetings.	Clerk	ORS 309.024
	— Mail hearing notices to petitioners.	Clerk	ORS 309.100
	— Prepare and deliver copies of petitions to members, assessor, board appraiser, and Department of Revenue, if necessary.	Clerk	Non-statutory
	— Prepare orders for signature.	Clerk	ORS 309.110(1)
Within five days after signing	— Mail or deliver board orders.	Clerk	ORS 309.110(1) OAR 150-309-0160
Same day order is mailed	— Give copy of order to assessor and officer in charge of roll.	Clerk	ORS 309.110(1)
On or before April 15	— Adjourn session.	Board	ORS 309.026(5)
Five days from date of adjournment	— Mail or deliver orders and amended orders from regular session.	Clerk	OAR 150-309-0160 ORS 309.110(6)
Through June 30	— Reconvene board to amend orders to correct errors of jurisdiction.	Chair	ORS 309.110(5)
	— Issue amended orders to correct clerical errors.	Clerk or Member	ORS 309.110(5)
Not later than five days after date signed.	— Mail or deliver amended orders to petitioner and give copy to assessor and officer in charge of the roll.	Clerk	ORS 309.110(6)
45 days after adjournment	— Complete Summary of Actions and mail to Department of Revenue.	Clerk	OAR 150-309-0260(2)
June 30	— Term ends.	Board	ORS 309.020(2)

Membership

Appointment of Pools

Each year the county governing body appoints two pools of county residents from which the county clerk will select the members of the board of property tax appeals.

The pools from which the members are selected must be appointed **on or before October 15** of each year.

The pools shall consist of the following persons who are eligible to serve on the board(s):

Pool 1—

A group of members of the county governing body (county commissioners/county judges) or non-office-holding county residents to serve in their place. The people appointed to this pool should be willing to act as chairperson of the board. This pool may be referred to as the “chairperson’s pool.”

Pool 2—

A group of non-office-holding residents of the county who are not employees of the county or of any taxing district within the county.

The order of the governing body that appoints the pools must be in writing and contain the following information:

1. The names, addresses, and phone numbers of the persons appointed to the pools.
2. A brief description of training either already taken or that will be completed before the board member begins his or her term.
3. The pool or pools to which the person is appointed.
4. The date when the order becomes effective.

The same people may be appointed to both the chairperson’s pool and the non-office-holding pool.

The number of people placed in the pools isn’t specified by law, but should be sufficient to meet the projected needs of the board for the upcoming session. If the appointed pools do not contain

sufficient members to meet the projected needs of the board, the governing body must appoint new pools. **New pools can be appointed at any time upon request of the county clerk at a regular meeting of the governing body or at a special meeting called by the chairperson of the county governing body.**

Whenever the governing body appoints new pools, the order of appointment must be updated, including the new date the pool becomes effective. **When the new pool becomes effective, it takes precedence and members shall not be selected from previous pools.** All orders of appointment to the pools should be filed immediately in the records of the county clerk.

Definition of Non-Office-Holding

A non-office-holding county resident is defined as one who is **NOT** any of the following:

- A member of the county governing body,
- A member of the governing body of any taxing district within the county,
- An elected official within the county,
- A person employed in or hired by the county or any taxing district within the county,
- A former county assessor, or any appointee acting in the place of the assessor, that held the office or appointed position during the tax year subject to appeal to BOPTA, or
- A person previously employed in or hired by the office of the assessor during the tax year subject to appeal to BOPTA.

Selection of Board Members

After the governing body has appointed eligible persons to the pool, **the county clerk selects members as needed to serve on the board(s).** The clerk can select the members at any time after the governing body appoints the pools. The members of each board consist of:

- One person from the chairperson’s pool, and
- Two people from the non-office-holding county resident pool.

Installation of Members

At their first administrative meeting, the members of the pools must take and subscribe to an oath of office. Any member of the board can administer the oath, but generally the chairperson administers the oath to the other board members, and then one of the other members administers the oath to the chairperson. A written copy of each oath should be filed with the county clerk.

Chairperson

The member selected from the chairperson's pool acts as chairperson of the board unless the board votes unanimously to elect one of the other non-office-holding members as chair-person.

Term of Office

The term of office for all persons appointed to the pools begins on the date of appointment and ends on the following June 30.

Multiple Boards

If the county clerk determines that the number of petitions filed would make it difficult for one board to review all filed petitions, the clerk may select additional boards from the member pools. The clerk should be able to estimate how many boards will be necessary by looking at the number of petitions filed in past years.

The county clerk may select persons from the pools as needed to form an unlimited number of three-member boards. However, if there are not enough members available, two people make a quorum and have authority to conduct all the usual business of a board.

Non-office-holding members of the board may serve on any board as needed for the efficient conduct of business.

[ORS 309.020](#)

[ORS 309.067](#)

[ORS 309.070](#)

[OAR 150-309-0050](#)

The Board Clerk

Requirements

The county clerk serves as clerk of the board of property tax appeals and handles all administrative duties of the board(s). The clerk may appoint a deputy clerk to serve in his or her place. The deputy must be from the county clerk's staff. The clerk or deputy clerk isn't required to be present each time the board meets.

The board and the clerk should decide at the first meeting whether the clerk will attend all meetings of the board. If the board and clerk decide that the clerk won't attend the meetings, then it will be the chair's responsibility to maintain an accurate record of all board actions. It is the responsibility of the clerk to decide which type of records (written or audio) shall be kept by the board.

The name of the board clerk should be given to the county governing body so the members of the pools can be advised of how to contact the clerk.

ORS 306.005
ORS 309.020
ORS 309.024

Clerk's Duties

The importance of the clerk to the successful completion of the board's activities can't be overemphasized. The clerk serves as the liaison among board members, and notifies members of meetings, hearings, and communications from taxpayers and the assessor.

The following is a list of some of the clerk's duties:

1. Finding qualified board members.

Many counties governing bodies request that the county clerk present them with a list of qualified non-office-holding county residents to consider for appointment to the pools.

The clerks may do this in a number of methods. Some counties advertise for members and go through an application process.

2. Making sure board members meet training requirements.

It is the responsibility of the clerk, in conjunction with the board chair, to make sure that all who serve on a board has met the training-related requirements; including proper retention of proof of completion and defraying of training related costs.

ORS 309.022
OAR 150-309-0010

3. Selecting members from the pools.

After the governing body has appointed eligible persons to the pools, the clerk selects members as needed to serve on the board(s). The clerk should notify the members selected as soon as possible and confirm their willingness to serve. The clerk can do this at any time after the pools are appointed. The clerk may select members from the pools as necessary to complete the work of the board(s). For additional information see Chapter 1 in this manual.

ORS 309.020

4. Scheduling the first administrative meeting of the pool members.

The clerk should send a notice of the first meeting of the board to all pool members. This includes the members who haven't been selected (as of yet) to sit on the board. At this meeting, all of the pool members will take their oaths of office and confirm their assignments. If all pool members take their oaths at this time, they will be prepared to serve if selected by the clerk at a later date. The first meeting of the board is discussed in detail in the chapter on "Meetings" in this manual.

5. Keeping track of petitions received and actions taken.

The clerk must keep a log of each petition received. The log can be kept manually or

electronically. The purpose of keeping the log is to ensure that each petition is tracked and disposed of correctly.

After the petitions are entered into the log, a copy of the petitions should be made for the assessor's office and the Department of Revenue, if the subject property is a department responsibility account. Some assessors can access the petitions electronically. The department has designed a "Board of Property Tax Appeals Hearing Record" form, which may be used to satisfy the requirements of the written minutes law if written minutes are kept. The following information should be entered in the record:

- Date petition received,
- Petition number,
- Petitioner's name,
- Address where order is to be mailed,
- Assessor's account number (map and tax lot number if needed),
- Value(s) or amount of penalty appealed,
- Requested value(s),
- Value(s) recommended by assessor,
- Amended filing date,
- Date corrected petition received,
- Hearing notification date,
- Hearing date,
- Date and time signed stipulation filed with clerk,
- Action taken,
- Value(s) ordered by the board,
- Any other findings ordered by the board,
- Date order issued (date order signed),
- Date order mailed,
- Date copy of order delivered to assessor,
- Date copy of order delivered to officer in charge of roll,
- Notation of confidential status of hearing,
- All members present and all other persons who give evidence, and
- Brief discussion of the substance of the meeting.

ORS 309.100
ORS 309.110

The "Value Recalculation Worksheet" form may be used to replace part of the information previously required on the "Board of Property Tax Appeals Hearing Record"

form. The two forms may be used in conjunction with each other to complete the hearing record.

The department recommends using the "Board of Property Tax Appeals Hearing Record" form even if an audio record is kept of the meetings. The record provides a way to track the petitions and serves as a good checklist of required information. However, the record need not contain a written discussion of the hearing if an audio record is available.

6. Screening of petitions.

• Incomplete petitions.

The clerk reviews the petitions as they are filed to determine whether they contain the information required by law. If a petition is incomplete, it must be returned to the petitioner for completion.

A petitioner must be allowed 20 days from the mailing date of the defective petition notice or until the last day for filing a petition with BOPTA, whichever is later, to correct the deficiency in the petition. Time is computed from the first day following the mailing date of the written notice and includes the last day unless the last day falls on a legal holiday, Saturday, or Sunday. This extends the time to the next working day.

ORS 309.100(3)
OAR 150-309-0090
OAR 150-309-0100

• Jurisdiction.

The clerk may also screen petitions to determine if the board has jurisdiction to hear them. However, the final responsibility for these decisions lies with the board. See Chapter 11 for more information about petitions and Chapter 9 for more information about the jurisdiction of the board.

7. Posting notices of board sessions and meetings.

The county clerk is responsible for posting the notice of the session for the board of property tax appeals. It must be posted in six conspicuous places in the county. In the

notice, the clerk shall include the date and time the board will convene and the principal subjects to be considered during the session. The clerk is also responsible for posting the daily or weekly meeting notices. For additional information, see Chapter 6.

[ORS 192.640](#)

[ORS 309.025](#)

8. Scheduling hearings and mailing hearing notices.

The clerk is responsible for scheduling hearings for the board. The clerk and the board members should work together to determine how much time will be required to hear all the petitions received.

The board must give petitioners who request to be present at the hearing at least five days' written notice of the time and place to appear. This doesn't apply to petitioners who file defective petitions and don't correct them by the amended filing deadline. Time is always computed from the first day following the mailing date of the written notice and includes the last day unless the last day falls on a legal holiday, Saturday, or Sunday. The time is then extended to the next working day.

Hearing schedules should allow the clerk enough time to prepare the final orders, obtain signatures of board members, and mail the orders by their deadlines.

[ORS 309.100\(5\)](#)

9. Keeping the official record of board actions.

The official record of the board(s) may be kept in either a written or audio format. It is the responsibility of the clerk to decide which type of minutes (written or audio) shall be kept by the board.

If the record is kept in the form of written minutes, the minutes should be written so they are easily understood. A full transcript isn't required, but written minutes must give a true reflection of the matters discussed and the view of the participants. The record should include at least the following information:

- All persons in attendance,
- The substance of any discussion on any matter,
- A reference to any document discussed,
- All motions, proposals, resolutions, orders proposed, and their disposition, and
- The results of all votes and the vote of each member by name.

The hearing record discussed previously will satisfy the requirements of the public records law if it contains all of the information listed above.

If the official record of the board is an audio recording, the clerk should confirm that all persons speaking can be clearly heard when the tape is replayed. Audiotapes have a limited life and should be stored in a manner that will meet the retention requirements of [OAR Chapter 166, Division 40](#). The clerk should contact the Secretary of State's Archives Division for more information about this requirement. The phone number is 503-73-0701. For additional information, see Chapter 5.

[ORS 192.650](#)

[ORS 309.024](#)

10. Receiving and incorporating documents into the official record of the board.

A complete record of the board's proceedings should contain the following documents, as well as the minutes previously discussed:

- A copy of the minutes from the meeting of the county governing body during which the pools were appointed, or a copy of the order appointing the pools,
- Signed oaths of office of board members,
- Training certificates,
- Affidavit of posting of notice of session and copies of all posted notices,
- Record of appointment of board appraiser, if board appraiser is appointed,
- Daily or weekly agendas,
- Appeal petitions,
- Authorizations to represent,
- Hearing notices,
- Defective petition notices,
- Value recalculation worksheets,
- Copies of all signed orders of the board,

- Evidence offered at hearings by the petitioner or assessor,
- Stipulations, and
- Summary of Actions.

[ORS 192.650](#)
[OAR 150-309-0020](#)
[ORS 309.110](#)

The documents from the board of property tax appeals session can be kept as a separate record in the clerk's office, except for the following records which must be made a part of the journal of the county governing body.

- The date the pools were appointed,
- The pools to which the pool members were appointed, and
- The date the board convened and the date the board adjourned.

[ORS 309.072](#)

11. Preparing and distributing orders.

Except for those resolved by stipulation under [ORS 308.242](#), every petition received by the board must be disposed of by formal order. The clerk prepares the orders for board members' signatures. Orders should be processed in the following manner:

- The orders must be signed by at least two members who participated in the hearing.
- The order must contain the date the board members signed the order.
- The date the board "convened" on the order should be the date the board held its first meeting.

- The mailing date shown on the order should be the same as the actual mailing date, and it should appear on every order.
- Copies of all board orders should be delivered to the assessor and the officer in charge of the roll on the same day they are mailed or given to petitioners.
- All orders should be mailed and delivered no later than five days after they are signed and no later than five days after the board adjourns. Mailing the orders by certified mail isn't required.
- See Chapter 17 for more information about orders.
- The order must contain the values described by rule in [150-309-0150](#).

[ORS 309.110](#)
[OAR 150-309-0150](#)
[OAR 150-309-0160](#)

12. Amending orders.

The board may authorize the clerk or one board member to amend board orders on behalf of the board for the purpose of correcting clerical errors.

13. Completing the summary of actions.

The clerk is required to summarize the actions of the board for the Department of Revenue within 45 days after the end of each board session. The department will provide a form for the clerk to use.

[OAR 150-309-0260](#)

Other Board Staff

Legal Counsel

The legal advisor for the board of property tax appeals can be the district attorney, county counsel, or—in the case of a potential conflict of interest—independent counsel. The board's legal counsel may attend all sessions of the board, including executive sessions. The county clerk decides who will serve as legal counsel for the board, but the clerk should discuss this decision with counsel before the board session begins.

[ORS 309.024](#)

Board Appraiser

The board, with the approval of the county clerk, may hire an appraiser to help the members make decisions about the value of property.

The appraiser must be registered under [ORS 308.010](#); licensed or certified under [ORS 674.310](#) (and not otherwise employed by the county); or

work for another county's assessor. If the board appraiser works for another county, the appraiser doesn't need to be licensed under [ORS 674.310](#).

If two counties have a reciprocal program for board appraisers, each county should pay only the additional expenses of travel and possible extra time involved on an actual expense system. If the counties have different pay scales, the reciprocal program will have no effect on the pay the appraisers receive while working for the board of a different county. The program should be designed to benefit both counties.

The appraiser may be used to review properties under appeal and give the board an opinion as to the accuracy of the real market value on the roll. The appraiser can be a very valuable resource when the board reviews and hears petitions regarding the value of more complex properties.

[ORS 309.024](#)

Training Requirements

Members

Oregon law requires that new members of the board pools complete training approved by the Department of Revenue for their first term of appointment.

Once the initial training requirement has been met, all members of the board pools must complete training approved by the Department of Revenue at least every other year.

Members of the pools returning to serve after a break in service are considered new members and are required to complete training in the first year they are appointed.

The department may approve various types of training based on educational effectiveness, cost, accessibility to members, and Department of Revenue resources.

Any properly appointed members of a pool who have not completed training approved by the department shall not sit on the board so long as there are sufficient trained members to constitute a quorum. If an untrained member must sit on the board in order to establish a quorum, the member must have read the current manual and sign an affidavit stating he or she has done so. This is the only time reading the manual and

signing the affidavit may substitute for completing Department of Revenue-approved training. The affidavit should be made a part of the record of the board and a copy should be sent to the Department of Revenue.

Members are not required to complete training if no petitions are filed in their county.

ORS 309.022(1)
OAR 150-309-0010

Board Clerk and Board Appraiser

Neither the board clerk nor the board appraiser is required by statute to complete the board of property tax appeals training.

Verification

The designated chairperson should verify that all members have completed training at the first administrative meeting of the board or as soon as possible thereafter. The chairperson should also take responsibility for seeing that any member who has not completed training does not sit on a board unless it is necessary to establish a quorum. The clerk should include copies of training verification in the record.

Chapter 5

Meetings

Public Meeting Defined

A public meeting occurs when the governing body of a public body convenes to make decisions or recommendations to the public. The governing body must consist of two or more members, be created pursuant to the constitution, a statute, administrative rule, intergovernmental agreement or by-law, and have a quorum of members present.

Examples of governing bodies include:

- Boards.
- Commissions.
- Councils.
- Committees or subcommittees.

ORS 192.610(3)

Meeting Procedures

Most boards follow general meeting procedures (for example, *Robert's Rules of Order*) when holding meetings. Such procedures call for seconds to motions, but each board may decide what its procedure regarding motions will be at its first meeting.

Board meetings are open to the public except when the room is cleared for confidential hearings.

All official actions of the board must be made by a public vote.

The room chosen for board meetings should be easily accessible by the public and well-marked. If the door is kept closed, a sign should be posted welcoming public entrance.

Meetings can be held by telephone conference calls or other electronic communication if notice and opportunity for public access are provided.

ORS 192.670(1)

For the board of property tax appeals, two members must be present to constitute a **quorum**. At least a quorum must be present at any meeting in which a decision is made.

ORS 309.020

Debriefing meetings held after the board adjourns are not considered public meetings because the board will not be making any decisions.

The Board Session

The board of property tax appeals must convene on or after the first Monday in February of each year, but not later than the date necessary for the board to complete its work by April 15. The board session is on-going except for weekends, holidays, and periodic recesses.

ORS 309.026

During the first administrative meeting of the members of the pools, a designated chairperson should lead the members through the following items or use the checklist on page 5-4:

- Convene the session and state the date, time, and place of the meeting and those persons present.

ORS 309.026

- Take the verbal oath of office and then administer the oath to all pool members from whom the clerk may select persons to sit on the boards. After the verbal oaths are given, all members should sign the written oaths and give them to the clerk to include in the board record.

ORS 309.070

- Verify that the daily meeting notice has been posted.

ORS 192.640

- Verify all members of the pools have completed required training and enter training verifications into the board record.

ORS 309.022

- Reach an agreement with the clerk about whether the clerk shall attend meetings of the board, and who will be responsible for keeping the record.

ORS 309.024

- Confirm whom the county clerk has selected to act as legal advisor to the board.

[ORS 309.024](#)

- Confirm with the clerk whether a board appraiser has been hired. If an appraiser will be hired, discuss the circumstances under which the appraiser will be used.

[ORS 309.024](#)

- Confer with the clerk to determine whether more than one board will be necessary based on the number of petitions received.
- Ask the clerk to review the names of the members of the pools selected to sit on the boards.
- Determine the time to be allotted for each hearing.
- Establish a policy regarding rescheduling hearings.
- Establish a policy about whether or not the board will swear in witnesses.
- Discuss the procedure for making telephone conference calls.
- Establish a policy about security measures and how to handle uncooperative petitioners.
- Discuss what constitutes a quorum.
- Discuss whether the board wishes to authorize one member or the clerk to issue amended orders to correct clerical errors on behalf of the board. Complete a written designation of the appointment and file it with the clerk.

[ORS 309.020](#)

[ORS 309.100](#)

[ORS 309.110](#)

- Establish a policy for how to handle late-filed petitions.
- Decide whether the board will make its decisions and recalculate values while the taxpayer is present or at another meeting.
- Decide on a policy about the circumstances under which the board will reduce a penalty instead of waiving 100 percent of the penalty if good and sufficient cause exists; or the year for which the return was filed was both the first year that a return was required and the first year a return was filed.

[ORS 308.295](#)

[ORS 308.296](#)

- Discuss procedures for holding executive sessions and for maintaining confidentiality of real and personal property returns. Have each member and the clerk read and sign the "Secrecy Laws Certificate."
- Schedule additional meetings, if necessary.

Executive Sessions

An executive session is any meeting or part of any meeting that is closed to certain persons for deliberation on certain matters.

A meeting during which information submitted on a confidential real or personal property return is discussed should be held in an executive session. If the board does not hold the hearing in executive session, the assessor or the Department of Revenue will not be able to discuss the information on the return.

For more information on executive sessions, see Chapter 15 in this manual.

[ORS 192.610\(2\)](#)

Minutes

A written or audio record of all board proceedings must be kept as a part of the official record of the board. The clerk should advise the board at the first administrative meeting which type of record will be kept. If the board and clerk decide that the clerk will not attend all meetings of the board, then it will be the chair's responsibility to maintain an accurate record.

If written minutes are used, they must give a true reflection of the matters discussed at the meeting and the opinions of the participants. Written minutes must include the following:

- All board members present.
- The substance of any discussion on any matter.
- A reference to any document discussed at the meeting (this reference shall not affect the status of the document under [ORS 192.410 to 192.505](#)).
- All motions, proposals, resolutions, orders proposed, and their disposition.
- The result of all votes and how each member voted.

The hearing record form, discussed under "Board Clerk," will satisfy the requirements of the written minutes law if it also contains the information listed above.

If an audio record of meetings is kept, it is important to check the tape to make sure that all people speaking can be heard. Audio records of confidential hearings must be kept separately from the tapes of public meetings.

The public must be allowed access to the tapes of all public meetings. The clerk must also provide copies of the tapes upon request. The clerk may charge a fee for this service. It is not necessary for tapes to be transcribed into written format.

The records of the boards must be kept according to the retention schedule established by OAR Chapter 166, Division 40. The state archivist establishes retention schedules. For more information, call (503) 373-0701.

[ORS 309.024](#)

[ORS 192.650](#)

Adjournment

The board or boards of property tax appeals shall adjourn no later than April 15. However, the board(s) may adjourn before April 15 if they have completed all their functions.

Below is a summary of the tasks the board of property tax appeals must complete before adjourning the session.

- Issue orders for all petitions for which hearings were held, including petitions filed late or those that were not corrected by the amended filing deadline. Do not issue orders for petitions for which stipulations were filed with the clerk prior to the time the board convened the session.
- Amend orders to correct errors from the regular session.
- Appoint a board member or the clerk to issue amended orders to correct clerical errors on behalf of the board (if this was not done at an earlier meeting).
- Give vouchers for reimbursement to the clerk.
- Discuss any unfinished housekeeping items.

The board can meet by call of the chairperson through June 30 to correct clerical errors or errors of jurisdiction appearing in its original orders.

[ORS 309.026](#)

[ORS 309.110](#)

BOPTA Chairperson's First Meeting Checklist

- _____ 1. Convene the session, and state the date, time, place of the meeting, and those persons present.
- _____ 2. Take and administer a verbal oath of office to all pool members.
- _____ 3. Sign the written oaths and file them with the BOPTA clerk.
- _____ 4. Verify that the daily meeting notice has been posted.
- _____ 5. Verify all members of the pool have completed required training and enter this verification into the board record.
- _____ 6. Reach an agreement with the clerk about whether the clerk shall attend meetings of the board, and decide who will be responsible for keeping the record of the board.
- _____ 7. Confirm who will act as legal advisor to the board.
- _____ 8. If a board appraiser will be hired, discuss the circumstances under which the appraiser will be used.
- _____ 9. Confer with the clerk to determine whether more than one board will be necessary based on the number of petitions received.
- _____ 10. Ask the clerk to review the names of the members of the pools selected to sit on the board(s).
- _____ 11. Determine the time to be allotted for each hearing.
- _____ 12. Establish a policy regarding rescheduling hearings.
- _____ 13. Establish a policy about whether or not the board will swear in witnesses.
- _____ 14. Establish how to handle telephone conference calls.
- _____ 15. Establish a policy about security measures and how to handle uncooperative petitioners.
- _____ 16. Establish a policy of the proof necessary that a petitioner has filed timely.
- _____ 17. Discuss what constitutes a quorum.
- _____ 18. Discuss whether the board wishes to authorize one member or the clerk to amend orders that contain clerical errors, and appoint the member or clerk accordingly. Complete a written designation of the appointment and file it with the clerk.
- _____ 19. Decide whether the board will make its decisions and recalculate values while the taxpayer is present or at another time.
- _____ 20. Decide on a policy about the circumstances under which the board will reduce a penalty instead of waiving 100 percent of the penalty if good and sufficient cause exists or the year for which the return was filed was both the first year that a return was required and the first year a return was filed.
- _____ 21. Schedule additional meetings.

Public Notices

Requirements

It is the intent of the Public Meeting Laws that governing bodies of public bodies make decisions that affect the public openly. Boards of property tax appeals are considered to be “governing bodies” for purposes of the public meetings law. This means that the boards of property tax appeals have a statutory obligation to inform the public, through their clerks, of the dates and times when they will meet to deliberate and make decisions. The meeting place is required to be accessible to people with disabilities.

[ORS Chapter 192](#)

The board of property tax appeals clerk in each county notifies the public of the first meeting of the board in a document informally referred to as the “Notice of the Session.”

The “Notice of the Session” should contain the following information:

- The time and place of the first meeting of the board.
- The duties that the board is authorized to perform, such as:
 - Hear petitions for reduction of real market, maximum assessed, specially assessed, or assessed value of property as of January 1, or as determined under [ORS 308.146 \(5\) \(a\)](#), [ORS 308.146\(6\)](#), [ORS 308.146\(8\)](#).
 - Hear petitions for reduction of value corrected under [ORS 311.208](#).
 - Hear petitions to waive penalties for late filing of real or personal property returns.
- The last day for filing a petition with the board.
- A statement about the board’s authority to hold executive sessions.

[ORS 309.025](#)

Posting Notice

The notice of the session must be posted in six conspicuous places in the county. We recommend

posting the notice three weeks before the beginning of session. Suggested places include the courthouse bulletin board, city hall, post office, assessor’s office, or any bulletin board where county or city public meeting notices are regularly posted.

[ORS 309.025](#)

Affidavit of Posting

Proof must be provided that the notice of the session of the board of property tax appeals is posted. The proof of notice is an affidavit prepared by the clerk of the board that specifies the date, time, place, and method by which the notices were posted. This affidavit must be filed in the office of the county clerk on or before the date the board convenes.

[ORS 309.025](#)

Daily Meeting Notices

The boards must notify the public of day-to-day meetings in a way that gives notice to all interested parties. These daily or weekly meeting notices are required in addition to the posting notices of session.

The notices may be posted in the courthouse or annex where the hearings will be held no less than 48 hours prior to the hearing date. They should be posted where all other public notices are posted. It is not necessary to **publish** the notices. The news media should be notified if it has requested notice.

These notices will serve to inform the public of the boards’ agendas, but do not limit the ability of the board to consider additional subjects.

The boards can hold special meetings (one brought about by unusual circumstances) with only 24-hour notice.

[ORS 192.640](#)

[ORS 309.025](#)

Understanding the Valuation Process

This chapter of the manual contains a brief discussion of the methodology used to establish the values that appear on the assessment and tax rolls.

Appraisal Cycle

Assessors attempt to revalue property either on a regular basis or when data indicates reappraisal is necessary. The law no longer requires all property to be reappraised every six years.

To do this, the assessor divides the county into “appraisal areas,” “neighborhoods,” “value areas,” or “hot spots.” Each year the assessor’s appraisal staff estimates the real market value (RMV) for properties within identified reappraisal areas. Properties that are not included in the reappraisal area are valued based on market trends identified in the “Assessor’s Certified Ratio Study.” The ratio study is discussed in Chapter 8 of this manual.

ORS 308.234
ORS 309.200

The Assessment Date

Oregon law requires all property to be valued “as of the assessment date for the tax year.” The definition of assessment date for most property is “January 1 at 1:00 a.m. of the assessment year.” The tax year is based on the fiscal year, July 1 through June 30.

ORS 308.210

Real Market Value (RMV)

The assessor must value all property within the county at 100 percent of its real market value. The statutory definition of “real market value” is:

“... the amount in cash that could reasonably be expected to be paid by an informed buyer to an informed seller, each acting without compulsion in an arm’s length transaction occurring as of the assessment date for the tax year.”

Real market value is determined in accordance with the following:

- The amount a typical seller would accept or the amount a typical buyer would offer that

could reasonably be expected by a seller of property.

- An amount in cash shall be considered the equivalent of a financing method that is typical for a property.
- If the property has no immediate market value, its real market value is the amount of money that would justly compensate the owner for loss of the property.

ORS 308.205

Real market value can go up or down depending upon the market and circumstances specific to the property.

How Real Market Value (RMV) is Established

The assessor establishes the property values on the assessment roll through the appraisal process.

Webster’s gives the following definition of “appraise”:

“... to set value on: estimate the value of ... to evaluate the worth, significance, or status of. . . to give an expert judgment of the value or merit . . . ”

The basis of the appraisal process is the comparison of property that has not sold to properties that have sold at prices typical for the type of property being valued. In addition to sales, income and rents are also used to establish some property values.

The most in-depth appraisal requires a physical or on-site inspection of the property. As part of this process, the appraiser takes an inventory of all improvements. This includes measurements and complete descriptions of all buildings, decks, fences, paving, and other additions to the land. The condition and functional utility of the property are also reviewed. Based on the information gathered, the appraiser classifies the property using guidelines and manuals provided by the Department of Revenue or other cost sources.

Finally, the appraiser uses all information and accepted appraisal methods to determine the RMV of the land, the buildings, and on-site development (OSD).

Many counties no longer physically reappraise property on a regular basis, but adjust values annually through what is called automated valuation modeling (AVM). In Oregon, we sometimes refer to AVM as “recalculation.” Automated valuation modeling uses a mathematically based computer software program to produce an estimate of market value based on location, market conditions, and real estate characteristics.

Maximum Assessed Value (MAV)

Maximum assessed value is a term that was created by Measure 50, a property tax measure Oregon voters passed in 1997. Maximum assessed value for the 1997–98 tax year (the year the measure was implemented), was the 1995–96 real market value reduced by 10 percent and adjusted for certain changes to the property that occurred between the 1995 and 1997 tax years. For the 1998–99 tax year and all following tax years—MAV is defined as the **greater** of 103 percent of the prior year’s assessed value or 100 percent of the prior year’s MAV—plus the MAV of any exception value (exception value is defined below.)

ORS 308.146

Assessed Value (AV)

Assessed value is defined as the **lesser** of the property’s real market value or maximum assessed value.

ORS 308.146

Exceptions

An exception is any change to property excluding general ongoing maintenance and repair or minor construction. An exception allows MAV to be increased above the three percent limitation. Examples of changes to property that qualify as an exception include: new construction or additions; major remodeling; renovation; rehabilitation; adding site improvements to land; siting a manufactured structure; rezoning with use consistent with the change in zoning; and partitions or subdivisions. Property added to the roll as omitted property or property that is disqualified

from exemption or special assessment is also treated as an exception.

ORS 308.149

Changed Property Ratio (CPR)

The changed property ratio is used to calculate the maximum assessed value of an exception. The assessor calculates the CPR by dividing the average MAV of all unchanged properties in the same area and property class by the average RMV of all unchanged properties in the same area and property class. (ORS 308.149 defines “area” as the “county.”) The RMV of the exception is then multiplied by the CPR to calculate the maximum assessed value for the exception. The purpose of multiplying the RMV of the exception by the CPR is to bring the MAV of new (changed) property to the same general assessment level as unchanged property.

ORS 308.153

General Ongoing Maintenance and Repair

General ongoing maintenance and repair includes work and materials that are needed to maintain a structure in average condition without significantly changing the design or materials. The increase in value to a property attributed to general ongoing maintenance and repair does not qualify as an exception and may not be added to MAV. For example, replacing the 15-year-old composition shingle roof cover on a house with similar quality composition shingles is considered general ongoing maintenance and repair. The roof cover replacement may increase the property’s RMV, but MAV cannot be adjusted. In contrast, replacing the old composition shingle roof cover with a concrete or clay roof is considered an upgrade to the roof cover and the difference in real market value due to the upgrade in the roofing material qualifies as an exception if it meets the minor construction test.

OAR 150-308-0130

Minor Construction

Minor construction is a change to property that would qualify as an exception, except that it has a real market value of \$10,000 or less in a single assessment year, or an accumulation of \$25,000 or less during five assessment years. If the \$25,000 minor construction accumulation is exceeded

prior to five years, the accumulation pool and the five-year period are reset for the next year. Minor construction does not increase MAV, but can increase RMV.

For a single year, the value of all new property and new improvement exceptions are combined to see if the \$10,000 threshold has been exceeded.

For example:

A \$1,500 driveway and a \$6,000 outbuilding are added to a property in one assessment year. The exception value is \$7,500. In this case, the RMV of the new improvements is below the minor construction single year limit. The \$7,500 will be added to the account's RMV, then added to the accumulation pool and tested against the \$25,000 limit.

When new property and improvement value exceeds \$25,000 in the accumulation pool during the five-year period, the value is added to MAV in two steps. The first step is to identify all value in the accumulation pool that has not already been used to adjust MAV. The second step is to

multiply that value by the current year CPR and add it to MAV.

Adjustments to Maximum Assessed Value

Depending on the circumstances, MAV may be adjusted in one of four ways:

1. Changes where only a portion of the property qualifies as an exception. The RMV of the exception is multiplied by the CPR and added to the "base MAV." The base MAV is the current year MAV of the portion of the property that was on the assessment roll for the previous tax year. As previously discussed, the current year MAV is the greater of 103 percent of the prior year's assessed value or 100 percent of the prior year's MAV. Examples of this type of exception are:

- New property or new improvements to property.

	Exception RMV	Pool RMV	Adjustment RMV	
Example 1:				
Year 1	\$7,500	\$7,500	\$0	Does not qualify by either test.
Year 2	\$11,000	\$18,500	\$11,000	Qualifies by individual year test.
Year 3	\$7,000	\$25,500	\$14,500	Qualifies Year 1 and Year 3 by five-year accumulation test.
Example 2:				
Year 1	\$8,500	\$8,500	\$0	Does not qualify by either test.
Year 2	\$100,000	\$108,500	\$108,500	Qualifies by individual year test. Qualifies Year 1 by five-year accumulation test.
Reset		Reset		
Year 1	\$9,500	\$9,500	\$0	Does not qualify by either test.
Example 3:				
Year 1:	\$12,000	\$12,000	\$12,000	Qualifies by individual year test.
Year 2	\$0	\$12,000	\$0	Does not qualify by either test.
Year 3	\$5,000	\$17,000	\$0	Does not qualify by either test.
Year 4	\$7,000	\$24,000	\$0	Does not qualify by either test.
Year 5	\$0	\$24,000	\$0	Does not qualify by either test.
Year 6	\$11,000	\$23,000	\$11,000	Qualifies by individual year test. Year 1 value of \$12,000 has fallen off the accumulation total so it does not qualify by accumulation test.

- Property that is being added to the roll as omitted property.
- Property that is disqualified from partial exemption.
- Property that is re-zoned and only part of the property is used consistently with the new zone.
- Property that is disqualified from special assessment when only part of the property was specially assessed.
- Property that is partitioned or subdivided when the property includes an improvement not affected by the subdivision or partition.

Sample Calculation:

In the example below the property owner built a new outbuilding during the calendar year. The assessor “picked up” the exception and added it to the roll for the tax year.

Values on Previous Tax Roll Prior to Change in Property

Land RMV	\$ 50,000
Bldg RMV	95,000
Total RMV	145,000
Total MAV	123,250
Total AV	\$ 123,250

Values on Current Tax Roll after Adjustment for the Change in Property

Land RMV	\$ 50,000
Bldg RMV	135,000
Total RMV	185,000
Base MAV ($123,250 \times 1.03$)	126,940
Exception RMV (new building)	40,000
CPR	.83
Exception MAV ($40,000 \times .83$)	33,200
Total MAV (base MAV + Exc MAV)	160,140
AV (lesser of RMV or MAV)	\$ 160,140

Note: Numbers are rounded down to the nearest \$10.

2. Changes that allow the assessor to calculate a new RMV for the entire property. The new RMV is then multiplied by the CPR to establish a new MAV. There is no base MAV; the property is 100 percent exception value. Examples of this type are:

- New property (no prior tax account),
- Property that is partitioned or subdivided—when the property includes an improvement defined as affected under [OAR 150-308-0190](#) or all lots are vacant,
- Property that is disqualified from an exemption and the entire property was exempt,
- Property that is re-zoned and the entire property is used consistently with the new zone, and
- Property that is disqualified from special assessment and the entire property was specially assessed.

Sample Calculation:

In the example below, the property owner purchased a house that was recently built on a lot that did not exist during the previous tax year. All of the property qualifies as an “exception” for the tax year.

Values on Tax Roll after Adjustment for the Change in Property

Land RMV	\$ 100,000
Bldg RMV	300,000
Total RMV	400,000
Base MAV (account did not exist)	0
Exception RMV (land, OSD & bldg)	400,000
CPR	.85
Exception MAV ($400,000 \times .85$)	340,000
Total MAV (base MAV + Exc MAV)	340,000
AV (lesser of RMV or MAV)	\$ 340,000

3. Changes that require MAV to be recalculated between accounts, but the total MAV of all affected properties remains the same.
 - Lot line adjustments.

MAV can also be adjusted for properties affected by fire or act of God. If the fire or act of God took place before the January 1 assessment date, the assessor must adjust MAV at the same time the RMV of the property is adjusted. If the fire or act of God happened during the period beginning on January 1 and ending on July 1 (following the assessment date), MAV can be adjusted for the current tax year if a qualified person files an application to have the property value determined as of July 1. The taxpayer must file an application with the assessor by the later of August 1 of the current year or the 60th day following the date of the damage or destruction.

If no application is filed or if the damage or destruction occurred after July 1, MAV will be adjusted for the following year.

Also, the assessor may adjust MAV when a building is demolished or removed from the property. The taxpayer must file an application by December 31 to request this adjustment to MAV.

Personal Property

Personal property is any property not classified as real property.

Generally, tangible personal property is taxable in Oregon if it is currently being used or is being held for use in a business, or is floating property. Examples of taxable personal property are: moveable machinery, tools, equipment, supplies, office furniture, law books, shelving, fork lifts, etc. Houseboats are considered floating property and are taxable as personal property.

Each year, the assessor sends personal property owners a *Confidential Personal Property Return*. Both business property and floating property must be reported on a personal property return. From the information supplied by the taxpayer in the personal property return, existing records, depreciation tables, and physical inspections (if necessary), the assessor calculates the real market value of the personal property. **(The minor construction RMV limit test does not apply to personal property.)**

Personal property returns are due back to the assessor on or before March 1 of each year. The assessor may grant a filing extension to April 15 if the taxpayer shows good cause in their request.

If the total value of all the personal property assessed to an individual taxpayer within a county is below a certain amount, the assessor will cancel the assessment for the property for the current tax year. The threshold amount increases or decreases each year based on changes in the U.S. City Average Consumer Price Index.

[ORS 308.250](#)

If returns are not filed timely or the taxpayer fails to file a return, the taxpayer is assessed a penalty. The penalty is 5 percent of the tax owed if the return is filed after March 1, but on or before June 1. The penalty increases to 25 percent of the tax owed if the return is filed after June 1,

but on or before August 1. If a return is filed after August 1, or the owner fails to file a return, the penalty assessed is 50 percent of the tax owed. Personal property manufactured structures are not reported on a personal property return and should be appealed on a real property petition.

The board of property tax appeals has jurisdiction to waive all or a portion of a penalty assessed for the late filing of a personal property return. The circumstances under which BOPTA may waive or reduce a late filing penalty are discussed in detail in Chapter 16.

[ORS 308.250](#)

[ORS 308.290](#)

[ORS 308.296](#)

Industrial Property

Industrial property with a real market value for the improvements, machinery, and equipment of more than \$1 million, are appraised by the Oregon Department of Revenue. Industrial accounts that have a real market value for the improvements, machinery, and equipment of less than \$1 million are appraised by the county in which the property is located.

County responsibility industrial accounts are reported to the assessor on a *Real Property Return*. The assessor may also ask owners of other types of property to file a return.

State responsibility industrial accounts are reported to the department on an *Industrial Property Return*. An *Industrial Property Return* is also referred to as a combined return, because both real and personal property are reported to the department on the return.

If returns are not filed timely, the taxpayer is assessed a penalty. For county responsibility accounts, the penalty is \$1 for each \$1,000 of assessed value of the property, with a minimum penalty of \$10 and a maximum penalty of \$250.

For state responsibility accounts, the penalty is \$10 for each \$1,000 of assessed value of the property, with a minimum penalty of \$10 and a maximum penalty of \$5,000.

The board of property tax appeals has jurisdiction to waive all or a portion of a penalty assessed for the late filing of a *Real Property Return* or an *Industrial Property Return*. The circumstances

under which BOPTA may waive or reduce a late filing penalty are discussed in detail in Chapter 16.

The county is responsible for the appraisal of the land under state responsibility accounts.

[ORS 308.290](#)

[ORS 308.295](#)

Specially Assessed Property

The legislature has established several programs that create value levels below market value for certain types of property. The intent in establishing these programs was to create incentives in the form of lower taxes to encourage specialized property uses. Each program has specific

application and use requirements. Examples of types of property that may qualify for special assessment are farmland, forestland, historic property, qualified multi-unit rental property, and open space. In addition to real market value and maximum assessed value, specially assessed properties have two additional values. They are the specially assessed value (SAV) and the maximum specially assessed value (MSAV).

SAV is the value obtained by applying the specially assessed statutes appropriate for the property type. MSAV depends on the specific special assessment program, but generally follows the same rules as MAV.

The Ratio Study

Ratio Study Defined

Oregon law requires that all property within a county be valued at 100 percent of its real market value as of the assessment date. For properties the assessor is unable to reappraise, the real market value is adjusted based upon percentages from the Assessor's Certified Ratio Study.

The ratio study is an analysis of how the real market value on the prior year's tax roll compares to the actual market value for the property within each property class and market area.

The study contains the assessor's plans for adjusting the prior year's values to create the new real market value on the assessment roll. The ratio study is mandated by [ORS 309.200](#).

The assessor files an electronic copy or two paper copies of the ratio study with the Department of Revenue no later than July 1 of each year. The department will consider, for due cause, granting a filing extension until August 1. The department reviews the ratio study and makes recommendations about the assessor's plan.

The assessor must file one copy of the ratio study with the clerk of the board of property tax appeals not later than October 15 of each year. The copy filed with the clerk can be either paper or electronic.

Ratio Analysis

A ratio shows how two numbers compare to each other. This comparison is expressed as a fraction and multiplied by 100. Ratios are calculated by simple division in the same way a percentage is.

Example: The ratio of 90 to 100 is:

$$\frac{90}{100} \text{ or } \frac{9}{10} \text{ or } .90 \text{ or } .90 \times 100 = 90$$

Any of these is a ratio. In general, the example shown above is the format used in assessment ratio studies.

To find out if the prior year's real market value needs to be adjusted, the county sales analyst compares the roll value of properties that have sold with actual sale prices. The result of this comparison is a sales ratio. It shows the percentage of the sale price the roll value represents. When the real market value on the prior year's roll is the same as the sale price, the ratio will be 100.

REMEMBER! When the ratios are below 100—
market values are increasing!

When the ratios are above 100—
market values are decreasing!

Formula: Ratio = $\frac{\text{Prior Year RMV}}{\text{Sale Price}}$

Example: Prior Year RMV = \$200,000

Sale price = \$250,000

$$\frac{200,000}{250,000} = \frac{4}{5} = 0.80 = 0.80 \times 100 = 80$$

A prior year RMV of \$200,000 is 80 percent of the sale price of \$250,000.

This process is extended by using as many valid sales as possible for each property class and market area. In Oregon, the law requires the assessor to use sales in the ratio study that occurred between January 1 and December 31 of the previous assessment year. This period is called the "sales collection" year. Sometimes it may even be necessary to analyze more than one year's sales in order to draw an accurate conclusion from the data.

The sales analyst arranges the sales in ratio order from the lowest to the highest ratio. This arrangement is called an "array."

Sample array:

				Sale	
(Prior year RMV ÷ sale price) x 100 = ratio				Num	
	\$114,000	\$190,000	=	60	1
	\$217,500	\$235,000	=	93	2
	\$272,000	\$280,000	=	97	3
	<u>\$180,000</u>	<u>\$175,000</u>	=	<u>103</u>	4
Totals	\$783,500	\$880,000		353	

After the sales are arrayed, measures of central tendency are calculated and analyzed for each array.

The three most commonly used central tendencies are the mean, the weighted mean, and the median. For the above sample array, these tendencies are:

Mean = 88
Weighted Mean = 89
Median = 95

Below is an explanation of the central tendencies most commonly used in a ratio study and a brief discussion of how each of the measures may be influenced.

1. The mean or arithmetic mean:

The mean is the average of all the ratios in the array. It is equally influenced by each ratio and may, therefore, be easily distorted if there are extremely high or low ratios in the array. If the array does not contain extreme ratios, it may be considered an accurate measurement.

2. Weighted mean:

The weighted mean is calculated by dividing the total prior year real market values of the properties that sold by the total of the sale prices. The weighted mean is not greatly distorted by extreme ratios, but may be distorted by large dollar amounts, which are not typical of the others in the array. Sales that fall at either end of the array and have much larger real market values or selling prices may affect this measure adversely.

3. The median:

The median is the exact middle ratio in an array of ratios. It is influenced only by the position of the ratios in the array, and not by their values. The median may be the best indicator when the array contains a grouping of similar ratios nearby and when the mean is skewed by extremes.

Other statistical measures, which may be included in a ratio study, are:

1. The geometric mean:

The geometric mean is calculated by multiplying the ratios in the array together and finding the n th root of the result, where n equals the number of ratios. This measure of central tendency is specifically designed for averaging ratios of price changes and is less influenced by extreme ratios than the mean and weighted mean.

2. The mode:

The mode is the most frequently occurring ratio within the array.

3. Price-related differential, or PRD:

The price-related differential is calculated by dividing the mean by the weighted mean and is used to measure assessment regressivity or progressivity. Appraisals are considered *regressive* if high-value properties are under-appraised relative to low-value properties and *progressive* if high-value properties are relatively over-appraised compared to low-value properties. A price-related differential greater than 1.00 may be an indication that the high-value parcels are under-appraised. A price-related differential less than 1.00 may be an indication that high-value parcels may be over-appraised.

4. Coefficient of Dispersion:

This computation is important in measuring uniformity of assessment. The coefficient of dispersion shows how much the values in a given array vary from the median central tendency. The lower the percentage of variability, the more values are clustering to the center and the greater the uniformity within the sample.

Sale Qualification

The assessor's staff analyzes all property transfers that take place during the collection period to determine whether the sales meet the definition of an arm's-length transaction. Sales that don't meet the definition of an arm's-length transaction are rejected and not included in the ratio study.

Sometimes, the sales price of a property must be adjusted before it can be used in the ratio study. Sales prices often include more than just the land and buildings. Many sales prices include furniture, machinery, livestock, timber, orchard trees, and farm crops. The sales data analyst subtracts the value of the non-taxable elements included in a sales price before calculating the sales ratio for the property.

Ratio Selections and Conclusions

The sales analyst studies the three central tendencies and other statistical measures and reaches a conclusion about which one best represents the level of assessment for the property class or market area. The reasons for the selection should be explained in the report.

Note: The ratio selected for improved property is an overall ratio for both the land and the buildings. Because the law requires the assessor to carry a separate land and building value on the roll, these must be adjusted separately. Therefore, the sales analyst has to determine how to allocate the overall ratio between these components. If the board members wish to know more about this “weighting” procedure, they should ask the sales data analyst for details.

Trend to January 1

Because market conditions may have changed during the “sales collection” year, the sales used in the study need to be analyzed to determine if an adjustment should be applied to bring the sale prices or ratio indications to January 1 (the assessment date). Sales analysts throughout the state use several different methods in analyzing and applying adjustments based on market movement over time.

Adjustment of the Assessment Roll

The selected ratios are used to adjust the real market value of property on the assessment roll to 100 percent of market value. To correctly compute the adjustment, the analyst divides 100 by the selected ratio. The resulting figure multiplied by each real market value on the roll will bring the majority of the real market values to 100 percent of market value.

Example:

$$\frac{100}{80} = 1.25 \text{ Adjustment Factor}$$

An adjustment factor of 1.25 must be applied to (multiplied by) each real market value on the tax roll to bring the values for the property class to 100 percent of real market value.

Department Recommendations

The Department of Revenue studies the ratio report and makes recommendations about the assessor's plan. Current policy specifies that the department will mail its recommendations to the assessor by August 31. A copy of the department's recommendation will be sent to the county governing body for its information.

The Board's Role

Although the assessor must file a copy of the ratio study with the board by October 15 of each year, the board is not required to review the study and make recommendations to the assessor. However, the board may review the study if it chooses to do so and may ask the assessor for additional information about the adjustments that will be made to the assessment roll based on the report.

For a more detailed explanation of the ratio study process and purpose, refer to the [Assessor's Certified Ratio Study Procedures Manual, 150-303-0437](#).

Jurisdiction

Definition

Jurisdiction is a term used to describe the “sphere of authority” of the board of property tax appeals. The word encompasses the board’s capacity, power, and right to act. This chapter of the manual discusses the jurisdiction of the board and how its decision-making authority is limited by law.

[ORS 309.026](#)

Review of Petitions

Each petition should be reviewed before the hearing to determine if the board has the authority to hear the appeal. The clerk initiates the review process, but the final decision regarding whether the board has jurisdiction to hear an appeal is up to the board. This review should answer such questions as:

- Is the petitioner appealing the current year’s value or values?
- Is the petition complete and correct?
- Does the petitioner’s request fall within the board’s jurisdiction?
- Does the person who signed the petition have the authority to do so. Do they have the authorization to represent, and is the power of attorney, or court appointment attached (if required)?

Authority

[ORS 309.026](#) grants the board of property tax appeals in each county the authority to hear petitions for the reduction of the following values on the property tax roll:

- Real market value (RMV).
- Specially assessed value (SAV).
- Maximum assessed value (MAV).
- Maximum specially assessed value (MSAV).
- Assessed value (AV).
- Any value for destroyed or damaged property changed by the assessor for July 1.
- Value added to the roll prior to December 1 under [ORS 311.208](#).

- MAV reduction for buildings that have been demolished or removed when the taxpayer has filed an application with the assessor to reduce MAV for the year when RMV was reduced.

The statute also allows the board to consider applications to waive the liability for all or a portion of the penalty imposed under [ORS 308.295](#) or [308.296](#) for the late filing of a *Real Property Return*, an *Industrial Property Return*, or a *Confidential Personal Property Return*.

Despite the broad authority granted by [ORS 309.026](#), BOPTA lacks jurisdiction to hear appeals of centrally assessed property or appeals of the SAV of forestland.

Reasons for Dismissal

BOPTA must dismiss a petition if any of the following situations occur:

1. The petition is not filed timely.
2. The petition is defective. The requirements of a petition are discussed in Chapter 11.
3. The value requested on the petition is higher than or equal to the value on the current year’s tax roll. This situation is discussed in Chapter 12 (Changes to the Roll and Stipulations).
4. The board lacks jurisdiction to hear the appeal.

Below are examples of requests the board lacks jurisdiction to act on:

- The reduction of a prior year’s value.
- An exemption or partial exemption of property taxes.
- A deferral of property taxes. (such as specially assessed forestland or farmland qualification.)
- An increase in the total value of the property.
- Relief for damage or destruction of property that occurred after the assessment date unless the value has been changed for July 1 by application to the assessor.
- The reduction of value added to the roll after the certification of the roll, unless the value

was added prior to December 1 and affects the current year only.

If the board acts on a petition that should be dismissed, the order of the board can be overturned in a subsequent appeal.

When the board dismisses an appeal for lack of jurisdiction, a formal order must be issued. The order should include the reason for the dismissal and the appeal rights of the petitioner.

Appeals of Real Market Value

When a taxpayer completes the real market value portion of the petition, the board should act on the following values:

- The RMV of the property on the current tax roll.
- The RMV of any “exception” on the current tax roll.
- The MAV of the property on the current tax roll. In an appeal based on RMV, the MAV of the property will not change unless the board orders a reduction to the RMV of the exception. If there is no exception, the board should sustain MAV.
- The AV of the property on the current tax roll. Assessed value is always the lesser of RMV or MAV for property that is not specially assessed. An appeal of real market value can have a direct effect on the assessed value if: (1) the board reduces the total RMV of the property below the maximum assessed value currently on the roll, or (2) the board reduces the RMV of an “exception” on the current year’s roll, and AV is equal to MAV. If the appeal of real market value does not result in a change to AV, then AV should be sustained.

A reduction in real market value that does not result in a change to assessed value can also reduce the taxes if the property is under compression. Compression is discussed in detail in Chapter 13.

Remember! If the board reduces the real market value of a property below the maximum assessed value currently on the roll, the RMV will become the new assessed value.

Value Components

The real market value on the tax roll may consist of various components such as land, buildings, manufactured structures, on-site improvements, or machinery and equipment. The petitioner

may request a reduction in any component of value and the board is limited to acting only on that component.

For example:

- If the petitioner is asking for a reduction in the value of the land component only, the board can only act on the RMV of the land.
- If the petitioner is asking for a reduction in the improvement value only, the board can only act on the RMV of the improvement.

However, the assessor may request that the board reach a decision regarding another component or the total value. The board may act on the values requested by the assessor.

The taxpayer may also choose to appeal the total value of the property and not include the individual components in the appeal. Such a petition allows the board to increase the value of one component as long as the total real market value is reduced or sustained.

[OAR 150-309-0030](#) allows the petitioner to request an increase in the RMV of one component as long as the petitioner is not requesting an increase in the total value of the property.

Property Affected by Current Year Exception

If there is a current year exception assessed to the property, the board must determine whether the real market value attributable to the exception is correct and include this in the order. Exception value is not shown on property tax statements but is available from the assessor’s records.

When making the adjustments to the property real market value and the exception real market value, the board needs to pay close attention to the relationship between the two values. Sometimes the adjustment to the property RMV may be exactly the same as the adjustment to the exception. Sometimes it may be a different amount. How these adjustments are made depends on the type of change to the property the exception represents.

The board should remove (or change to zero) the exception value added to MAV when:

1. The board reduces the RMV attributed to an exception to an amount equal to or below

\$10,000, which causes it to be classified as minor construction; or

2. The board determines that a change to the property the assessor classified as an exception should be classified as general ongoing maintenance and repair.

Refer to [OAR 150-308-0160](#) for guidelines on minor construction. See [OAR 150-308-0130](#) for guidelines on general ongoing maintenance and repair.

Board actions on an “exception” may result in one of the following examples:

Example 1:

The board reduces the property RMV, but sustains the RMV of the exception because the members believe the building value (including the value of the new building) is correct. MAV doesn’t change.

Values from Current Roll

Property RMV		Exception RMV		MAV		AV	
Land	45,000	Land	0	Current Year Base MAV	96,000		
Building	95,000	Building	12,000	Exception RMV x .85 CPR	10,200		
Total	140,000	Total	12,000	Total MAV	106,200	Total AV	106,200

Values as Found by Board

Property RMV		Exception RMV		MAV		AV	
Land	42,000	Land	0	Current Year Base MAV	96,000		
Building	95,000	Building	12,000	Exception RMV x .85 CPR	10,200		
Total	137,000	Total	12,000	Total MAV	106,200	Total AV	106,200

Example 2:

The board reduces the RMV of the exception from \$34,000 to \$22,000 (a reduction of \$12,000). The new real market value of the exception is multiplied by the CPR and the resulting number is then added to the current year base MAV to arrive at the new MAV for the property. In this example, the board also reduces the building RMV for the property by \$12,000 (from \$168,000 to \$156,000). The board also reduces the land value by \$10,000.

Values from Current Roll

Property RMV		Exception RMV		MAV		AV	
Land	78,000	Land	0	Current Year Base MAV	154,000		
Building	168,000	Building	34,000	Exception RMV x .85 CPR	28,900		
Total	246,000	Total	34,000	Total MAV	182,900	Total AV	182,900

Values as Found by Board

Property RMV		Exception RMV		MAV		AV	
Land	68,000	Land	0	Current Year Base MAV	154,000		
Building	156,000	Building	22,000	Exception RMV x .85 CPR	18,700		
Total	224,000	Total	22,000	Total MAV	172,700	Total AV	172,700

Example 3:

The board reduces the RMV of the exception to a number less than \$10,001. The exception value used in the calculation of MAV is removed from the calculation (or reduced to zero). The assessor adds the new \$9,000 RMV exception value to the “minor construction pool.” In this example, the property RMV is adjusted by the same amount as the RMV of the exception.

Values from Current Roll

Property RMV		Exception RMV		MAV		AV	
Land	30,000	Land	5,000	Current Year Base MAV	92,000		
Building	105,000	Building	8,500	Exception RMV x .85 CPR	11,475		
Total	135,000	Total	13,500	Total MAV	103,475	Total AV	103,475

Values as Found by Board

Property RMV		Exception RMV		MAV		AV	
Land	28,000	Land	3,000	Current Year Base MAV	92,000		
Building	102,500	Building	6,000	Exception RMV x .85 CPR	0		
Total	130,500	Total	9,000	Total MAV	92,000	Total AV	92,000

Example 4:

The board rules that a change to a property was incorrectly classified as an exception by the assessor and should have been considered ongoing maintenance and repair. The exception value used in the calculation of MAV is removed from the calculation (or reduced to zero). In this example, the property RMV is sustained because the board believes the repairs have increased the property RMV.

Values from Current Roll

Property RMV		Exception RMV		MAV		AV	
Land	78,000	Land	0	Current Year Base MAV	154,000		
Building	145,000	Building	25,000	Exception RMV x .85 CPR	21,250		
Total	223,000	Total	25,000	Total MAV	175,250	Total AV	175,250

Values as Found by Board

Property RMV		Exception RMV		MAV		AV	
Land	78,000	Land	0	Current Year Base MAV	154,000		
Building	145,000	Building	0	Exception RMV x .85 CPR	0		
Total	223,000	Total	0	Total MAV	154,000	Total AV	154,000

Appeals of Maximum Assessed Value

BOPTA has the authority to hear appeals of the maximum assessed value of property but the board’s jurisdiction is restricted to reviewing the accuracy of the assessor’s calculation. If the board determines the assessor erred in the calculation of MAV, the board can order the assessor to correct the roll

Following are examples of issues taxpayers may raise that do not involve the question of real market value.

- Property class. The petitioner may assert the MAV of an exception is incorrect because the assessor assigned the wrong property class to the property. The changed property ratio used in the calculation of maximum assessed value is based on property class. Property class is defined in [OAR 150-308-0310](#).
- Changed property ratio (CPR). The petitioner may assert the maximum assessed value of an exception is incorrect because the assessor used the wrong CPR when calculating

the MAV of the exception. To prevail in such a case, the appellant must prove that an error was made in either the manner in which the property classes were grouped or in the values used in the calculation of the ratio.

- Exceeding the 3 percent limitation. The taxpayer may assert the assessor exceeded the 3 percent limitation when calculating MAV.

Appeals of Personal Property

If the account is a personal property account, the petitioner may appeal the value assessed to a particular item, category, schedule, or the total personal property value assessed to the account. The board can only act on the item, category, or schedule being appealed, unless the assessor requests that the board act on another item, category or schedule, or the total value. If the taxpayer chooses to appeal the total RMV rather than specific items, categories, or schedules, the board may act on any or all components on the roll.

Appeals of Additions of Value

ORS 311.208 allows the assessor to make corrections to the roll that increase value on the current year tax roll after roll certification, if the notice of the correction is mailed to the taxpayer before December 1. This applies only to value added for the current tax year.

The property owner can appeal these additions of value to the board of property tax appeals and the board can act on these additions as it would on any other appeal. See Chapter 12 for a further discussion of these types of additions to value.

The value of omitted property added to the roll on or after December 1 must be appealed to the Magistrate Division.

Appeals of Late Filing Penalties

The board of property tax appeals has the authority to waive all or a portion of the penalty imposed for the late filing of an *Industrial Property Return*, *Real Property Return*, or *Confidential Personal Property Return*.

The circumstances under which BOPTA may waive or reduce a penalty are discussed in detail in Chapter 16.

There is no appeal from an order of the board for petitions to waive late filing penalties.

Appeals of Specially Assessed Value

Because there is not a separate petition form for specially assessed property, taxpayers may need to attach additional pages to the real property petition form to clarify the values they are appealing.

BOPTA has jurisdiction to hear appeals of most, **but not all** specially assessed values.

The board lacks jurisdiction to grant special assessments or hear appeals of the disqualification of property from special assessment.

The department recommends the board work closely with the assessor in determining new values for all types of specially assessed property.

• Specially Assessed Farmland

For specially assessed farmland, the board of property tax appeals **has** jurisdiction to change the following values:

—Real market value (RMV).

—Maximum assessed value (MAV). The guidelines for changing MAV for specially assessed property are the same as those for non-specially assessed property.

—Specially assessed value (SAV). The petitioner may base an appeal of SAV on the following issues:

- Incorrect values assigned to classes of property. For such an appeal to be successful, the petitioner must prove that an error was made in the assessor's farm use study and that the value attributed to a particular class of farm land throughout the value area is incorrect.
- Incorrect class assigned to property.
- Incorrect value area assigned to property.

—Maximum Specially Assessed Value (MSAV). If the board changes SAV due to the correction of a land class or value area, MSAV can also be changed to the corresponding MSAV for the class.

• Specially Assessed Forestland

Under current law, the following procedures apply to appeals of specially assessed forestland:

1. BOPTA has jurisdiction under ORS 321.222 and [ORS 309.100](#) to hear appeals of the **real market value** (RMV) of specially assessed forestland. A reduction of RMV by BOPTA may affect the assessed value of specially assessed forestland if the RMV is reduced below the SAV or the MAV of the property. [\[ORS 321.833\(4\)\(b\)\]](#)
2. BOPTA also has jurisdiction to hear appeals of the specially assessed value of a specially assessed forest **home site**.
3. **BOPTA lacks jurisdiction to act on the certified per acre specially assessed forestland values.** The specially assessed value (SAV) of forestland (highest and best use or designated) can only be appealed to the Oregon Tax Court under [ORS 321.219](#). The timeline for appealing the certified forestland values is after they are certified and before July 1 of the tax year. The appeal must be filed by five or more taxpayers owning in the aggregate not less than 5 percent of the total forestland in a single land market area.
4. If a forestland owner disagrees with the **land class** assigned to the property, the owner may request that the Department of Revenue review the classification ([ORS 321.348](#)). If the department determines the land class is inaccurate, the department will change the classification and immediately certify the change to the county assessor. The department must receive requests by April 1 in order to have a redetermination of land class reflected on the tax roll for the tax year beginning the following July 1.

The department recommends BOPTA processes appeals involving specially assessed forestland in the following manner.

1. First, determine whether the petitioner is appealing a component of the specially assessed value that the board has jurisdiction to hear. For example, the board has jurisdiction to hear appeals of specially assessed home sites and specially assessed farmland. The property class should indicate whether there is more than one property type included in the account.

2. If the appeal pertains **only** to the SAV of forestland, the board should dismiss the petition for lack of jurisdiction.
3. If the appeal is of **both** the SAV of forestland and another component, issue two orders. The first order should deal with the property the board has jurisdiction over, and the second order should be an order of dismissal for the specially assessed forestland value appeal. In a case such as this, the clerk should create a numbering system that will serve as a flag that more than one order has been issued for the account. The order of dismissal should clearly identify that it is only the appeal of the specially assessed forestland portion of the property that is being dismissed. The value of the specially assessed forestland should be included in the SAV of the property shown on the first order, because it is part of the total SAV of the property.

• Other Special Assessments

The board can hear appeals of value for all other special assessments without restrictions.

Destroyed or Damaged Property— July 1 Value Determination

If property is destroyed or damaged during the period beginning on January 1 and ending on July 1 of the assessment year, the owner (in the case of real property) or the person assessed, person in possession, or owner (in the case of personal property) may apply to the county assessor to have the real market and assessed value of the property determined as of July 1 of the current assessment year. The application must be filed with the assessor the later of August 1 of the current year or the 60th day following the date of the damage or destruction. **This applies to all destroyed or damaged property, not just property destroyed or damaged by fire and act of God.**

If property is destroyed or damaged **by fire or act of God**, MAV will also be adjusted downward for the current year, if the application discussed above is filed with the assessor. If the property is destroyed or damaged by fire or act of God, but no application is filed with the assessor, MAV can be adjusted for the following tax year if the assessor has knowledge of the damage.

BOPTA has the authority to review any value adjusted by the assessor for July 1 subsequent to the filing of an application by a qualified person.

Destroyed or Damaged Property— No July 1 Value Determination

If a property is destroyed or damaged on or after January 1, and the property owner does not file an application with the assessor to have the property valued for July 1—the board cannot hear an appeal for reduction based on the damage. The board should dismiss the petition or have the petitioner amend it and ask the board to review the value of the property as it existed on January 1.

Destroyed or Damaged Property— Prior to January 1

The board can always review the value of property as it existed on January 1 of the assessment year.

If property was destroyed or damaged prior to January 1, the board can reduce the real market value of the property based on the damage. If the assessor has already reduced the RMV, the board can review the value to see if they agree with the reduction. If the assessor has not adjusted MAV due to a fire or act of God that damaged the property prior to January 1, the board can adjust MAV.

Requests for Exemption or Partial Exemption

The board of property tax appeals does not have the authority to grant an exemption. A petition requesting an exemption or partial exemption should be dismissed for lack of jurisdiction. If the assessor has disqualified the property from exempt status, the owner must appeal to the Magistrate Division within the time period allowed by law. **The board can act** on the value of the property placed on the roll subsequent to the disqualification.

Appeals of Omitted Property Value

Value added to the roll after the tax statements are mailed cannot be appealed to the board of property tax appeals unless it was added under [ORS 311.208](#).

The board should dismiss the petition for lack of jurisdiction.

The owner should file an appeal with the Magistrate Division within 90 days after the correction to the roll is made.

If the value was added under [ORS 311.208](#) and the owner is notified prior to December 1, the board can hear the appeal. See Chapter 12 for a further discussion of these types of additions to value.

Requests to Reduce Value to Zero

A perfected petition requesting the board to reduce an account's value to zero is a valid petition. However, the board must be very careful in any action they take on such a petition. Reducing the total value of an account to zero may have the effect of creating an exemption, and this is outside the jurisdiction of the board's authority.

In some circumstances, after consultation with the assessor or board appraiser, it may be appropriate to change the improvement portion of the property to zero.

Reductions Below Requested Amount

The board can reduce a value to an amount less than that requested by the petitioner if it has information that supports the reduction. For example, if the assessor recommends the value be changed to a number below the requested amount, the board can order the reduction if it thinks the recommended value is accurate. The petitioner does not need to amend their petition.

Acreage Corrections

The board of property tax appeals can adjust the real market value of property to correspond with a change in the acreage, but can't order the assessor to change the amount of the acreage that appears on the tax roll.

For example: A taxpayer appeals the real market value of his property to the board of property tax appeals. He claims he has recently had a new survey made of his property and it shows the property consists only of 12.23 acres, instead of the 15.50 acres listed on the tax roll. He claims the real market value of his property should be adjusted to reflect the change in the acreage. The value on the tax roll was based on \$4,500 per acre for a total value of \$69,750.

When reviewing this petition, the board should keep in mind that an error in the amount of the acreage may not directly affect the value of the property. It is up to the board to determine whether the error in the acreage resulted in an error in the value and make any necessary corrections.

If the board determines the value of the property was incorrect, the board may order a change to the value on the roll. If the value being appealed is an exception, the board may adjust the maximum assessed value of the property accordingly.

The board cannot order the assessor to change the amount of the acreage showing on the tax roll.

Property Assessed as an Undivided Interest

The assessor may issue separate tax statements for undivided interests in real property. [OAR 150-309-0180](#) sets out the procedure for appeals of undivided interests. Refer to the rule for information about the requirements of petitions, evidence, and orders for appeals of undivided interests. Condominiums are the most common type of property assessed as an undivided interest.

Who Has Standing to Appeal

Who Qualifies as the Petitioner

Throughout this manual we refer to the person who has the legal right to appeal to BOPTA as the “petitioner.” This person may be:

- The owner of the property.
- An owner (if the property is owned by more than one person).
- Any person who holds an interest in the property that obligates the person to pay the taxes imposed on the property.

An interest that obligates the person to pay the taxes includes a contract, lease, or other intervening instrumentality (document). Mortgage agreements in which the mortgagee (the company that holds the mortgage) agrees to pay the taxes do not qualify as an intervening instrumentality for this purpose.

If the petitioner is not the owner of record, the person filing the petition must provide written proof of the obligation with his or her petition. However, if the person’s name appears on the tax roll, he or she need not provide proof of the obligation.

Examples of people who **may** qualify as “a person who holds an interest” are a lessee, a contract purchaser, or a contract seller. Also, either a buyer or seller of property may qualify under this definition if they participated in a transaction that closed on or after July 1 of the current tax year and provide a copy of the escrow instructions which show they paid part of the property taxes.

If the petitioner has not attached written proof of his or her obligation to pay the taxes, the petition should be treated as defective and processed according to the procedures discussed in Chapter 11 of this manual.

ORS 309.100
OAR 150-309-0110
OAR 150-309-0130

Who May Sign Without Written Authorization from the Petitioner

The following people may sign a petition and act on behalf of (represent) the petitioner **without** a written authorization from the petitioner:

- An attorney duly qualified to practice law in Oregon. The attorney must include his or her Oregon State Bar number on the petition.
- Legal guardian or conservator acting on behalf of an owner of the property. If the name of the guardian appears on the deed, no other authorization to represent is necessary; if the guardian’s name does not appear on the deed, the board should ask for a copy of the court appointment.
- Executor or administrator of the estate of a deceased person. The board may ask for verification of the court appointment. If verification is requested, but not provided, the board shall make its own determination of whether the petition is valid.
- Other trustees. If the trustee’s name appears on the deed, other authorization is not required. If the trustee’s name does not appear on the deed, the board should ask for a copy of the trust document naming the trustee.
- A trustee in bankruptcy proceedings. It’s good policy to ask for verification of the court appointment, but if verification is not provided, accept the petition as it is.

Who May Sign With Authorization

The following people can sign the petition and represent the person legally qualified to appeal if they have been given an authorization to represent or limited power of attorney.

- A relative. “Relative” is defined as: spouse, (step)son, (step)daughter, (step)brother, (step)sister, (step)father, (step)mother, grandchild, grandparent, nephew, niece, son- or daughter-in-law, brother- or sister-in-law, father- or mother-in law. A spouse includes an Oregon registered domestic partner. [ORS 106.340(8)]
- A person licensed as a real estate broker under ORS 696.022.

- A state-certified appraiser or state-licensed appraiser under [ORS 674.310](#).
- A registered appraiser under [ORS 308.010](#).
- A person duly qualified to practice public accountancy in Oregon. This person may be a certified public accountant (CPA), or public accountant licensed in the state of Oregon, or a CPA from another state who holds a substantial equivalency authorization (SEA) permit from the Oregon Board of Accountancy. The person signing the petition must include his or her individual Oregon license number or permit number on the petition.
- The lessee of the property, if the lessee is not obligated to pay the taxes imposed on the property. If the lessee is obligated to pay the taxes on the property, the lessee qualifies to appeal as a “person who holds an interest in the property that obligates the person to pay the taxes imposed on the property.”

An authorization to represent or limited power of attorney authorizes someone else to sign the petition and appear and represent the person legally qualified to appeal, at the hearing. Petitions received without the necessary authorization or signed by a person who is not legally entitled to represent the petitioner should be considered defective and treated as any other defective petition.

For the purpose of board of property tax appeals petitions, an authorization to represent or power of attorney may be either on a form or in a letter. A power of attorney does not have to be notarized for this purpose and copies do not have to be certified.

Attorney-in-Fact

An attorney-in-fact holding a general power of attorney signed by an owner of the property may sign the petition and represent an **owner** of property at BOPTA. The attorney-in-fact must provide a copy of the general power of attorney with the petition or the petition should be treated as defective. For BOPTA purposes, a general power of attorney form does not need to be notarized.

[ORS 309.100](#)
[OAR 150-309-0110](#)

Who Qualifies as a Business Owner

The person who signs a BOPTA petition for a business must have authority to legally bind

the company or be regularly employed in the tax matters of the business. Companies have complete flexibility to assign varying responsibilities and authority to positions. A person with a certain business title in one company who legitimately has authority to sign a petition may not have the same authority in another company. If the clerk has any doubt regarding a business agent’s authority to sign a petition, the clerk should contact the agent in writing or by phone and ask if the person has the authority to make legally binding decisions for the owner of the company. If that person claims authority, the clerk should document this in the record.

Following are some “rules of thumb” for identifying people who qualify to sign the petition or authorize a qualified representative to sign the petition for various business entities.

Corporation—Officers of corporations such as president, vice-president, secretary, treasurer, chief executive officer (CEO), or managing officer.

Limited Liability Company (LLC)—The manager or any member.

Church—Pastor, rector, deacon, president of the board, or senior board member (not just a board member).

Association—President or managing officer.

Fraternity/Sorority—Usually does business as a corporation. See corporation.

Partnership—A general partner.

Sole Proprietorship—The owner.

Trust—Trustee, managing member, or managing agent.

Company—Can be any business entity, such as: corporation, partnership, joint venture, sole proprietorship, or association. See appropriate type above.

An **employee regularly employed in the tax matters** of a corporation or other business entity may also sign the petition as an agent for the business without written authorization.

Witnesses

A person legally qualified to appeal, or his or her authorized representative, may send someone to the hearing to act as a witness and provide

information without giving that person written authorization. A witness cannot sign the petition, sign a stipulation, or receive the order on behalf of the petitioner. The owner or owner's representative does not have to be present at the hearing with the witness.

Transfers of Ownership

Petitioners may qualify to appeal if they are: (1) the owner(s) of the property during the petition filing period, or (2) a person who holds an interest in the property that obligates them to pay the taxes on the property.

As discussed previously, an interest that obligates a person to pay the taxes may include a contract, lease, or other intervening instrumentality. The term "other intervening instrumentality" has been interpreted to include the escrow instructions which both the buyer and seller sign, and which designate how the current year's property taxes are to be prorated between the parties of a transaction.

This means that both the buyer and seller of a property may be qualified to appeal depending on when ownership changes and who agrees to pay the property taxes. Following are some examples of various situations that may accompany ownership changes:

Example 1:

A property sells during the early part of September of the current tax year and the sellers pay part of the estimated taxes due against the property at the close of escrow. The tax statement is issued in the new owner's name. Who has a legal right to appeal?

- The sellers have a legal right to appeal, but only if they can provide a copy of the closing documents showing they paid a portion of the property taxes. The buyers can appeal because they are now the owners of the property. The buyers do not have to provide

proof of ownership, because the ownership change has already been processed on the tax roll.

Example 2:

The current owner of the property files a petition during the month of November. The owner accepts earnest money against the property on December 10 and the transaction closes on December 28. The new owner files a petition with the board on the last day of the petition filing period. Who has the legal right to appeal?

- Both the seller and the buyer have the right to appeal because both parties were "owners" of the property when they filed their petitions. The buyer needs to provide proof of ownership. Both petitions are valid.

Example 3:

A petition is filed in December by someone who has signed an earnest money agreement to purchase property but will not sign the final papers until January 10. Is this person legally entitled to appeal the value of the property?

- No. The "petitioner" will not become the owner of the property until after the petition filing period ends. The board must dismiss the petition.

If both the buyer and the seller of property are qualified to appeal, the clerk of the board should attempt to schedule one hearing in which both parties will present their evidence of the value of the property. If it is not possible for both parties to appear at the same time, the board should hold separate hearings, but wait to make the decision until it has heard both parties' evidence. If it is necessary to hold two hearings, the board needs to notify the first party of when the second hearing will be held. Only one order showing both petitioners' names should be issued by the board, with a copy sent to both parties.

Chapter 11

Petitions

Definition

The purpose of a petition is to inform a board of property tax appeals of the basis of a taxpayer's request for a reduction in the value of his or her property or a waiver of a late filing penalty. The Department of Revenue provides three forms that the public can use to appeal. The three forms are the *Real Property Petition*, the *Personal Property Petition*, and the *Petition for Waiver of Late Filing Penalty*.

Petitions may be submitted to the board on a published form or in a letter.

Where Petitions are Filed

Petitions must be filed at the county clerk's office in the county where the property is located. The assessor is not authorized to accept petitions to the board of property tax appeals. Petitions may also be faxed to the office of the county clerk.

ORS 309.100

When Petitions are Filed

Petitions must be filed between the period following the date the tax statements are mailed for the current tax year and December 31, unless the conditions discussed in the next paragraph apply.

If December 31 falls on a Saturday, Sunday, or a legal holiday, the filing deadline for petitions shall be extended to the next business day.

Any petition, whether defective or complete, is considered timely filed on "the date shown by the cancellation mark or other record of transmittal, or on the date it was mailed or deposited if proof satisfactory to the addressee establishes that the actual mailing or deposit occurred on an earlier date."

ORS 305.820

ORS 309.100

OAR 150-309-0070

Petition Requirements

A petition must contain the following information to be considered complete:

- The petitioner's name.

- The name and title of the person acting for a business petitioner if petitioner is a business.
- The name of petitioner's representative; the relationship of the representative to the petitioner; and the representative's license or permit number. This information is only required when the petition is not signed by the petitioner.
- The address where notifications and decisions are to be mailed. If a representative is designated on the petition, all correspondence regarding the petition must be mailed to the representative.
- The assessor's account number. The account number may be a unique identification number or a map and tax lot number. If a copy of the current year's tax statement is attached, the account number is not required on the petition.
- If appeal is of RMV, the real market value on the current tax roll that is being appealed. If a copy of the current year's tax statement is attached, the real market value being appealed is not required on the petition.
- If appeal is of RMV, the real market value requested for the property being appealed.
- If appeal is of RMV, the real market value on the tax roll and the real market value requested for the individual items or categories/schedules of personal property being appealed.
- The assessed or specially assessed value of the property on the current tax roll and the value requested—if the taxpayer is not appealing the real market value.
- The amount of any penalty being appealed. An amount for a requested penalty is not required.
- The facts on which the appeal is based.
- A notation of whether the petitioner or his or her authorized representative wishes to be present at the hearing.

- A declaration that the facts provided are true. The declaration is provided on the petition forms.
- The signature of petitioner or representative.
- The authorization to represent (if applicable).

ORS 309.100
OAR 150-309-0090

Procedures for Defective Petitions

Petitions that do not contain all the information listed above or that are unreadable are defective and must be corrected before the board can consider them. The clerk logs in defective petitions and then returns a copy of the original petition to the petitioner along with a *Defective Petition Notice*. The clerk may choose to stamp “amended” on the petition before returning it to the petitioner so it can be identified as an amended petition when it arrives back at the office.

The petitioner is allowed **20 calendar days** from the mailing date of the defective notice or until the **last day** for filing a petition with BOPTA, **whichever is the later date**, to correct the defect in the petition. This date is referred to as the “amended filing date.”

If the petition is not corrected by the amended filing date, the board must dismiss the petition. The petitioner does not have to be notified of the time of the hearing during which the board will dismiss the petition.

If the petitioner returns a petition, but hasn’t corrected all the errors, the board is not required to allow the petitioner another 20 days to make the corrections.

The clerk should not amend or change a filed petition. Only the petitioner or the petitioner’s representative is allowed to alter the information provided in the original petition.

The administrative rule noted below outlines the procedures for dealing with petitions that aren’t identified as defective until 20 days or less remain of the BOPTA session.

OAR 150-309-0100

Amended Petitions

In addition to amending a petition to comply with a defective petition notice, petitioners may

also amend a petition up to and including the time of their regularly scheduled hearing for the following reasons:

- To add or delete land or improvements that are components of the account originally appealed.
- To add a separate account, that together with the original account appealed, creates a “parcel” within the meaning of OAR 150-308-1140(1)(a).
- To add a manufactured structure account that is sited on the account originally appealed.
- To designate or change an authorized representative.
- To change the value requested.

OAR 150-309-0100

Petitions Filed Late

Petitions to the board of property tax appeals shall be deemed filed or received on the date shown by the cancellation mark or other record of transmittal, unless the person who mailed or deposited the petition can provide satisfactory proof to the board that it was actually mailed or deposited on an earlier date.

ORS 305.820(1)(a) States that any petition required by law to be filed with the county boards of property tax appeals which is mailed through the United States mail will be considered filed or received on the date shown by the cancellation mark or other record of transmittal, or on the date it was mailed if the petitioner provides proof satisfactory to the board that it was mailed earlier than the postmark.

The courts have ruled that relying solely on the postmark is an abuse of the board’s discretion. There must be a factor in addition to the postmark that may prove the petition is timely-filed. The board decides what that other proof is. It could be a letter from the postmaster stating that all letters mailed on a certain date were postmarked incorrectly.

All boards should have a written policy in place about how they will handle late-filed petitions and what they will accept in addition to the postmark that may prove the petition is timely filed.

The procedure described below allows a petitioner an opportunity to appear before the board

and provide such proof, and the department recommends that counties follow these procedures when processing late-filed petitions.

- Schedule a hearing even though the petition indicates the petitioner does not wish to be present. Give the petitioner (or the representative) at least five days notice of the hearing.
- Prepare a “Notice of Late Filing.”
- Mail the notice to the petitioner or the petitioner’s representative.
- At the hearing, the board listens to evidence regarding when the petition was mailed or deposited with the United States Postal Service or private express carrier.
- If the petitioner or representative cannot provide proof that the petition was deposited on or before the date due for filing, the board must dismiss the petition.
- If the petitioner or representative can provide proof that the petition was deposited on or before the date due for filing, the board may proceed to hear the merits of the appeal or ask the clerk to schedule another hearing.
- If the petition was signed after the filing deadline, the board should hold a hearing and dismiss the petition. It could not have been deposited timely if it was signed after the deadline. The clerk should not send a *Notice of Late Filing* or notify the petitioner of the time the board will hold the hearing to dismiss the petition.

Lack of Jurisdiction

Taxpayers sometimes ask BOPTA to perform actions that are outside the board’s jurisdiction. BOPTA has no authority to act on requests that are outside its jurisdiction and the board must dismiss these petitions. However, the petitions are not technically defective and the clerk should not send a defective notice. The clerk may send a letter to the petitioner explaining that the board will be required to dismiss the petition. In certain cases, the petition may be amended up until or during the hearing.

Appeal of Real Market Value

Most of appeals filed with BOPTA are based on a disagreement between the property owner and the assessor about the real market value of the

property subject to the appeal. An appeal of real market value may or may not affect the assessed value of the property.

An appeal of RMV can have a direct effect on a property’s assessed value if:

1. The board reduces the total real market value of the property below the maximum assessed value currently on the roll, or
2. The board reduces the real market value of an “exception” on the current year’s roll and the AV is equal to MAV. Any reduction in the RMV of an exception will result in a reduction in the maximum assessed value of the property. If the AV is equal to MAV, a reduction of taxes will also result.

A reduction in the real market value that does not result in a change to the assessed value may reduce the taxes for the property if the property is under compression. Compression is discussed in Chapter 13 of this manual.

Board Actions

When the petitioner completes the real market value portion of the petition, the board is not limited to acting on RMV only, but must also act on the MAV and AV of the property. This means that:

- If the taxpayer appeals the real market value and the property has no exception, the board must act on the RMV, the MAV, and the AV of the property.
- If the taxpayer appeals the RMV of the property and the property has an exception, the board must act on the RMV, the RMV of the exception, the MAV, and the AV of the property.

OAR 150-309-0150

Components of Real Market Value

Petitioners may choose to appeal either the total real market value of their property or the value of any or all components—land, building, manufactured structure, or machinery and equipment, etc.

Requests for Increases in Value

The board lacks jurisdiction to increase the overall value of property because the statute specifies that the board may only hear petitions for reduction. The clerk and the board should follow

these steps when processing petitions asking for increases:

- If a petition is filed requesting an increase in the **total** value of the property, the clerk should not send a defective notice. The petitioner may amend the petition at the hearing to request a reduction. If the petition is not amended, the board must dismiss the petition for lack of jurisdiction.
- If a petition is filed requesting an increase in one component of value and a decrease in the other component of value, the clerk should not send a defective notice. The board may increase one component of value and reduce the other component as long as there is not an increase in the total value of the property and a decrease in the other component of value, the clerk should not send a defective notice. The board may increase one component of value and reduce the other component as long as there is not an increase in the total value of the property.

OAR 150-309-0030

Evidence of Property Value Section

Completion of certain portions of the “Evidence of Property Value” section on the real property petition form satisfies the requirement that petitioners provide a basis for their appeal in the petition. This requirement may also be fulfilled by submitting an attachment to the petition that indicates the basis for the appeal. The BOPTA clerk in each county has been provided with additional criteria to assist the board in determining whether this requirement has been satisfied. If this section has been left blank or answered in a way that does not provide a “basis” for the appeal, and no explanation is attached, the petition should be considered defective and returned to the petitioner.

The board should also look here for evidence supporting the petitioner’s asserted value such as a sales price, list price, or appraised value.

This section of the real property petition form may also indicate whether the property has an “exception” and the asserted value of the exception. However, all changes to property may not be considered “exceptions” in the tax year under

appeal. The assessor must confirm information about whether a change to property has been assessed as an “exception.”

Appeal of Maximum Assessed Value

The petition forms provided to the public do not include a line to appeal the maximum assessed value (MAV) of property to BOPTA. For most properties, a taxpayer may assert the assessor made an error in the calculation of MAV by completing the assessed value portion of the form. However, if the assessed value is equal to the real market value, and the petitioner desires to appeal MAV—the petitioner should include this as part of the basis of his or her appeal. Examples of potential errors in the calculation of MAV that may be used as the basis for an appeal are listed below:

1. The assessor assigned the wrong property class to the property and the wrong CPR was used to establish the MAV of an exception.
2. The assessor made an error in calculating the CPR for a property class that resulted in an error in the MAV of an exception.
3. The assessor exceeded the 3 percent limitation allowed by law in establishing the MAV of the property.

Personal Property Petitions

Personal property should be appealed on a personal property petition. This includes floating property.

In an appeal of personal property, the petition may include a request for a reduction of any of the following:

1. The RMV of an individual item or items of personal property determined by the assessor and the RMV of the item or items requested by the petitioner.
2. The total RMV of a category (e.g., office furniture) determined by the assessor and the total RMV of the category requested by petitioner.
3. The total RMV of a schedule determined by the assessor and the total RMV of the schedule requested by the petitioner. Schedules listed on the returns reporting only personal property consist of:

Schedule 1 — Leased or Rented Personal Property

Schedule 2 — Non-inventory Supplies

Schedule 3 — Floating Property

Schedule 4 — Professional Libraries

Schedule 5A — All Other Taxable Personal Property

Schedule 5B — Small Hand Tools

4. The total RMV on the tax roll of all property assessed to the account and the total RMV of all property assessed to the account requested by the petitioner.

Petitions for Waiver of Late Filing Penalties

The board of property tax appeals has the authority to waive or reduce all or a portion of a penalty imposed for the late filing of an “Industrial Property Return,” a “Real Property Return,” or a “Confidential Personal Property Return.” There is a separate petition for this appeal.

The requirements for this petition are the same as for the real property petition except for the

value sections. Petitioners must state the amount of the penalty they are appealing and the reason why they were unable to file the return timely.

Appeals of Specially Assessed Property

Petitioners who wish to appeal the value of specially assessed property should complete the “Specially Assessed Value” line on the real property petition. Board members should refer to the chapter on “Jurisdiction” for a more complete discussion of appeals of specially assessed property.

Withdrawn Petitions

Petitioners may request their petition be withdrawn for any reason prior to the time the board issues the order. Requests for withdrawal must be submitted in writing to the clerk of the board. A formal order of dismissal must be issued for each petition for which a request for withdrawal has been submitted, except when a stipulation has been filed under [ORS 308.242\(3\)](#) prior to the time the board convenes the session.

OAR 150-309-0080

Changes to the Roll and Stipulations

Additions of Value

[ORS 311.208](#) allows the assessor to increase the value of property after tax roll certification, and prior to December 1 due to the correction of an error or the discovery of additional property. The corrections that can be made under this statute are the same as those errors and omissions described in [ORS 311.205](#) and [ORS 311.216](#).

When the assessor makes a correction under this section, the following rules apply:

- The correction applies only to the current roll.
- The assessor notifies the taxpayer of the additional tax but is not required to mail a 20-day letter of intent to add value to the roll.
- **The property owner can appeal the addition of value to BOPTA.**
- If more than the current year is being corrected, the assessor should follow the procedure for corrections described in [ORS 311.205 to 311.232](#). This procedure requires a 20-day notice of intent and the appeal is to the Magistrate Division.
- This section does not allow increases in value of property already on the roll due to changes in valuation judgment.

[ORS 311.208](#)

Reductions in Value

Prior to January 1

The law also allows the assessor to **reduce** the value of property after roll certification through December 31 of the tax year. The assessor can do this whether or not a petition has been filed with BOPTA. The change may be made at the request of a taxpayer or on the assessor's own initiative.

If the assessor reduces the value of property prior to January 1 and a petition has been filed with BOPTA, the petition must be resolved even though the assessor has already changed the tax roll. The petition can be resolved in either of the following ways.

1. Via a stipulation filed prior to the time the board convenes the session. This process is described below; or
2. According to the following procedure when no stipulation is filed prior to the time the board convenes the session.
 - a. When the petition is requesting a value higher than or equal to the adjusted roll value, the board must issue an order dismissing the petition. The board dismisses the petition because there is no longer a controversy over the value of the property.
 - b. When the petition is requesting a value lower than the adjusted value, the board must review the adjusted value and issue an order sustaining or correcting the adjusted value.

[ORS 308.242](#)
[OAR 150-309-0140](#)

Stipulations

When a petition has been filed with BOPTA, the assessor often attempts to reach an agreement with the petitioner about the value of the property under appeal before the BOPTA hearing takes place. If the assessor and the petitioner can reach an agreement to a reduced value for the property under appeal, both parties sign a stipulation. A stipulation is a written agreement between two parties. It must be signed by both parties, dated when signed, and filed with the BOPTA clerk. A petitioner is not required to amend their petition to equal the stipulated value. **The time when a stipulated agreement is filed with the clerk determines how the stipulation affects county procedures.**

Stipulations—Filed Prior to Time Board Convenes

The assessor may reduce the value of property on the tax roll after December 31 and without an order of the board when:

1. A petition has been filed with BOPTA.
2. The assessor and the petitioner (or the petitioner's representative) sign a stipulation prior to the **date** the board convenes the session.

3. The assessor files the stipulation with the board clerk prior to the **time** the board convenes the session.

The phrase “convenes the session” means the first meeting of the year during which the board opens the BOPTA session under [ORS 309.026](#).

The assessor cannot change the roll until after the stipulation has been filed with the clerk.

If the assessor files a stipulation with the clerk of the board prior to the time the board convenes the session, the filing of the stipulation resolves the appeal. **The board does not hold a hearing or issue an order.**

Because no order is issued, [ORS 309.115](#) (the adjudicated value statute) does not apply.

[ORS 308.242](#)
[ORS 309.110](#)
[OAR 150-308-0400](#)

Stipulations—Filed At or After Time Board Convenes

If the assessor and the petitioner reach an agreement about the value of the property and file the stipulation at or after the time the board convenes, different procedures apply.

- The board must hold a hearing and issue an order. If the board has a policy of accepting stipulations, the hearing may simply address the agreed-upon values with no further discussion. The assessor’s representative that obtained the stipulation may inform the petitioner of the option of not appearing at the hearing.
- The stipulation is entered into the record of the board as evidence of value for the board to consider. The board is not required to “accept” a stipulation that’s filed at or after the time the board convenes the session; If the board

chooses not to accept the stipulated value, this should be noted, along with their reasoning and deliberation, in the record of the board.

- The assessor cannot change the value on the roll until the board issues the order.
- The taxpayer can appeal the order to the Magistrate Division. However, the court may dismiss the appeal if the petitioner has previously stipulated to the value.

Contents of Stipulations

The Department of Revenue has designed two stipulation forms that are available for the counties to use or some counties design their own forms.

The Department of Revenue form contains the following information:

- Petition number,
- Tax year affected,
- Name of petitioner,
- Account number of property being appealed,
- RMV, RMV of the exception, MAV, and AV of the property being appealed,
- Changes in value agreed upon by the assessor and the petitioner,
- Signature of assessor’s representative,
- Signature of petitioner or petitioner’s representative, and
- Date of the agreement.

One of the forms contains a statement that [ORS 309.115](#) does not apply to changes in value resulting from stipulations filed under [ORS 308.242](#).

The agreement does not have to be notarized.

Tax Compression

How the Assessor Calculates Compression

Typically, the assessor calculates the taxes due against a property by multiplying the assessed value (AV) of the property by the tax rate of the taxing districts in which the property is located. However, if the amount of tax calculated by this method is higher than the Measure 5 (M5) constitutional limits for the education and government categories, the taxes due against a property must be reduced to fit within the limits. In this situation, the tax is under “compression” and is calculated by multiplying the real market value (RMV) of the property by the constitutional limits of \$5 per thousand of RMV for the education category and \$10 per thousand of RMV for the general government category.

The assessor knows if the tax for a property is under compression by applying the “M5 test.” The M5 test checks the taxes to be levied against the \$5 and \$10 category limits. If the taxes are less than the limits, the taxes will be billed without compression. If the taxes to be levied are more than either the \$5 education limit, or the \$10 general government limit, the taxes will be reduced until they fit under each limitation. The M5 test is applied to every taxable property in the county on an individual basis.

BOPTA and Compression

Compression is a complicated calculation and board members are not expected to understand it in detail. What this chapter of the manual is meant to convey is that **M5 limitations are based on RMV and tax rates are applied to AV**. This means that a property’s tax may be under compression whether the RMV is lower or higher than the MAV. Thus, any reduction in RMV that BOPTA makes may result in compression or further compression of the tax. In such a case, the board’s action may initiate a tax refund even though the board has not ordered a change to the AV of the property.

The board should not advise petitioners that they will not receive any refund of their taxes. A better statement to make at the end of a hearing when the board is reducing the RMV of the property, but not the AV, would be:

“Because we have not changed the assessed value of your property, you **may** not receive a tax refund. If you want more information about this, you should talk to your county assessor.”

The board may also choose not to make **any** statement about taxes.

2005–06 Property Tax Calculation Compression County

CODE 5

RMV \$195,000.00

AV \$157,000.00

Step 1 Calculate category limits using RMV.

Step 2 Calculate taxes extended using AV.

Step 3 Compare taxes to limits.

Step 4 If taxes are higher than limit,
compute the difference.

Step 5 Compare amount of difference to
local option levy amount.

Step 6 Reduce local option amount to reach
limit.

2005–06	Rate	Tax Extended	Compression Loss	Tax Imposed
(AV × Rate ÷ \$1,000)				
Education				
School 2	4.5702	\$717.52		\$717.52
Ed TOTAL	4.5702	\$717.52		\$717.52
Limit \$5 ÷ \$1,000 RMV	\$975.00			
(\$717.52 is within limit—No compression necessary)				
General Government				
County	2.0041	\$314.64		\$314.64
RFPD	1.2744	\$200.08		\$200.08
Park	2.0134	\$316.10		\$316.10
City	2.6671	\$418.73		\$418.73
City Local Option	2.1403	\$336.03	91.57	\$244.46
Urban Renewal Levy	0.2801	\$43.98		\$43.98
Lighting		\$412.00		\$412.00
Gen Govnt Total	10.3794	\$2,041.57	91.57	\$1,950.00
Limit \$10 ÷ \$1,000 RMV	\$1,950.00			
(\$2,041.57 is over limit—Compression is necessary)				
TOTAL TAX BILLED				\$2,667.52

M5 Tax Compression Calculation (Compress Local Option(s) first)

City Local Option	2.1403	\$336.03	91.57	\$244.46
Excluded Total	2.1403	\$336.03		\$244.46

7/1/16-6/30/17 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R84804

FAKEISH COUNTY, OREGON - 555 COURT ST NE #2242 - FAKELAND, OR 973011
 PROPERTY DESCRIPTION LAST YEAR'S TAX 2,781.49

1595 18TH ST NE
 FAKELAND, OR
 973011
 ACRES: 0.109
 MAP: 073W23AD06100
 CODE: 92401000

Summers, Sally
 1595 18TH ST NE
 Fakeland, OR 973011

THIS YEAR'S TAX

EDUCATION:

FAKELAND-LOST SCHOOL 665.39
 WILLAND REG ESD 43.73
 CHEAPLAND COM COL 92.18

VALUES: LAST YEAR THIS YEAR
 MARKET VALUES:

LAND 50,000 50,000
 IMPROVEMENT 102,790 146,610
 TOTAL VALUE 152,790 196,610
 TAXABLE VALUES:
 ASSESSED 150,380 154,890

NET TAXABLE: 150,380 154,890

EDUCATION TOTAL: 801.30

GENERAL GOVERNMENT:

FAKEISH COUNTY 443.43
 FAKELAND 858.25
 FAKEISH SOIL & WTR 7.37
 REGIONAL LIBRARY 12.08
 FAKELAND MASS TRANSIT 112.02
 FAKELAND UR SPECIAL LEVY 63.52
 FAKELAND URBAN RENEWAL AG 131.81
 GENERAL GOVERNMENT TOTAL 1,628.48

A LENDER HAS REQUESTED THIS BILL.
 IF YOU'RE NOT SURE WHO SHOULD PAY
 THESE TAXES, CONTACT YOUR LENDER.

LENDER REF NO: 1023006761863

If a mortgage company pays your taxes,
 This statement is for your records only.

EXCLUDE FROM LIMIT:

FAKELAND BOND (2) 149.73
 FAKELAND-LOST SCHOOL 78.36
 FAKELAND-LOST SCH BOND2 204.19
 CHEAPLAND COM COL BOND 40.64

EXCLUDE FROM

LIMIT TOTAL: 472.92

TAX TOTALS 2,902.70

Full Payment with
 3% Discount

2/3 Payment with
 2% Discount

1/3 Payment
 No Discount

2,815.62

1,896.44

967.57

TOTAL TAX (After Discount)

2,815.62

Tear Here

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Tear Here

2016-17 Property Taxes

FAKELAND REAL

ACCOUNT NO.: R84804

SITUS: 1595 18TH ST NE

FAKELAND, OR 973011

	Full Payment Enclosed	Due:	Pay By	Discount Allowed	Net Amount
or 2/3 Payment Enclosed	11/17/15	11/17/15	87.08 3%	2,815.62	
or 1/3 Payment Enclosed	11/17/15	11/17/15	38.70 2%	1,896.44	
	11/17/15	11/17/15	NONE 0%	967.57	

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

☐ Mailing address
 change on back

Enter Payment Amount

\$

SUMMERS, SALLY
 1595 18TH ST NE
 FAKELAND, OR 973011

FAKEISH CO TAX COLLECTOR
 PO BOX 34166
 PARKLAND OR 972088-3416

24000001848040000281562000018964400000967572

Lincoln County, Oregon, Oregon

2005-06, Roll Close Supp #5 07 NOV 2005 08:33am

Property : [REDACTED]

Map Tax Lot : [REDACTED]

Code Area : (203)

M50 Assd Value: 116,988,530

M5 Assd Value : 116,988,530

Printed On : 11/09/2005

Category & District	Tax Rate	Pre Comp. Tax	Compression	Levied Tax
<hr/>				
Education:				
A-LINC CO SCHOOL UNIT	4.9092	574,320.09	41,535.85	532,784.24
A-OR CST COMM COLLEGE	0.1757	20,554.88	1,486.57	19,068.31
A-ESD LINN-BENTON	0.3049	35,669.80	2,579.70	33,090.10
<hr/>				
Education Total:	5.3898	630,544.77	45,602.12	584,942.65
General Government:				
A-LINC CO GENERAL	2.8149	329,311.01	0.00	329,311.01
A-LINC CO EXTENSION SERVIC	0.0451	5,276.18	0.00	5,276.18
T-LINC CO TRANSPORTATION S	0.0974	11,394.68	0.00	11,394.68
PORT OF TOLEDO	0.2345	27,433.81	0.00	27,433.81
CITY OF TOLEDO	5.1800	606,000.59	0.00	606,000.59
<hr/>				
General Government Total:	8.3719	979,416.27	0.00	979,416.27
Excluded From Limit:				
A-LINC CO GENERAL	0.1421	16,624.07		16,624.07
A-LINC CO SCHOOL UNIT	0.8801	102,961.61		102,961.61
A-OR CST COMM COLLEGE BOND	0.2919	34,148.95		34,148.95
CITY OF TOLEDO	0.6125	71,655.47		71,655.47
<hr/>				
Excluded From Limit Total:	1.9266	225,390.10		225,390.10
<hr/>				
2005-06 Property Total Tax:	15.6883	1,835,351.14	45,602.12	1,789,749.02

Hearings

Definition

A hearing is a meeting of the board during which evidence is presented and testimony is given regarding petitions filed with the board.

The board must hold a hearing for every petition filed **except those petitions for which stipulations are filed with the clerk prior to the time the board convenes the session.**

Scheduling

The board may hold hearings between the time the board convenes and April 15.

Hearings for which petitioners have requested to be present must be assigned a specific date and time.

Most counties attempt to schedule hearings of like property type on the same days, i.e. commercial, residential, etc. Some counties also schedule the hearings by neighborhood.

All other petitions, those hearings where petitioners have not requested to be present, must be heard sometime during the session, but the board may hear them at their convenience without assigning specific dates and times as long as this policy is made known in some manner. Board may still schedule these petitions if they prefer all hearings to be scheduled.

The board should establish a policy at its first administrative meeting about allowing petitioners to reschedule hearings.

Notice

The board must give the petitioner or the petitioner's representative a hearing notice if the petitioner (or representative) has requested to be present at the hearing. The notice may be mailed or personally delivered to the petitioner or the petitioner's representative. If a representative has been designated on the petition, **the hearing notice must be mailed or delivered to the representative.** The clerk must provide at least **five days written notice** of the time and place of the hearing.

If the petitioner or representative has **not** checked the box that indicates they do not wish to be present, the clerk should schedule a hearing and send or deliver a hearing notice.

A confidential hearing is considered an executive session of the board and special notice is required. This notice must be given to the general public and to the news media that have requested notice. The notice must state the specific provision of law authorizing the executive session. If the county's "Notice of the Session" discusses executive sessions, no further notice is generally required.

For a more detailed discussion of confidential hearings, see the "Confidentiality" chapter in this manual.

[ORS 192.640](#)

[ORS 309.100](#)

[OAR 150-309-0120](#)

Minutes

A record must be kept of each hearing held by the board. The record may be kept in either a written or audio format. For more information on minutes, refer to the "Meetings" chapter in this manual.

[ORS 192.650](#)

[ORS 309.024](#)

How Hearings are Conducted

Hearings are informal, but should be conducted in a businesslike manner. The chairperson has the responsibility of maintaining order during the proceedings. The petitioner usually testifies first, followed by the assessor's representative. The representative from the assessor's office may explain the basis for the value on the roll or recommend a new value. Some boards ask the assessor's representative if he or she has a recommendation for reduction before asking for the petitioner's testimony. This method allows the petitioner the opportunity to accept the recommendation without having to present his or her own evidence of value. The board should

carefully consider the explanations of each party and ask questions to obtain necessary information. When serious differences are apparent, the board may wish to consult with its appraiser (if one has been hired).

Although some counties choose to do so, it isn't necessary to "swear in" persons participating in a hearing. The declaration at the bottom of the petition acts as a sworn statement of the petitioner or representative that the information contained in the petition is true.

If the board cannot complete its functions because of continued interruptions from a member of the public, the board chair should call a short recess and ask the person to refrain from interrupting the meeting. If the person continues to disrupt the meeting, the chairperson should call another recess and ask the sheriff to send a representative to the hearing to maintain order. The board should discuss security measures and how to handle uncooperative petitioners at its first meeting.

The following page contains a checklist for the chairperson to follow while conducting hearings.

Stipulations

If a stipulation is filed under [ORS 308.242](#) prior to the time the board convenes, the board is not required to hold a hearing. The filing of the stipulation resolves the appeal.

If a stipulation is filed at or after the time the board convenes, the board must hold a hearing to review the evidence and issue an order.

Hearings for Petitions Filed Late

The board of property tax appeals has the discretion to determine whether a petition was mailed or deposited on or before the date due for filing. A petitioner whose petition was not received or postmarked by the filing deadline should be allowed to provide evidence of timely mailing to the board. The clerk should mail the petitioner or representative a "Notice of Late Filing" that explains the process and gives notice of the date and time the petitioner will be allowed to present evidence. The notice clearly explains that the board will not address the issues raised in the petition unless the petition is accepted as timely filed. If the petitioner provides proof satisfactory to the board, then the board will move to hear the value or penalty issue. If proof is not forthcoming, the petition must be dismissed. There is additional information regarding procedures for petitions filed late in Chapter 11 of this manual.

BOPTA Chairperson's Hearing Checklist

- _____ 1. Open the meeting by stating the name of the board, the date, time, place of the hearing, petition number, and name of petitioner.
- _____ 2. Ask if the person appearing to testify is the petitioner or the representative of the petitioner and confirm the representative's name, if necessary.
- _____ 3. Introduce the board members and staff for the record.
- _____ 4. Ask any others in the room who will be testifying to introduce themselves.
- _____ 5. Confirm that the account number on the petition is the account number on which the appellant will be testifying.
- _____ 6. Confirm that the address for notification included on the petition is the address where the order should be mailed.
- _____ 7. Resolve any questions about the jurisdiction of the board at this time. If the board determines it lacks jurisdiction to hear the appeal, one member should move to dismiss the petition.
- _____ 8. Briefly explain the hearing process to the petitioner, including the time allowed to testify. Advise the petitioner that any documents or pictures presented as evidence will be retained for the board record.
- _____ 9. If the petition being heard is for industrial or personal property, determine whether the assessor will present confidential information during the hearing. If confidential information will be presented, open an executive session, and clear the room of any people who are not allowed to be present. See Chapter 15 for a script to use to open an executive session.
- _____ 10. Ask the petitioner or the representative to present his or her evidence.
- _____ 11. Ask the assessor's representative to present the assessor's opinion of value and/or other evidence.
- _____ 12. Determine if there is a current year exception and the type of change to the property the exception represents.
- _____ 13. Discuss the appeal and ask any necessary questions that are pertinent to establishing the value of the property, the value of the exception, or whether a penalty should be waived or reduced.
- _____ 14. Either make a decision or announce that the board will be making a decision at a later time. If making the decision at a later time, tell the petitioner when the decision will be made.
- _____ 15. One member should make a motion to sustain, reduce or dismiss an appeal for value reduction; or to sustain, waive, reduce or dismiss a petition for waiver of a late filing penalty. **If there is a current year exception, make a motion to act on the value of the exception.**
- _____ 16. **Vote on the motion that's been made.** Each member's vote must be stated separately.
- _____ 17. State the reason for the board's decision for the record.
- _____ 18. Complete the "Value Recalculation Worksheet" if your county uses a worksheet. Transfer the recalculated numbers from the worksheet to the order if the order will be delivered at the hearing.
- _____ 19. Sign and date the order—if the order will be delivered at the hearing; otherwise, advise the petitioner when they can expect to receive the order in the mail.
- _____ 20. Advise the petitioner or the representative of their appeal rights.

Confidentiality

The provisions of [ORS 192.610 to 192.690](#) are intended to ensure that the meetings of governing bodies where decisions about the public's business are made or discussed are open to the public. A county board of property tax appeals is a public body, and it must hold open meetings, unless the law allows the board to hold an executive session to hear testimony or review the materials to be discussed.

An executive session is defined as any meeting or part of a meeting of a governing body, which is closed to certain persons for deliberation on certain matters. BOPTA is authorized to hold executive sessions under [ORS 192.660\(2\)\(f\)](#) to "consider information or records that are exempt by law from public inspection" that relate to the appeals the board is hearing.

Examples of information or records that the board of property tax appeals may review in an executive session are:

1. Information reported on a *Confidential Personal Property Return* or a *Real Property Return*, filed with the assessor under [ORS 308.290](#). Because these returns are confidential in the office in which they're filed, representatives of the assessor and the Department of Revenue may not discuss confidential information compiled from the return unless the board goes into executive session or the petitioner who filed the return or his or her authorized BOPTA representative waives the executive session.
2. Information identified by the petitioner and confirmed by the board as a "trade secret." Trade secrets may include, but are not limited to:

"Any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage

over competitors who do not know or use it." ([ORS 192.501](#))

3. Information submitted for purposes of valuing an industrial plant under [ORS 308.411](#) when the information is submitted on the condition that it will be kept confidential.

If the board chooses not to go into executive session, the assessor or the Department of Revenue can't discuss any confidential information related to the appeal during the hearing.

Procedures for Executive Sessions

Holding the Executive Session—The clerk should identify all potential executive sessions, in the daily or weekly agenda. The chairperson must also identify the specific authority for holding the executive session when he or she begins the meeting. This must be done even though no members of the public are present. The clerk should post a sign on the door saying that a confidential hearing is in progress. If the board is going from a public meeting to an executive session, the board chair must clear the room of any persons not authorized to attend the hearing. A checklist to assist the chairperson in conducting an executive session is included in this chapter.

Who Can Attend Executive Sessions—The following people can attend a meeting of BOPTA held in executive session:

- The petitioner—if the petitioner signed the return. If the petitioner is not the person who signed the real or personal property return, follow the procedures discussed later in this chapter.
- The authorized BOPTA representative of the petitioner who signed the return, if the assessor or we have received an authorization from the taxpayer to disclose to the representative.
- The appraiser for the county or us.
- County counsel or our counsel.
- A member of the press. If members of the news media are present at an executive session, the chair should instruct the media that

the confidential information that is the subject of the meeting should not be disclosed. Absent such specifications, the media may report the entire proceedings and the purpose of having an executive session may be thwarted.

- The board's appraiser.
- The BOPTA clerk.

Petitions—Oregon public records law ([ORS Chapter 192](#)) states that every person has a right to inspect any public record filed with or created by a public body unless the law specifically exempts the record from disclosure. This means petitions filed with a board of property tax appeals, and any documents attached to the petitions, must be made available to the public for inspection.

Confidential Personal Property Returns or Real Property Returns filed with the assessor are confidential in those offices, but not with BOPTA. If a petitioner attaches a copy of any of these documents to their petition, the documents must be made available to anyone asking to see the petition.

If the information provided in the petition constitutes a trade secret, portions of the petition to the board may be conditionally exempt from disclosure to the public. BOPTA may request the appellant to identify the specific information concerned, and cite the statute granting the exemption from disclosure. If BOPTA then agrees that the information constitutes a trade secret, that portion of the petition may be treated as a confidential record.

The fact that a petitioner stamps a document "Confidential" doesn't mean it can be maintained as a confidential record by the BOPTA clerk. The document must also be confidential by law to be exempt from disclosure.

Identifying Confidential Material—The assessor and our Valuation Section should clearly identify all confidential information prior to providing it to the board in preparation for the hearing. This should be done by stamping or writing "Confidential" or "Confidential Hearing Requested" on the evidence or correspondence submitted to the board. This puts the burden for determining whether the hearing should be held in executive session on the assessor and the department instead of on BOPTA. If BOPTA chooses not to hold an executive session

to review the confidential material, the assessor or we may refuse to testify.

Waiving the Executive Session—The board may ask the petitioner if he or she wishes to have a public meeting and authorize the assessor or the department to disclose confidential information during the hearing. If the petitioner chooses to waive the confidential hearing, the information submitted by the assessor and the department prior to the hearing or the petitioner, assessor, and the department during the hearing, will be treated as a public record under [ORS 192.502](#).

The authorization to disclose should be in writing and be made part of the record of the hearing. The department has provided a form for the counties to use for this purpose. If the petitioner does not sign the authorization, the board should hold the hearing in executive session.

Remember, if the petitioner is not present, the board has probably not received an authorization to disclose and must hold the meeting in executive session.

The clerk should regard all evidence provided prior to the hearing by the assessor or the department as confidential until the confidentiality is waived at the hearing.

Decisions—The board should hear argument, motions, testimony, and hold its discussion during the executive session. Individual board members may reach tentative decisions and a consensus may be evident during the executive session, but the board must take a formal **vote** and make its **final decision** in an open meeting.

If the board has a policy of holding two meetings for each appeal – when the purpose of the first meeting is to hear evidence and the purpose of the second meeting is to discuss the evidence and make a decision, the board chair must ensure that the second meeting is also held in executive session.

Orders—Even though the board hears an appeal in executive session, the order of the board is a public record. This includes pages listing the value of individual items of personal property that the board included in its final decision. Some counties may choose to ask their own legal counsel for advice regarding the public status of orders for real and personal property.

Minutes of Executive Sessions—The minutes of executive sessions and any written material presented by the assessor or the petitioner to the board during an executive session are exempt from disclosure under the public records law.

When Petitioner is Not Filer of Return

Sometimes industrial or personal property is sold after a return is filed and the new owner files a petition to BOPTA. Because the previous owner filed the return, unless the new owner has been given authorization to see the return, the assessor cannot share this information with the petitioner.

In such a situation, the board should conduct the hearing in the following manner.

1. Open the meeting in public session and ask the petitioner to present his or her evidence about the value of the property.
2. Open an executive session and ask the petitioner and the public to leave the room. Listen to the evidence of the assessor or our representative.
3. Discuss the case and make motions.
4. Close the executive session.
5. Reopen the meeting to the public, vote, and state the final decision or state the time when the board will issue its final decision in a public meeting.

Penalties

If a governing body violates any provision applicable to executive sessions in the Public Meetings Law, a complaint against individual members of the governing body can be filed with the Oregon Government Standards and Practices Commission (OGSPC). The OGSPC may impose a civil penalty not to exceed \$1,000. However, the OGSPC will not impose a penalty if the violation occurred as a result of the governing body acting on the advice of legal counsel.

[ORS 244.350](#)

Any willful disclosure of information submitted under [ORS 308.411](#) on the condition that it be kept confidential is punishable, upon conviction, by a fine, not exceeding \$10,000 or by imprisonment for not more than one year, or by both.

[ORS 308.990](#)

Checklist for Executive Session

This checklist is intended to assist the board of property tax appeals in complying with the executive session provisions of the Public Meetings Law.

- ☐ Provide notice of an executive session in the same manner you give notice of a public meeting. The notice must cite the specific statutory provision(s) authorizing the executive session.

Permissible grounds that BOPTA can use to go into executive session are:

ORS 192.660(2)(f)—To consider records that are exempt from disclosure under the Public Records Law, including written advice from your attorney.

- ☐ Announce that you are going into executive session pursuant to ORS 192.660 and cite the specific reason(s) and statute(s) that authorize the executive session for **each** subject to be discussed. **See sample script on the next page.**
- ☐ Announce the approximate time when you intend to come out of executive session to take final action.
- ☐ Specify if any individuals other than the news media may remain in session.
- ☐ Tell the media what may **not** be disclosed from the executive session. If you fail to do this, the media may report everything. If you discuss matters other than what you announce you are going to discuss in the executive session, the media may report those additional matters. News media must be excluded from executive sessions held to discuss litigation with legal counsel if the media is a party to the litigation.
- ☐ Go back into open session to take final action. If you did not specify at the time you went into executive session when you would return to open session, and the executive session has been very short, you may open the door and announce that you are back in open session. If you unexpectedly come back into open session after previously announcing you would not be doing so, you must use reasonable measures to give actual notice to interested persons that you are back in open session. This may require postponing final action until another meeting.
- ☐ Keep minutes or a tape recording of executive sessions.

NOTE: If a governing body violates any provision applicable to the executive session provisions in the Public Meetings Law, a complaint against individual members of the governing body can be filed with the Oregon Government Ethics Commission (OGEC). The OGEC may impose a civil penalty not to exceed \$1,000. However, a civil penalty may not be imposed if the violation occurred as a result of the governing body acting on the advice of legal counsel.

Sample Script to Announce Start of Executive Session

The _____ County Board of Property Tax Appeals will now meet in executive session for the purpose of considering records that are exempt from disclosure under the Public Records Law. This executive session is held pursuant of ORS 192.660(2)(f), which allows the board to meet in executive session to hear testimony from the assessor or the Department of Revenue regarding information reported in a personal or real property return filed under ORS 308.290.

Representatives of the news media and designated staff are allowed to attend this executive session. We will now ask all other members of the audience to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during this executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of the executive session, which we estimate will last until approximately _____ o'clock, we will return to open session and welcome the audience back into the room.

COUNTY BOARD OF PROPERTY TAX APPEALS

Authorization to Disclose Confidential Information

Information provided to the assessor or the Oregon Department of Revenue (DOR) in a real or personal property return filed under ORS 308.290 or information submitted for purposes of valuing an industrial plant under ORS 308.411 on the condition that it will be kept confidential, is confidential and exempt from disclosure under the public records laws.

In order for the board of property tax appeals to fully consider and discuss confidential information in a public meeting, you must authorize the assessor or the Department of Revenue to disclose this information during the hearing. If you do not wish the assessor or DOR to disclose confidential information, the board is authorized to ask the public to leave the room and to hold your hearing in an executive session. Confidential information presented to the board in an executive session remains confidential and exempt from public disclosure.

This authorization to disclose does not affect the confidentiality of any real or personal property return or other confidential information kept in the office of the assessor or DOR, but pertains only to the information submitted to the board by the assessor or the department prior to or during the board of property tax appeals hearing.

By signing this document, I authorize the assessor or the Oregon Department of Revenue to disclose confidential information in a public meeting and acknowledge my understanding that the public will have access to the written or audio minutes of this hearing.

Signature of Petitioner or Petitioner's Representative

Date

Petition #: _____

Received by: _____

Chapter 16

Decisions

Jurisdiction

If the board has established jurisdiction to hear an appeal, the board reviews the evidence provided and makes a decision about the issue presented in the petition. The issue before the board may involve the accuracy of the value of real or personal property or the assessment of a penalty charged for the late filing of a real and personal property return.

If the evidence shows the value on the roll is correct, the board must sustain or uphold the value on the roll. If the evidence shows the value on the roll is too high, the board must reduce the value. If a petitioner meets the standards under which the board is allowed to waive or reduce a penalty, the board should waive or reduce the penalty according to the policy established at the first meeting.

The jurisdiction of the board is discussed in detail in Chapter 9 of this manual.

Procedures for Making Decisions

The board makes its decision after the petitioner and the assessor's representative (or our representative) present their evidence. If the petitioner chooses not to attend the hearing, the board bases its decision on the written evidence supplied by the petitioner and other evidence supplied by the assessor, Department of Revenue representative, or board appraiser.

The following is a reasonable approach to weighing evidence supplied by opposing parties:

- Look for undisputed facts regarding the issue before the board.
- Look for disputed facts regarding the issue before the board.
- Look for inconsistency and errors in the information supplied.
- Remember the definition of market value. If the appeal involves the value of the property, determine that all sales used as evidence are arm's-length and indicative of the value of the property on the assessment date.

- Determine which property or properties are most like the subject property if weighing comparable sales in a valuation appeal.

After considering all information and weighing the evidence, one board member makes a motion to take specific action on the petition. Another member seconds the motion and all members state their vote. The chairperson then states the board's decision for the record. **All official actions by governing bodies must be taken by public vote.**

The board only needs to reach a majority agreement on a motion recommending a particular action or decision.

The board may hear a petition when only two members are present, but this should be avoided, if possible. When only two members are present and the board cannot reach a unanimous decision, the board chair may reschedule the hearing to a time when all three members are available. If another hearing is scheduled, the petitioner must present all information and evidence again for the benefit of the third member.

Another option when only two members are present and cannot reach a consensus, is to vote to sustain the value. However, this is not in the petitioner's best interest.

The board is not required to make a decision at the time of the hearing. However, if petitioners are present, the board must ask them if they wish to be present when the decision is made. If so, the board must provide petitioners with the date and time the decision will be reached.

The final decision for each hearing must be made in an open meeting. Any executive session held by the board must be opened to the public at the time the final decision is made.

Burden of Proof

Decisions of the board should be directly related to the evidence presented in support of the request of the petitioner. The board must always

keep in mind that the burden of proof is on the petitioner as the party seeking affirmative relief.

Evidence that RMV Exceeds Actual Market Value

For petitions for reductions of value, the petitioner must:

- Present a preponderance of evidence that the value on the tax roll is wrong, and
- Convince the board that the requested value is correct.

The following are examples of the types of evidence that may convince the board to order a change to the value on the roll:

- Documentation of an arm's-length sale of the subject property near the assessment date.
- A recent fee appraisal reflecting the real market value near the assessment date.
- Proof that the property has been listed for sale on the open market for a reasonable period of time at a price below the real market value on the tax roll.
- A comparison of properties that are similar to the subject in location, size, and quality that have sold within a period of time that is indicative of the assessment date under the appeal. If there are differences between the properties, the petitioner should account for the differences in the comparison of values.
- The cost of new construction that took place close to January 1 of the assessment year, and was performed by a professional contractor.
- Written estimates of the cost to repair the property under appeal.
- Information on leases, rents, occupancy, expenses, or comparable sales analysis for commercial property.
- Proof of an error in the assessor's records regarding the inventory or physical condition of the property.
- Farm production data. This may be provided as support for a requested real market value for an individual property or a specially assessed value. If given as evidence of specially assessed value, the farm production data must apply to a whole class of property.

Although the burden of proof is on the petitioner, in most counties, the assessor also submits information to the board supporting the value the assessor believes is correct. When a petition is filed with the board, the assessor usually reviews the property and often determines that a change in the value is warranted. If this happens, the assessor will recommend the board change the value, or the assessor may reach an agreement with the petitioner and file a stipulation with the board. If the assessor makes a recommendation, the board is under no obligation to accept. The petitioner may not agree with the assessor's recommendation, so it is important that the board members review all of the evidence before making their decision. If a stipulation is filed, the board should follow the procedures discussed in Chapter 12 of this manual. The board may also ask the board appraiser for an opinion of value or recommendation, if a board appraiser is a member of the staff.

All evidence submitted to the board, including pictures and appraisals, becomes a permanent record. If the petitioner chooses not to submit evidence because it won't be returned, the board cannot consider the evidence when making its decision.

Arm's-length Sales

One of the best indicators of real market value for a property might be the sale of the property itself. When determining if a sale is a good indicator of value, the board should first determine if the sale was arm's-length. The board may also ask the county for information about the sale.

A sale is considered arm's-length if it meets the following definition:

- Neither of the parties involved was under any undue duress.

This means the seller was not compelled to sell the property for financial reasons, and the buyer was not compelled to purchase the property within a time period that's considered unreasonable.

- Both parties were informed.

This means the sellers were familiar with the market value of properties similar to theirs, and the buyers had researched the market before making the offer to purchase.

- The property was marketed under “normal” marketing conditions.

Listing the property with a realtor is usually considered a normal marketing condition, but properties sold without the assistance of a realtor might also be considered normal if the property was exposed to the open market. The price of property received at an auction is generally not considered to represent real market value.

- The property was advertised for sale for a period of time considered reasonable for the type of property.

The time to market property varies depending on the property type and location.

- The parties involved were not related or business partners.

Range of Value

Real market value may be represented by a range of value that is typical for the type of property involved. Appraisal is not an exact science. It is widely accepted that any two appraisers may arrive at values that are deemed accurate for the property, even though they may vary by as much as 10 percent. The board must decide if the real market value on the roll falls within the range of value indicated by the evidence.

Petitions for Waiver of Late Filing Penalties

The board may also be required to make decisions regarding the penalties assessed for the late filing of real or personal property returns filed under [ORS 308.290](#).

The jurisdiction of BOPTA regarding waiving penalties depends on the circumstances that caused the late filing. The board may waive the liability for:

- **All or a portion** of the penalty upon a proper showing of good and sufficient cause; or
- **All** of the penalty if the year for which the return was filed was both the first year that a return was required to be filed by the taxpayer and the first year for which the taxpayer filed a return. The assessor should be able to tell the board if this circumstance applies to a specific petition.

The department recommends that the board establish a policy at its first meeting regarding the circumstances under which the board will reduce a penalty rather than waive 100 percent of the penalty when the petitioner has established good and sufficient cause for the late filing.

[ORS 308.295](#)
[ORS 308.296](#)

Definition of Good and Sufficient Cause

Good and sufficient cause is defined as “an extraordinary circumstance beyond the control of the taxpayer, or the taxpayer’s agent or representative.”

Extraordinary circumstances include, but are not limited to:

- Illness, absence, or disability that substantially impairs a taxpayer’s ability to file timely. The substantial impairment must have existed for a considerable time prior to the filing deadline, and must have been of such a nature that a reasonable and prudent taxpayer could not have been expected to conform to the deadline.
- Reasonable reliance on misinformation provided by county assessment and taxation staff or Department of Revenue personnel.

Extraordinary circumstances generally do not include the following:

- Late filing due to the taxpayer’s inadvertence, oversight, or lack of knowledge regarding the filing requirements.
- Financial hardship.
- Reliance on information provided by a real estate agent or broker, attorney, certified public accountant, or the like.

[OAR 150-307-0500](#)

Real and Personal Property Value Appeals

If a petition for reduction of value of property for which a late filing penalty was assessed has been filed, but not a petition for a waiver of the penalty, the board cannot order a change to the penalty. If the board reduces the value of the property, the assessor must reduce the penalty based on the reduction in the value, and can do so without an order of the board.

Cancellation of Tax

As was discussed in Chapter 7, the assessor has the authority to cancel a personal property assessment when the total value of all personal property assessed to an individual within a county falls below a certain value. When BOPTA reduces the value of personal property, the assessor will test the adjusted value against the cancellation threshold and if the value ordered by BOPTA is below the threshold, the assessor will cancel the tax. BOPTA cannot cancel the tax and orders of the board should never address this issue.

Chapter 17

Orders

General Information

An order is a formal written directive to the officer in charge of the roll to correct or sustain the value on the tax roll or to sustain, waive, or reduce real or personal property late filing penalties. The board of property tax appeals can issue orders only for the current tax year.

An order must be issued for every petition received by the board except those for which a stipulation is filed prior to the time the board convenes. This includes actions by the board to sustain or reduce values, waive or reduce late filing penalties, and dismiss petitions.

Orders are not required to be signed on the same day the decision is made, but it is best if they are prepared promptly. They must be signed by at least two members of the board who were present at the hearing. The deadline for signing orders is April 15.

ORS 309.110

Contents of Board Orders

Orders must contain the following information:

- The petitioner's name.
- The mailing address where the order is to be mailed. This should be the representative's address if a representative is designated in the petition or the petitioner's address if a representative is not designated.
- Identification of the property being appealed.
- The changes to be made to the tax roll and directions to the officer in charge of the roll to make them. This includes the RMV of each component, the RMV of the exception (if applicable), total RMV, MAV, and AV.
- A listing of values ordered by the board for individual items or categories/schedules of personal property as addressed in the petition.
- For the appeal of a late filing penalty, the penalty appealed and the penalty as ordered by the board.
- The tax year subject to the order.

- The date the order is signed.
- The date the order is mailed.
- The signatures of at least two members of the board who heard the appeal.
- The appeal rights of the petitioner must be attached to or included with the order.

ORS 309.110(1)
OAR 150-309-0170

Value Recalculation Worksheet

The board may choose to complete a "Value Recalculation Worksheet" **for each property under appeal for which a change of value is being ordered.** The department has provided the counties with a form for the board to use, or the counties may design their own form as long as it contains the necessary information.

The purpose of the worksheet is to assist the board in arriving at the adjusted values that will then be transferred to the official "order."

The worksheet should contain all values currently on the roll, the current property class and CPR, and any changes the board is ordering to the values.

In some counties, staff from the assessor's office assists the board with the worksheet.

The worksheet should be sent to the assessor with the assessor's copy of the order, so the assessor may review the board's calculation of value. The county may decide whether it wishes to mail the worksheet to the petitioner. If the county chooses not to mail the worksheet to the petitioner, the petitioner may ask for a copy of it later, as the document is a public record.

Orders for Personal Property

An order for personal property must contain the values on the tax roll and the values ordered by the board for the individual items or categories/schedules of personal property **as they are listed in the petition.** The values of individual items not listed in the petition do not have to be addressed in the order.

Even though the board hears an appeal in executive session, the order of the board is a public record. This includes pages listing the value of individual items of personal property that the board included in their final decision. Some counties may choose to ask their own legal counsel for advice regarding the public status of orders resulting from executive sessions.

[ORS 150-309-0170](#)

Who May Sign Orders

Only those members who were present at the hearing may sign orders. At least two members must sign the order to meet the quorum requirements.

The “done” date on the orders is the date the order is signed.

Signatures may be made with facsimile devices if provided for by county ordinance. The statute does not state that the signatures must be “original.” You should check with your legal counsel to see if there is a provision in the county ordinance that provides alternatives to personally signed documents. A copy of the ordinance should be entered into the record of the board.

[ORS 309.020\(3\)](#)

Deadline for Issuing Orders

All orders from the regular session of the board must be signed by April 15.

Delivery of Orders

Orders must be delivered to the representative if a representative has been designated on the petition. The orders may be delivered in person at the hearing or by mail. If orders are mailed, they must be postmarked **within five days** of the date the order is signed and no later than five days from the date the board adjourns. The orders need not be sent by registered or certified mail. When a copy of the board’s order is personally delivered at the hearing, the requirement to mail a copy of the order is waived. The manner in which orders are delivered should be reflected in the hearing record. If the clerk delivers the order at the hearing, it is a good idea to ask the petitioner or representative to acknowledge receipt of the order in writing.

If the post office returns an order to the board, the clerk should retain the order as evidence of

mailing. The fact the order was not delivered to the taxpayer does not affect the order. All orders must be delivered to the assessor and the officer in charge of the roll on the same day they are delivered or mailed to the petitioner or representative.

The board or the board clerk should not personally deliver or mail orders to witnesses who are not also qualified representatives.

[OAR 150-309-0160](#)

Amended Orders

The board may issue amended orders to correct clerical errors or errors of jurisdiction appearing in the original orders. Amended orders may be issued through June 30.

- A clerical error is defined as:

“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 or copying errors and omission or misstatement of identification of property.”

- An error of jurisdiction is defined as:

“An error in the order resulting from the board’s failure to correctly apply the board’s authority as granted under [ORS 309.026](#).”

If the order is being amended to correct an error in jurisdiction, the board must reconvene and hold a meeting to correct the order. If the order is being amended to correct a clerical error, the board may authorize one board member or the clerk to amend the orders on behalf of the board. The authorization to amend the orders should be entered into the record at the first meeting, if possible.

The amended order must be mailed to the petitioner and delivered to the assessor and the officer in charge of the roll no later than five days after the adjournment of the regular session or five days after the date the order is amended, whichever is later.

[ORS 309.110](#)

Withdrawn Petitions

Petitioners may withdraw their petition at any time prior to the time the board issues (signs) the order. The request for withdrawal must be in writing. The board must issue a formal order dismissing the appeal, unless a stipulation has been filed with the board prior to the time the board convened the session.

[OAR 150-309-0080](#)

Appeals of Board Decisions

Generally

If a petitioner wishes to appeal the decision of the board of property tax appeals, the appeal is filed at the Magistrate Division of the Oregon Tax Court. The petitioner appeals by filing a written complaint. The complaint must be filed **within 30 days** after the order of the board of property tax appeals is mailed.

The court cannot accept appeals from an order of the board for petitions to waive late filing penalties for real and personal property returns. The board's decision is the final decision in these types of appeals.

Magistrate Procedure

There is a fee to file a complaint with the Magistrate Division. Taxpayers may obtain information and complaint forms by visiting the court's website at courts.oregon.gov/tax, then click on the "Materials & Resources" tab. The assessor may also have these forms.

Complaint forms and fees should be mailed to:

Clerk, Oregon Tax Court
Magistrate Division
1163 State Street
Salem OR 97301-2563

Complaints may be personally delivered to the court at the following physical address:

1241 State Street
3rd Floor
Salem, Oregon

Assessor Appeal of Board of Property Tax Appeals Decision

The assessor may also appeal a BOPTA decision to the Magistrate Division.

When the assessor is the appealing party, the assessor must serve a copy of the complaint upon the taxpayer by certified mail within 30 days after the date the board's order was mailed

to the taxpayer. The assessor must also file an affidavit with the court attesting to the service.

Board Member Responsibility

Members of the board are not required to defend their decisions in subsequent appeals.

Orders of Dismissal

The petitioner may appeal orders of dismissal to the Magistrate Division. However, when the board has dismissed a petition, the court first reviews the reasons for the dismissal and determines whether the board took the appropriate action. If the board correctly dismissed the petition, the court will uphold the board's dismissal but then look for another statute which may allow the court to hear the merits of the case. If the board correctly dismissed the petition and no other authority applies, the court will also dismiss the case.

Appealing the Magistrate Decision

If the taxpayer or the assessor disagrees with the decision of the Magistrate, either or both parties may appeal the decision to the Regular Division of the Oregon Tax Court. The appeal must be filed with the court clerk **within 60 days** after the date of the Magistrate's decision.

A trial held in the Regular Division is a formal proceeding and most people prefer to be represented by an attorney, although individuals may choose to represent themselves. Attorneys must represent appealing corporations or partnerships. Both parties must present evidence. After the trial, the judge will consider the evidence and notify the parties of the decision by mail. The decision of the tax court may be appealed to the Oregon Supreme Court.

The Department of Revenue's website has additional information about the appeals process: www.oregon.gov/dor/property, then click "Property tax appeals".

BOPTA Glossary and Acronyms

Glossary

Assessed Value (AV): The lower of the property's maximum assessed value (MAV) or real market value (RMV). For specially assessed property, the lesser of RMV or MAV for any market portion, plus the lesser of the specially assessed value (SAV) or maximum specially assessed value (MSAV) for each individual soil class, qualified homesite, and on-site development.

Average Maximum Assessed Value (AMAV): The value determined by dividing the total maximum assessed value (MAV) of all unchanged property in the same area in the same property class by the total number of unchanged properties in the same area in the same property class.

Average Real Market Value (ARMV): The value determined by dividing the total real market value (RMV) of all unchanged property in the same area in the same property class by the total number of unchanged properties in the same area in the same property class.

Cap Rate: An abbreviation for "capitalization rate," which is the rate used to convert an income stream into a present value. For example, a capitalization rate of 10 percent and an income stream of \$2,000 annually provide a present value of \$20,000 ($\$2,000 / .10$).

Changed Property Ratio (CPR): The ratio determined by dividing the average maximum assessed value (AMAV) by the average real market value (ARMV) for the same area and property class of unchanged property.

Compression: The process of reducing taxes that have been extended on a property so that they fall within the Measure 5 limit of \$5 per thousand of RMV for Education and \$10 per thousand of RMV for General Government.

Consolidation: The combination of two or more contiguous tax lots into one tax lot or the merger of two or more contiguous parcels into a single parcel.

Exception: Any change to property, not including general ongoing maintenance and repair, that increases a property's value by more than \$10,000 in one assessment year or by more than \$25,000 during five assessment years.

General Ongoing Maintenance and Repair (GOMAR): The repair or replacement of existing materials due to normal wear/tear/deterioration. Examples of ongoing maintenance and repair may include re-roofing, painting, or replacement of floor or wall covering. The maximum assessed value (MAV) of the property cannot be increased due to general ongoing maintenance and repair. Further defined in [OAR 150-308-0130](#).

Improvement: Usually a permanent addition to, or modification of, real property that enhances its capital value and is distinguished from an ordinary repair by being designed to make the property more useful or valuable.

As defined in our appraisal manual: Any dwelling, building, manufactured structure, or physical addition to the land.

Examples:

1. The improvements to the land include water and sewer access.
2. The owners made improvements to the kitchen, including replacing laminate counters with marble and adding some built in cabinets.
3. The improvements add 300 sq ft of grain storage.

As defined in the our *Appraisal Manual*: Any dwelling, building, manufactured structure, or physical addition to the land.

Jurisdiction: The sphere of the board's authority under current Oregon law. The right and power to interpret and apply the law.

Late Filing Penalty: A penalty assessed when a taxpayer either files late or fails to file a real or personal property return required to be filed under [ORS 308.290](#). The penalties vary by property type and appraisal responsibility and are defined in [ORS 308.295](#) and [308.296](#).

Lot Line Adjustment: Any addition to the square footage of the land for a real property tax account, and a corresponding subtraction of square footage of the land from a contiguous real property tax account.

Major Addition: An addition that has an RMV greater than \$10,000 and adds square footage to an existing structure.

Maximum Assessed Value (MAV): A term defined by Measure 50 passed by Oregon voters in 1997. For the 1997–98 tax year, maximum assessed value (MAV) was the 1995–96 real market value (RMV) less 10 percent. For tax years after 1997–98, MAV is defined as the greater of 103 percent of the property's AV from the prior year or 100 percent of the property's MAV from the prior year. MAV may be increased or recalculated under certain circumstances to reflect changes to the property (exceptions).

Maximum Specially Assessed Value (MSAV): For the 1997–98 tax year, maximum specially assessed value (MSAV) was the 1995–96 Specially Assessed Value (SAV) less 10 percent. MSAV may be increased or recalculated under certain circumstances. Under current law MSAV equals the **greater** of 103 percent of the assessed value for the preceding tax year or 100 percent of the maximum assessed value for the preceding tax year.

Minor Construction: An improvement to real property that results in an addition to real market value (RMV), but does not qualify as an addition to maximum assessed value (MAV) due to a value threshold. The value threshold is an RMV of more than \$10,000 in any one assessment year, or more than \$25,000 for all cumulative additions made during five assessment years. The MAV cannot be increased due to qualifying Minor Construction activity.

Modernization: A type of renovation in which worn or outdated elements are replaced with their current counterparts.

Net Additions: In calculating the addition to maximum assessed value for new property and new improvements, the amount added shall be the net real market value of the new property or new improvements less the real market value of retired property, but not less than zero. The

MAV cannot be increased due to qualifying Minor Construction activity.

New Construction: Any new structure, building, addition or improvement to the land, including site development.

Omitted Property: Property discovered and added to the roll after the roll is certified to the tax collector. Omitted property may be added to the roll last certified and to the five preceding rolls.

Personal Property: In Oregon, there are two types of personal property, taxable and non-taxable. Non-taxable personal property includes intangible property, and personal property excluded from taxation by statute. Taxable personal property includes properties such as machinery, equipment, furniture, etc., used previously or presently in a business, including any property not currently being used, placed in storage, or held for sale.

Personal property is assessable under [ORS 308.105](#) if it is in Oregon on the assessment date, January 1, at 1:00 a.m., and meets the following conditions:

1. The property is not in transit, but has come to rest in Oregon.
2. The property was not here by misadventure or some reason beyond the owner's control. The owner intended the property to remain here for the time being.
3. While in Oregon, the property performed the service for which it was designed and for the benefit of the owner's business.
4. The property was not in Oregon solely for repairs.

Personal Property Return: A form taxpayers use to annually report potentially taxable personal property or floating property to the assessor.

Preponderance of Evidence: The greater weight of evidence; the more convincing evidence.

Real Market Value (RMV): The amount in cash that could reasonably be expected to be paid by an informed buyer to an informed seller, each acting without compulsion in an arm's length transaction occurring as of the assessment date for the tax year established by law. RMV is the

value the assessor estimates property will sell for on the open market as of the assessment date. The assessment date for most property is January 1 at 1 a.m.

Real Property Return: A form taxpayers use to annually report real property to the county assessor. It is generally used to report industrial property appraised by the county.

Recalculation: Another name for “automated valuation modeling.” An automated valuation model is a mathematically based computer software program that produces an estimate of market value based on market analysis of location, market conditions, and real estate characteristics.

Reconstruction: To rebuild or replace an existing structure with one of comparable utility.

Rehabilitation: To restore to a former condition without changing the basic plan, form or style of the structure.

Remodeling: A type of renovation that changes the basic plan, form, or style of the property.

Renovation: The process by which older structures or historic buildings are modernized, remodeled, or restored.

Restoration: A type of renovation in which a property is returned to its original appearance and condition.

Session: The period of time during which the board conducts its business. The session lasts from the first meeting of the board until the last meeting of the board when the session is adjourned.

Segregation: The opposite of consolidation. The separation of a tax lot account into two or more parcels. Often the segregation results in a higher market value for the property than the value of the property consolidated. If there are improvements, the original parent account number will remain with the improved account.

Specially Assessed Value (SAV): A value created by statute for certain types of property. The SAV is usually lower than real market. The intent of government in establishing specially assessed values was to create incentives in the form of lower taxes to encourage specialized property uses.

Stipulation: A document signed by the petitioner and the assessor or Department of Revenue

agreeing to a specific value of property as of a specific date.

Sustain: An action of the board that upholds the current roll value.

Undivided Interest: When the co-owners of a property all have an equal right and obligation (interest) to enjoy and maintain the property. It is a partial ownership of all parts of the whole and no co-owner has exclusive claim to any single portion of the property or use of the property. No one has exclusive interest or control in a particular object or section of the property. Generally, all owners holding an undivided interest get separate tax statements and notices (which would include Board Orders) but must appeal the whole account value, not just their portion of it.

This is potentially different from a timeshare where the use/control of the properties held in common are generally broken down into physical rights to specific portions and for specific amounts or periods of time. Additionally, by statute, the managing entity of a timeshare is considered to be the taxpayer.

Important Acronyms

All acronyms listed below are commonly used in the BOPTA Process, as well as this manual. This is not an exclusive list.

AV: Assessed Value

BOPTA: Board of Property Tax Appeals. AKA BoPTA.

CPR: Changed Property Ratio

DOR: (Oregon) Department of Revenue

GOMAR: General Ongoing Maintenance and Repair. AKA GOMaR.

IPR: Industrial Property Return

MAV: Maximum Assessed Value

MSAV: Maximum Specially Assessed Value

ORS: Oregon Revised Statute. AKA Oregon law passed by the legislature and signed by the governor.

OAR: Oregon Administrative Rule. AKA Legally binding interpretation of ORS by Department of Revenue. OAR carry the force of law, unless

a court determines that an OAR exceeds or contradicts an ORS.

POA: Power of Attorney

PPR: Personal Property Return

RMV: Real Market Value

RPR: Real Property Return

SEA: Substantial Equivalency Authorization. Issued from the Board of Accountancy (BoA) for a Certified Public Accountant (CPA) or Public Accountant (PA). A practitioner who is not licensed in Oregon is granted the ability to practice in Oregon by meeting minimum qualification due to a reciprocity agreement.

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Chapter 21

Resources

Note: The website for the Oregon Revised Statutes (ORS) is set up differently than the Oregon Administrative Rules (OAR) website. Oregon Legislature official website oregonlegislature.gov links will take you to the entire chapter for that referenced statute, then you will have to scroll down to the section you wish to read. The OAR website links will take you to the section of the referenced rule.

Oregon Tax Law Resources found on Oregon.gov use the following link:

[State of Oregon—About us—Oregon tax law resources](#)

Oregon revised Statutes

Chapter 192 (Portion)—Records; Public Reports and Meetings

- 192.001 Policy concerning public records.
- 192.001 Policy concerning public records.
- 192.410 Definitions for ORS 192.410 to 192.505.
- 192.610 Definitions for ORS 102.610 to 192.690.
- 192.640 Public notice required, special notice for executive sessions, special or emergency meetings.
- 192.650 Recording or written minutes required; content; fees.
- 192.670 Meetings by means of telephonic or electronic communication.

Chapter 305 Administration of Revenue and Tax Laws Appeals

- 305.287 Determination of real market value of property tax account or components.
- 305.490 Filing fees.

Chapter 306 Property Tax Generally

- 306.115 General supervision over property tax system; correction of assessment or tax rolls.

Chapter 308 Assessment of Property for Taxation

- 308.142 “Property” and “property tax account” defined.
- 308.146 Determination of maximum assessed value and assessed value; reduction in maximum assessed value following property destruction; effect of conservation or highway scenic preservation easement.
- 308.149 Definitions for ORS 308.149 to 308.166.
- 308.153 New property and new improvements to property.
- 308.156 Subdivision or partition; rezoning; omitted property; disqualification from exemption; partial exemption or special assessment; rules.
- 308.159 Lot line adjustments.
- 308.162 Property tax account modifications.
- 308.166 Ordering provisions when property is subject to multiple special determinations of value.
- 308.205 Real market value defined; rules.
- 308.234 Record of last appraisal; Department of Revenue to approve methods of appraisal.
- 308.242 Assessor’s authority to change roll after September 25 limited; when changes permitted; stipulations.
- 308.250 Valuation and assessment of personal property; cancellation of assessment in certain cases; verified statements; indexing.

308.290 Returns; personal property; exception; real property; combined real and person returns for industrial property; extensions; confidentiality and disclosure; lessor–lessee elections; rules.

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309.310 “Department” defined for ORS 309.330 to 309.400.

309.330 Transmission of summary of assessment roll by assessor.

309.340 Recording and tabulating summaries.

309.360 Examining summaries; obtaining other information.

309.370 Tabulating assessment summaries.

309.400 Ordering change of valuation; making changes if officer fails to comply.

309.990 Penalties.

Chapter 310 Property Tax Rates and Amounts; Tax Limitations; Tax Reduction Programs

310.160 Unit of property.

Chapter 311 Collection of Property Taxes

311.205 Correcting errors or omissions in rolls.

311.206 Additional taxes resulting from correction of error or omission; date of delinquency; limitations; prepayment.

311.208 Notice required when current roll corrections increase value; time for payment of additional taxes.

311.216 Notice of intention to add omitted property to rolls; treatment of unreported property; treatment of understated property; duty of tax collector.

Oregon Administrative Rules—Chapter 150 Department of Revenue

Division 306 Property Tax Generally

150-306-0050 Supervisory Authority.

150-306-0060 Sufficiency of a Petition.

Division 308 Assessment of Property for Taxation.

150-308-0100 Determining Maximum Assessed Value when the Property Class is Changed.

150-308-0110 Reduction of Maximum Assessed Value (MAV) for Property Destroyed or Damaged by Fire or Act of God.

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150-308-0240 Real Property Valuation for Tax Purposes.

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150-308-0380 Appraisal of Real Property.

150-308-0400 Stipulation Procedures.

150-308-0410 Cancellation of Personal Property Assessments.

Division 309 Equalization of Property Taxes

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150-309-0020 Record of Board of Property Tax Appeals Meetings.

150-309-0030 Limitations on Increase in Value by Board of Property Tax Appeals.

150-309-0040 BOPTA Lack of Jurisdiction for Designated Utilities and Companies Assessed by the Department.

150-309-0050 Nonoffice-holding Residents Appointed to Board of Property Tax Appeals (BOPTA) Pools.

150-309-0060 Records Included in Journal of Governing Body.

150-309-0070 Filing Petitions with the Board of Property Tax Appeals (BOPTA).

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150-309-0140 Board of Property Tax Appeals (BOPTA) Procedures When Assessment Roll Changed After Petition is Filed Under ORS 308.242(2).

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150-309-0160 Mailing of Board Orders.

150-309-0170 Adjustments to Personal Property Value.

150-309-0180 Disposition of Appeals of Property Assessed as an Undivided Interest.
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