

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

Washington Department of Revenue Property Tax Division

2023 Review of the Skamania County Board of Equalization



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Overview

Introduction

The Department of Revenue (Department) conducted an interview with the clerk (Clerk) of Skamania County's Board of Equalization (Board). The interview focused on the Board's processes and procedures.

Purpose

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

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

Scope of review

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

Information reviewed

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

- Petitions for appeal 2022 assessment year for taxes payable in 2023
- Hearing procedures
- Deliberation process
- Board orders
- Regular convened session
- Reconvening processes
- Publications, forms, literature, and website
- Board policies

Acknowledgment

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

Executive Summary

About this review

The Department interviewed the Board's staff about the processes and procedures used in hearing appeals.

Categories of results

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

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

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

Results

The Department identified eight requirements and three recommendations directed toward improving the Board's methods.

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

Executive Summary, continued

Requirements

1. The Board is required to request and receive approval of the county legislative authority to continue hearings after the regular 28-day convened session.
2. The Board is required to issue an order within 45 days after making their decision.
3. The Clerk is required to keep and publish a record of the Board's proceedings.
4. The Board is required to use a preponderance of evidence as the standard of proof to decide an appeal of the Assessor's determination for non-valuation appeals and when the Assessor offers a stipulated valuation agreement or different value.
5. The Board is required to hold a hearing and make a decision when the appellant has submitted a complete and timely filed petition.
6. The Board is required to provide the assessor and taxpayer with a timely notice of hearing that includes the deadline for submission of additional evidence.
7. The parties to an appeal are required to provide evidence to both the Board and the opposing party at least 21 business days prior to the hearing.
8. The Board is required to accept complete and timely filed petitions.

Recommendations

1. The Department recommends updating the control register to include additional information.
2. The Department recommends the Board review their letters for accuracy and use the Department's forms.
3. The Department recommends the Board update their Desk Reference Manual.

Requirement – Approval to reconvene Board after the 28-day session

Requirement

The Board is required to request and receive approval of the county legislative authority to continue hearings after the regular 28-day convened session.

What the law says

The Board must make a request to the county legislative authority, and receive approval, to reconvene when they have 25 or more pending petitions or 10 percent of the number of petitions from the preceding year, whichever is greater. (RCW 84.48.010 and WAC 458-14-046)

What we found

The Board held hearings after the regular 28-day session ended, for 2022 assessment year, without requesting and receiving approval to reconvene from the county legislative authority.

Action needed to meet requirement

The Board is required to take the following action:

- Request and receive approval from the county legislative authority to reconvene after their regular 28-day session to hear timely filed petitions. The request and the approval should both be in writing.
 - The Board may wish to use the Notice of Approval to Hear Property Tax Appeals form (REV 64 0049), available on the Department’s website (dor.wa.gov).

Why it’s important

Proper approval ensures that the county legislative authority is aware of their board of equalization’s workload.

Requirement – Orders

Requirement

The Board is required to issue an order within 45 days after making their decision.

What the law says

The board must notify the taxpayer and assessor of their decision within forty-five days of the hearing. (RCW 84.48.010 and WAC 458-14-116)

A taxpayer may appeal a decision made by the county board of equalization by filing with the board of tax appeals within 30 days. (RCW 84.08.130)

What we found

The Board did not include a mailing date on the order reviewed by the Department.

The Clerk stated that the Board makes their decision the day of the hearing and sends the order within two weeks. In most cases orders are mailed on the day they're signed unless the mail has already went out, then they are mailed the following day.

The order reviewed by the Department did not include a mailing date.

Action needed to meet requirement

The Board is required to take the following action:

- Include the mailing date on all orders.

Why it's important

Allows parties to an appeal wishing to take any subsequent actions associated with the order due process within the property tax appeals process.

Requirement – Record of hearing

Requirement

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

What the law says

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

What we found

The record of hearing form in the petition files, reviewed by the Department, was incomplete. It did not include a signature.

The record of hearing form for the 2022 assessment year appeals was not published on the Board’s website, in the same manner as the proceedings of the Skamania County Legislative Authority.

Actions needed to meet requirement

The Board is required to take the following actions:

- The Clerk must keep a complete record of hearing in each petition file, including a signature.
- Publish the record of hearing for each appeal in the same manner as the proceedings of the Skamania County Legislative Authority.

Why it’s important

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

Requirement – Standard of proof

Requirement

The Board is required to use a preponderance of evidence as the standard of proof to decide an appeal of the Assessor’s determination for non-valuation appeals and when the Assessor offers a stipulated valuation agreement or different value.

What the law says

If a taxpayer shows clear, cogent, and convincing evidence that a specific value within an overall assessed value is incorrect, then the standard of proof shifts to preponderance of the evidence for all contested issues related to that specific value. (RCW 84.40.0301 and WAC 458-14-046)

What we found

During the Department’s review, the Clerk stated she was unaware the standard of proof is reduced from clear, cogent, and convincing to a preponderance of evidence for non-valuation appeals. The Board has not had any non-valuation appeals.

Actions needed to meet requirement

The Board is required to take the following actions:

- Decide appeals of the Assessor’s determinations for non-valuation appeals using a preponderance of evidence as the standard of proof.
- When the Assessor recommends a different value or his valuation method is flawed, reduce the standard of proof from clear, cogent, and convincing to a preponderance of evidence to decide the appeal.

Why it’s important

Provides all parties to an appeal due process as required by statute.

Requirement – Timely filed petitions

Requirement

The Board is required to hold a hearing and make a decision when the appellant has submitted a complete and timely filed petition.

What the law says

A taxpayer may appeal an assessed valuation placed on such property by the county assessor for any reason authorized by statute. The appeal must be made with a complete and timely filed petition, on the form prescribed. (RCW 84.40.038)

A taxpayer must file a timely petition for a specific assessment year to preserve their right to appeal. (WAC 458-14-056)

What we found

During the Department’s review, the Clerk stated when taxpayers make contact and state they are unable to obtain a petition form, she will extend the petition submission deadline to allow them time to acquire the form.

One of the petition files reviewed by the Department was accepted after the filing deadline. It is unclear what authority the acceptance of the late submission was based upon. There was no documentation in the petition file indicating it was a request for a good cause waiver of the filing deadline.

The Board makes petition forms available to taxpayers by US Mail, on the Board’s website, over email, and in-person at the Assessor’s Office, as required by law. Taxpayers wishing to appeal must obtain and submit a timely petition to the Board. There is no provision in the law allowing for the extension of the filing deadline due to difficulty in obtaining a petition.

Actions needed to meet requirement

The Board is required to take the following actions:

- Discontinue the practice of extending the deadline for submission of a petition due to difficulty in obtaining a petition form.

Why it’s important

To ensure all taxpayers receive fair and equitable treatment within the property tax appeals process.

Requirement – Hearing notice

Requirement

The Board is required to provide the assessor and taxpayer with a timely notice of hearing that includes the deadline for submission of additional evidence.

What the law says

The assessor and taxpayer must be provided notice of the hearing date by the clerk of the board at least 22 business days prior to the hearing date, unless the clerk and the parties agree on a shorter time period. (WAC 458-14-076)

What we found

The petition files reviewed by the Department included hearing notices that were dated less than 22 business days prior to the hearing date. Statute requires sending a hearing notice at least 22 business days prior to a hearing.

Action needed to meet requirement

The Board is required to take the following action:

- Send hearing notices to the parties to an appeal at least 22 business days prior to the hearing to allow all parties their due process.

Why it's important

Accurate appeal information ensures fair and equitable due process for taxpayers within the appeal process.

Requirement – Exchange of evidence prior to hearing

Requirement

The parties to an appeal are required to provide evidence to both the Board and the opposing party at least 21 business days prior to the hearing.

What the law says

When a taxpayer provides additional evidence after the petition is filed, they must submit a copy to the assessor's office and the board at least 21 business days prior to the hearing. (RCW 84.48.150 and WAC 458-14-066)

What we found

The hearing notices reviewed by the Department did not use 21 business days as the required deadline for submitting additional evidence for a hearing.

Action needed to meet requirement

The Board is required to take the following action:

- Use a deadline of 21 business days prior to a hearing for providing additional evidence for an appeal. The count of 21 business days should not include the hearing date, weekends, or public holidays. This could be accomplished by replacing the deadline date in the letter with this statement: "Petitioners have 21 business days to provide additional evidence." Use of this statement decreases the chance of the Board giving incorrect written advice to petitioners.

Why it's important

Adhering to the deadlines set by law provides all parties to an appeal due process in the appeals process.

Requirement – Incomplete petitions

Requirement

The Board is required to accept complete and timely filed petitions.

What the law says

Boards of equalization must only consider complete and timely filed taxpayer petitions. Petitions must be made on a form prescribed or approved by the Department. Any petitions not conforming to the requirements on the form cannot be considered complete. (RCW 84.40.038 and WAC 458-14-056)

The Department of Revenue shall exercise general supervision and control over the administration of the assessment and tax laws of the state, over county assessors, county boards of equalization, and boards of county commissioners. (RCW 84.08.010)

What we found

One of the petitions accepted by the Board was incomplete because the taxpayer did not authorize an agent in writing. The petition file included a letter to authorize an agent to act on the taxpayer's behalf, but it was signed by the agent not the owner.

Action needed to meet requirement

The Board is required to take the following actions:

- Only accept petitions filed by an agent of the taxpayer as complete when accompanied by a written authorization by the taxpayer.

Why it's important

Properly administering petitions ensures equity and provides a fair process for the appellant and assessor.

Recommendation – Control register

Recommendation

The Department recommends updating the control register to include additional information.

What we found

The Clerk has a control register that includes when a petition is received, the hearing date, and the Board's decision. Including additional information, such as dates of correspondence and deadlines, would allow the Clerk to efficiently track the progress of each appeal.

Actions recommended

The Department recommends the Board take the following actions:

- Include more information in the control register so the status of each appeal can be tracked throughout the appeal process. This may include, but is not limited to, the following additions:
 - Hearing notice date.
 - Incomplete and untimely filed notice date and the deadline for petitioner's response.
 - Assessor's answer date.
 - Order mailing date.
- Use an excel spreadsheet to create a control register, allowing the Clerk to add or remove categories.

Why it's important

Tracking the progress of each petition helps to ensure all deadlines for an appeal are met.

Recommendation – Letters and forms

Recommendation

The Department recommends the Board review their letters for accuracy and use the Department’s forms.

What we found

The Board’s Petition Past Time Line Letter and Order form both list an incorrect website for the State Board of Tax Appeals.

The Board’s Petition Received Letter states, “this letter will allow the taxpayer 21 days prior to the hearing to submit any additional information.” This statement should say, “RCW 84.48.150 and WAC 458-14-056 requires evidence to be provided at least 21 business days prior to the hearing.”

Actions recommended

The Department recommends the Board take the following actions:

- Update the Petition Received Letter to reflect RCW 84.48.150 and WAC 458-14-056 require evidence be provided at least 21 business days prior to the hearing.
- Review all letters for accuracy of information provided and update as needed.
- Use the Department’s forms, available on our website (dor.wa.gov). This will reduce the risk of providing incorrect or unclear information to taxpayers.
- Submit copies of their letters to the Department for review.

Why it’s important

Clear and accurate information ensures taxpayers understand the appeals process.

Recommendation – Desk reference manual

Recommendation

The Department recommends the Board update their Desk Reference Manual.

What we found

The Board’s Desk Reference Manual includes the following inaccurate information that needs updating:

- Section 3, BOE Calendar lists April 30 as the deadline for a late filing Exception Request.
- Section 3, BOE Calendar lists July 15 or 14 days after the assessment roll is certified as the first day of the Board’s 28-day regularly convened session.
- Section 3, BOE Calendar lists July 15 and the question, “Assessor’s deadline for submitting certification of assessment rolls to BOE Clerk?”
- Section 3 BOE Calendar lists August 13 as the last day of the Board’s regular convened session if the first day was July 15. Also noted, if August 13 falls on a weekend or holiday the effective date is the next business day.
- Section 7.3.1 states “the Clerk should allow no more than 60 days for a petitioner to complete an incomplete petition.”
- Section 7.3.2 states “in extenuating circumstances, the BOE may, at its discretion, give petitioners additional time, but the extension should be reasonable and not excessive.”
- Section 7.4 states “all documentary evidence must be submitted at least 14 days in advance of a hearing.”
- Section 11.6 states “commercial hearings are closed to the public because financial and proprietary information is often disclosed.”
- Figure 11.1 lists 30 days after the petition filing as the deadline for the Assessor to send valuation information if requested by the taxpayer.

Actions recommended

The Department recommends the Board take the following actions:

- Correct the Desk Reference Manual to include accurate information.
- Update:
 - Section 3, BOE Calendar, remove April 30 as the deadline for submission of a late filing request. The Department considers two weeks from the date of the late filing letter to be a reasonable amount of time for appellants to provide a good cause waiver request. A deadline of April 30 does not provide all taxpayers requesting a waiver of the filing deadline with the same length of time in their appeal period.
 - Section 3, BOE Calendar to instruct the Board to hold the first meeting of their regular 28-day session on July 15 or **within 14 days** after the assessment roll is certified.
 - Section 3, BOE Calendar to state July 15 is the statutory deadline for the Assessor to submit the certification of the assessment rolls to the **Board of Equalization** (not the Clerk) for counties with a 30 day appeal period or August 15 for those with a 60 day appeal period. (RCW 84.40.320)

Recommendation – Desk reference manual, continued

- Section 3, BOE Calendar to state August 11 would be the last day of the BOE’s regularly convened session if it started on July 15. In addition, remove the asterisk that notes if August 11 is a weekend or holiday the effective date is the next business day. RCW 1.12.070 that allows certain deadlines that fall on a weekend or holiday to be effective on the next business day, does not apply since statute states the Board must meet for a specific number of days.
- Section 7.3.1 to state the Clerk should allow two weeks for a petitioner to complete an incomplete petition. For petitioners that live outside of the county, the Clerk should allow no more than 30 days to complete a petition.
- Section 7.3.2, remove the sentence, “In extenuating circumstances, the BOE may, at its discretion, give petitioners additional time, but the extension should be reasonable and not excessive.” There is no provision for the Board to extend the filing deadline unless the petitioner qualifies for a good cause waiver or reconvene.
- Section 7.4 to state “all documentary evidence must be submitted at least 21 days in advance of a hearing.”
- Section 11.6 to state, “parts of commercial hearings are closed to the public when financial and proprietary information is being disclosed.” All of the Board’s hearings are open to the public, with the exception of when confidential evidence is being presented. That portion of a hearing should be closed to the public. (WAC 458-14-105)
- Figure 11.1 to list 60 days after the petition filing as the deadline for the Assessor to send valuation information if requested by the taxpayer.
- Submit the updated version to the Department for review.

Why it’s important

Accurate training materials ensures the Board and staff provide petitioners with fair and equitable treatment within the property tax appeals process.

Next Steps

Prioritizing Requirements and Recommendations

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

Follow-up

The Department will follow up in 2024 to review the changes implemented. This will give the Board an opportunity to provide information to the Department about any issues encountered during the implementation process.

Questions

For questions about specific requirements or recommendations in our report, please contact us at:

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