

## ASSESSMENT APPEAL GROUNDS EXPLANATION

Adopted 5/1/2006

In considering protests, the board of review must examine each petition to determine that:

- (1) The petition has been timely filed.
- (2) The petition has been signed.
- (3) The protest is based upon one or more of the grounds permitted by Iowa law.
- (4) The petition contains all information required for the ground(s) upon which the request is based.

Petitions not meeting the statutory criteria stated above cannot be considered by the board of review.

An explanation of the grounds is as follows:

- (1) 441.37(1)(a) – That said assessment is not equitable as compared with assessments of other like property in the taxing district. When this ground is relied upon as the basis of a protest the legal description and assessments of a representative number of comparable properties, as described by the aggrieved taxpayer shall be listed on the protest, otherwise said protest shall not be considered on this ground.

*This type of appeal must show that there are a representative number of similar properties that are assessed at a significantly different percentage of market value than the property being appealed. The amount of the market value of each comparable property must be shown, as well as the current assessment. The ratio of assessed value to market value can then be established and compared to the property being appealed.*

- (2) 441.37(1)(b) - The property is assessed for more than the value authorized by law, stating the specific amount which the protesting party believes the property to be over assessed, and the amount which the party considers to be its actual value and the amount the party considers a fair assessment.

*The board will examine carefully how the assessment was determined and if it is a fair market value for the property. Particular attention will be given to market data for comparable properties, as well as any market data for the subject property.*

- (3) 441.37(1)(c) – That the property is not assessable, is exempt from taxes or is misclassified and stating the reasons for the protest.

*Property owners will need to state the reasons why the property is not assessable. If protests made on this ground are requests for exemption from property taxation, they will be based upon exemptions provided for in Chapter 427.1 of the Iowa Code. The mere fact that the organization is a non-profit organization does not in itself qualify the organization's property for exemption. The board of review will examine the use of the property, and whether the property is held for profit by anyone.*

*The board of review will also consider whether only a portion of the property qualifies for an exemption. For example, if part of a building occupied by an exempt organization is rented to a business, that portion of the building would be subject to taxation.*

*This ground can also be used in questioning the classification of the property.*

- (4) 441.37(1)(d) – That there is an error in the assessment and state the specific alleged error.

*An error in the assessment most probably involves erroneous mathematical computations or errors in listing the property. The board of review will determine (1) if such an error exists, and (2) how the error might be corrected. The correction of the error may not necessarily change the assessed value.*

- (5) 441.37(1)(e) – That there is fraud in the assessment which shall be specifically stated.

*The board of review will first determine if there is validity to the taxpayer's allegation. If it is determined there is indeed fraud in the assessment, the board of review may take action to correct the assessment if the value is found to be different.*

- (6) 441.37 (1) - In addition to the above, the property owner may protest annually to the board of review under the provisions of section 441.35, but such protest shall be in the same manner and upon the same terms as heretofore prescribed in this section.

***Quoting a Pottawattamie County District Court Dismissal:***

*“Iowa has a system for the assessment of property taxes whereby each odd numbered year is an assessment year and the even numbered years are interim years. Iowa Code 428.4 During an assessment year, an aggrieved taxpayer may protest and appeal his assessment on any of the grounds listed in Iowa Code 441.37. However, during an interim year, where the taxpayer did not protest during the assessment year and where the assessor did not change the assessed value, the taxpayer is limited to the ground of protest known as “downward change in value”.”*

*“In order to prove this downward change in value, a taxpayer must prove by competent evidence: 1) the value of the property at the time of the last assessment, 2) a specific change in the property or value of the property, and 3) the value of the property during the protest year.”*