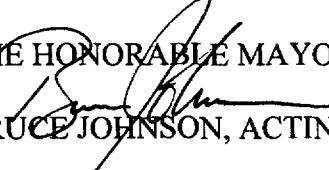


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11-12-11 ~~7~~  
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## City of Alexandria, Virginia

## MEMORANDUM

**DATE:** NOVEMBER 2, 2011  
**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
**FROM:**  BRUCE JOHNSON, ACTING CITY MANAGER  
**SUBJECT:** ORDINANCE TO AMEND DATE RELATED TO FILING APPEALS OF REAL ESTATE ASSESSMENTS TO BOARD OF EQUALIZATION

**ISSUE:** Consideration of an ordinance to revise sections 3-2-185 and 3-2-187 of the City Code to amend the date for filing appeals of real estate assessments to the Board of Equalization from July 1 to June 1.

**RECOMMENDATION:** That City Council pass the Ordinance on first reading and schedule it for public hearing, second reading and final passage on Saturday, November 12, 2011.

**DISCUSSION:** The proposed ordinance would amend the filing deadline of appeals of real estate assessments to the Board of Equalization from July 1, to June 1. This proposed amendment is needed as a result of changes to the Virginia State Code which take effect as of January 1, 2012. These changes require that the City provide all owners of residential property containing less than four units a minimum of 45 days notice prior to hearing any Board appeals. That notice will say they have a right to review and obtain copies of all assessment records that relate to the determination of the fair market value of their property and also to request an inspection of their property. If the Department fails to comply with these newly enacted provisions, the burden of proof at the Board hearing will shift, i.e., the Department will have the burden of going forward to prove the correctness of the assessment. In addition, setting an earlier deadline for appeals will allow the Board to consider, act on and resolve appeals earlier in the cycle, thereby allowing the real estate staff more time in the late summer and fall of the year to make valuations of property for the upcoming assessment cycle.

The proposed amendment to section 3-2-187 of the City Code is technical in nature. It makes 3-2-187(d) consistent with the proposed amendment to 3-2-185 because section 3-2-187(d) refers to the date for filing appeals to the Board of Equalization as set forth in section 3-2-185.

**FISCAL IMPACT:** There will not be any fiscal impact resulting from moving the date for filing the appeals. All property owners wishing to be heard by the Board will be able to file with the Board in the time frame provided.

**ATTACHMENT:**

Proposed Ordinance to amend date for filing Appeals of Real Estate Assessments to the Board of Equalization.

**STAFF:**

Ted Jankowski, Director, Real Estate Assessments

|   |                                 |            |
|---|---------------------------------|------------|
| 1 | Introduction and first reading: | 11/09/2011 |
| 2 | Public hearing:                 | 11/12/2011 |
| 3 | Second reading and enactment:   | 11/12/2011 |

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Sections 3-2-185 (APPEAL OF REAL ESTATE ASSESSMENTS TO BOARD OF EQUALIZATION) and 3-2-187 (ASSESSMENT OF NEW BUILDINGS SUBSTANTIALLY COMPLETED) of Division 1 (REAL ESTATE), of Article M (LEVY AND COLLECTION OF PROPERTY TAXES), of Chapter 2 (TAXATION), of Title 3 (FINANCE, TAXATION AND PROCUREMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance would amend sections 3-2-185(a) and 3-2-187 of the City Code to require appeals of real property tax assessments to be filed with the Board of Equalization by June 1. City Code § 3-2-187(d) is also amended because it references the filing deadline contained in § 3-2-185.

Sponsor

Thaddeus J. Jankowski, Jr., Director, Department of Real Estate Assessments

Staff

James L. Banks, Jr., City Attorney  
Karen S. Snow, Assistant City Attorney

Authority

Virginia Code, § 58.1-3984  
Alexandria City Charter § 4.08(d)

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend and reordain Sections 3-2-185 (APPEAL OF REAL ESTATE ASSESSMENTS TO BOARD OF EQUALIZATION) and 3-2-187 (ASSESSMENT OF NEW BUILDINGS SUBSTANTIALLY COMPLETED) of Division 1 (REAL ESTATE), of Article M (LEVY AND COLLECTION OF PROPERTY TAXES), of Chapter 2 (TAXATION), of Title 3 (FINANCE, TAXATION AND PROCUREMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 1 (Real Estate), of Article M (Levy and Collection of Property Taxes), of Chapter 2 (Taxation), of Title 3 (Finance, Taxation and Procurement), of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by enacting amended Sections 3-2-185 and 3-2-187 to read as follows:

Sec. 3-2-185 Appeal of real estate tax assessments to board of equalization.

(a) Any owner or lessee of real estate upon which taxes have been levied as provided by section 3-2-181 of this code who seeks to appeal such assessment shall make application to the board of equalization of the city to correct the assessed valuation on which the taxes were levied upon such real estate, provided any such application is made in writing and filed with the director of real estate assessments or presented to a member of the board of equalization by ~~July 1~~ June 1 of the year in which the taxes are levied with the exception of real estate tax assessments levied after ~~July 1~~ June 1 pursuant to section 58.1-3292.1 of the Code of Virginia, 1950, as amended and section 3- 2-187 of this code, or if the assessment is otherwise changed by the director during the tax year subsequent to ~~July 1~~ June 1.

(b) Appeals of real estate tax assessments levied after July 1 pursuant to section 58.1-3292.1 of the Code of Virginia (1950), as amended, and section 3-2-187 of this code, shall be filed with the board of equalization within forty-five days after the notice of assessment is issued.

(c) An appeal from the board of equalization's determination of the appeal may be made to the Circuit Court of the City of Alexandria as provided in the Code of Virginia. Hearing before the board of equalization is a prerequisite to filing of an appeal in that court.

Sec. 3-2-187 Assessment of new buildings substantially completed.

(a) All new buildings shall be taxed upon the completed portion of the building, which was not complete on January 1 of the year in which taxes are levied, when substantially completed or fit for use and occupancy, regardless of the date of completion or fitness during the tax year, and the director of real estate assessments shall enter in the books the fair full market value of such building.

(b) No partial, supplemental assessment as provided herein shall become effective until information as to the date and amount of such assessment is recorded in the department of real

1 estate assessments and made available for public inspection. The total tax on any such new  
2 building for that year shall be the sum of (i) the tax upon the assessment of the completed  
3 building, computed according to the ratio which the portion of the year such building is  
4 substantially completed or fit for use and occupancy bears to the entire year, and (ii) the tax upon  
5 the assessment of such new building as it existed on January 1 of that assessment year, computed  
6 according to the ratio which the portion of the year such building was not substantially complete  
7 or fit for use and occupancy bears to the entire year.

8  
9 (c) With respect to any supplemental assessment made under this section after November 1  
10 of any year, no penalty for nonpayment shall be imposed until the last to occur of (i) December 5  
11 of such year of (ii) 30 days following the date of the official billing.

12  
13 (d) Appeals to the board of equalization of supplemental assessments levied under this  
14 section after ~~July 1~~ June 1 shall be filed in accordance with section 3-2-185.

15  
16 Section 2. That this ordinance shall become effective upon the date and at the time  
17 of its final passage.

18  
19  
20 WILLIAM D. EUILLE  
21 Mayor

22  
23 Introduction: 11/09//2011  
24 First Reading: 11/09/2011  
25 Publication:  
26 Public Hearing:  
27 Second Reading:  
28 Final Passage

ORDINANCE NO. 4743

AN ORDINANCE to amend and reordain Sections 3-2-185 (APPEAL OF REAL ESTATE ASSESSMENTS TO BOARD OF EQUALIZATION) and 3-2-187 (ASSESSMENT OF NEW BUILDINGS SUBSTANTIALLY COMPLETED) of Division 1 (REAL ESTATE), of Article M (LEVY AND COLLECTION OF PROPERTY TAXES), of Chapter 2 (TAXATION), of Title 3 (FINANCE, TAXATION AND PROCUREMENT), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 1 (Real Estate), of Article M (Levy and Collection of Property Taxes), of Chapter 2 (Taxation), of Title 3 (Finance, Taxation and Procurement), of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by enacting amended Sections 3-2-185 and 3-2-187 to read as follows:

Sec. 3-2-185            Appeal of real estate tax assessments to board of equalization.

(a) Any owner or lessee of real estate upon which taxes have been levied as provided by section 3-2-181 of this code who seeks to appeal such assessment shall make application to the board of equalization of the city to correct the assessed valuation on which the taxes were levied upon such real estate, provided any such application is made in writing and filed with the director of real estate assessments or presented to a member of the board of equalization by ~~July 1~~ June 1 of the year in which the taxes are levied with the exception of real estate tax assessments levied after ~~July 1~~ June 1 pursuant to section 58.1-3292.1 of the Code of Virginia, 1950, as amended and section 3- 2-187 of this code, or if the assessment is otherwise changed by the director during the tax year subsequent to ~~July 1~~ June 1.

(b) Appeals of real estate tax assessments levied after July 1 pursuant to section 58.1-3292.1 of the Code of Virginia (1950), as amended, and section 3-2-187 of this code, shall be filed with the board of equalization within forty-five days after the notice of assessment is issued.

(c) An appeal from the board of equalization's determination of the appeal may be made to the Circuit Court of the City of Alexandria as provided in the Code of Virginia. Hearing before the board of equalization is a prerequisite to filing of an appeal in that court.

Sec. 3-2-187            Assessment of new buildings substantially completed.

(a) All new buildings shall be taxed upon the completed portion of the building, which was not complete on January 1 of the year in which taxes are levied, when substantially completed or fit for use and occupancy, regardless of the date of completion or fitness during the tax year, and the director of real estate assessments shall enter in the books the fair full market value of such building.

(b) No partial, supplemental assessment as provided herein shall become effective until information as to the date and amount of such assessment is recorded in the department of real estate

assessments and made available for public inspection. The total tax on any such new building for that year shall be the sum of (i) the tax upon the assessment of the completed building, computed according to the ratio which the portion of the year such building is substantially completed or fit for use and occupancy bears to the entire year, and (ii) the tax upon the assessment of such new building as it existed on January 1 of that assessment year, computed according to the ratio which the portion of the year such building was not substantially complete or fit for use and occupancy bears to the entire year.

(c) With respect to any supplemental assessment made under this section after November 1 of any year, no penalty for nonpayment shall be imposed until the last to occur of (i) December 5 of such year or (ii) 30 days following the date of the official billing.

(d) Appeals to the board of equalization of supplemental assessments levied under this section after ~~July 1~~ June 1 shall be filed in accordance with section 3-2-185.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE  
Mayor

Final Passage: November 12, 2011