

Senate Bill No. 439

(By Senators Tucker, Jenkins, Beach and Wills)

[Introduced January 27, 2012; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

11 A BILL to amend and reenact §11-3-15c of the Code of West Virginia,
12 1931, as amended, relating to providing the assessor to whom
13 a petition for assessor review is filed with copies of
14 documentation evidencing substantial information at least five
15 days prior to the assessor's review in situations where a
16 taxpayer is seeking a review of multiple valuations.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §11-3-15c of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted to read as follows:

20 **ARTICLE 3. ASSESSMENTS GENERALLY.**

21 **§11-3-15c. Petition for assessor review of improper valuation of**
22 **real property.**

23 (a) A taxpayer who is of the opinion that his or her real

1 property has been valued too high or otherwise improperly valued or
2 listed in the notice given as provided in section two-a of this
3 article may, but is not required to, file a petition for review
4 with the assessor on a written form prescribed by the Tax
5 Commissioner. This section shall not apply to industrial and
6 natural resource property appraised by the Tax Commissioner.

7 (b) The petition shall state the taxpayer's opinion of the
8 true and actual value of the property and substantial information
9 that justifies that opinion of value for the assessor to consider
10 for purposes of basing a change in classification or correction of
11 the valuation. For purposes of this subsection, the taxpayer
12 provides substantial information to justify the opinion of value by
13 stating the method or methods of valuation on which the opinion is
14 based:

15 (1) Under the income approach, including the information
16 required in section fifteen-e of this article;

17 (2) Under the market approach, including the true and actual
18 value of at least three comparable properties in the same
19 geographic area or the sale of the subject property; or

20 (3) Under the cost approach, including the replacement cost or
21 the cost to build or rebuild the property, plus the true and actual
22 value of the land.

23 (c) The petition may include more than one parcel of property
24 if they are part of the same economic unit according to the Tax

1 Commissioner's guidelines or if they are owned by the same owner,
2 have the same use, are appealed on the same basis and are located
3 in the same tax district or in contiguous tax districts of the
4 county and are in a form prescribed by the Tax Commissioner.

5 (d) The petition shall be filed within five days after the
6 date the taxpayer receives the notice of increased assessment under
7 section two-a of this article or the notice of increased value was
8 published as a Class II-0 legal advertisement as provided in that
9 section.

10 (e) When a taxpayer petitions for review of more than one
11 parcel as described in subsection (c) of this section, he or she
12 shall file copies of documents that evidence the substantial
13 information described in subsection (b) of this section with the
14 assessor not less than five days prior to the date set for the
15 assessor's review.

NOTE: The purpose of this bill is to require a taxpayer who is petitioning for review of an assessor's property valuations to provide copies of documentation evidencing the taxpayer's substantial information at least five days prior to the assessor's review in situations where a taxpayer is seeking a review of multiple valuations.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.