

REVENUE DEPARTMENT[701]

Adopted and Filed

Rule making related to declaration of value forms

The Revenue Department hereby amends Chapter 79, “Real Estate Transfer Tax and Declarations of Value,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 421.14.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 428A.1.

Purpose and Summary

This rule making makes an amendment related to the transmittal of declaration of value forms following an amendment to Iowa Code section 428A.1 made in 2020 Iowa Acts, House File 2641.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 23, 2020, as **ARC 5184C**. A virtual public hearing was held on October 13, 2020. There was some concern expressed at the hearing that the amended rule would require that recorders submit the declaration of value (DOV) form directly to the Department, which would be contrary to statutory requirements and would change workflow for recorders. The concern that the amended rule would require recorders, and not assessors, to submit the DOV form directly to the Department was reiterated via email comments. Additionally, one assessor commented that this new process would be overly burdensome, since the assessor’s staff would need to investigate sales and properly process DOV forms. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on October 28, 2020.

Fiscal Impact

This rule making has nominal fiscal impact to the State of Iowa. The Department will incur nominal cost in implementing these changes.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 701—7.28(17A).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on December 23, 2020.

The following rule-making action is adopted:

Amend subrule 79.3(3) as follows:

79.3(3) *Transmittal of forms.* Real estate transfer-declaration of value forms filed with the county recorder shall be transmitted promptly to the ~~appropriate assessor~~ department. ~~City and county assessors shall transmit to the department of revenue within 60 days of the end of each calendar quarter all real estate transfer declaration of value forms received from the county recorder during that calendar quarter. Under no circumstances shall the assessor retain any real estate transfer declaration of value form longer than designated in this subrule. Nothing in this subrule shall be construed to relieve, limit, or prohibit city and county assessors from completing the requirements set forth in Iowa Code sections 421.17(6) "a" and 421.17(6) "b."~~

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/18/20.