

House Study Bill 758 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON WAYS
AND MEANS BILL BY CHAIRPERSON
NORDMAN)

A BILL FOR

- 1 An Act relating to evidence and burdens of proof in property
- 2 tax assessment protests and appeals and including retroactive
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 441.21, subsection 3, paragraph b, Code
2 2026, is amended to read as follows:

3 ~~b. (1) For assessment years beginning before January 1,~~
4 ~~2018, the burden of proof shall be upon any complainant~~
5 ~~attacking such valuation as excessive, inadequate, inequitable,~~
6 ~~or capricious. However, in protest or appeal proceedings~~
7 ~~when the complainant offers competent evidence by at least two~~
8 ~~disinterested witnesses that the market value of the property~~
9 ~~is less than the market value determined by the assessor, the~~
10 ~~burden of proof thereafter shall be upon the officials or persons~~
11 ~~seeking to uphold such valuation to be assessed.~~

12 ~~(2) (1) For assessment years beginning on or after January~~
13 ~~1, 2018, but before January 1, 2026, the burden of proof shall~~
14 ~~be upon any complainant attacking such valuation as excessive,~~
15 ~~inadequate, inequitable, or capricious. However, in protest or~~
16 ~~appeal proceedings when the complainant offers competent evidence~~
17 ~~that the market value of the property is different than the~~
18 ~~market value determined by the assessor, the burden of proof~~
19 ~~thereafter shall be upon the officials or persons seeking to~~
20 ~~uphold such valuation to be assessed.~~

21 ~~(2) For assessment years beginning on or after January 1,~~
22 ~~2026, when the complainant offers evidence that the market value~~
23 ~~of the property is different than the market value determined by~~
24 ~~the assessor, the burden of proof shall be upon the officials or~~
25 ~~persons seeking to uphold such valuation to be assessed.~~

26 (3) If the classification of a property has been previously
27 adjudicated by the property assessment appeal board or a court
28 as part of an appeal under this chapter, there is a presumption
29 that the classification of the property has not changed for each
30 of the four subsequent assessment years, unless a subsequent such
31 adjudication of the classification of the property has occurred,
32 and the burden of demonstrating a change in use shall be upon the
33 person asserting a change to the property's classification.

34 Sec. 2. Section 441.37, subsection 1, paragraph a,
35 subparagraph (1), subparagraph division (a), Code 2026, is

1 amended to read as follows:

2 (a) That said assessment is not equitable as compared with
3 assessments of other like property in the taxing district.

4 For assessment years beginning on or after January 1, 2026,
5 an assessment shall not be deemed equitable if the appraised
6 value of the property exceeds the median appraised value of a
7 reasonable number of similar and comparable properties in the
8 same geographical area.

9 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2026, for assessment years beginning
11 on or after that date.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 Under current law, for assessment years on or after January 1,
16 2018, the burden of proof shall be upon any complainant attacking
17 a property valuation as excessive, inadequate, inequitable, or
18 capricious. When the complainant offers competent evidence that
19 the market value of the property is different than the market
20 value determined by the assessor, the burden of proof thereafter
21 shall be upon the officials or persons seeking to uphold such
22 valuation to be assessed.

23 This bill provides that, for assessment years beginning on or
24 after January 1, 2026, when the complainant offers evidence that
25 the market value of the property is different than the market
26 value determined by the assessor, the burden of proof shall be
27 upon the officials or persons seeking to uphold such valuation to
28 be assessed.

29 Under current law, when a property owner or aggrieved taxpayer
30 files an assessment protest, the protest must be confined to
31 certain grounds. One such ground is that the assessment is not
32 equitable as compared with assessments of other like property in
33 the taxing district. The bill specifies that an assessment shall
34 not be deemed equitable if the appraised value of the property
35 exceeds the median appraised value of a reasonable number of

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1 similar and comparable properties in the same geographical area.

2 The bill applies retroactively to January 1, 2026, for

3 assessment years beginning on or after that date.

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