

CHAPTER 1104

TAX ASSESSMENT PROCEDURES

S. F. 1096

AN ACT relating to tax assessment procedures.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred twenty-one point seventeen
2 (421.17), subsection ten (10), Code 1971, is amended to read as fol-
3 lows:

4 10. To require any board of review at any time after its adjourn-
5 ment to reconvene and to make such orders as the director shall deter-
6 mine are just and necessary; to direct and order any ~~county board of~~
7 ~~equalization board of review~~ to raise or lower the valuation of the
8 property, real or personal, in any township, town, city, or taxing dist-
9 rict, to order and direct any ~~county board of equalization board of~~
10 ~~review~~ to raise or lower the valuation of any class or classes of prop-
11 erty in any township, town, city, or taxing district, and generally to
12 make any order or direction to any ~~county board of equalization board~~
13 ~~of review~~ as to the valuation of any property, or any class of prop-
14 erty, in any township, town, city, county, or taxing district, which in
15 the judgment of the director may seem just and necessary, to the end
16 that all property shall be valued and assessed in the manner and
17 according to the real intent of the law. For the purpose of this para-
18 graph the words "taxing district" include drainage districts and levee
19 districts.

20 The director may correct errors or obvious injustices in the assess-
21 ment of any individual property, but the director shall not reduce the
22 valuation of any individual property except upon the recommendation
23 of the local board of review and no order of the director affecting any
24 valuation shall be retroactive as to any reduction or increase in taxes
25 payable prior to January 1 of the year in which such order is issued,
26 or prior to September 1 of the preceding year in cities under special
27 charter which collect their own municipal levies. Any increase in
28 individual valuations ordered by the director shall be subject to right
29 of appeal to the courts under the same procedure as that provided in
30 the case of increases made by local boards of review.

31 The director may order made effective reassessments or revalua-
32 tions in any taxing district ~~as to taxes levied during the current year~~
33 ~~for collection the following year, for any taxing year or years~~ and the
34 director may in any year order uniform increases or decreases in valu-
35 ation of all property or upon any class of property within any taxing
36 district ~~or any area within such taxing district~~, such orders to be
37 effective ~~as to taxes levied during the current year for collection dur-~~
38 ~~ing the following year in the year specified by the director~~. For the
39 purpose of this paragraph the words "taxing district" include drain-
40 age districts and levee districts.

1 SEC. 2. Section four hundred twenty-one point seventeen (421.17),
2 Code 1971, is amended by adding the following new subsection:

3 To issue rules and regulations as are necessary, subject to the pro-
4 visions of chapter seventeen A (17A) of the Code, to provide for the
5 uniform application of the exemptions provided in section four hun-

6 dred twenty-seven point one (427.1) of the Code in all assessor juris-
7 dictions in the state.

1 SEC. 3. Section four hundred twenty-seven point one (427.1), Code
2 1971, as amended by chapter two hundred fifteen (215), section one
3 (1), Acts of the Sixty-fourth General Assembly, First Session, is
4 amended by adding the following new subsection:

5 Each county and city assessor shall determine the assessment value
6 that would be assigned to the property if it were taxable and value all
7 tax exempt property within his jurisdiction. The list of tax exempt
8 property shall contain a legal description of the tax exempt property
9 and the name of the owner of the tax exempt property, the market
10 value of the tax exempt property, and the assessed value of the tax
11 exempt property. The list of tax exempt property shall be filed with
12 the director of revenue and the local board of review on or before
13 April sixteen of each year.

1 SEC. 4. Section four hundred twenty-eight point four (428.4),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following new section:

4 428.4 Personal property—real estate—buildings. Property shall be
5 taxed each year. Personal property shall be listed and assessed each
6 year in the name of the owner of the personal property on the first
7 day of January. Real estate shall be listed and valued in 1971 and
8 every four years thereafter. In any year, after the year in which an
9 assessment has been made of all the real estate in any assessing
10 jurisdiction, it shall be the duty of the assessor to value and assess
11 or revalue and reassess, as the case may require, any real estate that
12 he finds was incorrectly valued or assessed, or was not listed, valued
13 and assessed, in the real estate assessment year immediately preced-
14 ing, also any real estate he finds has changed in value subsequent to
15 January 1 of the preceding real estate assessment year. The assessor
16 shall determine the actual value and compute the taxable value there-
17 of. The assessment shall be completed as specified in section four
18 hundred forty-one point twenty-eight (441.28) of the Code, but no
19 reduction or increase in actual value shall be made for prior years. If
20 an assessor makes a change in the valuation of the real estate as
21 provided for herein, the provisions of sections four hundred forty-one
22 point twenty-three (441.23) as amended by chapter two hundred sev-
23 enteen (217), section one (1), Acts of the Sixty-fourth General Assem-
24 bly, First Session, four hundred forty-one point thirty-seven (441.37),
25 four hundred forty-one point thirty-eight (441.38) and four hundred
26 forty-one point thirty-nine (441.39) of the Code shall apply.

27 The assessor shall notify the director of revenue, in the manner
28 and form to be prescribed by the director, as to the class or classes
29 of real estate reviewed, revalued, and reassessed and shall report
30 such details as to the effects or results of the revaluation and reassess-
31 ment as may be deemed necessary by the director. This notification
32 shall be contained in a report to be attached to the abstract of assess-
33 ment for the year in which the new valuations become effective.

34 Any buildings erected, improvements made, or buildings removed
35 in a year after the assessment of the class of real estate to which
36 they belong shall be valued, listed and assessed and reported by the
37 assessor to the county auditor after approval of the valuations by the

38 local board of review, and said auditor shall thereupon enter the tax-
 39 able value of such building or taxable improvement on the tax list
 40 as a part of real estate to be taxed. If such buildings are erected
 41 by any person other than the owner of the land, they shall be listed
 42 and assessed to the owner of the buildings or improvements as real
 43 estate.

1 SEC. 5. Section four hundred twenty-eight point twenty-eight
 2 (428.28), Code 1971, is amended by adding thereto the following:

3 Every individual, copartnership, corporation, association, city or
 4 town which operates a public utility on a nonprofit basis, as defined
 5 in section four hundred twenty-eight point twenty-four (428.24) of the
 6 Code, shall annually, on or before the first day of May of each calendar
 7 year, make a report on blanks to be provided by the department of
 8 revenue of all of the property owned by such individual, copartnership,
 9 corporation, association, or city or town within the incorporated lim-
 10 its of any city or town in the state, and give such other information
 11 as the director of revenue shall require. Any public utility which
 12 reports according to this paragraph shall not be assessed.

1 SEC. 6. Section four hundred forty-one point seventeen (441.17),
 2 subsection six (6), Code 1971, is amended to read as follows:

3 6. Make up all assessor's books and records as prescribed by the
 4 director of revenue, turn the completed assessor's books and records
 5 required for the preparation of the tax list over to the county auditor
 6 *each year* when the board of review has concluded its hearings and
 7 *the county auditor shall proceed with the preparation of the current*
 8 *year tax list and the assessor shall co-operate with the auditor in the*
 9 *preparation of the tax lists.*

1 SEC. 7. Section four hundred forty-one point twenty-one (441.21),
 2 subsection one (1), unnumbered paragraph three (3), Code 1971, is
 3 amended to read as follows:

4 Actual value of property in one ~~county~~ *assessing jurisdiction* shall
 5 be equalized as compared with actual value of property in an adjoining
 6 ~~county~~ *assessing jurisdiction*. If a variation of five percent or more
 7 exists between the actual values of similar, closely adjacent property
 8 in adjoining ~~counties~~ *assessing jurisdictions* in Iowa, the ~~director of~~
 9 ~~revenue assessors thereof~~ shall determine whether adequate reasons
 10 exist for such variation. If no such reasons exist, the ~~director of reve-~~
 11 ~~nu assessors shall direct assessors to~~ make adjustments in such actual
 12 values to reduce the variation to five percent or less.

1 SEC. 8. Section four hundred forty-one point twenty-six (441.26),
 2 unnumbered paragraph one (1), Code 1971, as amended by chapter
 3 two hundred seventeen (217), section two (2), Acts of the Sixty-
 4 fourth General Assembly, First Session, is amended to read as follows:

5 The director of revenue shall each year prescribe the form of assess-
 6 ment roll to be used by all assessors in assessing real and personal
 7 property, including moneys and credits, in this state, also the form
 8 of pages of the assessor's assessment book. Such assessment rolls
 9 shall be in such form as will permit entering thereon, separately, the
 10 names of all persons, partnerships, corporations, or associations as-
 11 sessed; shall contain a form of oath or affirmation to be administered

12 to each person assessed, and shall also contain a notice in the following
13 form:

14 "If you are not satisfied that the foregoing assessment is correct,
15 you may file a protest against such assessment with the board of
16 review on or after ~~May 1~~ *April sixteenth*, to and including ~~May 20~~
17 *May 20 fifth*, of the year of the assessment, such protest to be confined to the
18 grounds specified in section 441.37. Dated day of,
19 19.....,, County/City Assessor."

1 SEC. 9. Section four hundred forty-one point twenty-eight
2 (441.28), Code 1971, is amended to read as follows:

3 **441.28 Assessment rolls—change—notice to taxpayer.** The assess-
4 ment shall be completed not later than ~~April 30~~ *April fifteenth*. If the
5 assessor makes any change in an assessment after it has been entered
6 on the assessor's rolls, he shall note on said roll, together with the orig-
7 inal assessment, the new assessment and the reason for the change,
8 together with his signature and the date of the change: Provided,
9 however, in the event the assessor increases or decreases any assess-
10 ment he shall give notice in writing thereof to the taxpayer by certi-
11 fied mail prior to the meeting of the board of review. No changes
12 shall be made on the assessment rolls after ~~May 1~~ *April sixteenth*
13 except by order of the board of review or by decree of court.

1 SEC. 10. Section four hundred forty-one point thirty-three
2 (441.33), Code 1971, is amended by adding the following new para-
3 graph:

4 "Within fifteen days following the adjournment of any regular or
5 special session, the board of review shall submit to the director of
6 revenue, on forms prescribed by the director, a report of any actions
7 taken during that session."

1 SEC. 11. Section four hundred forty-one point thirty-seven
2 (441.37), unnumbered paragraph one (1), Code 1971, is amended to
3 read as follows:

4 **441.37 Protest of assessment—grounds.** Any property owner or
5 aggrieved taxpayer who is dissatisfied with his assessment may file
6 a protest against such assessment with the board of review on or
7 after ~~May 1~~ *April sixteenth*, to and including ~~May 20~~ *May 20 fifth*, of the
8 year of the assessment. In any county which has been declared to be
9 a disaster area by proper federal authorities after March 1 and prior
10 to May 20 of said year of assessment, the time for filing a protest
11 shall be extended to and include the period from ~~June 10~~ *May twenty-*
12 *fifth* to ~~June 20~~ *May 20 fifth* of such year. Said protest shall be in writing
13 and signed by the one protesting or by his duly authorized agent.
14 Taxpayer may have an oral hearing thereon if request therefor in
15 writing is made at the time of filing the protest. Said protest must
16 be confined to one or more of the following grounds:

1 SEC. 12. Section four hundred forty-one point thirty-seven
2 (441.37), Code 1971, is amended by adding the following new para-
3 graph:

4 "After the board of review has considered any protest filed by a
5 property owner or aggrieved taxpayer and made final disposition of
6 the protest, the board shall give written notice to the property owner

7 or aggrieved taxpayer who filed the protest of the action taken by
8 the board of review on the protest."

1 SEC. 13. Section four hundred forty-one point forty-seven (441.47),
2 Code 1971, is amended to read as follows:

3 **441.47 Adjusted valuations.** The director of revenue on *or about*
4 the ~~second~~ *third* Monday of ~~July~~ *September* in each year shall adjust
5 the valuation of property in the several counties adding to or deduct-
6 ing from the valuation of each kind or class of property such percent-
7 age in each case as will bring the same to its taxable value as fixed in
8 this chapter and chapters 427 to 443, inclusive. The director shall also
9 adjust the valuations as between each kind or class of property in any
10 city assessed by a city assessor and each kind or class of property in
11 the same county assessed by the county assessor. The director shall
12 order the equalization of the levels of assessment of each class of prop-
13 erty in the first and third year of the quadrennial assessment period.
14 For purposes of such value adjustments and before such equalization
15 the director shall adopt, with approval of the state board of tax review
16 and in the manner prescribed by chapter 17A, such rules as may be
17 necessary to determine the level of assessment for each class of prop-
18 erty in each county. The rules shall cover: (a) The proposed use of
19 the assessment-sales ratio study set out in subsection 6 of section
20 421.17; (b) the proposed use of any state-wide income capitalization
21 studies; (c) the proposed use of other methods that would assist the
22 director in arriving at the accurate level of assessment of each class
23 of property in each assessing jurisdiction.

1 SEC. 14. Section four hundred forty-one point forty-eight (441.48),
2 Code 1971, is amended to read as follows:

3 **441.48 Notice of increase adjustment.** Before the director of reve-
4 nue shall ~~add to~~ *adjust* the valuation of any kind or class of property
5 on such percentage, the director shall serve ten days' notice by mail,
6 on the ~~auditer of the county assessor~~ whose valuation is proposed to
7 be ~~raised~~ *adjusted* and shall hold an adjourned meeting after such ten
8 days' notice, at which time such ~~county assessor jurisdiction~~ may
9 appear by its ~~board of supervisors assessor, city or county attorney,~~
10 or otherwise, and make written or oral protest against such proposed
11 ~~raise~~ *adjustment*, which protest shall consist simply of a statement of
12 the error, or errors, complained of with such facts as may lead to their
13 correction, and at such adjourned meeting final action may be taken
14 in reference thereto.

1 SEC. 15. Section four hundred forty-one point forty-nine (441.49),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following new section:

4 **441.49 Adjustment by assessor.** The director shall keep a record
5 of the review and adjustment proceedings and finish such proceedings
6 on or before the third Monday of October. He shall notify each asses-
7 sor by mail of the final action taken by him at such proceedings and
8 specify any adjustments in the valuations of any kind or class of prop-
9 erty to be made effective for the assessor jurisdiction. The assessor
10 shall, after December thirty-first of the year in which the adjustments
11 were ordered by the director and prior to April sixteenth of the year
12 following, review the actual and assessed valuations then in effect on
13 any part or all of the real estate of the class or classes of property

14 whose valuations were adjusted by the director and the assessor shall
15 revalue and reassess to the end that the aggregate actual valuation
16 for each class of property affected will be the amount determined by
17 the director. In making such adjustments the assessor shall see to
18 it that in no case shall the assessed value of an individual property
19 exceed twenty-seven percent of its actual value determined in accord-
20 ance with section four hundred forty-one point twenty-one (441.21)
21 of the Code. For purposes of this section, a taxpayer affected by the
22 assessor's revaluation and reassessment shall have the right to have
23 the same reviewed in the manner provided for in sections four hun-
24 dred forty-one point thirty-seven (441.37), four hundred forty-one
25 point thirty-eight (441.38), and four hundred forty-one point thirty-
26 nine (441.39) of the Code, but such review shall be limited only to
27 the action taken by the assessor for the current year, not for prior
28 years. By no later than April twenty-first, the assessor shall submit
29 to the director of revenue, on forms prescribed by the director, a
30 report of whatever action he has taken to comply with the equaliza-
31 tion order issued to him the previous October. If the director of rev-
32 enue determines that, for any reason, the assessor has not complied
33 with the equalization order by making the necessary adjustments in
34 valuations, he shall on or about May first so notify the local board of
35 review. Upon its receipt of such notification, the board of review
36 shall make the necessary adjustments to arrive at the level of assess-
37 ment as provided for in the equalization order, and shall notify,
38 through publications in official newspapers of general circulation, any
39 class or classes of property affected by such action. By no later than
40 May thirty-first, the board of review shall submit to the director of
41 revenue, on forms prescribed by the director, a report of the action
42 taken to comply with the equalization order. The director of revenue
43 shall reconvene the local board of review as prescribed in section four
44 hundred twenty-one point seventeen (421.17), subsection ten (10) of
45 the Code.

1 SEC. 16. Section four hundred forty-five point thirty-two (445.32),
2 Code 1971, is amended by striking the section and inserting in lieu
3 thereof the following new section:

4 445.32 **Liens on buildings.** In all cases where buildings are erected
5 by any person other than the owner of the land on which the building
6 is located, as provided for in section four hundred twenty-eight point
7 four (428.4) of the Code, the taxes on the building shall be and remain
8 a lien on the building from the date of levy until paid. If the property
9 taxes on such a building become delinquent for a tax year the county
10 treasurer shall offer the building at public sale in accordance with sec-
11 tion four hundred forty-six point seven (446.7) of the Code.

1 SEC. 17. Previously tax exempt property under subsections two
2 (2) through nine (9), inclusive, and subsections eleven (11) and
3 twelve (12) of section four hundred twenty-seven point one (427.1)
4 of the Code placed on the tax assessment rolls will be prorated monthly
5 from the time of the transfer or beneficial possession.

Approved April 22, 1972.