

ASSESSMENT APPEAL GROUNDS EXPLANATION
Adopted 5/1/2012 by the Pottawattamie County Board of Review

By Iowa Code § 441.37, all filed petitions must:

- (1) be timely filed;
- (2) be signed by the protester or a authorized agent;
- (3) be based upon one or more of the grounds permitted by Iowa law; and
- (4) contains all information required for the ground(s) upon which the request is based.

Petitions not meeting the above criteria will be dismissed by the board of review for lack of jurisdiction.

An explanation of the grounds upon which a protest may be based is as follows:

- (1) 441.37(1)(a) – “That said assessment is not equitable as compared with assessments of other like property in the taxing district. When this ground is relied upon as the basis of a protest the legal description and assessments of a representative number of comparable properties, as described by the aggrieved taxpayer shall be listed on the protest, otherwise said protest shall not be considered on this ground.”

The protester must provide the legal description of two or more similar properties that are assessed at a significantly different percentage of market value than the property being appealed. For each comparable property, the protester must show the property’s market value and current assessment. The ratio of assessed value to market value can then be established and compared to the property being appealed. Note that the assessed value is not presumed to be the market value; the market value must be established independent of the assessed value.

- (2) 441.37(1)(b) – “The property is assessed for more than the value authorized by law, stating the specific amount which the protesting party believes the property to be over assessed, and the amount which the party considers to be its actual value and the amount the party considers a fair assessment.”

The protester must prove the market value for the property.

- (3) 441.37(1)(c) – “That the property is not assessable, is exempt from taxes or is misclassified and stating the reasons for the protest.”

Property owners must state the reasons the property is not assessable. If the protest is a requests for exemption from property taxation, the reason must be based upon the exemptions given in Iowa Code §427.1. The mere fact that the organization is a non-profit does not qualify the organization's property for exemption. The property must be used for the purposes indicated in §427.1.

The board of review will examine whether the property is used for profit by anyone. The board of review will also consider whether only a portion of the property qualifies for an exemption. For example, if part of a building occupied by an exempt organization is rented to a business, that portion of the building would be subject to taxation.

This ground can also be used in questioning the classification of the property.

(4) 441.37(1)(d) – “That there is an error in the assessment and state the specific alleged error.”

An error in the assessment typically involves erroneous mathematical computations or errors in listing the property. The board of review will determine (1) if such an error exists, and (2) how the error might be corrected. The correction of the error does not necessarily change the assessed value. This ground does not include “over-assessed” as an error; grounds 2 above should be stated instead.

(5) 441.37(1)(e) – “That there is fraud in the assessment which shall be specifically stated.”

The board of review will first determine if there is validity to the taxpayer's allegation. If it is determined there is indeed fraud in the assessment, the board of review may take action to correct the assessment if the value is found to be different.

(6) 441.37 (1) – “In addition to the above, the property owner may protest annually to the board of review under the provisions of section 441.35, but such protest shall be in the same manner and upon the same terms as heretofore prescribed in this section.”

441.35 – “In any year after the year in which an assessment has been made of all of the real estate in any taxing district, ... and where the board finds the [property] has changed in value, the board shall revalue and reassess any part or all of the real estate contained in such taxing district, and in such case, the board shall determine the actual value as of January 1 of the year of the revaluation and reassessment and compute the taxable value thereof. Any aggrieved taxpayer may petition for a revaluation of the taxpayer's property, but no reduction or increase shall be made for prior years.”

This ground may only be used in even number years when the property has not been reassessed. The protester must show the market value of the property on January 1 of the prior year, and of January 1 of the current year. If the protester shows a change in value, the board of review may take action to correct the assessment.

THE ABOVE IS PROVIDED BY THE BOARD OF REVIEW FOR THE SOLE PURPOSE OF GIVING GENERAL INFORMATION TO THE PUBLIC. THE INFORMATION IS NOT, NOR SHOULD IT BE CONSIDERED, LEGAL ADVICE. THE INFORMATION MAY NOT BE AN ACCURATE STATEMENT OF THE LAW, AS THE LAW MAY HAVE CHANGED SINCE THIS WAS POSTED. ANY LEGAL QUESTIONS REGARDING APPEALS SHOULD BE DIRECTED TO YOUR PRIVATE ATTORNEY.