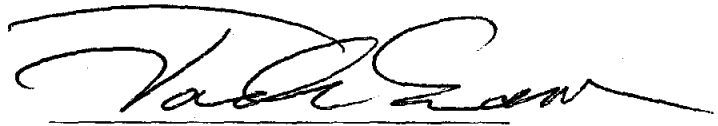
  
Chairman Vincent C. Gray

  
Councilmember Jack Evans

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4 A BILL  
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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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15 To amend the Confirmation Act of 1978 and Title 47 of the DC Official Code to abolish the  
16 Board of Real Property Assessments and Appeals; to provide for a Real Property Tax  
17 Appeals Commission to hear real property tax assessment, classification and other  
18 appeals; to provide for an appeals procedure that is equitable to both the government and  
19 the taxpayer; and to provide for official day counting for tax matters.  
20

21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
22 act may be cited as the "Real Property Tax Appeals Commission Establishment Act of 2009".

23 Sec. 2. Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C.  
24 Law 2-142; D.C. Official Code § 1-523.01), is amended by deleting paragraph (f)(9) in its  
25 entirety.

26 Sec. 3. Title 47 of the District of Columbia Official Code is amended as follows:

27 (a)(1) The table of contents for Chapter 4 is amended by striking the section designation  
28 "47-412. Repealed." and inserting the section designation "47-412. Time for performance of acts  
29 where last day falls on Saturday, Sunday, or legal holiday." in its place.

30 (2) Section 47-412 is amended to read as follows:

31 "§ 47-412. Time for performance of acts where last day falls on Saturday,  
32 Sunday, or legal holiday.

1           “When the last day prescribed under authority of the tax laws administered by the  
2 Office of Tax and Revenue for performing any act falls on Saturday, Sunday, or a legal holiday,  
3 the performance of such act shall be considered timely if it is performed on the next succeeding  
4 day which is not a Saturday, Sunday, or a legal holiday. For purposes of this section, the last day  
5 for the performance of any act shall be determined by including any authorized extension of  
6 time; the term "legal holiday" means a legal holiday in the District of Columbia.”.

7           (b)(1) The table of contents for Chapter 8 is amended as follows:

8                   (A) Strike the section designation “47-825. Assessments - Board of  
9 Equalization and Review. [Repealed]” and inserting the section designation “47-825. Real  
10 Property Tax Appeals Commission.” in its place.

11                   (B) Strike the section designation “47-825.01. Board of Real Property  
12 Assessments and Appeals” and inserting the section designation “47-825.01. Board of Real  
13 Property Assessments and Appeals. [Repealed]” in its place.

14           (2) Section 47-825.01 is repealed.

15           (c) A new section 47-825 is inserted to read as follows:

16                   “Section 47-825. Real Property Tax Appeals Commission.

17                   “(a)(1) There is established a Real Property Tax Appeals Commission for the District of  
18 Columbia (“Commission”) to review real property assessment, classification and other appeals.  
19 The makeup of the Commission shall be as follows:

20                           “(A) The Commission shall be composed of 12 Commissioners, all of  
21 whom shall be certified members of the Appraisal Institute holding the designation “M.A.I.” or  
22 certified assessment evaluators, holding the designation “C.A.E.,” by the International  
23 Association of Assessing Officers.

1                   “(B)(i) The Mayor shall appoint the Commissioners with the advice and  
2 consent of the Council.

3                   “(ii) The Mayor, shall appoint, with the advice and consent of the  
4 Council, the Chairperson of the Commission from amongst the Commissioners. The Chairperson  
5 shall serve for a term of 3 years or until the end of his or her term, whichever occurs first.

6                   “(iii) The Mayor shall transmit to the Council, for a 90-day period  
7 of review, excluding days of Council recess, nominations to the Commission. If the Council  
8 does not approve by resolution within the 90-day period a nomination to the Commission, the  
9 nomination shall be deemed disapproved.

10                  “(C) None of the Commissioners may be elected officers of the District  
11 government.

12                  “(D) The Mayor may remove a Commissioner for cause as determined by  
13 the Mayor, notwithstanding paragraphs (3) and (4) of this section.

14                  “(2)(A) A Commissioner shall be prohibited from representing any client or  
15 business interest before the Commission for a period of 2 years after the Commissioner's  
16 termination or resignation from the Commission.

17                  “(B) A Commissioner shall be prohibited from reviewing an appeal  
18 involving real property with which the Commissioner has had any financial dealings in the 2-  
19 year period prior to the date of the appeal. For the purposes of this subsection, the term “financial  
20 dealings” shall include, but not be limited to, the assessment, appraisal, purchase, sale, or rental  
21 of the real property in question.

22                  “(C) In addition to any other penalty under any other law, any violation of  
23 this paragraph shall be a misdemeanor, shall be prosecuted by the Office of the Attorney General

1 for the District of Columbia, and shall be punishable by a fine up to \$10,000 for each occurrence.

2 “(3)(A) The term of each Commissioner shall be 3 years, except as provided in  
3 subparagraph (B) of this paragraph.

4 “(B) For the initial 12 appointments or reappointments to Commissioners  
5 for full terms beginning October 1, 2009:

6 “(i) The first 4 Commissioners appointed to the Commission shall  
7 be appointed for a term ending April 30, 2011.

8 “(ii) The next 4 Commissioners appointed to the Commission shall  
9 be appointed for a term ending April 30, 2012.

10 “(iii) The final 4 Commissioners appointed to the Commission  
11 shall be appointed for a term ending April 30, 2013.

12 “(4)(A) A vacancy on the Commission shall be filled in the same manner that the  
13 original appointment was made.

14 “(B) Any person appointed to fill a vacancy shall be appointed to serve for  
15 the remainder of the term during which the vacancy arose.

16 “(5) Commissioners shall serve as employees of the District government, and the  
17 Mayor shall create a separate salary schedule applicable to Commissioners and such schedule  
18 shall provide for salaries sufficient to fill a Commissioner vacancy.

19 “(b) The Mayor shall provide such other support as is needed for the efficient operation  
20 of the Commission, including a general counsel to provide legal advice.

21 “(c)(1) Except as provided in subsection (d) of this section, a majority of the Commission  
22 shall constitute a quorum for transacting business.

23 “(2) Pursuant to subchapter I of Chapter 5 of Title 2, the Commission shall issue

1 rules of organization and procedure. All applicable provisions of subchapter I of Chapter 5 of  
2 Title 2 shall apply to the rules and procedures of the Commission.

3 “(3) The Commission shall meet at least 4 times annually for administrative  
4 matters. All administrative meetings of the Commission shall be open to the public. The  
5 Commission shall publish notification of the meetings in the District of Columbia Register and  
6 shall make copies of minutes of those meetings available to the public.

7 “(d)(1)(A) Each appeal to the Commission shall be reviewed by a panel of the  
8 Commission. The number of Commissioners on a panel shall be as follows:

9 “(i) In the case of a single-family home or condominium unit, or  
10 any other real property assessed during the administrative review at \$3,000,000 or less (or under  
11 the notice of assessment if such administrative review is unavailable), a 1-Commissioner panel  
12 shall be convened; provided that a panel described in sub-subparagraph (ii) of this subparagraph  
13 shall be convened at the direction of the Chairperson or if both the appellant and OTR request  
14 such a multi-Commissioner panel.

15 “(ii) In the case of all other real property, a 3-Commissioner panel  
16 shall be convened; provided that both the appellant and OTR may together agree to a 2-  
17 Commissioner panel.

18 “(B) A stipulation signed by OTR and the owner that resolves a matter  
19 may be approved by the signature of one Commissioner.

20 “(2) No three Commissioners shall serve exclusively together on the same panel  
21 for more than 1 tax year.

22 “(3) No Commissioner may review an appeal for which that Commissioner has a  
23 direct or indirect interest.

1           “(4) Each decision of the Commission concerning an appeal shall be in writing  
2 and shall contain a detailed statement of the basis for the decision. Each decision shall be signed  
3 by the deciding Commissioner. In the case of an appeal heard by a multi-Commissioner panel,  
4 each Commissioner who participated in the hearing and deliberations shall sign the opinion and  
5 indicate whether he or she agreed with or dissented from the decision of the panel.

6           “(5) The Commission shall publish on the internet with respect to the decision  
7 concerning any real property whose assessment or classification was appealed to the  
8 Commission the following:

9                   “(A) The assessment and classification resulting from the administrative  
10 review;

11                   “(B) The assessment and classification, as determined by the Commission;  
12 and

13                   “(C) The names of the Commissioners of the Commission who were on  
14 the panel that established the assessment or classification, or both, indicating whether the  
15 participating Commissioner agreed with or dissented from the decision of the panel.

16           “(6) All meetings of the Commission, including hearings of individual appeals,  
17 shall be open to the public subject to and the public. All information presented at Commission  
18 meetings, including individual appeals, shall be available for public inspection. Notwithstanding  
19 the foregoing, valuation records protected under § 47-821(d), tax returns and information that is  
20 personal in nature shall not be available for public inspection and discussion of same during a  
21 hearing shall be *in camera*.

22           “(7) By appealing to the Commission, a real property owner consents to  
23 disclosure of tax information to the Commission as deemed necessary by the assessor.

1           “(e)(1) A petition to the Office of Tax and Revenue (“OTR”) for an administrative review  
2 shall proceed as follows:

3                       “(A) On or before April 1 of the immediately preceding tax year, an owner  
4 may petition to OTR for an administrative review of the real property's assessed value or its  
5 classification that shall be in effect for the tax year at issue.

6                       “(B) If real property is transferred to a new owner during the tax year  
7 immediately preceding the tax year for which the proposed assessed value or classification shall  
8 be in effect, the new owner may petition to OTR for an administrative review of the assessed  
9 value or classification that shall be in effect for the tax year by April 1 of the immediately  
10 preceding tax year or within 45 days from the date of transfer to the new owner that occurred  
11 during the immediately preceding tax year, whichever occurs later; provided, that no other  
12 petition or appeal of the proposed assessed value or classification for the tax year shall have been  
13 filed for the real property.

14                      “(C) OTR shall have authority to change a proposed assessed value or  
15 classification in accordance with a final determination made on a petition for administrative  
16 review.

17                      “(D) A final determination by OTR shall pertain to the value or  
18 classification of the real property for the tax year at issue.

19                      “(E) A petition for an administrative review under this paragraph shall be  
20 filed on a form and in the manner prescribed by OTR, and it shall contain all documents as  
21 required under this section and as prescribed by OTR.

22                      “(2) An appeal to the Commission shall proceed as follows:

23                               “(A) If an owner is aggrieved by a notice of final determination on a

1 petition for administrative review, the owner may file an appeal from the proposed assessed  
2 value or classification with the Commission within 45 days from the date of the notice of final  
3 determination. All notices of final determination shall be accompanied by the assessor's  
4 worksheets indicating the rationale for the determination, if the assessment is raised or lowered.  
5 If a notice of final determination on a petition for an administrative review brought under  
6 paragraph (1)(A) or (1)(B) of this subsection and the assessor's worksheets relating thereto, if  
7 required, are not mailed to the owner by August 1 preceding the tax year, the owner may appeal  
8 the proposed assessed value or classification to the Commission by September 30 preceding the  
9 tax year; provided, that if a delayed notice is issued under § 47-824(b)(4), September 1 and  
10 October 15 of the tax year shall be substituted for August 1 and September 30, respectively.

11           “(B) The Commission shall have authority to change a proposed assessed  
12 value or classification in accordance with a decision made on an appeal.

13           “(C) A decision by the Commission shall pertain to the value or  
14 classification of the real property for the tax year at issue.

15           “(D) An appeal under this paragraph shall be filed on a form and in the  
16 manner prescribed by the Commission, and it shall contain all documents (including OTR's  
17 response given to the appellant) as required under this section and as prescribed by the  
18 Commission. All information in support of the petition shall be submitted by the appellant at the  
19 time the appeal is filed. The appeal shall also include income and expense statements as required  
20 to be filed under § 47-821(d)(1) for the two preceding calendar years. Notwithstanding the  
21 foregoing, the appellant shall have the right to rebut any specific new evidence submitted by  
22 OTR in response to the appeal that was not previously raised during the administrative review,  
23 and the Commission may request additional information it deems necessary.

1                   “(E) A Commissioner may enter upon real property and into buildings and  
2 structures at all reasonable times to ascertain the character of the real property. Refusal by the  
3 owner or his agent to permit such entry shall be a misdemeanor, shall be prosecuted by the  
4 Office of the Attorney General for the District of Columbia, and shall be punishable by a fine up  
5 to \$10,000 for each occurrence.

6                   “(F) The Commission or a Commissioner may compel the attendance of  
7 witnesses, administer oaths or affirmations and examine appellants and other witnesses under  
8 oath.

9                   “(3) If an owner is aggrieved by a notice of final determination issued pursuant to  
10 § 42-3131.15 or a notice of final determination issued under § 47-813(d-1)(3A), the owner may  
11 file an appeal on the determination of vacancy with the Commission within 45 days from the  
12 date of such notice. The Commission shall render a decision on the appeal within 120 days of  
13 filing.

14                   “(4)(A) At least 30 days prior to the hearing, the Commission shall provide to  
15 OTR a copy of the appeal and the date that the hearing is scheduled.

16                   “(B)(i) Notwithstanding any other provision in this subparagraph:

17                                   “(AA) If the assessor’s worksheet is mailed with the notice  
18 of final determination to the owner, such worksheet shall be deemed to be the response of OTR  
19 to the owner’s appeal before the Commission, as such response may be amended by subsequent  
20 filings as provided in this subparagraph, and such response shall not be required to be filed by  
21 OTR with the Commission before the hearing;

22                                   “(BB) If the assessor’s worksheet is not mailed with the  
23 notice of final determination because the proposed assessment was not changed as a result of the



1           “(7) Any appraisal submitted to the Commission by the owner or OTR shall be  
2 subject to full disclosure to the Commission, the owner and OTR, including work papers and  
3 data sources. Information provided under this paragraph shall be subject to the non-disclosure of  
4 valuation records provided in § 47-821(d)(2).

5           “(g)(1) Where an assessment of a real property is under appeal to the Commission, or is  
6 otherwise brought before the Commission, under this section, the Commission shall determine  
7 the estimated market value of the real property for the applicable tax year.

8           “(2) The Commission shall raise or lower the estimated market value of any real  
9 property that it finds to be more than 5% above or below the estimated market value for any  
10 assessment appealed by an owner.

11           “(3) The assessment shall be presumed correct. The owner shall demonstrate by a  
12 preponderance of the evidence that the assessment of the real property does not represent the  
13 estimated market value or that the classification of the real property is erroneous.

14           “(h)(1) OTR may make an administrative or clerical correction to an assessment only for  
15 the current or immediately succeeding tax year; provided, that:

16           “(A) The notice of correction under this paragraph shall be mailed by  
17 certified or registered mail to the owner's address of record; and

18           “(B) Within 45 days from the date of the notice, the owner may petition  
19 for an administrative review of the notice and appeal from a final determination thereof in the  
20 same manner and to the same extent as if the petition were filed under subsection (f) of this  
21 section.

22           “(2) Notwithstanding § 47-820(a-1), OTR may change an assessment or real  
23 property classification which is the result of a substantial error that would cause an injustice to

1 the owner for the immediately succeeding, current, or preceding 3 tax years.

2 “(i) The Commission shall not order an increase of the assessed value of any parcel of  
3 real property above its estimated market value or a decrease of the assessed value of any parcel  
4 of real property below its estimated market value solely on the basis of average ratio studies  
5 comparing sales and assessments, unless the studies are the primary basis for the assessment or  
6 reassessment of the concerned real property in question.

7 “(j) Except as provided in § 47-830, an owner aggrieved by a proposed assessed value or  
8 classification may appeal the proposed assessed value or classification to the Superior Court of  
9 the District of Columbia in the same manner and to the same extent as provided in §§ 47-3303  
10 and 47-3304 by September 30 of the tax year.

11 “(k) If an owner's second-half installment payment is placed on extended billing under §  
12 47-811(b) to a date after September 15 of the tax year, the owner shall have 15 days from the  
13 payment due date to appeal to the Superior Court of the District of Columbia the proposed  
14 assessed value or classification in the same manner, to the same extent, and subject to the same  
15 limitations and requirements as provided in subsection (j) of this section (except the filing  
16 deadline shall be as provided in this subsection).

17 “(l) Notwithstanding the definition of owner and taxpayer in § 47-802(5) to include  
18 persons other than the owner of record of real property, the owner of record of real property shall  
19 retain the right to appeal an assessment under this section.

20 “(m)(1) By October 1 of the next succeeding tax year, the Commission shall present to  
21 the Council and to the Mayor an annual report on its operations for the tax year. The report shall  
22 include, but not be limited to, the following:

23 “(A) The total number of appeals heard and decided by the Commission;

1                   “(B) A breakdown of appeals decided by class of real property as those  
2 classes are defined in § 47-813, stating the following for each class:

3                   “(i) The total number of assessments sustained;

4                   “(ii) The total number of assessments increased;

5                   “(iii) The total number of assessments decreased;

6                   “(iv) The percentage of the increased, decreased, and sustained  
7 assessments;

8                   “(v) The gain and loss in assessed value;

9                   “(vi) The total revenue gain to the District as a result of the  
10 increases by the tax year;

11                   “(vii) The total revenue loss to the District as a result of decreases  
12 by the tax year; and

13                   “(viii) The total net revenue impact on the District as a result of the  
14 Commission's decisions;

15                   “(C) An analysis of the Commission's operations for the year, including  
16 the identification of any problems and recommendations for dealing with the problems; and

17                   “(D) A listing, for each Commissioner, of the total number of appeals  
18 heard and decided.

19                   “(2) The District of Columbia Auditor shall perform a management audit of the  
20 activities of the Commission at least once every 3 fiscal years (or sooner as considered  
21 appropriate by the Auditor) or upon request of a Councilmember, and report the findings to the  
22 Council.

23                   “(o)(1) By February 1 of each year, all pending real property assessment appeals cases

1 filed in the prior calendar year shall be decided by the Commission.

2           “(2) Subject to paragraph (1) of this subsection, after the completion of the  
3 hearing, the Commission shall have 30 days to decide a residential real property case and 80  
4 days to decide a commercial case real property case.”.

5           (d) Section 47-830 is amended as follows:

6           (1) Strike the phrase “Board of Real Property Assessments and Appeals”  
7 wherever it appears and insert the phrase “Real Property Tax Appeals Commission” in its place.

8           (2) Strike the word “Board” wherever it appears and insert the word  
9 “Commission” in its place.

10          Sec. 3. Fiscal impact statement.

11          The Council adopts the fiscal impact statement in the committee report as the fiscal  
12 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
13 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

14          Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto  
15 by the Mayor, action by the Council to override the veto), a 30-day period of Congressional  
16 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved  
17 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the  
18 District of Columbia Register.