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HOUSE BILL NO. 1470

Offered January 12, 2011

Prefiled December 7, 2010

A BILL to amend and reenact §§ 58.1-3371, 58.1-3373, and 58.1-3374 of the Code of Virginia, relating to real property tax; boards of equalization.

Patron—Greason

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3371, 58.1-3373, and 58.1-3374 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3371. Appointment in counties with county executive or county manager form of government.

Unless the county has a permanent board of equalization appointed according to law, the board of supervisors or other governing body of any county operating under the county executive form of government, or the county manager form of organization and government provided for in Chapter 5 (§ 15.2-500 et seq.) or Chapter 6 (§ 15.2-600 et seq.) of Title 15.2, shall for the year following any year a general reassessment or annual or biennial assessment is conducted create and appoint for the county a board of equalization of real estate assessments. For any county operating under the county executive form of government, the board shall be composed of not less than three nor more than the number of districts for the election of members of the board of supervisors in the county. *In addition to such members, at the request of the local governing body, the circuit court for the locality may appoint not more than two alternate members. The qualifications, terms, and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any proceeding at a meeting shall notify the chairman of the board of equalization at least 24 hours prior to the meeting of such fact. The chairman may select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any proceeding in which a regular member is absent or abstains.*

The terms of the *regular and alternate* members of any board so appointed shall expire on December 31 of the year in which they are appointed. Members of any board shall have the qualifications prescribed by § 58.1-3374 and shall conduct their business as required by § 58.1-3378.

§ 58.1-3373. Permanent board of equalization.

A. Any county or city which uses the annual assessment method or the biennial assessment method authorized under § 58.1-3253 in lieu of periodic general assessments, may elect to create a permanent board of equalization in lieu of the board of equalization required under §§ 58.1-3370 and 58.1-3371. Such board shall consist of three or five members to be appointed by the circuit court of such county or city, or the circuit court having jurisdiction within such city, as follows: In the case of a three-member board, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and one member shall be appointed for a term of three years. In the case of a five-member board, one member shall be appointed for a one-year term, one member shall be appointed for a two-year term, and three members shall be appointed for a three-year term. However, for any county operating under the county executive form of government, the number of members of the permanent board of equalization shall be no less than three nor more than the number of districts for the election of members of the board of supervisors in the county, and the members of the permanent board of equalization shall be appointed by the circuit court of such county for three-year terms. As the terms of the initial appointees expire, their successors shall be appointed for terms of three years. Members of such boards shall have the qualifications prescribed by § 58.1-3374, and shall conduct their business as required by § 58.1-3378. The compensation of the members of any such boards shall be fixed by the governing body.

B. *In addition to regular members appointed under subsection A, at the request of the local governing body, the circuit court for any locality may appoint one alternate member in the case of a three-member board and two alternate members in the case of a five-member board. The qualifications and compensation of alternate members shall be the same as those of regular members. In the case of a three-member board, the alternate shall be appointed for a two-year term. In the case of a five-member board, one alternate shall be appointed for a term of one year and one alternate shall be appointed for a term of two years. Thereafter, the terms for alternate members of five-member boards shall be for three-year terms.*

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59 *proceeding at a meeting shall notify the chairman of the board of equalization at least 24 hours prior to*
60 *the meeting of such fact. The chairman may select an alternate to serve in the absent or abstaining*
61 *member's place and the records of the board shall so note. Such alternate member may vote on any*
62 *proceeding in which a regular member is absent or abstains.*

63 § 58.1-3374. (Effective for tax years beginning on or after January 1, 2011) Qualifications of
64 members; vacancies. Except as provided in § 58.1-3371 or 58.1-3373, every board of equalization shall
65 be composed of not less than three nor more than five members. *In addition to such regular members,*
66 *at the request of the local governing body, the circuit court for any locality shall appoint one alternate*
67 *member in the case of a three-member board and two alternate members in the case of a five-member*
68 *board. The qualifications, terms and compensation of alternate members shall be the same as those of*
69 *regular members. A regular member when he knows he will be absent from or will have to abstain from*
70 *any proceeding at a meeting shall notify the chairman of the board of equalization at least 24 hours*
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72 *the meeting of such fact. The chairman may select an alternate to serve in the absent or abstaining*
73 *member's place and the records of the board shall so note. Such alternate member may vote on any*
74 *proceeding in which a regular member is absent or abstains.*

75 All members of every board of equalization, *including alternate members*, shall be residents, a
76 majority of whom shall be freeholders, in the county or city for which they are to serve and shall be
77 selected from the citizens of the county or city. Appointments to the board of equalization shall be
78 broadly representative of the community. Thirty percent of the members of the board shall be
79 commercial or residential real estate appraisers, other real estate professionals, builders, developers, or
80 legal or financial professionals, and at least one such member shall sit in all cases involving commercial,
81 industrial or multi-family residential property, unless waived by the taxpayer. No member of the board
82 of assessors shall be eligible for appointment to the board of equalization for the same reassessment. In
83 order to be eligible for appointment, each prospective member of such board shall attend and participate
84 in the basic course of instruction given by the Department of Taxation under § 58.1-206. In addition, at
85 least once in every four years of service on a board of equalization, each member of a board of
86 equalization shall take continuing education instruction provided by the Tax Commissioner pursuant to
87 § 58.1-206. Any vacancy occurring on any board of equalization shall be filled for the unexpired term
88 by the authority making the original appointment.

89 On any board or panel thereof considering appeals of commercial or multi-family residential property
90 in a locality with a population exceeding 100,000, 30 percent of the members of such board or panel
91 shall be commercial or multi-family residential real estate appraisers who are licensed and certified by
92 the Virginia Real Estate Appraiser Board to serve as general real estate appraisers, other commercial or
93 multi-family real estate professionals or licensed commercial or multi-family real estate brokers, builders,
94 developers, active members of the Virginia State Bar, or other legal or financial professionals who have
95 knowledge of the valuation of property, real estate transactions, building costs, accounting, finance, or
96 statistics. For the purposes of this section, commercial or multi-family residential property shall be
97 defined as any property that is either operated as or zoned for use as commercial, industrial or
98 multi-family residential rental property.
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