

# VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

## CHAPTER 38

*An Act to amend and reenact § 58.1-3374 of the Code of Virginia, relating to real property tax; boards of equalization.*

[H 1170]

Approved February 26, 2016

**Be it enacted by the General Assembly of Virginia:**

**1. That § 58.1-3374 of the Code of Virginia is amended and reenacted as follows:**

**§ 58.1-3374. Qualifications of members; vacancies.**

Except as provided in § 58.1-3371 or 58.1-3373, every board of equalization shall be composed of not less than three *members* nor more than five members *or the number of local election districts in the locality, whichever is greater*. In addition to such regular members, at the request of the local governing body, the circuit court for any locality shall appoint one alternate member in the case of a ~~three-member~~ board *with less than five members*, and two alternate members in the case of a ~~five-member~~ board *with five or more 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.

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

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